

As Passed by the Senate

124th General Assembly

Regular Session

2001-2002

Am. Sub. H. B. No. 94

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

**Senators White, Jacobson, Spada, Amstutz, Johnson, Carnes, Harris, Mead,
Hottinger, Coughlin, Robert Gardner, Blessing, Wachtmann, Mumper**

A B I L L

To amend sections 9.03, 9.06, 9.821, 9.822, 101.15, 1
101.27, 101.30, 101.34, 101.37, 101.72, 101.73, 2
102.02, 102.03, 102.031, 102.06, 103.143, 105.41, 3
107.10 111.16, 111.18, 111.23, 111.25, 118.08, 4
119.12, 120.06, 120.16, 120.26, 120.33, 121.04, 5
121.371, 121.40, 121.63, 122.011, 122.71, 122.76, 6
122.92, 124.24, 124.82, 125.22, 126.11, 126.21, 7
127.16, 131.01, 133.021, 133.06, 133.07, 133.80, 8
133.81, 138.82, 138.83, 138.84, 138.85, 138.86, 9
138.87, 140.01, 147.01, 147.02, 147.03, 147.05, 10
147.06, 147.13, 147.14, 147.37, 147.371, 151.04, 11
166.03, 169.01, 173.35, 173.40, 173.46, 173.47, 12
175.03, 175.21, 175.22, 175.24, 179.02, 179.03, 13
179.04, 181.51, 181.52, 181.54, 181.55, 181.56, 14
183.09, 183.10, 183.17, 183.28, 183.30, 301.27, 15
307.86, 313.091, 325.071, 329.042, 339.05, 340.02, 16
340.03, 340.08, 340.091, 349.01, 503.162, 504.03, 17
504.04, 505.24, 507.09, 737.03, 901.43, 901.63, 18
901.81, 901.82, 917.07, 917.99, 1309.40, 1309.401, 19

1309.402, 1309.42, 1329.01, 1329.04, 1329.06,	20
1329.07, 1329.42, 1329.421, 1329.45, 1329.56,	21
1329.58, 1329.60, 1329.601, 1345.21, 1501.01,	22
1501.04, 1501.23, 1501.40, 1503.011, 1507.01,	23
1509.06, 1509.071, 1509.08, 1509.11, 1509.23,	24
1513.05, 1513.13, 1513.14, 1514.11, 1517.05,	25
1517.06, 1517.07, 1521.04, 1531.35, 1533.13,	26
1547.67, 1561.05, 1561.07, 1561.11, 1561.12,	27
1561.13, 1561.14, 1561.15, 1561.16, 1561.17,	28
1561.18, 1561.19, 1561.20, 1561.21, 1561.22,	29
1561.23, 1561.26, 1561.35, 1561.351, 1561.46,	30
1561.51, 1561.52, 1563.13, 1565.04, 1565.06,	31
1565.07, 1565.08, 1565.25, 1701.05, 1701.07,	32
1701.81, 1702.05, 1702.06, 1702.43, 1702.59,	33
1703.04, 1703.041, 1703.15, 1703.17, 1703.27,	34
1703.31, 1705.05, 1705.06, 1705.38, 1705.55,	35
1746.04, 1746.06, 1746.15, 1747.03, 1747.04,	36
1747.10, 1775.63, 1775.64, 1782.04, 1782.08,	37
1782.09, 1782.433, 1785.06, 1901.26, 1907.24,	38
2303.20, 2303.201, 2317.02, 2317.022, 2329.66,	39
2715.041, 2715.045, 2716.13, 2919.271, 2921.13,	40
2953.21, 3109.14, 3109.17, 3119.022, 3301.075,	41
3301.70, 3301.80, 3301.85, 3307.05, 3311.057,	42
3313.37, 3313.41, 3313.603, 3313.64, 3314.07,	43
3314.08, 3314.09, 3316.20, 3317.012, 3317.013,	44
3317.014, 3317.02, 3317.021, 3317.022, 3317.023,	45
3317.024, 3317.029, 3317.0210, 3317.0212,	46
3317.0213, 3317.0216, 3317.03, 3317.05, 3317.051,	47
3317.06, 3317.064, 3317.10, 3317.11, 3317.13,	48
3317.16, 3317.161, 3317.162, 3317.19, 3317.20,	49
3318.01, 3318.04, 3318.08, 3318.084, 3318.10,	50
3318.31, 3318.36, 3319.19, 3321.01, 3323.09,	51
3323.091, 3327.10, 3333.02, 3333.03, 3333.043,	52

3333.12, 3333.13, 3333.21, 3333.22, 3345.05,	53
3345.19, 3353.07, 3383.01, 3383.02, 3383.04,	54
3383.07, 3505.063, 3517.092, 3701.04, 3701.142,	55
3701.77, 3701.771, 3701.772, 3702.68, 3704.034,	56
3721.07, 3721.10, 3721.12, 3721.13, 3721.15,	57
3721.16, 3721.17, 3721.51, 3721.56, 3722.01,	58
3722.15, 3722.16, 3734.57, 3734.82, 3734.901,	59
3734.904, 3735.27, 3745.014, 3745.04, 3745.11,	60
3745.22, 3748.07, 3748.13, 3750.02, 3750.13,	61
3769.08, 3769.085, 3769.087, 3769.20, 3770.06,	62
3773.56, 3793.04, 3902.23, 3923.28, 3923.29,	63
3923.30, 4105.17, 4115.10, 4121.44, 4123.27,	64
4301.12, 4301.17, 4301.24, 4301.422, 4301.43,	65
4303.33, 4303.331, 4503.10, 4503.102, 4503.12,	66
4503.182, 4505.061, 4506.08, 4507.23, 4507.24,	67
4507.50, 4507.52, 4511.81, 4519.03, 4519.10,	68
4519.56, 4519.69, 4701.10, 4701.16, 4707.01,	69
4707.011, 4707.02, 4707.03, 4707.04, 4707.05,	70
4707.06, 4707.07, 4707.071, 4707.072, 4707.08,	71
4707.09, 4707.10, 4707.11, 4707.111, 4707.12,	72
4707.13, 4707.15, 4707.152, 4707.16, 4707.19,	73
4707.20, 4707.21, 4707.23, 4707.99, 4713.10,	74
4715.03, 4715.13, 4715.14, 4715.16, 4715.21,	75
4715.24, 4715.27, 4717.02, 4717.07, 4717.08,	76
4717.09, 4723.08, 4723.32, 4723.79, 4725.44,	77
4725.48, 4725.49, 4729.65, 4731.14, 4731.53,	78
4734.20, 4736.12, 4736.14, 4743.05, 4755.01,	79
4761.05, 4775.01, 4775.02, 4775.08, 4775.99,	80
4779.01, 4779.02, 4779.16, 4779.19, 4779.20,	81
4779.26, 4911.17, 4921.18, 4923.11, 5101.071,	82
5101.14, 5101.141, 5101.145, 5101.184, 5101.19,	83
5101.36, 5101.50, 5101.521, 5101.54, 5101.80,	84
5101.83, 5101.85, 5101.853, 5101.854, 5103.031,	85

5103.033, 5103.036, 5103.0312, 5103.0313,	86
5103.0314, 5103.0316, 5103.07, 5104.341, 5107.02,	87
5107.10, 5107.14, 5107.18, 5108.01, 5108.06,	88
5108.07, 5108.08, 5108.09, 5108.10, 5111.01,	89
5111.022, 5111.041, 5111.17, 5111.231, 5111.25,	90
5111.251, 5111.262, 5111.28, 5111.29, 5111.87,	91
5119.01, 5119.06, 5119.22, 5119.61, 5120.10,	92
5122.31, 5123.01, 5123.041, 5123.082, 5123.60,	93
5123.71, 5123.76, 5126.01, 5126.041, 5126.042,	94
5126.05, 5126.051, 5126.053, 5126.06, 5126.071,	95
5126.08, 5126.11, 5126.12, 5126.15, 5126.16,	96
5126.18, 5126.19, 5126.20, 5126.22, 5126.25,	97
5126.31, 5126.311, 5126.32, 5126.357, 5126.431,	98
5139.01, 5139.11, 5139.29, 5139.31, 5153.165,	99
5153.60, 5153.69, 5153.78, 5703.17, 5703.49,	100
5705.091, 5705.19, 5705.41, 5705.44, 5709.17,	101
5711.33, 5721.30, 5725.31, 5727.25, 5727.26,	102
5727.81, 5727.811, 5727.82, 5727.84, 5727.85,	103
5729.86, 5727.87, 5728.08, 5729.07, 5731.21,	104
5733.02, 5733.021, 5733.053, 5733.056, 5733.06,	105
5733.12, 5733.122, 5733.18, 5733.351, 5733.401,	106
5733.42, 5735.06, 5735.061, 5739.01, 5739.02,	107
5739.024, 5739.032, 5739.07, 5739.102, 5739.12,	108
5739.121, 5739.13, 5739.18, 5741.10, 5741.12,	109
5743.62, 5743.63, 5745.03, 5745.04, 5747.122,	110
5747.221, 5747.39, 5749.06, 6101.25, 6109.13,	111
6109.21, 6111.035, and 6111.044; to amend, for the	112
purpose of adopting new section numbers as	113
indicated in parentheses, sections 3317.161	114
(3317.052), 3317.162 (3317.053), 5101.19 (329.19),	115
5101.071 (5101.251), 5101.853 (5101.851), 5101.854	116
(5101.853), 5108.06 (5108.03), 5108.07 (5108.05),	117
5108.08 (5108.06), and 5111.87 (5111.871); to enact	118

new sections 3318.052, 5101.852, 5108.07, 5108.08, 119
5111.34, 5111.87, and 5126.054 and sections 120
101.302, 101.303, 103.33, 109.761, 122.60, 122.601, 121
122.602, 122.603, 122.604, 122.605, 340.16, 504.21, 122
1502.12, 1513.10, 1521.19, 3302.041, 3303.01, 123
3305.061, 3311.058, 3311.062, 3314.072, 3314.091, 124
3317.0217, 3318.042, 3318.086, 3318.363, 3318.50, 125
3318.51, 3318.52, 3353.11, 3383.09, 3701.92, 126
3721.161, 3721.162, 3745.10, 3745.15, 3748.08, 127
3750.081, 4117.102, 4715.031, 4723.062, 4731.573, 128
4771.22, 4905.071, 4905.87, 5101.5110, 5101.821, 129
5111.0110, 5111.042, 5111.081, 5111.171, 5111.63, 130
5111.85, 5111.86, 5111.872, 5111.873, 5119.611, 131
5119.612, 5123.044, 5123.045, 5123.046, 5123.047, 132
5123.048, 5123.049, 5123.0410, 5123.0411, 133
5123.0412, 5123.0413, 5126.035, 5126.046, 5126.055, 134
5126.056, 5126.057, 5126.14, 5126.221, 5126.313, 135
5139.87, and 5153.06; to contingently enact section 136
1309.525; and to repeal sections 9.832, 103.31, 137
103.32, 105.45, 105.46, 121.51, 121.52, 121.53, 138
131.41, 166.032, 307.031, 1329.68, 1503.35, 139
1503.351, 1507.12, 1553.01, 1553.02, 1553.03, 140
1553.04, 1553.05, 1553.06, 1553.07, 1553.08, 141
1553.09, 1553.10, 1553.99, 1561.10, 1561.53, 142
1561.54, 1561.55, 2151.652, 3317.0215, 3318.052, 143
3701.88, 3702.17, 3729.01, 3729.02, 3729.03, 144
3729.05, 3729.10, 3729.11, 3729.12, 3729.14, 145
3729.15, 3729.16, 3729.17, 3729.18, 3729.21, 146
3729.22, 3729.23, 3729.24, 3729.26, 3729.29, 147
3729.36, 3729.40, 3729.41, 3729.43, 3729.45, 148
3729.46, 3729.55, 3729.61, 3729.99, 5101.143, 149
5101.52, 5101.541, 5101.542, 5101.543, 5101.851, 150
5101.852, 5111.34, 5111.341, 5111.88, 5126.054, 151

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
January 1, 2002, and to amend Section 153 of Am. 159
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
Sub. S.B. 50 of the 121st General Assembly, as 164
subsequently amended; to amend Section 3 of Am. 165
Sub. H.B. 215 of the 122nd General Assembly, as 166
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
21.01, and 23 of Am. Sub. H.B. 640 of the 123rd 170
General Assembly; to amend Sections 6.01 and 18 of 171
Am. Sub. H.B. 640 of the 123rd General Assembly, as 172
subsequently amended; to amend Section 9 of Am. 173
Sub. S.B. 192 of the 123rd General Assembly; to 174
amend Section 18 of Am. Sub. S.B. 192 of the 123rd 175
General Assembly, as subsequently amended; to amend 176
Section 4 of Am. S.B. 210 of the 123rd General 177
Assembly; to amend Sections 9a and 28.43 of Sub. 178
S.B. 245 of the 123rd General Assembly; to amend 179
Section 129 of Am. Sub. H.B. 283 of the 123rd 180
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

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
206

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
101.27, 101.30, 101.34, 101.37, 101.72, 101.73, 102.02, 102.03, 208
102.031, 102.06, 103.143, 105.41, 107.10, 111.16, 111.18, 111.23, 209
111.25, 118.08, 119.12, 120.06, 120.16, 120.26, 120.33, 121.04, 210
121.371, 121.40, 121.63, 122.011, 122.71, 122.76, 122.92, 124.24, 211
124.82, 125.22, 126.11, 126.21, 127.16, 131.01, 133.021, 133.06, 212
133.07, 135.80, 135.81, 135.82, 135.83, 135.84, 135.85, 135.86, 213
135.87, 140.01, 147.01, 147.02, 147.03, 147.05, 147.06, 147.13, 214

147.14, 147.37, 147.371, 151.04, 166.03, 169.01, 173.35, 173.40, 215
173.46, 173.47, 175.03, 175.21, 175.22, 175.24, 179.02, 179.03, 216
179.04, 181.51, 181.52, 181.54, 181.55, 181.56, 183.09, 183.10, 217
183.17, 183.28, 183.30, 301.27, 307.86, 313.091, 325.071, 329.042, 218
339.05, 340.02, 340.03, 340.08, 340.091, 349.01, 503.162, 504.03, 219
504.04, 505.24, 507.09, 737.03, 901.43, 901.63, 901.81, 901.82, 220
917.07, 917.99, 1309.40, 1309.401, 1309.402, 1309.42, 1329.01, 221
1329.04, 1329.06, 1329.07, 1329.42, 1329.421, 1329.45, 1329.56, 222
1329.58, 1329.60, 1329.601, 1345.21, 1501.01, 1501.04, 1501.23, 223
1501.40, 1503.011, 1507.01, 1509.06, 1509.071, 1509.08, 1509.11, 224
1509.23, 1513.05, 1513.13, 1513.14, 1514.11, 1517.05, 1517.06, 225
1517.07, 1521.04, 1531.35, 1533.13, 1547.67, 1561.05, 1561.07, 226
1561.11, 1561.12, 1561.13, 1561.14, 1561.15, 1561.16, 1561.17, 227
1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 1561.23, 1561.26, 228
1561.35, 1561.351, 1561.46, 1561.51, 1561.52, 1563.13, 1565.04, 229
1565.06, 1565.07, 1565.08, 1565.25, 1701.05, 1701.07, 1701.81, 230
1702.05, 1702.06, 1702.43, 1702.59, 1703.04, 1703.041, 1703.15, 231
1703.17, 1703.27, 1703.31, 1705.05, 1705.06, 1705.38, 1705.55, 232
1746.04, 1746.06, 1746.15, 1747.03, 1747.04, 1747.10, 1775.63, 233
1775.64, 1782.04, 1782.08, 1782.09, 1782.433, 1785.06, 1901.26, 234
1907.24, 2303.20, 2303.201, 2317.02, 2317.022, 2329.66, 2715.041, 235
2715.045, 2716.13, 2919.271, 2921.13, 2953.21, 3109.14, 3109.17, 236
3119.022, 3301.075, 3301.70, 3301.80, 3301.85, 3307.05, 3311.057, 237
3313.37, 3313.41, 3313.603, 3313.64, 3314.07, 3314.08, 3314.09, 238
3316.20, 3317.012, 3317.013, 3317.014, 3317.02, 3317.021, 239
3317.022, 3317.023, 3317.024, 3317.029, 3317.0210, 3317.0212, 240
3317.0213, 3317.0216, 3317.03, 3317.05, 3317.051, 3317.06, 241
3317.064, 3317.10, 3317.11, 3317.13, 3317.16, 3317.161, 3317.162, 242
3317.19, 3317.20, 3318.01, 3318.04, 3318.08, 3318.084, 3318.10, 243
3318.31, 3318.36, 3319.19, 3321.01, 3323.09, 3323.091, 3327.10, 244
3333.02, 3333.03, 3333.043, 3333.12, 3333.13, 3333.21, 3333.22, 245
3345.05, 3345.19, 3353.07, 3383.01, 3383.02, 3383.04, 3383.07, 246

3505.063, 3517.092, 3701.04, 3701.142, 3701.77, 3701.771,	247
3701.772, 3702.68, 3704.034, 3721.07, 3721.10, 3721.12, 3721.13,	248
3721.15, 3721.16, 3721.17, 3721.51, 3721.56, 3722.01, 3722.15,	249
3722.16, 3734.57, 3734.82, 3734.901, 3734.904, 3735.27, 3745.014,	250
3745.04, 3745.11, 3745.22, 3748.07, 3748.13, 3750.02, 3750.13,	251
3769.08, 3769.085, 3769.087, 3769.20, 3770.06, 3773.56, 3793.04,	252
3902.23, 3923.28, 3923.29, 3923.30, 4105.17, 4115.10, 4121.44,	253
4123.27, 4301.12, 4301.17, 4301.24, 4301.422, 4301.43, 4303.33,	254
4303.331, 4503.10, 4503.102, 4503.12, 4503.182, 4505.061, 4506.08,	255
4507.23, 4507.24, 4507.50, 4507.52, 4511.81, 4519.03, 4519.10,	256
4519.56, 4519.69, 4701.10, 4701.16, 4707.01, 4707.011, 4707.02,	257
4707.03, 4707.04, 4707.05, 4707.06, 4707.07, 4707.071, 4707.072,	258
4707.08, 4707.09, 4707.10, 4707.11, 4707.111, 4707.12, 4707.13,	259
4707.15, 4707.152, 4707.16, 4707.19, 4707.20, 4707.21, 4707.23,	260
4707.99, 4713.10, 4715.03, 4715.13, 4715.14, 4715.16, 4715.21,	261
4715.24, 4715.27, 4717.02, 4717.07, 4717.08, 4717.09, 4723.08,	262
4723.32, 4723.79, 4725.44, 4725.48, 4725.49, 4729.65, 4731.14,	263
4731.53, 4734.20, 4736.12, 4736.14, 4743.05, 4755.01, 4761.05,	264
4775.01, 4775.02, 4775.08, 4775.99, 4779.01, 4779.02, 4779.16,	265
4779.19, 4779.20, 4779.26, 4911.17, 4921.18, 4923.11, 5101.071,	266
5101.14, 5101.141, 5101.145, 5101.184, 5101.19, 5101.36, 5101.50,	267
5101.521, 5101.54, 5101.80, 5101.83, 5101.85, 5101.853, 5101.854,	268
5103.031, 5103.033, 5103.036, 5103.0312, 5103.0313, 5103.0314,	269
5103.0316, 5103.07, 5104.341, 5107.02, 5107.10, 5107.14, 5107.18,	270
5108.01, 5108.06, 5108.07, 5108.08, 5108.09, 5108.10, 5111.01,	271
5111.022, 5111.041, 5111.17, 5111.231, 5111.25, 5111.251,	272
5111.262, 5111.28, 5111.29, 5111.87, 5119.01, 5119.06, 5119.22,	273
5119.61, 5120.10, 5122.31, 5123.01, 5123.041, 5123.082, 5123.60,	274
5123.71, 5123.76, 5126.01, 5126.041, 5126.042, 5126.05, 5126.051,	275
5126.053, 5126.06, 5126.071, 5126.08, 5126.11, 5126.12, 5126.15,	276
5126.16, 5126.18, 5126.19, 5126.20, 5126.22, 5126.25, 5126.31,	277
5126.311, 5126.32, 5126.357, 5126.431, 5139.01, 5139.11, 5139.29,	278

5139.31, 5153.165, 5153.60, 5153.69, 5153.78, 5703.17, 5703.49, 279
5705.091, 5705.19, 5705.41, 5705.44, 5709.17, 5711.33, 5721.30, 280
5725.31, 5727.25, 5727.26, 5727.81, 5727.811, 5727.82, 5727.84, 281
5727.85, 5727.86, 5727.87, 5728.08, 5729.07, 5731.21, 5733.02, 282
5733.021, 5733.053, 5733.056, 5733.06, 5733.12, 5733.122, 5733.18, 283
5733.351, 5733.401, 5733.42, 5735.06, 5735.061, 5739.01, 5739.02, 284
5739.024, 5739.032, 5739.07, 5739.102, 5739.12, 5739.121, 5739.13, 285
5739.18, 5741.10, 5741.12, 5743.62, 5743.63, 5745.03, 5745.04, 286
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
122.603, 122.604, 122.605, 340.16, 504.21, 1502.12, 1513.10, 296
1521.19, 3302.041, 3303.01, 3305.061, 3311.058, 3311.062, 297
3314.072, 3314.091, 3317.0217, 3318.042, 3318.086, 3318.363, 298
3318.50, 3318.51, 3318.52, 3353.11, 3383.09, 3701.92, 3721.161, 299
3721.162, 3745.10, 3745.15, 3748.08, 3750.081, 4117.102, 4715.031, 300
4723.062, 4731.573, 4771.22, 4905.071, 4905.87, 5101.5110, 301
5101.821, 5111.0110, 5111.042, 5111.081, 5111.171, 5111.63, 302
5111.85, 5111.86, 5111.872, 5111.873, 5119.611, 5119.612, 303
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

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 342
time spent on any activity to influence the outcome of an election 343
for any of the purposes described in division (C)(1)(e) of this 344
section. Division (C)(2) of this section does not prohibit the use 345
of public funds to compensate an employee of a political 346
subdivision for attending a public meeting to present information 347
about the political subdivision's finances, activities, and 348
governmental actions in a manner that is not designed to influence 349
the outcome of an election or the passage of a levy or bond issue, 350
even though the election, levy, or bond issue is discussed or 351
debated at the meeting. 352

(D) Nothing in this section prohibits or restricts any 353
political subdivision from sponsoring, participating in, or doing 354
any of the following: 355

(1) Charitable or public service advertising that is not 356
commercial in nature; 357

(2) Advertising of exhibitions, performances, programs, 358
products, or services that are provided by employees of a 359
political subdivision or are provided at or through premises owned 360
or operated by a political subdivision; 361

(3) Licensing an interest in a name or mark that is owned or 362
controlled by the political subdivision. 363

(E) As used in this section, "cigarettes" and "tobacco 364
product" have the same meanings as in section 5743.01 of the 365
Revised Code. 366

Sec. 9.06. (A)(1) The department of rehabilitation and 367
correction shall contract for the private operation and management 368
pursuant to this section of the initial intensive program prison 369
established pursuant to section 5120.033 of the Revised Code and 370

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

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

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

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

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

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

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

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

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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.

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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 facility that is owned by or operated under a contract with the department.

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

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

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following:

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

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

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

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

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

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

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

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rehabilitation and correction and state and local law enforcement 653
agencies shall use all reasonable means to recapture escapees or 654
quell any disturbance. Any cost incurred by the state or its 655
political subdivisions relating to the apprehension of an escapee 656
or the quelling of a disturbance at the facility shall be 657
chargeable to and borne by the contractor. The contractor shall 658
also reimburse the state or its political subdivisions for all 659
reasonable costs incurred relating to the temporary detention of 660
the escapee following recapture. 661

(G) Any offense that would be a crime if committed at a state 662
correctional institution or jail, workhouse, prison, or other 663
correctional facility shall be a crime if committed by or with 664
regard to inmates at facilities operated pursuant to a contract 665
entered into under this section. 666

(H) A contractor operating and managing a facility pursuant 667
to a contract entered into under this section shall pay any inmate 668
workers at the facility at the rate approved by the public entity. 669
Inmates working at the facility shall not be considered employees 670
of the contractor. 671

(I) In contracting for the private operation and management 672
pursuant to division (A) of this section of the initial intensive 673
program prison established pursuant to section 5120.033 of the 674
Revised Code or of any other intensive program prison established 675
pursuant to that section, the department of rehabilitation and 676
correction may enter into a contract with a contractor for the 677
general operation and management of the prison and may enter into 678
one or more separate contracts with other persons or entities for 679
the provision of specialized services for persons confined in the 680
prison, including, but not limited to, security or training 681
services or medical, counseling, educational, or similar treatment 682
programs. If, pursuant to this division, the department enters 683
into a contract with a contractor for the general operation and 684

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

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

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

(J) As used in this section:

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

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

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

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

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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

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(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 the effective date of this section <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

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

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

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

the member's term of office. The member of the senate elected 995
minority whip, the member of the house of representatives elected 996
majority whip, and the member of the house of representatives 997
elected minority whip shall each receive as compensation a salary 998
of sixty thousand seven hundred six dollars a year during the 999
member's term of office. The member of the house of 1000
representatives elected assistant majority whip shall receive as 1001
compensation a salary of fifty-six thousand four hundred 1002
forty-three dollars a year during the member's term of office. The 1003
member of the house of representatives elected assistant minority 1004
whip and the member of the senate elected assistant minority whip 1005
shall each receive a salary of fifty-four thousand sixty dollars a 1006
year during the member's term of office. 1007

(4) The chairperson of the finance committee of each house 1008
shall receive an additional sum of ten thousand dollars annually. 1009
The chairperson of each standing committee of each house other 1010
than the finance committee shall receive an additional sum of six 1011
thousand five hundred dollars annually. The chairperson of each 1012
standing subcommittee of a finance committee shall receive an 1013
additional sum of six thousand five hundred dollars annually. The 1014
vice-chairperson of the finance committee of each house shall 1015
receive an additional sum of five thousand five hundred dollars 1016
annually. The ranking minority member of the finance committee of 1017
each house shall receive an additional sum of six thousand five 1018
hundred dollars annually. The ranking minority member of each 1019
standing subcommittee of a finance committee shall receive an 1020
additional sum of five thousand dollars annually. The chairperson 1021
of each standing subcommittee of each house other than a standing 1022
subcommittee of the finance committee shall receive an additional 1023
sum of five thousand dollars annually. The vice-chairperson and 1024
ranking minority member of each standing committee of each house 1025
other than the finance committee shall each receive an additional 1026

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

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

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

of legislative inspector general. At least one member of the staff 1211
of the committee shall be an attorney at law licensed to practice 1212
law in this state. The appointment and removal of the executive 1213
director shall require the approval of at least eight members of 1214
the committee. 1215

(7) May employ a special counsel to assist the committee in 1216
exercising its powers and duties. The appointment and removal of a 1217
special counsel shall require the approval of at least eight 1218
members of the committee. 1219

(8) Shall act as an advisory body to the general assembly and 1220
to individual members, candidates, and employees on questions 1221
relating to ethics, possible conflicts of interest, and financial 1222
disclosure; 1223

(9) Shall provide for the proper forms on which the statement 1224
required pursuant to section 102.02 of the Revised Code shall be 1225
filed and instructions as to the filing of the statement; 1226

(10) Exercise the powers and duties prescribed under sections 1227
101.70 to 101.79 and 121.60 to 121.69 of the Revised Code; 1228
1229

(11) Adopt in accordance with section 111.15 of the Revised 1230
Code any rules that are necessary to implement and clarify Chapter 1231
102. and sections 2921.42 and 2921.43 of the Revised Code. 1232

(C) There is hereby created in the state treasury the joint 1233
legislative ethics committee fund. All money collected from 1234
registration fees and late filing fees prescribed under sections 1235
101.72 and 121.62 of the Revised Code shall be deposited into the 1236
state treasury to the credit of the fund. Money credited to the 1237
fund and any interest and earnings from the fund shall be used 1238
solely for the operation of the joint legislative ethics committee 1239
and the office of legislative inspector general and for the 1240
purchase of data storage and computerization facilities for the 1241

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

(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

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

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

(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

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

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

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

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

(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

(F)(1) An employer or legislative agent who is required to 1555
file an expenditure statement under division (B) or (C) of this 1556
section shall deliver a copy of the statement, or of the portion 1557
showing the expenditure, to the public officer or employee who is 1558
listed in the statement as having received the expenditure or on 1559
whose behalf it was made, at least ten days before the date on 1560
which the statement is filed. 1561

(2) If, during a reporting period covered by an expenditure 1562
statement filed under division (B)(2) of this section, an employer 1563
or any legislative agent ~~he~~ the employer engaged made, either 1564
separately or in combination with each other, either directly or 1565
indirectly, expenditures for transportation, lodging, or food and 1566
beverages purchased for consumption on the premises in which the 1567
food and beverages were sold to, at the request of, for the 1568
benefit of, or on behalf of any of the public officers or 1569
employees described in division (B)(2) of this section, the 1570
employer or legislative agent shall deliver to the public officer 1571
or employee a statement that contains all of the nondisputed 1572
information prescribed in division (B)(2)(a) through (e) of this 1573
section with respect to the expenditures described in division 1574
(F)(2) of this section. The statement of expenditures made under 1575
division (F)(2) of this section shall be delivered to the public 1576
officer or employee to whom, at whose request, for whose benefit, 1577
or on whose behalf those expenditures were made on the same day in 1578
which a copy of the expenditure statement or of a portion showing 1579
the expenditure is delivered to the public officer or employee 1580
under division (F)(1) of this section. An employer is not required 1581
to show any expenditure on a statement delivered under division 1582
(F)(2) of this section if the expenditure is shown on a statement 1583
delivered under division (F)(2) of this section by a legislative 1584
agent engaged by the employer. 1585

Sec. 102.02. (A) Except as otherwise provided in division (H) 1586

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

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

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

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

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

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

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

Revised Code, identification of the source and amount of every 1780
payment of expenses incurred for travel to destinations inside or 1781
outside this state that is received by the person in the person's 1782
own name or by any other person for the person's use or benefit 1783
and that is incurred in connection with the person's official 1784
duties, except for expenses for travel to meetings or conventions 1785
of a national or state organization to which ~~either house of the~~ 1786
~~general assembly, any legislative agency, a~~ any state agency or 1787
any state institution of higher education as defined in section 1788
3345.031 of the Revised Code, ~~any other state agency~~ pays 1789
membership dues, or any political subdivision or any office or 1790
agency of a political subdivision pays membership dues; 1791

(9) Except as otherwise provided in section 102.022 of the 1792
Revised Code, identification of the source of payment of expenses 1793
for meals and other food and beverages, other than for meals and 1794
other food and beverages provided at a meeting at which the person 1795
participated in a panel, seminar, or speaking engagement or at a 1796
meeting or convention of a national or state organization to which 1797
~~either house of the general assembly, any legislative agency, a~~ 1798
any state agency or any state institution of higher education as 1799
defined in section 3345.031 of the Revised Code, ~~any other state~~ 1800
~~agency~~ pays membership dues, or any political subdivision or any 1801
office or agency of a political subdivision pays membership dues, 1802
that are incurred in connection with the person's official duties 1803
and that exceed one hundred dollars aggregated per calendar year; 1804

(10) If the financial disclosure statement is filed by a 1805
public official or employee described in division (B)(2) of 1806
section 101.73 of the Revised Code or division (B)(2) of section 1807
121.63 of the Revised Code who receives a statement from a 1808
legislative agent, executive agency lobbyist, or employer that 1809
contains the information described in division (F)(2) of section 1810
101.73 of the Revised Code or division (G)(2) of section 121.63 of 1811

the Revised Code, all of the nondisputed information contained in 1812
the statement delivered to that public official or employee by the 1813
legislative agent, executive agency lobbyist, or employer under 1814
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 1815
the Revised Code. As used in division (A)(10) of this section, 1816
"legislative agent," "executive agency lobbyist," and "employer" 1817
have the same meanings as in sections 101.70 and 121.60 of the 1818
Revised Code. 1819

A person may file a statement required by this section in 1820
person or by mail. A person who is a candidate for elective office 1821
shall file the statement no later than the thirtieth day before 1822
the primary, special, or general election at which the candidacy 1823
is to be voted on, whichever election occurs soonest, except that 1824
a person who is a write-in candidate shall file the statement no 1825
later than the twentieth day before the earliest election at which 1826
the person's candidacy is to be voted on. A person who holds 1827
elective office shall file the statement on or before the 1828
fifteenth day of April of each year unless the person is a 1829
candidate for office. A person who is appointed to fill a vacancy 1830
for an unexpired term in an elective office shall file the 1831
statement within fifteen days after the person qualifies for 1832
office. Other persons shall file an annual statement on or before 1833
the fifteenth day of April or, if appointed or employed after that 1834
date, within ninety days after appointment or employment. No 1835
person shall be required to file with the appropriate ethics 1836
commission more than one statement or pay more than one filing fee 1837
for any one calendar year. 1838

The appropriate ethics commission, for good cause, may extend 1839
for a reasonable time the deadline for filing a ~~disclosure~~ 1840
statement under this section. 1841

A statement filed under this section is subject to public 1842
inspection at locations designated by the appropriate ethics 1843

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

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

(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	
For office of member of United States congress or member of general assembly	\$25	
For county office	\$25	
	<u>45</u>	
For city office	\$10	
	<u>20</u>	
For office of member of state board of education	\$10	
	<u>20</u>	
For office of member of city, local, exempted village, or cooperative education board of education or educational service center governing board	\$ 5	
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	
<u>For office of member of the board of trustees of a state college or university</u>	<u>\$50</u>	

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

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

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

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

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

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

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

(7) Division (A) of this section shall not be construed to 2034
prohibit the performance of ministerial functions, including, but 2035
not limited to, the filing or amendment of tax returns, 2036
applications for permits and licenses, incorporation papers, and 2037
other similar documents. 2038

(B) No present or former public official or employee shall 2039
disclose or use, without appropriate authorization, any 2040
information acquired by the public official or employee in the 2041
course of the public official's or employee's official duties that 2042
is confidential because of statutory provisions, or that has been 2043
clearly designated to the public official or employee as 2044
confidential when that confidential designation is warranted 2045
because of the status of the proceedings or the circumstances 2046
under which the information was received and preserving its 2047
confidentiality is necessary to the proper conduct of government 2048
business. 2049

(C) No public official or employee shall participate within 2050
the scope of duties as a public official or employee, except 2051
through ministerial functions as defined in division (A) of this 2052
section, in any license or rate-making proceeding that directly 2053
affects the license or rates of any person, partnership, trust, 2054
business trust, corporation, or association in which the public 2055
official or employee or immediate family owns or controls more 2056
than five per cent. No public official or employee shall 2057
participate within the scope of duties as a public official or 2058
employee, except through ministerial functions as defined in 2059
division (A) of this section, in any license or rate-making 2060
proceeding that directly affects the license or rates of any 2061
person to whom the public official or employee or immediate 2062
family, or a partnership, trust, business trust, corporation, or 2063
association of which the public official or employee or the public 2064
official's or employee's immediate family owns or controls more 2065

than five per cent, has sold goods or services totaling more than 2066
one thousand dollars during the preceding year, unless the public 2067
official or employee has filed a written statement acknowledging 2068
that sale with the clerk or secretary of the public agency and the 2069
statement is entered in any public record of the agency's 2070
proceedings. This division shall not be construed to require the 2071
disclosure of clients of attorneys or persons licensed under 2072
section 4732.12 or 4732.15 of the Revised Code, or patients of 2073
persons certified under section 4731.14 of the Revised Code. 2074

(D) No public official or employee shall use or authorize the 2075
use of the authority or influence of office or employment to 2076
secure anything of value or the promise or offer of anything of 2077
value that is of such a character as to manifest a substantial and 2078
improper influence upon the public official or employee with 2079
respect to that person's duties. 2080

(E) No public official or employee shall solicit or accept 2081
anything of value that is of such a character as to manifest a 2082
substantial and improper influence upon the public official or 2083
employee with respect to that person's duties. 2084

(F) No person shall promise or give to a public official or 2085
employee anything of value that is of such a character as to 2086
manifest a substantial and improper influence upon the public 2087
official or employee with respect to that person's duties. 2088

(G) In the absence of bribery or another offense under the 2089
Revised Code or a purpose to defraud, contributions made to a 2090
campaign committee, political party, legislative campaign fund, 2091
political action committee, or political contributing entity on 2092
behalf of an elected public officer or other public official or 2093
employee who seeks elective office shall be considered to accrue 2094
ordinarily to the public official or employee for the purposes of 2095
divisions (D), (E), and (F) of this section. 2096

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

demonstrable business, professional, or esthetic interests of the 2129
public official or employee that exist apart from public office or 2130
employment, including, but not limited to, such a demonstrable 2131
interest in public speaking and were not paid by any person or 2132
other entity, or by any representative or association of those 2133
persons or entities, that is regulated by, doing business with, or 2134
seeking to do business with the department, division, institution, 2135
board, commission, authority, bureau, or other instrumentality of 2136
the governmental entity with which the public official or employee 2137
serves. 2138

(I) A public official or employee may accept travel, meals, 2139
and lodging or expenses or reimbursement of expenses for travel, 2140
meals, and lodging in connection with conferences, seminars, and 2141
similar events related to official duties if the travel, meals, 2142
and lodging, expenses, or reimbursement is not of such a character 2143
as to manifest a substantial and improper influence upon the 2144
public official or employee with respect to that person's duties. 2145
The house of representatives and senate, in their code of ethics, 2146
and the Ohio ethics commission, under section 111.15 of the 2147
Revised Code, may adopt rules setting standards and conditions for 2148
the furnishing and acceptance of such travel, meals, and lodging, 2149
expenses, or reimbursement. 2150

A person who acts in compliance with this division and any 2151
applicable rules adopted under it, or any applicable, similar 2152
rules adopted by the supreme court governing judicial officers and 2153
employees, does not violate division (D), (E), or (F) of this 2154
section. This division does not preclude any person from seeking 2155
an advisory opinion from the appropriate ethics commission under 2156
section 102.08 of the Revised Code. 2157

(J) For purposes of divisions (D), (E), and (F) of this 2158
section, the membership of a public official or employee in an 2159
organization shall not be considered, in and of itself, to be of 2160

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

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 he <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 he <u>the member</u> knows is then being actively advocated if he <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

(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 ~~either house of the general~~ 2232
~~assembly, any legislative agency, or any other state agency or any~~ 2233
state institution of higher education as defined in section 2234
3345.031 of the Revised Code 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

(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

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

(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

person in the state compelling the attendance of witnesses and the 2350
production of relevant papers, books, accounts, and records. The 2351
commission shall issue subpoenas to compel the attendance of 2352
witnesses and the production of documents upon the request of an 2353
accused person. Section 101.42 of the Revised Code shall govern 2354
the issuance of these subpoenas insofar as applicable. Upon the 2355
refusal of any person to obey a subpoena or to be sworn or to 2356
answer as a witness, the commission may apply to the court of 2357
common pleas of Franklin county under section 2705.03 of the 2358
Revised Code. The court shall hold proceedings in accordance with 2359
Chapter 2705. of the Revised Code. The commission or the accused 2360
person may take the depositions of witnesses residing within or 2361
without the state in the same manner as prescribed by law for the 2362
taking of depositions in civil actions in the court of common 2363
pleas. 2364

(E) At least once each year, the Ohio ethics commission shall 2365
report on its activities of the immediately preceding year to the 2366
majority and minority leaders of the senate and house of 2367
representatives of the general assembly. The report shall indicate 2368
the total number of complaints received, initiated, and 2369
investigated by the commission, the total number of complaints for 2370
which formal hearings were held, and the total number of 2371
complaints for which formal prosecution was recommended or 2372
requested by the commission. The report also shall indicate the 2373
nature of the inappropriate conduct alleged in each complaint and 2374
the governmental entity with which any employee or official that 2375
is the subject of a complaint was employed at the time of the 2376
alleged inappropriate conduct. 2377

(F) All papers, records, affidavits, and documents upon any 2378
complaint, inquiry, or investigation relating to the proceedings 2379
of the appropriate commission shall be sealed and are private and 2380
confidential, except as otherwise provided in this section and 2381

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

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

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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

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

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

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

(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
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(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
<u>Sec. 103.33.</u> 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> <u>under a federal grant program and that cannot or has decided that</u> <u>it will not participate fully in the program shall promptly report</u> <u>both of the following to the joint legislative committee on</u>	2565
	2566
	2567
	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
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(B) Whether there is some means allowable under federal law by which counties or not-for-profit organizations can receive the federal funds to participate in the program, as by being agents or grantees of the agency. 2572
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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.

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

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

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

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

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

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

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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

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

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

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

Governor's governor's office:	2787
(A) A register of every bill passed by the general assembly	2788
which <u>that</u> has been presented to the governor, in which is entered	2789
the number of the bill, the date such <u>the</u> bill was presented to	2790
the governor, <u>and</u> the action taken thereon <u>on it</u> by the governor	2791
and the date thereof <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
notaries public and 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, the result and	2797
date of action by the senate, if required;	2798
(C) A record of notaries public in which is entered the name,	2799
post-office address, county, date of commission, and the beginning	2800
and expiration of term of each notary public appointed;	2801
(D) 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
(E) <u>(D)</u> A record of requisitions in which is entered <u>both of</u>	2806
<u>the following</u> : (1) an	2807
<u>(1)</u> An 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; (2) an	2812
<u>(2)</u> An 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 + .	2817

~~(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

(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 eighty-five <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, twenty-five <u>fifty</u> dollars;	2895 2896
(2) If the domestic corporation is authorized to issue shares of capital stock, thirty-five <u>fifty</u> dollars, and in case of any increase in the number of shares authorized to be issued, a further sum computed in accordance with the schedule set forth in division (A)(2) of this section less a credit computed in the same manner for the number of shares previously authorized to be issued by the corporation; provided no fee under division (B)(2) of this section shall be greater than one hundred thousand dollars;	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

(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

dollars;	2941
(G) For filing and recording a certificate of limited partnership or an application for registration as a foreign limited partnership the following apply:	2942 2943 2944
(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;	2945 2946 2947 2948 2949
(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.	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, ten <u>twenty-five</u> dollars;	2964 2965
(3) Any <u>Except as otherwise provided in this section or any other section of the Revised Code</u> , any other certificate or paper that is required to be <u>filed and recorded</u> or is permitted by any provision of the Revised Code to be filed and recorded <u>by any provision of the Revised Code</u> with the secretary of state, ten <u>twenty-five</u> dollars.	2966 2967 2968 2969 2970 2971

(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, the cost shall a fee 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, except that for . For copies of certificates or papers required by state officers for official purpose, no charge shall be made + .	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, ten <u>fifty</u> dollars;	2988 2989 2990
(N) For expedited filing service for filings referred to in divisions (A), (B), (C), (D), (E), (F), and (G) of this section, ten dollars in addition to the fee for filing and recording provided in those divisions <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

(3) The withdrawal of registration of a foreign or domestic limited liability partnership under section 1775.61 or 1775.64 of the Revised Code, or the certificate of cancellation of registration of a foreign limited liability company under section 1705.57 of the Revised Code; 3002
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(4) The filing of a cancellation of disclaimer of general partner status under Chapter 1782. of the Revised Code. 3007
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(O) Fees For filing a statement of continued existence by a nonprofit corporation, twenty-five dollars; 3009
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(P) For filing a restatement under section 1705.08 or 1782.09 of the Revised Code, an amendment to a certificate of cancellation under section 1782.10 of the Revised Code, an amendment under section 1705.08 or 1782.09 of the Revised Code, or a correction under section 1705.55, 1775.61, 1775.64, or 1782.52 of the Revised Code, fifty dollars; 3011
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(Q) For filing for reinstatement of an entity cancelled by operation of law, by the secretary of state, by order of the department of taxation, or by order of a court, twenty-five dollars; 3017
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(R) For filing a change of agent, resignation of agent, or change of agent's address under section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55, 1746.04, 1747.03, or 1782.04 of the Revised Code, twenty-five dollars; 3021
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(S) For filing and recording any of the following: 3025

(1) An application for the exclusive right to use a name or an application to reserve a name for future use under section 1701.05, 1702.05, 1703.31, 1705.05, or 1746.06 of the Revised Code, fifty dollars; 3026
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(2) A trade name or fictitious name registration or report, fifty dollars; 3030
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(3) An application to renew any item covered by division (S)(1) or (2) of this section that is permitted to be renewed, twenty-five dollars; 3032
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(4) An assignment of rights for use of a name covered by division (S)(1), (2), or (3) of this section, the cancellation of a name registration or name reservation that is so covered, or notice of a change of address of the registrant of a name that is so covered, twenty-five dollars. 3035
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(T) For filing and recording a report to operate a business trust or a real estate investment trust, either foreign or domestic, one hundred twenty-five dollars; and for filing and recording an amendment to a report or associated trust instrument, or a surrender of authority, to operate a business trust or real estate investment trust, fifty dollars; 3040
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(U)(1) For filing and recording the registration of a trademark, service mark, or mark of ownership, one hundred twenty-five dollars; 3046
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(2) For filing and recording the change of address of a registrant, the assignment of rights to a registration, a renewal of a registration, or the cancellation of a registration associated with a trademark, service mark, or mark of ownership, twenty-five dollars. 3049
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Fees specified in this section may be paid by cash, check, or money order, by credit card in accordance with section 113.40 of the Revised Code, or by an alternative payment program in accordance with division (B) of section 111.18 of the Revised Code. Any credit card number or the expiration date of any credit card is not subject to disclosure under Chapter 149. of the Revised Code. 3054
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Sec. 111.18. (A) The secretary of state shall keep a record 3061

of all fees collected by the secretary of state and, ~~except as~~ 3062
~~otherwise provided in this~~ subject to division (B) of section and 3063
~~in sections 1309.401 and 1329.68 and division (C)(2) of section~~ 3064
3506.05 of the Revised Code and except as otherwise provided in 3065
the Revised Code, shall pay, through June 30, 2001, fifty per cent 3066
of them into the state treasury to the credit of the general 3067
~~revenue fund and fifty per cent of them into the state treasury to~~ 3068
~~the credit of the~~ corporate and uniform commercial code filing 3069
fund created under by section 1309.401 of the Revised Code and 3070
~~shall pay, on and after July 1, 2001, all of them into the state~~ 3071
~~treasury to the credit of the general revenue fund. Through June~~ 3072
30, 2001, all of the fees collected under divisions (I)(2) and (N) 3073
of section 111.16 of the Revised Code shall be paid into the state 3074
treasury to the credit of that corporate and uniform commercial 3075
code filing fund. On and after July 1, 2001, the following fees 3076
shall be paid into the state treasury to the credit of that 3077
corporate and uniform commercial code filing fund: 3078

(1) ~~Twenty-five dollars of each fee collected under divisions~~ 3079
~~(A)(2), (F), (G)(2), and (I)(1) of section 111.16 of the Revised~~ 3080
~~Code;~~ 3081

(2) ~~Twenty-five dollars of each fee collected under division~~ 3082
~~(C) of section 1703.031 of the Revised Code;~~ 3083

(3) ~~All fees collected under divisions (I)(2) and (N) of~~ 3084
~~section 111.16 of the Revised Code;~~ 3085

(4) ~~All fees collected under section 1703.08 of the Revised~~ 3086
~~Code;~~ 3087

(5) ~~Each fifty-dollar fee for amendments filed by foreign~~ 3088
~~nonprofit corporations under section 1703.27 of the Revised Code.~~ 3089

(B) ~~The secretary of state may implement a credit card~~ 3090
~~payment program permitting payment of any fee charged by the~~ 3091
~~secretary of state by means of a credit card. The secretary of~~ 3092

~~state may open an account outside the state treasury in a 3093
financial institution for the purpose of depositing credit card 3094
receipts. Within forty-eight hours following the deposit of the 3095
receipts, the financial institution shall make available to the 3096
secretary of state funds in the amount of the receipts. The 3097
secretary of state shall then pay these funds into the state 3098
treasury to the credit of the general revenue fund, except as 3099
otherwise provided by the Revised Code. 3100~~

~~The secretary of state may pay the cost of any service charge 3101
required by a financial institution or credit card company in 3102
connection with a credit card payment program. 3103~~

~~The secretary of state shall adopt rules as necessary to 3104
carry out the purposes of this division. The rules shall include 3105
standards for determining eligible financial institutions and the 3106
manner in which funds shall be made available and shall be 3107
consistent with the standards contained in sections 135.03, 3108
135.18, and 135.181 of the Revised Code. 3109~~

The secretary of state may implement alternative payment 3110
programs that permit payment of any fee charged by the secretary 3111
of state by means other than cash, check, money order, or credit 3112
card; an alternative payment program may include, but is not 3113
limited to, one that permits a fee to be paid by electronic means 3114
of transmission. Fees paid under an alternative payment program 3115
shall be deposited to the credit of the secretary of state 3116
alternative payment program fund, which is hereby created. The 3117
secretary of state alternative payment program fund shall be in 3118
the custody of the treasurer of state but shall not be part of the 3119
state treasury. Any investment income of the secretary of state 3120
alternative payment program fund shall be credited to that fund 3121
and used to operate the alternative payment program. Within two 3122
working days following the deposit of funds to the credit of the 3123
secretary of state alternative payment program fund, the secretary 3124

of state shall pay those funds into the state treasury to the 3125
credit of the corporate and uniform commercial code filing fund, 3126
subject to division (B) of section 1309.401 of the Revised Code 3127
and except as otherwise provided in the Revised Code. 3128

The secretary of state shall adopt rules necessary to carry 3129
out the purposes of this division. 3130

Sec. 111.23. (A) The secretary of state, by rule, shall 3131
establish, and prescribe guidelines and fees for the use of, an 3132
"expedited filing service" that provides, at the option of the 3133
person making such a filing, expeditious processing of any filing 3134
with the secretary of state under ~~Chapters~~ Chapter 1309. and or 3135
1329. and of any filing referred to in divisions (A), (B), (C), 3136
(D), (E), (F), and (G) of section 111.16 or Title XVII of the 3137
Revised Code. 3138

(B) The secretary of state may adopt rules establishing, and 3139
prescribing guidelines and fees for the use of, a bulk filing 3140
service that provides, at the option of the person making a 3141
filing, a method for providing large amounts of information. The 3142
secretary of state may charge and collect fees for filings made 3143
through a bulk filing service at reduced amounts from those 3144
otherwise specified in or authorized by the Revised Code. 3145

(C) The secretary of state may adopt rules establishing, and 3146
prescribing guidelines and fees for the use of, alternative filing 3147
procedures in making filings with the secretary of state. Under 3148
these rules, the secretary of state may accept any filing and 3149
payment of associated fees through any electronic, digital, 3150
facsimile, or other means of transmission. The filings shall be 3151
made on a form prescribed by the secretary of state and shall 3152
comply fully with any other requirements of the Revised Code 3153
applicable to the type of filing being made. 3154

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

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

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

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

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

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

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

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

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

(B) All expenses incurred for services rendered by the financial supervisor for a period of twenty-four months shall be paid by the commission pursuant to an appropriation made by the general assembly for this purpose. Expenses incurred for services rendered by the financial supervisor beyond this period shall be

borne by the municipal corporation, county, or township unless the 3184
director of budget and management waives the costs and allows 3185
payment in accordance with the following: 3186

(1) If the continued performance of the financial supervisor 3187
is required for a period of twenty-five to thirty months, the 3188
municipal corporation, county, or township is responsible for 3189
twenty per cent of the compensation due. 3190

(2) If the continued performance of the financial supervisor 3191
is required for a period of thirty-one to thirty-six months, the 3192
municipal corporation, county, or township is responsible for 3193
fifty per cent of the compensation due. 3194

(3) If the continued performance of the financial supervisor 3195
is required for a period of thirty-seven months or more, the 3196
municipal corporation, county, or township is responsible for one 3197
hundred per cent of the compensation due except as otherwise 3198
provided in division (B)(4) of this section. 3199

(4) ~~Beginning in fiscal year 2000, if~~ If the continued 3200
performance of the financial supervisor has been required longer 3201
than eight fiscal years for any municipal corporation, county, or 3202
township declared to be in a fiscal emergency prior to fiscal year 3203
1996, that municipal corporation, county, or township is 3204
responsible for fifty per cent of the compensation due in its 3205
ninth fiscal year ~~2000~~ while in fiscal emergency and one hundred 3206
per cent of the compensation due in its tenth fiscal year ~~2001~~ and 3207
every fiscal year thereafter while in fiscal emergency. 3208

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

municipal corporation, county, or township, except for those 3215
reserved for payment of local government fund notes. Upon 3216
receiving ~~such~~ the certification from the ~~auditor of state~~ 3217
financial supervisor, the county auditor shall draw a voucher for 3218
the amount against ~~such~~ those fund or funds in favor of the 3219
financial supervisor. 3220

Sec. 119.12. Any party adversely affected by any order of an 3221
agency issued pursuant to an adjudication denying an applicant 3222
admission to an examination, or denying the issuance or renewal of 3223
a license or registration of a licensee, or revoking or suspending 3224
a license, or allowing the payment of a forfeiture under section 3225
4301.252 of the Revised Code, may appeal from the order of the 3226
agency to the court of common pleas of the county in which the 3227
place of business of the licensee is located or the county in 3228
which the licensee is a resident, except that appeals from 3229
decisions of the liquor control commission, the state medical 3230
board, state chiropractic board, state dental board, and board of 3231
nursing shall be to the court of common pleas of Franklin county. 3232
If any such party is not a resident of and has no place of 3233
business in this state, the party may appeal to the court of 3234
common pleas of Franklin county. 3235

Any party adversely affected by any order of an agency issued 3236
pursuant to any other adjudication may appeal to the court of 3237
common pleas of Franklin county, except that appeals from orders 3238
of the fire marshal issued under Chapter 3737. of the Revised Code 3239
may be to the court of common pleas of the county in which the 3240
building of the aggrieved person is located. 3241

This section does not apply to appeals from the department of 3242
taxation. 3243

Any party desiring to appeal shall file a notice of appeal 3244
with the agency setting forth the order appealed from and the 3245

grounds of the party's appeal. A copy of such notice of appeal 3246
shall also be filed by the appellant with the court. Unless 3247
otherwise provided by law relating to a particular agency, such 3248
notices of appeal shall be filed within fifteen days after the 3249
mailing of the notice of the agency's order as provided in this 3250
section. For purposes of this paragraph, an order includes a 3251
determination appealed pursuant to division (C) of section 119.092 3252
of the Revised Code. 3253

The filing of a notice of appeal shall not automatically 3254
operate as a suspension of the order of an agency. If it appears 3255
to the court that an unusual hardship to the appellant will result 3256
from the execution of the agency's order pending determination of 3257
the appeal, the court may grant a suspension and fix its terms. If 3258
an appeal is taken from the judgment of the court and the court 3259
has previously granted a suspension of the agency's order as 3260
provided in this section, such suspension of the agency's order 3261
shall not be vacated and shall be given full force and effect 3262
until the matter is finally adjudicated. No renewal of a license 3263
or permit shall be denied by reason of such suspended order during 3264
the period of the appeal from the decision of the court of common 3265
pleas. In the case of an appeal from the state medical board or 3266
state chiropractic board, the court may grant a suspension and fix 3267
its terms if it appears to the court that an unusual hardship to 3268
the appellant will result from the execution of the agency's order 3269
pending determination of the appeal and the health, safety, and 3270
welfare of the public will not be threatened by suspension of the 3271
order. This provision shall not be construed to limit the factors 3272
the court may consider in determining whether to suspend an order 3273
of any other agency pending determination of an appeal. 3274

The final order of adjudication may apply to any renewal of a 3275
license or permit which has been granted during the period of the 3276
appeal. 3277

Notwithstanding any other provision of this section, any 3278
order issued by a court of common pleas or a court of appeals 3279
suspending the effect of an order of the liquor control commission 3280
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 3281
suspends, revokes, or cancels a permit issued under Chapter 4303. 3282
of the Revised Code, or that allows the payment of a forfeiture 3283
under section 4301.252 of the Revised Code, shall terminate not 3284
more than six months after the date of the filing of the record of 3285
the liquor control commission with the clerk of the court of 3286
common pleas and shall not be extended. The court of common pleas, 3287
or the court of appeals on appeal, shall render a judgment in that 3288
matter within six months after the date of the filing of the 3289
record of the liquor control commission with the clerk of the 3290
court of common pleas. A court of appeals shall not issue an order 3291
suspending the effect of an order of the liquor control commission 3292
that extends beyond six months after the date on which the record 3293
of the liquor control commission is filed with a court of common 3294
pleas. 3295

Notwithstanding any other provision of this section, any 3296
order issued by a court of common pleas suspending the effect of 3297
an order of the state medical board or state chiropractic board 3298
that limits, revokes, suspends, places on probation, or refuses to 3299
register or reinstate a certificate issued by the board or 3300
reprimands the holder of such a certificate shall terminate not 3301
more than fifteen months after the date of the filing of a notice 3302
of appeal in the court of common pleas, or upon the rendering of a 3303
final decision or order in the appeal by the court of common 3304
pleas, whichever occurs first. 3305

Within thirty days after receipt of a notice of appeal from 3306
an order in any case in which a hearing is required by sections 3307
119.01 to 119.13 of the Revised Code, the agency shall prepare and 3308
certify to the court a complete record of the proceedings in the 3309

case. Failure of the agency to comply within the time allowed, 3310
upon motion, shall cause the court to enter a finding in favor of 3311
the party adversely affected. Additional time, however, may be 3312
granted by the court, not to exceed thirty days, when it is shown 3313
that the agency has made substantial effort to comply. Such record 3314
shall be prepared and transcribed and the expense of it shall be 3315
taxed as a part of the costs on the appeal. The appellant shall 3316
provide security for costs satisfactory to the court of common 3317
pleas. Upon demand by any interested party, the agency shall 3318
furnish at the cost of the party requesting it a copy of the 3319
stenographic report of testimony offered and evidence submitted at 3320
any hearing and a copy of the complete record. 3321

Notwithstanding any other provision of this section, any 3322
party desiring to appeal an order or decision of the state 3323
personnel board of review shall, at the time of filing a notice of 3324
appeal with the board, provide a security deposit in an amount and 3325
manner prescribed in rules that the board shall adopt in 3326
accordance with this chapter. In addition, the board is not 3327
required to prepare or transcribe the record of any of its 3328
proceedings unless the appellant has provided the deposit 3329
described above. The failure of the board to prepare or transcribe 3330
a record for an appellant who has not provided a security deposit 3331
shall not cause a court to enter a finding adverse to the board. 3332

Unless otherwise provided by law, in the hearing of the 3334
appeal, the court is confined to the record as certified to it by 3335
the agency. Unless otherwise provided by law, the court may grant 3336
a request for the admission of additional evidence when satisfied 3337
that such additional evidence is newly discovered and could not 3338
with reasonable diligence have been ascertained prior to the 3339
hearing before the agency. 3340

The court shall conduct a hearing on such appeal and shall 3341

give preference to all proceedings under sections 119.01 to 119.13 3342
of the Revised Code, over all other civil cases, irrespective of 3343
the position of the proceedings on the calendar of the court. An 3344
appeal from an order of the state medical board issued pursuant to 3345
division (G) of either section 4730.25 or 4731.22 of the Revised 3346
Code, or the state chiropractic board issued pursuant to section 3347
4734.37 of the Revised Code, or the liquor control commission 3348
issued pursuant to Chapter 4301. or 4303. of the Revised Code 3349
shall be set down for hearing at the earliest possible time and 3350
takes precedence over all other actions. The hearing in the court 3351
of common pleas shall proceed as in the trial of a civil action, 3352
and the court shall determine the rights of the parties in 3353
accordance with the laws applicable to such action. At such 3354
hearing, counsel may be heard on oral argument, briefs may be 3355
submitted, and evidence introduced if the court has granted a 3356
request for the presentation of additional evidence. 3357

The court may affirm the order of the agency complained of in 3358
the appeal if it finds, upon consideration of the entire record 3359
and such additional evidence as the court has admitted, that the 3360
order is supported by reliable, probative, and substantial 3361
evidence and is in accordance with law. In the absence of such a 3362
finding, it may reverse, vacate, or modify the order or make such 3363
other ruling as is supported by reliable, probative, and 3364
substantial evidence and is in accordance with law. The court 3365
shall award compensation for fees in accordance with section 3366
2335.39 of the Revised Code to a prevailing party, other than an 3367
agency, in an appeal filed pursuant to this section. 3368

The judgment of the court shall be final and conclusive 3369
unless reversed, vacated, or modified on appeal. Such appeals may 3370
be taken either by the party or the agency, shall proceed as in 3371
the case of appeals in civil actions, and shall be pursuant to the 3372
Rules of Appellate Procedure and, to the extent not in conflict 3373

with those rules, Chapter 2505. of the Revised Code. Such appeal 3374
by the agency shall be taken on questions of law relating to the 3375
constitutionality, construction, or interpretation of statutes and 3376
rules of the agency, and in such appeal the court may also review 3377
and determine the correctness of the judgment of the court of 3378
common pleas that the order of the agency is not supported by any 3379
reliable, probative, and substantial evidence in the entire 3380
record. 3381

The court shall certify its judgment to such agency or take 3382
such other action necessary to give its judgment effect. 3383

Sec. 120.06. (A)(1) The state public defender, when 3384
designated by the court or requested by a county public defender 3385
or joint county public defender, may provide legal representation 3386
in all courts throughout the state to indigent adults and 3387
juveniles who are charged with the commission of an offense or act 3388
for which the penalty or any possible adjudication includes the 3389
potential loss of liberty. 3390

(2) The state public defender may provide legal 3391
representation to any indigent person who, while incarcerated in 3392
any state correctional institution, is charged with a felony 3393
offense, for which the penalty or any possible adjudication that 3394
may be imposed by a court upon conviction includes the potential 3395
loss of liberty. 3396

(3) The state public defender may provide legal 3397
representation to any person incarcerated in any correctional 3398
institution of the state, in any matter in which the person 3399
asserts the person is unlawfully imprisoned or detained. 3400

(4) The state public defender, in any case in which the state 3401
public defender has provided legal representation or is requested 3402
to do so by a county public defender or joint county public 3403
defender, may provide legal representation on appeal. 3404

(5) The state public defender, when designated by the court 3405
or requested by a county public defender, joint county public 3406
defender, or the director of rehabilitation and correction, shall 3407
provide legal representation in parole and probation revocation 3408
matters, unless the state public defender finds that the alleged 3409
parole or probation violator has the financial capacity to retain 3410
the alleged violator's own counsel. 3411

(6) If the state public defender contracts with a county 3412
public defender commission, a joint county public defender 3413
commission, or a board of county commissioners for the provision 3414
of services, under authority of division (C)(7) of section 120.04 3415
of the Revised Code, the state public defender shall provide legal 3416
representation in accordance with the contract. 3417

(B) The state public defender shall not be required to 3418
prosecute any appeal, postconviction remedy, or other proceeding 3419
pursuant to division (A)(3), (4), or (5) of this section, unless 3420
the state public defender first is satisfied that there is 3421
arguable merit to the proceeding. 3422

(C) A court may appoint counsel or allow an indigent person 3423
to select the indigent's own personal counsel to assist the state 3424
public defender as co-counsel when the interests of justice so 3425
require. When co-counsel is appointed to assist the state public 3426
defender, the co-counsel shall receive any compensation that the 3427
court may approve, not to exceed the amounts provided for in 3428
section 2941.51 of the Revised Code. 3429

(D) When the state public defender is designated by the court 3430
or requested by a county public defender or joint county public 3431
defender to provide legal representation for an indigent person in 3432
any case, other than pursuant to a contract entered into under 3433
authority of division (C)(7) of section 120.04 of the Revised 3434
Code, the state public defender shall send to the county in which 3435
the case is filed an itemized bill for fifty per cent of the 3436

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

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

scope of the defendant's employment or official responsibilities, 3469
with malicious purpose, in bad faith, or in a wanton or reckless 3470
manner. If the state public defender elects not to contract 3471
pursuant to this division for private legal counsel in a civil 3472
action or proceeding, then, in accordance with sections 109.02, 3473
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 3474
attorney general shall represent or provide for the representation 3475
of the Ohio public defender commission, the state public defender, 3476
assistant state public defenders, other employees of the 3477
commission or the state public defender, or attorneys described in 3478
division (C) of section 120.41 of the Revised Code in the civil 3479
action or proceeding. 3480

(2)(a) Subject to division (E)(2)(b) of this section, payment 3481
from the state treasury for the services of private legal counsel 3482
with whom the state public defender has contracted pursuant to 3483
division (E)(1) of this section shall be accomplished only through 3484
the following procedure: 3485

(i) The private legal counsel shall file with the attorney 3486
general a copy of the contract; a request for an award of legal 3487
fees, court costs, and expenses earned or incurred in connection 3488
with the defense of the Ohio public defender commission, the state 3489
public defender, an assistant state public defender, an employee, 3490
or an attorney in a specified civil action or proceeding; a 3491
written itemization of those fees, costs, and expenses, including 3492
the signature of the state public defender and the state public 3493
defender's attestation that the fees, costs, and expenses were 3494
earned or incurred pursuant to division (E)(1) of this section to 3495
the best of the state public defender's knowledge and information; 3496
a written statement whether the fees, costs, and expenses are for 3497
all legal services to be rendered in connection with that defense, 3498
are only for legal services rendered to the date of the request 3499
and additional legal services likely will have to be provided in 3500

connection with that defense, or are for the final legal services 3501
rendered in connection with that defense; a written statement 3502
indicating whether the private legal counsel previously submitted 3503
a request for an award under division (E)(2) of this section in 3504
connection with that defense and, if so, the date and the amount 3505
of each award granted; and, if the fees, costs, and expenses are 3506
for all legal services to be rendered in connection with that 3507
defense or are for the final legal services rendered in connection 3508
with that defense, a certified copy of any judgment entry in the 3509
civil action or proceeding or a signed copy of any settlement 3510
agreement entered into between the parties to the civil action or 3511
proceeding. 3512

(ii) Upon receipt of a request for an award of legal fees, 3513
court costs, and expenses and the requisite supportive 3514
documentation described in division (E)(2)(a)(i) of this section, 3515
the attorney general shall review the request and documentation; 3516
determine whether any of the limitations specified in division 3517
(E)(2)(b) of this section apply to the request; and, if an award 3518
of legal fees, court costs, or expenses is permissible after 3519
applying the limitations, prepare a document awarding legal fees, 3520
court costs, or expenses to the private legal counsel. The 3521
document shall name the private legal counsel as the recipient of 3522
the award; specify the total amount of the award as determined by 3523
the attorney general; itemize the portions of the award that 3524
represent legal fees, court costs, and expenses; specify any 3525
limitation applied pursuant to division (E)(2)(b) of this section 3526
to reduce the amount of the award sought by the private legal 3527
counsel; state that the award is payable from the state treasury 3528
pursuant to division (E)(2)(a)(iii) of this section; and be 3529
approved by the inclusion of the signatures of the attorney 3530
general, the state public defender, and the private legal counsel. 3531

(iii) The attorney general shall forward a copy of the 3532

document prepared pursuant to division (E)(2)(a)(ii) of this 3533
section to the director of budget and management. The award of 3534
legal fees, court costs, or expenses shall be paid out of the 3535
state public defender's appropriations, to the extent there is a 3536
sufficient available balance in those appropriations. If the state 3537
public defender does not have a sufficient available balance in 3538
the state public defender's appropriations to pay the entire award 3539
of legal fees, court costs, or expenses, the director shall make 3540
application for a transfer of appropriations out of the emergency 3541
purposes account or any other appropriation for emergencies or 3542
contingencies in an amount equal to the portion of the award that 3543
exceeds the sufficient available balance in the state public 3544
defender's appropriations. A transfer of appropriations out of the 3545
emergency purposes account or any other appropriation for 3546
emergencies or contingencies shall be authorized if there are 3547
sufficient moneys greater than the sum total of then pending 3548
emergency purposes account requests, or requests for releases from 3549
the other appropriation. If a transfer of appropriations out of 3550
the emergency purposes account or other appropriation for 3551
emergencies or contingencies is made to pay an amount equal to the 3552
portion of the award that exceeds the sufficient available balance 3553
in the state public defender's appropriations, the director shall 3554
cause the payment to be made to the private legal counsel. If 3555
sufficient moneys do not exist in the emergency purposes account 3556
or other appropriation for emergencies or contingencies to pay an 3557
amount equal to the portion of the award that exceeds the 3558
sufficient available balance in the state public defender's 3559
appropriations, the private legal counsel shall request the 3560
general assembly to make an appropriation sufficient to pay an 3561
amount equal to the portion of the award that exceeds the 3562
sufficient available balance in the state public defender's 3563
appropriations, and no payment in that amount shall be made until 3564
the appropriation has been made. The private legal counsel shall 3565

make the request during the current biennium and during each 3566
succeeding biennium until a sufficient appropriation is made. 3567
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(b) An award of legal fees, court costs, and expenses 3569
pursuant to division (E) of this section is subject to the 3570
following limitations: 3571

(i) The maximum award or maximum aggregate of a series of 3572
awards of legal fees, court costs, and expenses to the private 3573
legal counsel in connection with the defense of the Ohio public 3574
defender commission, the state public defender, an assistant state 3575
public defender, an employee, or an attorney in a specified civil 3576
action or proceeding shall not exceed fifty thousand dollars. 3577

(ii) The private legal counsel shall not be awarded legal 3578
fees, court costs, or expenses to the extent the fees, costs, or 3579
expenses are covered by a policy of malpractice or other 3580
insurance. 3581

(iii) The private legal counsel shall be awarded legal fees 3582
and expenses only to the extent that the fees and expenses are 3583
reasonable in light of the legal services rendered by the private 3584
legal counsel in connection with the defense of the Ohio public 3585
defender commission, the state public defender, an assistant state 3586
public defender, an employee, or an attorney in a specified civil 3587
action or proceeding. 3588

(c) If, pursuant to division (E)(2)(a) of this section, the 3589
attorney general denies a request for an award of legal fees, 3590
court costs, or expenses to private legal counsel because of the 3591
application of a limitation specified in division (E)(2)(b) of 3592
this section, the attorney general shall notify the private legal 3593
counsel in writing of the denial and of the limitation applied. 3594

(d) If, pursuant to division (E)(2)(c) of this section, a 3595
private legal counsel receives a denial of an award notification 3596

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

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

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

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

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

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

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

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

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

(F) Information as to the right to legal representation by 3660
the county public defender or assigned counsel shall be afforded 3661
to an accused person immediately upon arrest, when brought before 3662
a magistrate, or when formally charged, whichever occurs first. 3663

(G) If a court appoints the office of the county public 3664
defender to represent a petitioner in a postconviction relief 3665
proceeding under section 2953.21 of the Revised Code, the 3666
petitioner has received a sentence of death, and the proceeding 3667
relates to that sentence, all of the attorneys who represent the 3668
petitioner in the proceeding pursuant to the appointment, whether 3669
an assistant county public defender or the county public defender, 3670
shall be certified under Rule ~~65~~ 20 of the Rules of 3671
Superintendence for ~~Common Pleas~~ the Courts of Ohio to represent 3672
indigent defendants charged with or convicted of an offense for 3673
which the death penalty can be or has been imposed. 3674

Sec. 120.26. (A)(1) The joint county public defender shall 3675
provide legal representation to indigent adults and juveniles who 3676
are charged with the commission of an offense or act that is a 3677
violation of a state statute and for which the penalty or any 3678
possible adjudication includes the potential loss of liberty and 3679
in postconviction proceedings as defined in this section. 3680

(2) The joint county public defender may provide legal 3681
representation to indigent adults and juveniles charged with the 3682
violation of an ordinance of a municipal corporation for which the 3683
penalty or any possible adjudication includes the potential loss 3684
of liberty, if the joint county public defender commission has 3685
contracted with the municipal corporation to provide legal 3686
representation for indigent persons charged with a violation of an 3687
ordinance of the municipal corporation. 3688

(B) The joint county public defender shall provide the legal 3689
representation authorized by division (A) of this section at every 3690

stage of the proceedings following arrest, detention, service of
summons, or indictment. 3691
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(C) The joint county public defender may request the Ohio
public defender to prosecute any appeal or other remedy before or
after conviction that the joint county public defender decides is
in the interests of justice and may provide legal representation
in parole and probation revocation matters. 3693
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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. 3698
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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. 3702
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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. 3710
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(G) If a court appoints the office of the joint county public
defender to represent a petitioner in a postconviction relief
proceeding under section 2953.21 of the Revised Code, the
petitioner has received a sentence of death, and the proceeding
relates to that sentence, all of the attorneys who represent the
petitioner in the proceeding pursuant to the appointment, whether
an assistant joint county defender or the joint county public
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defender, shall be certified under Rule 65 20 of the Rules of 3722
Superintendence for ~~Common Pleas~~ the Courts of Ohio to represent 3723
indigent defendants charged with or convicted of an offense for 3724
which the death penalty can be or has been imposed. 3725

Sec. 120.33. (A) In lieu of using a county public defender or 3726
joint county public defender to represent indigent persons in the 3727
proceedings set forth in division (A) of section 120.16 of the 3728
Revised Code, the board of county commissioners of any county may 3729
adopt a resolution to pay counsel who are either personally 3730
selected by the indigent person or appointed by the court. The 3731
resolution shall include those provisions the board of county 3732
commissioners considers necessary to provide effective 3733
representation of indigent persons in any proceeding for which 3734
counsel is provided under this section. The resolution shall 3735
include provisions for contracts with any municipal corporation 3736
under which the municipal corporation shall reimburse the county 3737
for counsel appointed to represent indigent persons charged with 3738
violations of the ordinances of the municipal corporation. 3739

(1) In a county that adopts a resolution to pay counsel, an 3740
indigent person shall have the right to do either of the 3741
following: 3742

(a) To select the person's own personal counsel to represent 3743
the person in any proceeding included within the provisions of the 3744
resolution; 3745

(b) To request the court to appoint counsel to represent the 3746
person in such a proceeding. 3747

(2) The court having jurisdiction over the proceeding in a 3748
county that adopts a resolution to pay counsel shall, after 3749
determining that the person is indigent and entitled to legal 3750
representation under this section, do either of the following: 3751

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

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

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

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

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

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

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

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shall also review the report and, in accordance with the 3816
standards, guidelines, and maximums established pursuant to 3817
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 3818
prepare a voucher for fifty per cent of the total cost of each 3819
county appointed counsel system in the period of time covered by 3820
the certified report and a voucher for fifty per cent of the costs 3821
and expenses that are reimbursable under section 120.35 of the 3822
Revised Code, if any, or, if the amount of money appropriated by 3823
the general assembly to reimburse counties for the operation of 3824
county public defender offices, joint county public defender 3825
offices, and county appointed counsel systems is not sufficient to 3826
pay fifty per cent of the total cost of all of the offices and 3827
systems other than costs and expenses that are reimbursable under 3828
section 120.35 of the Revised Code, for the lesser amount required 3829
by section 120.34 of the Revised Code. 3830

(5) If any county appointed counsel system fails to maintain 3831
the standards for the conduct of the system established by the 3832
rules of the Ohio public defender commission pursuant to divisions 3833
(B) and (C) of section 120.03 or the standards established by the 3834
state public defender pursuant to division (B)(7) of section 3835
120.04 of the Revised Code, the Ohio public defender commission 3836
shall notify the board of county commissioners of the county that 3837
the county appointed counsel system has failed to comply with its 3838
rules or the standards of the state public defender. Unless the 3839
board of county commissioners corrects the conduct of its 3840
appointed counsel system to comply with the rules and standards 3841
within ninety days after the date of the notice, the state public 3842
defender may deny all or part of the county's reimbursement from 3843
the state provided for in division (A)(4) of this section. 3844

(B) In lieu of using a county public defender or joint county 3845
public defender to represent indigent persons in the proceedings 3846
set forth in division (A) of section 120.16 of the Revised Code, 3847

and in lieu of adopting the resolution and following the procedure 3848
described in division (A) of this section, the board of county 3849
commissioners of any county may contract with the state public 3850
defender for the state public defender's legal representation of 3851
indigent persons. A contract entered into pursuant to this 3852
division may provide for payment for the services provided on a 3853
per case, hourly, or fixed contract basis. 3854

(C) If a court appoints an attorney pursuant to this section 3855
to represent a petitioner in a postconviction relief proceeding 3856
under section 2953.21 of the Revised Code, the petitioner has 3857
received a sentence of death, and the proceeding relates to that 3858
sentence, the attorney who represents the petitioner in the 3859
proceeding pursuant to the appointment shall be certified under 3860
Rule ~~65~~ 20 of the Rules of Superintendence for ~~Common Pleas~~ the 3861
Courts of Ohio to represent indigent defendants charged with or 3862
convicted of an offense for which the death penalty can be or has 3863
been imposed. 3864

Sec. 121.04. Offices are created within the several 3865
departments as follows: 3866

In the department of commerce: 3867

Commissioner of securities; 3868

Superintendent of real estate and professional 3869

licensing;

Superintendent of financial institutions; 3870

Fire marshal; 3871

Superintendent of labor and worker safety; 3872

Beginning on July 1, 1997, 3873

Superintendent of liquor control; 3874

Superintendent of industrial compliance. 3875

In the department of administrative services: 3876

State architect and engineer; 3877

Equal employment opportunity coordinator.	3878
In the department of agriculture:	3879
Chiefs of divisions as follows:	3880
Administration;	3881
Animal industry;	3882
Dairy;	3883
Food safety;	3884
Plant industry;	3885
Markets;	3886
Meat inspection;	3887
Consumer analytical laboratory;	3888
Amusement ride safety;	3889
Enforcement;	3890
Weights and measures.	3891
In the department of natural resources:	3892
Chiefs of divisions as follows:	3893
Water;	3894
Mineral resources management;	3895
Forestry;	3896
Natural areas and preserves;	3897
Wildlife;	3898
Geological survey;	3899
Parks and recreation;	3900
Watercraft;	3901
Recycling and litter prevention;	3902
Civilian conservation;	3903
Soil and water conservation;	3904
Real estate and land management;	3905
Engineering.	3906
In the department of insurance:	3907
Deputy superintendent of insurance;	3908
Assistant superintendent of insurance, technical;	3909

Assistant superintendent of insurance, administrative; 3910
Assistant superintendent of insurance, research. 3911

Sec. 121.371. There is hereby created the wellness block 3912
~~grant~~ program. The Ohio family and children first cabinet council 3913
shall oversee the program, ~~and the children's trust fund board,~~ 3914
~~created by section 3109.15 of the Revised Code, shall serve as the~~ 3915
~~program's administrative agent. The board and the cabinet council~~ 3916
and shall establish guidelines and objectives for operating the 3917
~~wellness block grant program. A representative of the family and~~ 3918
~~children first cabinet council and the chairperson of the~~ 3919
~~children's trust fund board shall resolve any disagreements~~ 3920
~~concerning the duties of the council and the board under this~~ 3921
~~section~~ The department of job and family services shall serve as 3922
the program's administrative agent. 3923

~~The children's trust fund board may accept gifts, donations,~~ 3924
~~grants, or other moneys for the wellness block grant program from~~ 3925
~~any source. The board shall use the funds received to make block~~ 3926
~~grants to county family and children first councils. The amount of~~ 3927
funds for the wellness program to be granted allocated to each 3928
county council department of job and family services shall be 3929
~~determined by the board and the cabinet council. To cover~~ 3930
~~administrative expenses, the board may use in each state fiscal~~ 3931
~~year an amount not to exceed one per cent of the total amount~~ 3932
~~available for the program in that year.~~ 3933

County councils departments of job and family services shall 3934
use the funds ~~they receive through~~ allocated for the wellness 3935
~~block grants program~~ to fund community-based programs of 3936
prevention services that address issues of broad social concern, 3937
as determined by the cabinet council ~~and the board,~~ and to fund 3938
state-directed training, evaluation, and education programs 3939
pertaining to the issues being addressed. ~~Each county council~~ 3940
~~shall submit to the board a program and fiscal plan that outlines~~ 3941

~~its proposal for expenditure of its block grant and shall, after~~ 3942
~~consulting with the board of county commissioners, designate a~~ 3943
~~fiscal agent to receive the block grant.~~ 3944

~~As requested by the board on behalf of the cabinet council,~~ 3945
~~each county council shall submit program and fiscal accountings~~ 3946
~~regarding the use of its block grant. The board and the cabinet~~ 3947
council shall establish criteria for assessing a county ~~council's~~ 3948
department's progress in achieving the ~~goals~~ objectives of the 3949
wellness ~~block grant~~ program. If a county ~~council~~ department of 3950
job and family services does not operate in accordance with the 3951
program guidelines and criteria established by ~~the board and the~~ 3952
cabinet council, ~~the board and the~~ cabinet council may revise the 3953
allocation of funds that the county ~~council~~ department of job and 3954
family services receives. 3955

~~The board shall prepare an annual report detailing the~~ 3956
~~results of the program. The report shall be submitted to the~~ 3957
~~governor, the president and minority leader of the senate, and the~~ 3958
~~speaker and minority leader of the house of representatives.~~ 3959

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

office of three years. The appointees shall include educators, 3974
including teachers and administrators; representatives of youth 3975
organizations; students and parents; representatives of 3976
organizations engaged in volunteer program development and 3977
management throughout the state, including youth and conservation 3978
programs; and representatives of business, government, nonprofit 3979
organizations, social service agencies, veterans organizations, 3980
religious organizations, or philanthropies that support or 3981
encourage volunteerism within the state. Members of the council 3982
shall receive no compensation, but shall be reimbursed for actual 3983
and necessary expenses incurred in the performance of their 3984
official duties. 3985

(B) The council shall appoint an executive director for the 3986
council, who shall be in the unclassified civil service. The 3987
executive director shall supervise the council's activities and 3988
report to the council on the progress of those activities. The 3989
executive director shall do all things necessary for the efficient 3990
and effective implementation of the duties of the council. 3991

The responsibilities assigned to the executive director do 3992
not relieve the members of the council from final responsibility 3993
for the proper performance of the requirements of this ~~division~~ 3994
section. 3995

(C) The council or its designee shall do all of the 3996
following: 3997

(1) Employ, promote, supervise, and remove all employees as 3998
needed in connection with the performance of its duties under this 3999
section and may assign duties to those employees as necessary to 4000
achieve the most efficient performance of its functions, and to 4001
that end may establish, change, or abolish positions, and assign 4002
and reassign duties and responsibilities of any employee of the 4003
council. Personnel employed by the council who are subject to 4004
Chapter 4117. of the Revised Code shall retain all of their rights 4005

and benefits conferred pursuant to that chapter. Nothing in this 4006
chapter shall be construed as eliminating or interfering with 4007
Chapter 4117. of the Revised Code or the rights and benefits 4008
conferred under that chapter to public employees or to any 4009
bargaining unit. 4010

(2) Maintain its office in Columbus, and may hold sessions at 4011
any place within the state; 4012

(3) Acquire facilities, equipment, and supplies necessary to 4013
house the council, its employees, and files and records under its 4014
control, and to discharge any duty imposed upon it by law. The 4015
expense of these acquisitions shall be audited and paid for in the 4016
same manner as other state expenses. For that purpose, the council 4017
shall prepare and submit to the office of budget and management a 4018
budget for each biennium according to sections 101.532 and 107.03 4019
of the Revised Code. The budget submitted shall cover the costs of 4020
the council and its staff in the discharge of any duty imposed 4021
upon the council by law. The council shall not delegate any 4022
authority to obligate funds. 4023

(4) Pay its own payroll and other operating expenses from 4024
line items designated by the general assembly; 4025

(5) Retain its fiduciary responsibility as appointing 4026
authority. Any transaction instructions shall be certified by the 4027
appointing authority or its designee. 4028

(6) Establish the overall policy and management of the 4029
council in accordance with this chapter; 4030

(7) Assist in coordinating and preparing the state 4031
application for funds under sections 101 to 184 of the "National 4032
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 4033
U.S.C.A. 12411 to 12544, ~~and amendments thereto~~ as amended, assist 4034
in administering and overseeing the "National and Community 4035
Service Trust Act of 1993," P.L. 103-82, 107 Stat. 785, and the 4036

americorps program in this state, and assist in developing 4037
objectives for a comprehensive strategy to encourage and expand 4038
community service programs throughout the state; 4039

(8) Assist the state board of education, school districts, 4040
the board of regents, and institutions of higher education in 4041
coordinating community service education programs through 4042
cooperative efforts between institutions and organizations in the 4043
public and private sectors; 4044

(9) Assist the departments of natural resources, youth 4045
services, aging, and job and family services in coordinating 4046
community service programs through cooperative efforts between 4047
institutions and organizations in the public and private sectors; 4048

(10) Suggest individuals and organizations that are available 4049
to assist school districts, institutions of higher education, and 4050
the departments of natural resources, youth services, aging, and 4051
job and family services in the establishment of community service 4052
programs and assist in investigating sources of funding for 4053
implementing ~~such~~ these programs; 4054

(11) Assist in evaluating the state's efforts in providing 4055
community service programs using standards and methods that are 4056
consistent with any statewide objectives for ~~such~~ these programs 4057
and provide information to the state board of education, school 4058
districts, the board of regents, institutions of higher education, 4059
and the departments of natural resources, youth services, aging, 4060
and job and family services to guide them in making decisions 4061
about these programs; 4062

(12) Assist the state board of education in complying with 4063
section 3301.70 of the Revised Code and the board of regents in 4064
complying with division (B)(2) of section 3333.043 of the Revised 4065
Code. 4066

(D) The department of aging shall serve as the council's 4067

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

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

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

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

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

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

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

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

(3) Responsibility to cooperate with and inform the

department of aging as fiscal agent to ensure that the department 4098
is fully apprised of all financial transactions. 4099

The council shall follow all state procurement requirements. 4100

The department of aging shall determine fees to be charged to 4101
the council, which shall be in proportion to the services 4102
performed for the council. 4103

The council shall pay fees owed to the department of aging 4104
from a general revenue fund of the council or from any other fund 4105
from which the operating expenses of the council are paid. Any 4106
amounts set aside for a fiscal year for the payment of ~~such~~ these 4107
fees shall be used only for the services performed for the council 4108
by the department of aging in that fiscal year. 4109

Sec. 121.63. (A) Each executive agency lobbyist and each 4110
employer shall file with the joint legislative ethics committee, 4111
with the updated registration statement required by division (B) 4112
of section 121.62 of the Revised Code, a statement of expenditures 4113
as specified in divisions (B) and (C) of this section. An 4114
executive agency lobbyist shall file a separate statement of 4115
expenditures under this section for each employer that engages ~~him~~ 4116
the executive agency lobbyist. 4117

(B)(1) In addition to the information required by divisions 4118
(B)(2) and (3) of this section, a statement filed by an executive 4119
agency lobbyist shall show the total amount of expenditures made 4120
during the reporting period covered by the statement by the 4121
executive agency lobbyist. 4122

(2) If, during a reporting period covered by a statement, an 4123
employer or any executive agency lobbyist ~~he~~ the employer engaged 4124
made, either separately or in combination with each other, 4125
expenditures to, at the request of, for the benefit of, or on 4126
behalf of a particular elected executive official, the director of 4127

a department created under section 121.02 of the Revised Code, a 4128
particular executive agency official, or a particular member of 4129
the staff of any public officer listed in division (B)(2) of this 4130
section, the employer or executive agency lobbyist also shall 4131
state the name of the public officer or employee to whom, at whose 4132
request, for whose benefit, or on whose behalf the expenditures 4133
were made, the total amount of the expenditures made, a brief 4134
description of the expenditures made, the approximate date the 4135
expenditures were made, the executive agency decision, if any, 4136
sought to be influenced, and the identity of the client on whose 4137
behalf the expenditure was made. 4138

As used in division (B)(2) of this section, "expenditures" 4139
does not include expenditures made by an executive agency lobbyist 4140
as payment for meals and other food and beverages. 4141

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

lobbyist shall also state regarding those expenditures the name of 4160
the public officer or employee to whom, at whose request, for 4161
whose benefit, or on whose behalf the expenditures were made, the 4162
total amount of the expenditures made, a brief description of the 4163
expenditures made, the approximate date the expenditures were 4164
made, the executive agency decision, if any, sought to be 4165
influenced, and the identity of the client on whose behalf the 4166
expenditure was made. 4167

(C) In addition to the information required by divisions 4168
(B)(2) and (3) of this section, a statement filed by an employer 4169
shall show the total amount of expenditures made by the employer 4170
filing the statement during the period covered by the statement. 4171
As used in this section, "expenditures" does not include the 4172
expenses of maintaining office facilities, or the compensation 4173
paid to executive agency lobbyists engaged to influence executive 4174
agency decisions or conduct executive agency lobbying activity. 4175

No employer shall be required to show any expenditure on a 4176
statement filed under this division if the expenditure is reported 4177
on a statement filed under division (B)(1), (2), or (3) of this 4178
section by an executive agency lobbyist engaged by the employer. 4179

(D) Any statement required to be filed under this section 4180
shall be filed at the times specified in section 121.62 of the 4181
Revised Code. Each statement shall cover expenditures made during 4182
the four-calendar-month period that ended on the last day of the 4183
month immediately preceding the month in which the statement is 4184
required to be filed. 4185

(E) If it is impractical or impossible for an executive 4186
agency lobbyist or employer to determine exact dollar amounts or 4187
values of expenditures, reporting of good faith estimates, based 4188
on reasonable accounting procedures, constitutes compliance with 4189
this division. 4190

(F) Executive agency lobbyists and employers shall retain 4191

receipts or maintain records for all expenditures that are 4192
required to be reported pursuant to this section. These receipts 4193
or records shall be maintained for a period ending on the 4194
thirty-first day of December of the second calendar year after the 4195
year in which the expenditure was made. 4196

(G)(1) At least ten days before the date on which the 4197
statement is filed, each employer or executive agency lobbyist who 4198
is required to file an expenditure statement under division (B)(2) 4199
or (3) of this section shall deliver a copy of the statement, or 4200
the portion showing the expenditure, to the public officer or 4201
employee who is listed in the statement as having received the 4202
expenditure or on whose behalf it was made. 4203

(2) If, during a reporting period covered by an expenditure 4204
statement filed under division (B)(2) of this section, an employer 4205
or any executive agency lobbyist ~~he~~ the employer engaged made, 4206
either separately or in combination with each other, either 4207
directly or indirectly, expenditures for an honorarium or for 4208
transportation, lodging, or food and beverages purchased for 4209
consumption on the premises in which the food and beverages were 4210
sold to, at the request of, for the benefit or, or on behalf of 4211
any of the public officers or employees described in division 4212
(B)(2) of this section, the employer or executive agency lobbyist 4213
shall deliver to the public officer or employee a statement that 4214
contains all of the nondisputed information prescribed in division 4215
(B)(2) of this section with respect to the expenditures described 4216
in division (G)(2) of this section. The statement of expenditures 4217
made under division (G)(2) of this section shall be delivered to 4218
the public officer or employee to whom, at whose request, for 4219
whose benefit, or on whose behalf those expenditures were made on 4220
the same day in which a copy of the expenditure statement or of a 4221
portion showing the expenditure is delivered to the public officer 4222
or employee under division (G)(1) of this section. An employer is 4223

not required to show any expenditure on a statement delivered 4224
under division (G)(2) of this section if the expenditure is shown 4225
on a statement delivered under division (G)(2) of this section by 4226
a legislative agent engaged by the employer. 4227

Sec. 122.011. (A) The department of development shall develop 4228
and promote plans and programs designed to assure that state 4229
resources are efficiently used, economic growth is properly 4230
balanced, community growth is developed in an orderly manner, and 4231
local governments are coordinated with each other and the state, 4232
and for such purposes may do all of the following: 4233

(1) Serve as a clearinghouse for information, data, and other 4234
materials that may be helpful or necessary to persons or local 4235
governments, as provided in section 122.07 of the Revised Code; 4236
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(2) Prepare and activate plans for the retention, 4238
development, expansion, and use of the resources and commerce of 4239
the state, as provided in section 122.04 of the Revised Code; 4240

(3) Assist and cooperate with federal, state, and local 4241
governments and agencies of federal, state, and local governments 4242
in the coordination of programs to carry out the functions and 4243
duties of the department; 4244

(4) Encourage and foster research and development activities, 4245
conduct studies related to the solution of community problems, and 4246
develop recommendations for administrative or legislative actions, 4247
as provided in section 122.03 of the Revised Code; 4248
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(5) Serve as the economic and community development planning 4250
agency, which shall prepare and recommend plans and programs for 4251
the orderly growth and development of this state and which shall 4252
provide planning assistance, as provided in section 122.06 of the 4253
Revised Code; 4254

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

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

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

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

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

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

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

~~applications, information, analyses, and summaries to the director of agriculture;~~ 4286
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~~(13)~~ Until July 1, ~~2001~~ 2003, establish fees and charges, in consultation with the director of agriculture, for purchasing loans from financial institutions and providing loan guarantees under the family farm loan program created under sections 901.80 to 901.83 of the Revised Code; 4288
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~~(14)~~(13) Provide loan servicing for the loans purchased and loan guarantees provided under section 901.80 of the Revised Code as that section existed prior to July 1, ~~2001~~ 2003; 4293
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~~(15)~~(14) Until July 1, ~~2001~~ 2003, and upon approval by the controlling board under division (A)(3) of section 901.82 of the Revised Code of the release of money to be used for purchasing a loan or providing a loan guarantee, request the release of that money in accordance with division (B) of section 166.03 of the Revised Code for use for the purposes of the fund created by section 166.031 of the Revised Code. 4296
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(B) The department, by rule, shall establish criteria defining nonprofit corporations that are eligible for appointment as qualified agents pursuant to sections 135.81 to 135.88 of the Revised Code. The criteria shall require that a corporation be organized pursuant to Chapter 1702. of the Revised Code and have as its primary purpose the promotion of economic development or the creation or retention of jobs and job opportunities. The criteria may include a specification as to the professional qualifications of the corporation employees, a minimum elapsed period of time since the corporation was organized, current and former activities of the corporation, and such other criteria reasonably related to the foregoing that relate to the ability of the corporation to act as a qualified agent for the purposes of sections ~~135.51~~ 135.81 to 135.88 of the Revised Code. 4303
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(C) The director of development may request the attorney 4317

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

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

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(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.

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

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(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.

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(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.

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(E) "Fund" means the capital access loan program fund. 4348

(F) "Participating financial institution" means a financial institution that has a valid, current participation agreement with the department. 4349
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(G) "Participation agreement" means the agreement between a financial institution and the department under which a financial institution may participate in the program. 4352
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(H) "Passive real estate ownership" means the ownership of real estate for the sole purpose of deriving income from it by speculation, trade, or rental. 4355
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(I) "Program" means the capital access loan program created under section 122.602 of the Revised Code. 4358
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(J) "Program reserve account" means a dedicated account at each participating financial institution that is the property of the state and may be used by the participating financial institution only for the purpose of recovering a claim under section 122.604 of the Revised Code arising from a default on a loan made by the participating financial institution under the program. 4360
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Sec. 122.601. There is hereby created in the state treasury the capital access loan program fund. The fund shall consist of money deposited into it from the facilities establishment fund pursuant to section 166.03 of the Revised Code and all money deposited into it pursuant to section 122.602 of the Revised Code. The total amount of money deposited into the fund from the facilities establishment fund shall not exceed three million dollars during any particular fiscal year of the department. 4367
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The department shall disburse money from the capital access loan program fund only to pay the operating costs of the program and only in keeping with the purposes specified in sections 122.60 4375
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to 122.605 of the Revised Code.

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

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

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

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

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

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(C) To be considered eligible by the director to participate 4408
in the program, a financial institution shall enter into a 4409
participation agreement with the department that sets out the 4410
terms and conditions under which the department will deposit 4411
moneys from the fund into the financial institution's program 4412
reserve account, specifies the criteria for loan qualification 4413
under the program, and contains any additional terms the director 4414
considers necessary. 4415

(D) After receiving the certification required under division 4416
(C) of section 122.603 of the Revised Code, the director shall 4417
disburse moneys from the fund to a participating financial 4418
institution for deposit in its program reserve account if the 4419
director determines that the capital access loan involved meets 4420
all of the following criteria: 4421

(1) It will be made to an eligible business. 4422

(2) It will be used by the eligible business for a project, 4423
activity, or enterprise in the state that fosters economic 4424
development. 4425

(3) It will not be made in order to enroll in the program 4426
prior debt that is not covered under the program and that is owed 4427
or was previously owed by an eligible business to the financial 4428
institution. 4429

(4) It will not be utilized for a project or development 4430
related to the on-site construction or purchase of residential 4431
housing. 4432

(5) It will not be used to finance passive real estate 4433
ownership. 4434

(6) It conforms to the requirements of divisions (E), (F), 4435
(G), (H), and (I) of this section, and to the rules adopted by the 4436
director under division (A)(2) of this section. 4437

(E) The director shall not approve a capital access loan to an eligible business that exceeds two hundred fifty thousand dollars for working capital or five hundred thousand dollars for the purchase of fixed assets. An eligible business may apply for the maximum amount for both working capital and the purchase of fixed assets in the same capital access loan. 4438
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(F) A financial institution may apply to the director for the approval of a capital access loan to any business that is owned or operated by a person that has previously defaulted under any state financial assistance program. 4444
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(G) Eligible businesses that apply for a capital access loan shall comply with section 9.66 of the Revised Code. 4448
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(H) A financial institution may apply to the director for the approval of a capital access loan that refinances a nonprogram loan made by another financial institution. 4450
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(I) The director shall not approve a capital access loan that refinances a nonprogram loan made by the same financial institution, unless the amount of the refinanced loan exceeds the existing debt, in which case only the amount exceeding the existing debt is eligible for a loan under the program. 4453
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Sec. 122.603. (A)(1) Upon approval by the director of development and after entering into a participation agreement with the department, a participating financial institution making a capital access loan shall establish a program reserve account. The account shall be an interest-bearing account and shall contain only moneys deposited into it under the program and the interest payable on the moneys in the account. 4458
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(2) All interest payable on the moneys in the program reserve account shall be added to the moneys and held as an additional loss reserve. The director may require that a portion or all of 4465
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the accrued interest so held in the account be released to the
department. If the director causes a release of accrued interest,
the director shall deposit the released amount into the fund. The
director shall not require the release of accrued interest more
than twice in a fiscal year.

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

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

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(D) On receipt of a certification made under division (C) of
this section and subject to section 122.602 of the Revised Code,
the director shall disburse to the participating financial
institution from the fund an amount equal to ten per cent of the
principal amount of the particular capital access loan for deposit

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into the participating financial institution's program reserve 4500
account. The disbursement of moneys from the fund to a 4501
participating financial institution does not require approval from 4502
the controlling board. 4503

(E) If the amount in a program reserve account exceeds an 4504
amount equal to thirty-three per cent of a participating financial 4505
institution's outstanding capital access loans, the department may 4506
cause the withdrawal of the excess amount and the deposit of the 4507
withdrawn amount into the fund. 4508

(F)(1) The department may cause the withdrawal of the total 4509
amount in a participating financial institution's program reserve 4510
account if any of the following applies: 4511

(a) The financial institution is no longer eligible to 4512
participate in the program. 4513

(b) The participation agreement expires without renewal by 4514
the department or the financial institution. 4515

(c) The financial institution has no outstanding capital 4516
access loans. 4517

(d) The financial institution has not made a capital access 4518
loan within the preceding twenty-four months. 4519

(2) If the department causes a withdrawal under division 4520
(F)(1) of this section, the department shall deposit the withdrawn 4521
amount into the fund. 4522

Sec. 122.604. (A) If a participating financial institution 4523
determines that a portion or all of a capital access loan is 4524
uncollectible, it may submit a claim to the department for 4525
approval of the release of moneys from its program reserve 4526
account. 4527

(B) The claim may include the amount of principal plus 4528

accrued interest owed. The amount of principal included in the 4529
claim may not exceed the principal amount covered by the program. 4530
The amount of accrued interest included in the claim may not 4531
exceed the accrued interest attributable to the covered principal 4532
amount. 4533

(C) The participating financial institution shall determine 4534
the timing and amount of delinquency on a capital access loan in a 4535
manner consistent with the participating financial institution's 4536
normal method for making these determinations on similar 4537
nonprogram loans. 4538

(D) If the participating financial institution files two or 4539
more claims at the same time or approximately the same time and 4540
there are insufficient funds in its program reserve account at 4541
that time to cover the entire amount of the claims, the 4542
participating financial institution may specify an order of 4543
priority in which the department shall approve the release of 4544
funds from the account in relation to the claims. 4545

(E) If subsequent to the payment of a claim, a participating 4546
financial institution recovers from an eligible business any 4547
amount covered by the paid claim, the participating financial 4548
institution shall promptly deposit the amount recovered into its 4549
program reserve account, less any reasonable expenses incurred. 4550

Sec. 122.605. Each participating financial institution shall 4551
submit an annual report to the department on or before the 4552
thirty-first day of March of each year. The report shall include 4553
or be accompanied by all of the following: 4554

(A) Information regarding the participating financial 4555
institution's outstanding capital access loans, its capital access 4556
loan losses, and other related matters that the department 4557
considers appropriate; 4558

(B) A statement of the total amount of the participating financial institution's capital access loans for which the department has made disbursements from the fund under the program; 4559
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(C) A copy of the participating financial institution's most recent financial statement. 4562
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Sec. 122.71. As used in sections 122.71 to 122.83 of the Revised Code: 4564
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(A) "Financial institution" means any banking corporation, trust company, insurance company, savings and loan association, building and loan association, or corporation, partnership, federal lending agency, foundation, or other institution engaged in lending or investing funds for industrial or business purposes. 4566
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(B) "Project" means any real or personal property connected with or being a part of an industrial, distribution, commercial, or research facility to be acquired, constructed, reconstructed, enlarged, improved, furnished, or equipped, or any combination thereof, with the aid provided under sections 122.71 to 122.83 of the Revised Code, for industrial, commercial, distribution, and research development of the state. 4571
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(C) "Mortgage" means the lien imposed on a project by a mortgage on real property, or by financing statements on personal property, or a combination of a mortgage and financing statements when a project consists of both real and personal property. 4578
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(D) "Mortgagor" means the principal user of a project or the person, corporation, partnership, or association unconditionally guaranteeing performance by the principal user of its obligations under the mortgage. 4582
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(E)(1) "Minority business enterprise" means an individual who is a United States citizen and owns and controls a business, or a partnership, corporation, or joint venture of any kind that is 4586
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owned and controlled by United States citizens ~~who, which citizen~~ 4589
~~or citizens~~ are residents of this state ~~or nonresidents of this~~ 4590
~~state who have a significant presence in this state,~~ and who are 4591
members of one of the following economically disadvantaged groups: 4592
Blacks, American Indians, Hispanics, and Orientals. 4593

(2) "Owned and controlled" means that at least fifty-one per 4594
cent of the business, including corporate stock if a corporation, 4595
is owned by persons who belong to one or more of the groups set 4596
forth in division (E)(1) of this section, and that those owners 4597
have control over the management and day-to-day operations of the 4598
business and an interest in the capital, assets, and profits and 4599
losses of the business proportionate to their percentage of 4600
ownership. In order to qualify as a minority business enterprise, 4601
a business shall have been owned and controlled by those persons 4602
at least one year prior to being awarded a contract pursuant to 4603
this section. 4604

(F) "Community improvement corporation" means a corporation 4605
organized under Chapter 1724. of the Revised Code. 4606

(G) "Ohio development corporation" means a corporation 4607
organized under Chapter 1726. of the Revised Code. 4608

(H) "Minority contractors business assistance organization" 4609
means an entity engaged in the provision of management and 4610
technical business assistance to minority business enterprise 4611
entrepreneurs. 4612

(I) "Minority business supplier development council" means a 4613
nonprofit organization established as an affiliate of the national 4614
minority supplier development council. 4615

Sec. 122.76. (A) The director of development, with 4616
controlling board approval, may lend funds to minority business 4617
enterprises and to community improvement corporations ~~and,~~ Ohio 4618
development corporations, minority contractors business assistance 4619

organizations, and minority business supplier development councils 4620
for the purpose of loaning funds to minority business enterprises 4621
and for the purpose of procuring or improving real or personal 4622
property, or both, for the establishment, location, or expansion 4623
of industrial, distribution, commercial, or research facilities in 4624
the state, if the director determines, in the director's sole 4625
discretion, that all of the following apply: 4626

(1) The project is economically sound and will benefit the 4627
people of the state by increasing opportunities for employment, by 4628
strengthening the economy of the state, or expanding minority 4629
business enterprises~~+~~. 4630

(2) The proposed minority business enterprise borrower is 4631
unable to finance the proposed project through ordinary financial 4632
channels at comparable terms~~+~~. 4633

(3) The value of the project is~~+~~ or~~+~~ upon completion ~~thereof,~~ 4634
will be~~+~~ at least equal to the total amount of the money expended 4635
in the procurement or improvement of the project~~+~~ and ~~of which~~ 4636
~~amount~~ one or more financial institutions or other governmental 4637
entities have loaned not less than thirty per cent~~+~~ of that 4638
amount. 4639

(4) The amount to be loaned by the director will not exceed 4640
sixty per cent of the total amount expended in the procurement or 4641
improvement of the project~~+~~. 4642

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

expansion of all or part of a project. 4652

(B) Any proposed minority business enterprise borrower 4653
submitting an application for assistance under this section shall 4654
not have defaulted on a previous loan from the director, and no 4655
full or limited partner, ~~or~~ major shareholder, or holder of an 4656
equity interest of the proposed minority business enterprise 4657
borrower shall have defaulted on a loan from the director. 4658

(C) The proposed minority business enterprise borrower shall 4659
demonstrate to the satisfaction of the director that it is able to 4660
successfully compete in the private sector if it obtains the 4661
necessary financial, technical, or managerial support and that 4662
support is available through the director, the minority business 4663
development office of the department of development, or other 4664
identified and acceptable sources. In determining whether a 4665
minority business enterprise borrower will be able to successfully 4666
compete, the director may give consideration to such factors as 4667
the successful completion of or participation in courses of study, 4668
recognized by the board of regents as providing financial, 4669
technical, or managerial skills related to the operation of the 4670
business, by the economically disadvantaged individual, owner, or 4671
partner, and the prior success of the individual, owner, or 4672
partner in personal, career, or business activities, as well as to 4673
other factors identified by the director. 4674

(D) The director shall not lend funds for the purpose of 4675
procuring or improving motor vehicles, power-driven vehicles, 4676
office equipment, raw materials, small tools, supplies, 4677
inventories, or accounts receivable. 4678

Sec. 122.92. There is hereby created in the department of 4679
development a minority business development division. The division 4680
shall do all of the following: 4681

(A) Provide technical, managerial, and counseling services 4682

and assistance to minority business enterprises;	4683
(B) Provide procurement and bid packaging assistance to minority business enterprises;	4684 4685
(C) Provide bonding technical assistance to minority business enterprises;	4686 4687
(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;	4688 4689 4690 4691 4692 4693
(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;	4694 4695 4696 4697 4698
(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;	4699 4700 4701 4702 4703
(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;	4704 4705 4706 4707
(H) Design, implement, and assist in experimental and demonstration projects designed to overcome the special problems of minority business enterprises;	4708 4709 4710
(I) Coordinate reviews of all proposed state training and technical assistance activities in direct support of minority	4711 4712

business enterprise programs to ensure consistency with program 4713
goals and to preclude duplication of efforts by other state 4714
agencies; 4715

(J) Recommend appropriate legislative or executive actions to 4716
enhance minority business enterprise opportunities in the state; 4717
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(K) Assist minority business enterprises in obtaining 4719
governmental or commercial financing for business expansion, 4720
establishment of new businesses, or industrial development 4721
projects; 4722

(L) Assist minority business enterprises in contract 4723
procurement from government and commercial sources; 4724

(M) Establish procedures to identify groups who have been 4725
disadvantaged because of racial, cultural, or ethnic circumstances 4726
without regard to the individual qualities of the members of the 4727
group; 4728

(N) Establish procedures to identify persons who have been 4729
economically disadvantaged; 4730

(O) Provide grant assistance to nonprofit entities that 4731
promote economic development, development corporations, community 4732
improvement corporations, and incubator business entities, if the 4733
entities or corporations focus on business, technical, and 4734
financial assistance to minority business enterprises to assist 4735
the enterprises with fixed asset financing; 4736

(P) Do all acts and things necessary or proper to carry out 4737
the powers expressly granted and duties imposed by sections 122.92 4738
to 122.94 of the Revised Code. 4739

Sec. 124.24. Notwithstanding sections 124.01 to 124.64 and 4740
Chapter 145. of the Revised Code, the examinations of applicants 4741
for the positions of deputy mine inspector, superintendent of 4742

rescue stations, assistant superintendent of rescue stations, 4743
electrical inspectors, gas storage well inspector, and mine 4744
chemists in the division of mineral resources management, 4745
department of natural resources, as provided in Chapters 1561., 4746
1563., 1565., and 1567. of the Revised Code shall be provided for, 4747
conducted, and administered by the ~~mine examining board created by~~ 4748
~~section 1561.10 of the Revised Code~~ chief of the division of 4749
mineral resources management. 4750

From the returns of the examinations the ~~mine examining board~~ 4751
chief shall prepare eligible lists of the persons whose general 4752
average standing upon examinations for such grade or class is not 4753
less than the minimum fixed by ~~the rules of the board~~ adopted 4754
under section 1561.05 of the Revised Code and who are otherwise 4755
eligible. All appointments to a position shall be made from such 4756
eligible list in the same manner as appointments are made from 4757
eligible lists prepared by the director of administrative 4758
services. Any person upon being appointed to fill one of the 4759
positions provided for in this section, from any such eligible 4760
list, shall have the same standing, rights, privileges, and status 4761
as other state employees in the classified service. 4762

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

authority under division (A)(2) of section 124.81 of the Revised Code. 4775
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(B) The department may, in addition, in consultation with the superintendent of insurance, negotiate and contract with health insuring corporations holding a certificate of authority under Chapter 1751. of the Revised Code, in their approved service areas only, for issuance of a contract or contracts of health care services, covering state employees who are paid directly by warrant of the auditor of state, including elected state officials. Except for health insuring corporations, no more than one insurance carrier or health plan shall be contracted with to provide the same plan of benefits, provided that: 4777
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(1) The amount of the premium or cost for such coverage contributed by the state, for an individual or for an individual and the individual's family, does not exceed that same amount of the premium or cost contributed by the state under division (A) of this section; 4787
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(2) The employee be permitted to exercise the option as to which plan the employee will select under division (A) or (B) of this section, at a time that shall be determined by the department; 4792
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(3) The health insuring corporations do not refuse to accept the employee, or the employee and the employee's family, if the employee exercises the option to select care provided by the corporations; 4796
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(4) The employee may choose participation in only one of the plans sponsored by the department; 4800
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(5) The director of health examines and certifies to the department that the quality and adequacy of care rendered by the health insuring corporations meet at least the standards of care provided by hospitals and physicians in that employee's community, 4802
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who would be providing such care as would be covered by a contract 4806
awarded under division (A) of this section. 4807

(C) All or any portion of the cost, premium, or charge for 4808
the coverage in divisions (A) and (B) of this section may be paid 4809
in such manner or combination of manners as the department 4810
determines and may include the proration of health care costs, 4811
premiums, or charges for part-time employees. 4812

(D) Notwithstanding division (A) of this section, the 4813
department may provide benefits equivalent to those that may be 4814
paid under a policy or contract issued by an insurance company or 4815
a health plan pursuant to division (A) of this section. 4816

(E) This section does not prohibit the state office of 4817
collective bargaining from entering into an agreement with an 4818
employee representative for the purposes of providing fringe 4819
benefits, including, but not limited to, hospitalization, surgical 4820
care, major medical care, disability, dental care, vision care, 4821
medical care, hearing aids, prescription drugs, group life 4822
insurance, sickness and accident insurance, group legal services 4823
or other benefits, or any combination thereof, to employees paid 4824
directly by warrant of the auditor of state through a jointly 4825
administered trust fund. The employer's contribution for the cost 4826
of the benefit care shall be mutually agreed to in the 4827
collectively bargained agreement. The amount, type, and structure 4828
of fringe benefits provided under this division is subject to the 4829
determination of the board of trustees of the jointly administered 4830
trust fund. Notwithstanding any other provision of the Revised 4831
Code, competitive bidding does not apply to the purchase of fringe 4832
benefits for employees under this division when such benefits are 4833
provided through a jointly administered trust fund. 4834

(F) Members of state boards and commissions who are members 4835
of the public employees retirement system may be covered by any 4836
policy, contract, or plan of benefits or services described in 4837

division (A) or (B) of this section if they pay the entire amount 4838
of the premiums, costs, or charges for that coverage. 4839

Sec. 125.22. (A) The department of administrative services 4840
shall establish the central service agency to perform routine 4841
support for the following boards and commissions: 4842

(1) State board of examiners of architects; 4843

(2) Barber board; 4844

(3) State chiropractic board; 4845

(4) State board of cosmetology; 4846

(5) Accountancy board; 4847

(6) State dental board; 4848

(7) State board of optometry; 4849

(8) Ohio occupational therapy, physical therapy, and athletic 4850
trainers board; 4851

(9) State board of registration for professional engineers 4852
and surveyors; 4853

(10) State board of sanitarian registration; 4854

(11) Board of embalmers and funeral directors; 4855

(12) State board of psychology; 4856

(13) Ohio optical dispensers board; 4857

(14) Board of speech pathology and audiology; 4858

(15) Counselor and social worker board; 4859

(16) State veterinary medical licensing board; 4860

(17) Ohio board of dietetics; 4861

(18) Commission on Hispanic-Latino affairs; 4862

(19) Ohio respiratory care board; 4863

(20) Ohio commission on African-American males. 4864

(B)(1) Notwithstanding any other section of the Revised Code, 4865
the agency shall perform the following routine support services 4866
for the boards and commissions named in division (A) of this 4867
section unless the controlling board exempts a board or commission 4868
from this requirement on the recommendation of the director of 4869
administrative services: 4870

(a) Preparing and processing payroll and other personnel 4871
documents; 4872

(b) Preparing and processing vouchers, purchase orders, 4873
encumbrances, and other accounting documents; 4874

(c) Maintaining ledgers of accounts and balances; 4875

(d) Preparing and monitoring budgets and allotment plans in 4876
consultation with the boards and commissions; 4877

~~(e) Maintaining information required by section 3729.40 of 4878
the Revised Code;~~ 4879

~~(f)~~ Other routine support services that the director of 4880
administrative services considers appropriate to achieve 4881
efficiency. 4882

(2) The agency may perform other services which a board or 4883
commission named in division (A) of this section delegates to the 4884
agency and the agency accepts. 4885

(3) The agency may perform any service for any professional 4886
or occupational licensing board not named in division (A) of this 4887
section or any commission if the board or commission requests such 4888
service and the agency accepts. 4889

(C) The director of administrative services shall be the 4890
appointing authority for the agency. 4891

(D) The agency shall determine the fees to be charged to the 4892

boards and commissions, which shall be in proportion to the 4893
services performed for each board or commission. 4894

(E) Each board or commission named in division (A) of this 4895
section and any other board or commission requesting services from 4896
the agency shall pay these fees to the agency from the general 4897
revenue fund maintenance account of the board or commission or 4898
from such other fund as the operating expenses of the board or 4899
commission are paid. Any amounts set aside for a fiscal year by a 4900
board or commission to allow for the payment of fees shall be used 4901
only for the services performed by the agency in that fiscal year. 4902
All receipts collected by the agency shall be deposited in the 4903
state treasury to the credit of the central service agency fund, 4904
which is hereby created. All expenses incurred by the agency in 4905
performing services for the boards or commissions shall be paid 4906
from the fund. 4907

(F) Nothing in this section shall be construed as a grant of 4908
authority for the central service agency to initiate or deny 4909
personnel or fiscal actions for the boards and commissions. 4910

Sec. 126.11. (A)(1) The director of budget and management 4911
shall, upon consultation with the treasurer of state, coordinate 4912
and approve the scheduling of initial sales of publicly offered 4913
securities of the state and of publicly offered fractionalized 4914
interests in or securitized issues of public obligations of the 4915
state. The director shall from time to time develop and distribute 4916
to state issuers an approved sale schedule for each of the 4917
obligations covered by ~~this~~ division (A) or (B) of this section. 4918
~~This division~~ Division (A) of this section applies only to those 4919
obligations on which the state or a state agency is the direct 4920
obligor or obligor on any backup security or related credit 4921
enhancement facility or source of money subject to state 4922
appropriations that is intended for payment of those obligations. 4923

(2) The issuers of obligations pursuant to section 151.03, 4924
151.04, 151.05, or 151.07 or Chapter 152. of the Revised Code 4925
shall submit to the director: 4926

(a) For review and approval: the projected sale date, amount, 4927
and type of obligations proposed to be sold; their purpose, 4928
security, and source of payment; and the proposed structure and 4929
maturity schedule; 4930

(b) For review and comment: the authorizing order or 4931
resolution; preliminary and final offering documents; method of 4932
sale; preliminary and final pricing information; and any written 4933
reports or recommendations of financial advisors or consultants 4934
relating to those obligations; 4935

(c) Promptly after each sale of those obligations: final 4936
terms, including sale price, maturity schedule and yields, and 4937
sources and uses; names of the original purchasers or 4938
underwriters; a copy of the final offering document and of the 4939
transcript of proceedings; and any other pertinent information 4940
requested by the director. 4941

(3) The issuer of obligations pursuant to section 151.06 or 4942
151.08 or Chapter 154. ~~or 3318.~~ of the Revised Code shall submit 4943
to the director: 4944

(a) For review and mutual agreement: the projected sale date, 4945
amount, and type of obligations proposed to be sold; their 4946
purpose, security, and source of payment; and the proposed 4947
structure and maturity schedule; 4948

(b) For review and comment: the authorizing order or 4949
resolution; preliminary and final offering documents; method of 4950
sale; preliminary and final pricing information; and any written 4951
reports or recommendations of financial advisors or consultants 4952
relating to those obligations; 4953

(c) Promptly after each sale of those obligations: final 4954

terms, including sale price, maturity schedule and yields, and 4955
sources and uses; names of the original purchasers or 4956
underwriters; a copy of the final offering document and of the 4957
transcript of proceedings; and any other pertinent information 4958
requested by the director. 4959

(4) The issuers of obligations pursuant to Chapter 166., 4960
4981., 5540., or 6121., or section 5531.10, of the Revised Code 4961
shall submit to the director: 4962

(a) For review and comment: the projected sale date, amount, 4963
and type of obligations proposed to be sold; the purpose, 4964
security, and source of payment; and preliminary and final 4965
offering documents; 4966

(b) Promptly after each sale of those obligations: final 4967
terms, including a maturity schedule; names of the original 4968
purchasers or underwriters; a copy of the complete continuing 4969
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 4970
rule as from time to time in effect; and any other pertinent 4971
information requested by the director. 4972

(5) Not later than thirty days after the end of a fiscal 4973
year, each issuer of obligations subject to divisions (A) and (B) 4974
of this section shall submit to the director and to the treasurer 4975
of state a sale plan for the then current fiscal year for each 4976
type of obligation, projecting the amount and term of each 4977
issuance, the method of sale, and the month of sale. 4978

(B) Issuers of obligations pursuant to section 3318.085 or 4979
~~Chapter 122., 166., 175., 3345., 3347., 3366., 3377., 3706.,~~ 4980
~~3737., 5537., 6121., or 6123. of the Revised Code, and issuers of~~ 4981
~~securities issued pursuant to Chapter 165. of the Revised Code~~ 4982
~~other than a county or municipal corporation,~~ shall submit to the 4983
director copies of the preliminary and final offering documents 4984
upon their availability if not previously submitted pursuant to 4985

division (A) of this section. 4986

(C) Not later than the first day of January of each year, 4987
every state agency obligated to make payments on outstanding 4988
public obligations with respect to which fractionalized interests 4989
have been publicly issued, such as certificates of participation, 4990
shall submit a report to the director of the amounts payable from 4991
state appropriations under those public obligations during the 4992
then current and next two fiscal years, identifying the 4993
appropriation or intended appropriation from which payment is 4994
expected to be made. 4995

(D)(1) Information relating generally to the historic, 4996
current, or future demographics or economy or financial condition 4997
or funds or general operations of the state, and descriptions of 4998
any state contractual obligations relating to public obligations, 4999
to be contained in any offering document, continuing disclosure 5000
document, or written presentation prepared, approved, or provided, 5001
or committed to be provided, by an issuer in connection with the 5002
original issuance and sale of, or rating, remarketing, or credit 5003
enhancement facilities relating to, public obligations referred to 5004
in division (A) of this section shall be approved as to format and 5005
accuracy by the director before being presented, published, or 5006
disseminated in preliminary, draft, or final form, or publicly 5007
filed in paper, electronic, or other format. 5008

(2) Except for information described in division (D)(1) of 5009
this section that is to be contained in an offering document, 5010
continuing disclosure document, or written presentation, division 5011
(D)(1) of this section does not inhibit direct communication 5012
between an issuer and a rating agency, remarketing agent, or 5013
credit enhancement provider concerning an issuance of public 5014
obligations referred to in division (A) of this section or matters 5015
associated with that issuance. 5016

(3) The materials approved and provided pursuant to division 5017

(D) of this section are the information relating to the particular 5018
subjects provided by the state or state agencies that are required 5019
or contemplated by any applicable state or federal securities laws 5020
and any commitments by the state or state agencies made under 5021
those laws. Reliance for the purpose should not be placed on any 5022
other information publicly provided, in any format including 5023
electronic, by any state agency for other purposes, including 5024
general information provided to the public or to portions of the 5025
public. A statement to that effect shall be included in those 5026
materials so approved or provided. 5027

(E) Issuers of obligations referred to in division (A) of 5028
this section may take steps, by formal agreement, covenants in the 5029
proceedings, or otherwise, as may be necessary or appropriate to 5030
comply or permit compliance with applicable lawful disclosure 5031
requirements relating to those obligations, and may, subject to 5032
division (D) of this section, provide, make available, or file 5033
copies of any required disclosure materials as necessary or 5034
appropriate. Any such formal agreement or covenant relating to 5035
subjects referred to in division (D) of this section, and any 5036
description of that agreement or covenant to be contained in any 5037
offering document, shall be approved by the director before being 5038
entered into or published or publicly disseminated in preliminary, 5039
draft, or final form or publicly filed in paper, electronic, or 5040
other format. The director shall be responsible for making all 5041
filings in compliance with those requirements relating to direct 5042
obligations of the state, including fractionalized interests in 5043
those obligations. 5044

(F) No state agency or official shall, without the approval 5045
of the director of budget and management, do either of the 5046
following: 5047

(1) Enter into or commit to enter into a public obligation 5048
under which fractionalized interests in the payments are to be 5049

publicly offered, which payments are anticipated to be made from 5050
money from any source appropriated or to be appropriated by the 5051
general assembly or in which the provision stated in section 9.94 5052
of the Revised Code is not included; 5053

(2) Except as otherwise expressly authorized for the purpose 5054
by law, agree or commit to provide, from money from any source to 5055
be appropriated in the future by the general assembly, financial 5056
assistance to or participation in the costs of capital facilities, 5057
or the payment of debt charges, directly or by way of a credit 5058
enhancement facility, a reserve, rental payments, or otherwise, on 5059
obligations issued to pay costs of capital facilities. 5060

(G) As used in this section, "credit enhancement facilities," 5061
"debt charges," "fractionalized interests in public obligations," 5062
"obligor," "public issuer," and "securities" have the same 5063
meanings as in section 133.01 of the Revised Code; "public 5064
obligation" has the same meaning as in division (GG)(2) of section 5065
133.01 of the Revised Code; "obligations" means securities or 5066
public obligations or fractionalized interests in them; "issuers" 5067
means issuers of securities or state obligors on public 5068
obligations; "offering document" means an official statement, 5069
offering circular, private placement memorandum, or prospectus, or 5070
similar document; and "director" means the director of budget and 5071
management or the employee of the office of budget and management 5072
designated by the director for the purpose. 5073

Sec. 126.21. (A) The director of budget and management shall 5074
do all of the following: 5075

(1) Keep all necessary accounting records; 5076

(2) Prescribe and maintain the accounting system of the state 5077
and establish appropriate accounting procedures and charts of 5078
accounts; 5079

- (3) Establish procedures for the use of written, electronic, 5080
optical, or other communications media for approving payment 5081
vouchers; 5082
- (4) Reconcile, in the case of any variation between the 5083
amount of any appropriation and the aggregate amount of items of 5084
the appropriation, with the advice and assistance of the state 5085
agency affected by it and the ~~legislative budget office of the~~ 5086
legislative service commission, totals so as to correspond in the 5087
aggregate with the total appropriation. In the case of a conflict 5088
between the item and the total of which it is a part, the item 5089
shall be considered the intended appropriation. 5090
- (5) Evaluate on an ongoing basis and, if necessary, recommend 5091
improvements to the internal controls used in state agencies; 5092
5093
- (6) Authorize the establishment of petty cash accounts. The 5094
director of budget and management may withdraw approval for any 5095
petty cash account and require the officer in charge to return to 5096
the state treasury any unexpended balance shown by the officer's 5097
accounts to be on hand. Any officer who is issued a warrant for 5098
petty cash shall render a detailed account of the expenditures of 5099
the petty cash and shall report when requested the balance of 5100
petty cash on hand at any time. 5101
- (7) Process orders, invoices, vouchers, claims, and payrolls 5102
and prepare financial reports and statements; 5103
- (8) Perform extensions, reviews, and compliance checks prior 5104
to approving a payment as the director considers necessary; 5105
- (9) Issue the official comprehensive annual financial report 5106
of the state. The report shall cover all funds ~~and account groups~~ 5107
of the state reporting entity and shall include ~~general purpose~~ 5108
basic financial statements and required supplementary information 5109
prepared in accordance with generally accepted accounting 5110

principles and other information as the director provides. All 5111
state agencies, authorities, institutions, offices, retirement 5112
systems, and other component units of the state reporting entity 5113
as determined by the director shall furnish the director whatever 5114
financial statements and other information the director requests 5115
for the report, in the form, at the times, covering the periods, 5116
and with the attestation the director prescribes. The information 5117
for state institutions of higher education, as defined in section 5118
3345.011 of the Revised Code, shall be submitted to the director 5119
by the Ohio board of regents. The board shall establish a due date 5120
by which each such institution shall submit the information to the 5121
board, but no such date shall be later than one hundred twenty 5122
days after the end of the state fiscal year unless a later date is 5123
approved by the director. 5124

(B) In addition to the director's duties under division (A) 5125
of this section, the director of budget and management may 5126
establish and administer one or more state payment card programs 5127
that permit or require state agencies to use a payment card to 5128
purchase equipment, materials, supplies, or services in accordance 5129
with guidelines issued by the director. The director may contract 5130
with one or more vendors to provide the payment cards and payment 5131
card services. State agencies may only participate in state 5132
payment card programs that the director establishes pursuant to 5133
this section. 5134

Sec. 127.16. (A) Upon the request of either a state agency or 5135
the director of budget and management and after the controlling 5136
board determines that an emergency or a sufficient economic reason 5137
exists, the controlling board may approve the making of a purchase 5138
without competitive selection as provided in division (B) of this 5139
section. 5140

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

shall: 5143

(1) Make any purchase from a particular supplier, that would 5144
amount to fifty thousand dollars or more when combined with both 5145
the amount of all disbursements to the supplier during the fiscal 5146
year for purchases made by the agency and the amount of all 5147
outstanding encumbrances for purchases made by the agency from the 5148
supplier, unless the purchase is made by competitive selection or 5149
with the approval of the controlling board; 5150

(2) Lease real estate from a particular supplier, if the 5151
lease would amount to seventy-five thousand dollars or more when 5152
combined with both the amount of all disbursements to the supplier 5153
during the fiscal year for real estate leases made by the agency 5154
and the amount of all outstanding encumbrances for real estate 5155
leases made by the agency from the supplier, unless the lease is 5156
made by competitive selection or with the approval of the 5157
controlling board. 5158

(C) Any person who authorizes a purchase in violation of 5159
division (B) of this section shall be liable to the state for any 5160
state funds spent on the purchase, and the attorney general shall 5161
collect the amount from the person. 5162

(D) Nothing in division (B) of this section shall be 5163
construed as: 5164

(1) A limitation upon the authority of the director of 5165
transportation as granted in sections 5501.17, 5517.02, and 5166
5525.14 of the Revised Code; 5167

(2) Applying to medicaid provider agreements under Chapter 5168
5111. of the Revised Code or payments or provider agreements under 5169
disability assistance medical assistance established under Chapter 5170
5115. of the Revised Code; 5171

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

Revised Code;	5174
(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;	5175 5176 5177 5178 5179 5180 5181 5182 5183
(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;	5184 5185 5186 5187
(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.	5188 5189 5190 5191 5192 5193 5194 5195
(7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;	5196 5197 5198
(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;	5199 5200 5201 5202 5203 5204

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

services made in accordance with department of administrative	5234
services rules;	5235
(21) Applying to purchases from the United States postal	5236
service and purchases of stamps and postal meter replenishment	5237
from vendors at rates established by the United States postal	5238
service;	5239
(22) Applying to purchases of books, periodicals, pamphlets,	5240
newspapers, maintenance subscriptions, and other published	5241
materials;	5242
(23) Applying to purchases from other state agencies,	5243
including state-assisted institutions of higher education;	5244
(24) Limiting the authority of the director of environmental	5245
protection to enter into contracts under division (D) of section	5246
3745.14 of the Revised Code to conduct compliance reviews, as	5247
defined in division (A) of that section;	5248
(25) Applying to purchases from a qualified nonprofit agency	5249
pursuant to sections 4115.31 to 4115.35 of the Revised Code;	5250
(26) Applying to payments by the department of job and family	5251
services to the United States department of health and human	5252
services for printing and mailing notices pertaining to the tax	5253
refund offset program of the internal revenue service of the	5254
United States department of the treasury;	5255
(27) Applying to contracts entered into by the department of	5256
mental retardation and developmental disabilities under sections	5257
5123.18, 5123.182, and 5111.252 of the Revised Code;	5258
(28) Applying to payments made by the department of mental	5259
health under a physician recruitment program authorized by section	5260
5119.101 of the Revised Code;	5261
(29) Applying to contracts entered into with persons by the	5262
director of commerce for unclaimed funds collection and remittance	5263

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

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

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

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

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

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

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

(1) Purchases made through competitive selection or with

controlling board approval;	5295
(2) Purchases listed in division (D) of this section;	5296
(3) For the purposes of the thresholds of divisions (B)(1) and (E) of this section only, leases of real estate.	5297 5298
(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.	5299 5300 5301
Sec. 131.01. As used in Chapters 113., 117., 123., 124., 125., 126., 127., and 131. of the Revised Code, and any statute that uses the terms in connection with state accounting or budgeting:	5302 5303 5304 5305
(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.	5306 5307 5308 5309
(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.	5310 5311 5312 5313
(C) <u>"Accounting system"</u> means the total structure of records and procedures which discover, record, classify, and report information on the financial position and operations of a governmental unit or any of its funds, balanced account groups, and organizational components.	5314 5315 5316 5317 5318
(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.	5319 5320 5321 5322
(E) <u>"Allotment"</u> means all or part of an appropriation which	5323

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

appropriation at the end of the fiscal period for which it was 5354
appropriated. 5355

(Q) "Reappropriation" means an appropriation of a previous 5356
appropriation that is continued in force in a succeeding 5357
appropriation period. "Reappropriation" shall be equated with and 5358
incorporated in the term "appropriation." 5359

(R) "Voucher" means the document used to transmit a claim for 5360
payment and evidentiary matter related to the claim. 5361

(S) "Warrant" means an order drawn upon the treasurer of 5362
state by the auditor of state directing the treasurer of state to 5363
pay a specified amount, including an order to make a lump-sum 5364
payment to a financial institution for the transfer of funds by 5365
direct deposit or the drawdown of funds by electronic benefit 5366
transfer, and the resulting electronic transfer to or by the 5367
ultimate payees. 5368

The terms defined in this section shall be used, on all 5369
accounting forms, reports, formal rules, and budget requests 5370
produced by a state agency, only as defined in this section. 5371

Sec. 133.021. The general assembly hereby finds and declares 5372
that the "Tax Reform Act of 1986" (the "Act") establishes a 5373
unified volume ceiling on the aggregate amount of private activity 5374
bonds which can be issued in each state. The unified volume 5375
ceiling is the product of seventy-five dollars multiplied by the 5376
state population in 1987 and fifty dollars multiplied by the state 5377
population in each succeeding calendar year. 5378

The general assembly further finds and declares that the Act 5379
requires the state to allocate its volume ceiling according to a 5380
specified formula unless a different procedure is established by 5381
the governor or general assembly. 5382

The general assembly further finds and declares that pursuant 5383

to authorization of state legislation the general assembly has, by 5384
division (D)(3) of section 133.02 of the Revised Code, effective 5385
October 30, 1989, provided for delegating such function to the 5386
governor and for further delegation as therein provided, subject 5387
to such prospectively effective actions as may subsequently be 5388
taken by the general assembly. 5389

The general assembly further finds and declares that it 5390
desires to by legislation provide for an efficient, effective, and 5391
equitable procedure under which the state will allocate the 5392
unified volume ceiling. 5393

The general assembly therefore finds and declares that it is 5394
necessary to create the joint select committee on volume cap to 5395
create a process for the allocation of the unified volume ceiling. 5396

(A) Pursuant to section 146(e)(2)(B)(ii) of the Internal 5397
Revenue Code, which provides that a state may by law provide a 5398
different formula for allocating the state ceiling, there is 5399
hereby created the joint select committee on volume cap to provide 5400
for the allocation and the reallocation of the unified volume 5401
ceiling among the governmental units (or other authorities) in the 5402
state having authority to issue tax exempt private activity bonds. 5403

(B) The committee shall consist of eight members. Two members 5404
shall be from the house of representatives appointed by the 5405
speaker of the house of representatives; two members shall be from 5406
the senate appointed by the president of the senate; and four 5407
members shall be appointed by the governor. Each member shall be 5408
selected for ~~his or her~~ the member's knowledge and experience in 5409
tax exempt private activity bonds. The members shall serve at the 5410
pleasure of the appointing authority. A vacancy shall be filled in 5411
the same manner as the original appointment. 5412

(C) The purpose of the committee shall be to maximize the 5413
economic benefits of the unified volume ceiling to all citizens of 5414

the state. To this end, the joint select committee on volume cap 5415
shall: 5416

~~(1) Annually, survey the governmental units (or other 5417
authorities) in the state having authority to issue tax exempt 5418
private activity bonds concerning: 5419~~

~~(a) The amount of tax exempt private activity bonds issued 5420
for the previous calendar year; and 5421~~

~~(b) The amount requested for the calendar year allocation 5422
currently under consideration. 5423~~

~~(2) Set forth procedures for making allocations, reallocation 5424
and carry forward of the state's unified volume ceiling in 5425
accordance with the Act; 5426~~

~~(3)(2) Develop strategies for allocating and reallocating the 5427
unified volume ceiling which are designed to maximize the 5428
availability of tax exempt private activity bonds among competing 5429
sectors of the state. 5430~~

(D) To provide for the orderly and prompt issuance of private 5431
activity bonds, the committee is authorized to allocate the 5432
unified volume ceiling among those governmental units (or other 5433
authorities) in the state having authority to issue tax exempt 5434
private activity bonds. The committee shall reserve a portion of 5435
the unified volume ceiling to be allocated for multi-family rental 5436
housing projects. The committee in determination of unified volume 5437
ceiling allocations and reallocations shall consider the 5438
following: 5439

(1) The interest of the state with regard to long-term 5440
economic development, housing, education, redevelopment, and solid 5441
waste management; 5442

(2) The projected increase of jobs in the state; 5443

(3) The needs of political subdivisions. 5444

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

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

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

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

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

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

division (D) of section 133.10 of the Revised Code;	5476
(2) Securities issued under division (F) of this section,	5477
under section 133.301 of the Revised Code, and, to the extent in	5478
excess of the limitation stated in division (B) of this section,	5479
under division (E) of this section;	5480
(3) Indebtedness resulting from the dissolution of a joint	5481
vocational school district under section 3311.217 of the Revised	5482
Code, evidenced by outstanding securities of that joint vocational	5483
school district;	5484
(4) Loans, evidenced by any securities, received under	5485
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the	5486
Revised Code;	5487
(5) Debt incurred under section 3313.374 of the Revised Code;	5488
	5489
(6) Debt incurred pursuant to division (B)(5) of section	5490
3313.37 of the Revised Code to acquire computers and related	5491
hardware;	5492
<u>(7) Debt incurred under section 3318.041 of the Revised Code.</u>	5493
	5494
(E) A school district may become a special needs district as	5495
to certain securities as provided in division (E) of this section.	5496
(1) A board of education, by resolution, may declare its	5497
school district to be a special needs district by determining both	5498
of the following:	5499
(a) The student population is not being adequately serviced	5500
by the existing permanent improvements of the district.	5501
(b) The district cannot obtain sufficient funds by the	5502
issuance of securities within the limitation of division (B) of	5503
this section to provide additional or improved needed permanent	5504
improvements in time to meet the needs.	5505

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

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

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

(c) The projected needs;

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

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

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

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

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

(a) Nine per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by

the percentage by which the tax valuation has increased over the 5536
tax valuation on the first day of the sixtieth month preceding the 5537
month in which its board determines to submit to the electors the 5538
question of issuing the proposed securities; 5539

(b) Nine per cent of the sum of its tax valuation plus an 5540
amount that is the product of multiplying that tax valuation by 5541
the percentage, determined by the superintendent of public 5542
instruction, by which that tax valuation is projected to increase 5543
during the next ten years. 5544

(F) A school district may issue securities for emergency 5545
purposes, in a principal amount that does not exceed an amount 5546
equal to three per cent of its tax valuation, as provided in this 5547
division. 5548

(1) A board of education, by resolution, may declare an 5549
emergency if it determines both of the following: 5550

(a) School buildings or other necessary school facilities in 5551
the district have been wholly or partially destroyed, or condemned 5552
by a constituted public authority, or that such buildings or 5553
facilities are partially constructed, or so constructed or planned 5554
as to require additions and improvements to them before the 5555
buildings or facilities are usable for their intended purpose, or 5556
that corrections to permanent improvements are necessary to remove 5557
or prevent health or safety hazards. 5558

(b) Existing fiscal and net indebtedness limitations make 5559
adequate replacement, additions, or improvements impossible. 5560

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

emergency need. 5567

(3) The procedures for the election shall be as provided in 5568
section 133.18 of the Revised Code, except that: 5569

(a) The form of the ballot shall describe the emergency 5570
existing, refer to this division as the authority under which the 5571
emergency is declared, and state that the amount of the proposed 5572
securities exceeds the limitations prescribed by division (B) of 5573
this section; 5574

(b) The resolution required by division (B) of section 133.18 5575
of the Revised Code shall be certified to the county auditor and 5576
the board of elections at least seventy-five days prior to the 5577
election; 5578

(c) The county auditor shall advise and, not later than 5579
sixty-five days before the election, confirm that advice by 5580
certification to, the board of education of the information 5581
required by division (C) of section 133.18 of the Revised Code; 5582

(d) The board of education shall then certify its resolution 5583
and the information required by division (D) of section 133.18 of 5584
the Revised Code to the board of elections not less than sixty 5585
days prior to the election. 5586

(4) Notwithstanding division (B) of section 133.21 of the 5587
Revised Code, the first principal payment of securities issued 5588
under this division may be set at any date not later than sixty 5589
months after the earliest possible principal payment otherwise 5590
provided for in that division. 5591

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

shall include estimates of all costs of such installations, 5598
modifications, or remodeling, including costs of design, 5599
engineering, installation, maintenance, repairs, and debt service, 5600
and estimates of the amounts by which energy consumption and 5601
resultant operational and maintenance costs, as defined by the 5602
Ohio school facilities commission, would be reduced. 5603

If the board finds after receiving the report that the amount 5604
of money the district would spend on such installations, 5605
modifications, or remodeling is not likely to exceed the amount of 5606
money it would save in energy and resultant operational and 5607
maintenance costs over the ensuing fifteen years, the board may 5608
submit to the commission a copy of its findings and a request for 5609
approval to incur indebtedness to finance the making or 5610
modification of installations or the remodeling of buildings for 5611
the purpose of significantly reducing energy consumption. 5612

If the commission determines that the board's findings are 5613
reasonable, it shall approve the board's request. Upon receipt of 5614
the commission's approval, the district may issue securities 5615
without a vote of the electors in a principal amount not to exceed 5616
nine-tenths of one per cent of its tax valuation for the purpose 5617
of making such installations, modifications, or remodeling, but 5618
the total net indebtedness of the district without a vote of the 5619
electors incurred under this and all other sections of the Revised 5620
Code shall not exceed one per cent of the district's tax 5621
valuation. 5622

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

operational and maintenance cost savings attributable to such 5630
installations, modifications, or remodeling. The report shall be 5631
certified by an architect or engineer independent of any person 5632
that provided goods or services to the board in connection with 5633
the energy conservation measures that are the subject of the 5634
report. The resultant operational and maintenance cost savings 5635
shall be certified by the school district treasurer. The report 5636
shall be made available to the commission upon request. 5637

(H) With the consent of the superintendent of public 5638
instruction, a school district may incur without a vote of the 5639
electors net indebtedness that exceeds the amounts stated in 5640
divisions (A) and (G) of this section for the purpose of paying 5641
costs of permanent improvements, if and to the extent that both of 5642
the following conditions are satisfied: 5643

(1) The fiscal officer of the school district estimates that 5644
receipts of the school district from payments made under or 5645
pursuant to agreements entered into pursuant to section 725.02, 5646
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 5647
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 5648
Code, or distributions under division (C) of section 5709.43 of 5649
the Revised Code, or any combination thereof, are, after 5650
accounting for any appropriate coverage requirements, sufficient 5651
in time and amount, and are committed by the proceedings, to pay 5652
the debt charges on the securities issued to evidence that 5653
indebtedness and payable from those receipts, and the taxing 5654
authority of the district confirms the fiscal officer's estimate, 5655
which confirmation is approved by the superintendent of public 5656
instruction; 5657

(2) The fiscal officer of the school district certifies, and 5658
the taxing authority of the district confirms, that the district, 5659
at the time of the certification and confirmation, reasonably 5660
expects to have sufficient revenue available for the purpose of 5661

operating such permanent improvements for their intended purpose 5662
upon acquisition or completion thereof, and the superintendent of 5663
public instruction approves the taxing authority's confirmation. 5664

The maximum maturity of securities issued under division (H) 5665
of this section shall be the lesser of twenty years or the maximum 5666
maturity calculated under section 133.20 of the Revised Code. 5667

(I) A school district may incur net indebtedness by the 5668
issuance of securities in accordance with the provisions of this 5669
chapter in excess of the limit specified in division (B) of this 5670
section when necessary to raise the school district portion of the 5671
basic project cost pursuant to Chapter 3318. of the Revised Code. 5672
The school facilities commission shall notify the superintendent 5673
of public instruction whenever a school district will exceed the 5674
nine per cent limit pursuant to this division. 5675

Sec. 133.07. (A) A county shall not incur, without a vote of 5676
the electors, either of the following: 5677

(1) Net indebtedness for all purposes that exceeds an amount 5678
equal to one per cent of its tax valuation; 5679

(2) Net indebtedness for the purpose of paying the county's 5680
share of the cost of the construction, improvement, maintenance, 5681
or repair of state highways that exceeds an amount equal to 5682
one-half of one per cent of its tax valuation. 5683

(B) A county shall not incur total net indebtedness that 5684
exceeds an amount equal to one of the following limitations that 5685
applies to the county: 5686

(1) A county with a valuation not exceeding one hundred 5687
million dollars, three per cent of that tax valuation; 5688

(2) A county with a tax valuation exceeding one hundred 5689
million dollars but not exceeding three hundred million dollars, 5690
three million dollars plus one and one-half per cent of that tax 5691

valuation in excess of one hundred million dollars;	5692
(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.	5693 5694 5695 5696
(C) In calculating the net indebtedness of a county, none of the following securities shall be considered:	5697 5698
(1) Securities described in section 307.201 of the Revised Code;	5699 5700
(2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:	5701 5702 5703
(a) Water systems or facilities;	5704
(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;	5705 5706 5707
(c) County or joint county scrap tire collection, storage, monocell, monofill, or recovery facilities, or any combination of those facilities;	5708 5709 5710
(d) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;	5711 5712 5713
(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;	5714 5715 5716
(f) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;	5717 5718
(g) Facilities for natural resources exploration, development, recovery, use, and sale;	5719 5720

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

computer systems for the office of the clerk of any 5752
county-operated municipal court, for the office of the clerk of 5753
the court of common pleas, or for the office of the clerk of the 5754
probate, juvenile, or domestic relations division of the court of 5755
common pleas to the extent that the legislation authorizing the 5756
issuance of the securities includes a covenant to appropriate from 5757
moneys distributed to the county pursuant to division (B) of 5758
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 5759
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 5760
sufficient amount to cover debt charges on and financing costs 5761
relating to the securities as they become due; 5762

(8) Securities issued for the purpose of acquiring, 5763
constructing, improving, and equipping a county, multicounty, or 5764
multicounty-municipal jail, workhouse, juvenile detention 5765
facility, or correctional facility; 5766

(9) Securities issued for the acquisition, construction, 5767
equipping, or repair of any permanent improvement or any class or 5768
group of permanent improvements enumerated in a resolution adopted 5769
pursuant to division (D) of section 5739.026 of the Revised Code 5770
to the extent that the legislation authorizing the issuance of the 5771
securities includes a covenant to appropriate from moneys received 5772
from the taxes authorized under section 5739.023 and division 5773
(A)(5) of section 5739.026 of the Revised Code an amount 5774
sufficient to pay debt charges on the securities and those moneys 5775
shall be pledged for that purpose; 5776

(10) Securities issued for county or joint county solid waste 5777
or hazardous waste collection, transfer, or disposal facilities, 5778
or resource recovery and solid or hazardous waste recycling 5779
facilities, or any combination of those facilities; 5780

(11) Securities issued for the acquisition, construction, and 5781
equipping of a port authority educational and cultural facility 5782
under section 307.671 of the Revised Code; 5783

(12) Securities issued for the acquisition, construction,	5784
equipping, and improving of a municipal educational and cultural	5785
facility under division (B)(1) of section 307.672 of the Revised	5786
Code;	5787
(13) Securities issued for energy conservation measures under	5788
section 307.041 of the Revised Code;	5789
(14) Securities issued for the acquisition, construction,	5790
equipping, improving, or repair of a sports facility, including	5791
obligations issued to pay costs of a sports facility under section	5792
307.673 of the Revised Code;	5793
(15) Securities issued under section 755.17 of the Revised	5794
Code if the legislation authorizing issuance of the securities	5795
includes a covenant to appropriate from revenue received from a	5796
tax authorized under division (A)(5) of section 5739.026 and	5797
section 5741.023 of the Revised Code an amount sufficient to pay	5798
debt charges on the securities, and the board of county	5799
commissioners pledges that revenue for that purpose, pursuant to	5800
section 755.171 of the Revised Code;	5801
(16) Sales tax supported bonds issued pursuant to section	5802
133.081 of the Revised Code for the purpose of acquiring,	5803
constructing, improving, or equipping any permanent improvement to	5804
the extent that the legislation authorizing the issuance of the	5805
sales tax supported bonds pledges county sales taxes to the	5806
payment of debt charges on the sales tax supported bonds and	5807
contains a covenant to appropriate from county sales taxes a	5808
sufficient amount to cover debt charges or the financing costs	5809
related to the sales tax supported bonds as they become due-;	5810
(17) Bonds or notes issued under section 133.60 of the	5811
Revised Code if the legislation authorizing issuance of the bonds	5812
or notes includes a covenant to appropriate from revenue received	5813
from a tax authorized under division (A)(9) of section 5739.026	5814

and section 5741.023 of the Revised Code an amount sufficient to 5815
pay the debt charges on the bonds or notes, and the board of 5816
county commissioners pledges that revenue for that purpose;i 5817

(18) Securities issued under section 3707.55 of the Revised 5818
Code for the acquisition of real property by a general health 5819
district;i 5820

(19) Securities issued under division (A)(3) of section 5821
3313.37 of the Revised Code for the acquisition of real and 5822
personal property by an educational service center. 5823

(D) In calculating the net indebtedness of a county, no 5824
obligation incurred under division (D) of section 339.06 of the 5825
Revised Code shall be considered. 5826

Sec. 135.80. (A) The legislative authority of a municipal 5827
corporation, by ordinance, or the board of county commissioners, 5828
by resolution, may establish a linked deposit program authorizing 5829
the treasurer or governing board of the municipal corporation or 5830
the investing authority of the county as created or designated by 5831
the ordinance or resolution to place certificates of deposit at up 5832
to three per cent below market rates with an eligible lending 5833
institution applying for interim moneys as provided in section 5834
135.08 of the Revised Code or inactive moneys as provided in 5835
section 135.32 of the Revised Code, provided the institution 5836
agrees either to lend the value of such deposit to eligible 5837
borrowers at up to three per cent below the present borrowing rate 5838
applicable to each borrower, or to enter into an agreement with an 5839
eligible government, as defined in section 135.81 of the Revised 5840
Code, to provide that eligible government with a certificate of 5841
deposit, investment agreement, or other investment in the value of 5842
the linked deposit at an interest rate at up to three per cent 5843
above current market rates, as determined by the eligible 5844
government. The ordinance or resolution shall include such 5845

requirements and provisions as are necessary to establish the 5846
program, including, but not limited to: 5847

(1) Eligibility requirements for borrowers who may receive 5848
reduced rate loans under the program; 5849

(2) Application procedures for borrowers and institutions 5850
wishing to participate in the program; 5851

(3) Review procedures for applications and criteria for 5852
acceptance or rejection of applications for reduced rate loans; 5853

(4) Necessary agreements between the eligible institution and 5854
the treasurer or governing board of the municipal corporation or 5855
the investing authority of the county to carry out the purposes of 5856
the linked deposit program; 5857

(5) Annual reports regarding the operation of the program to 5858
be made by the treasurer or governing board to the legislative 5859
authority or the investing authority to the board of county 5860
commissioners. 5861

(B) The municipal corporation and the treasurer or governing 5862
board, and the county and the investing authority or the board of 5863
county commissioners, are not liable to any eligible lending 5864
institution in any manner for the payment of the principal or 5865
interest on any reduced rate loan made under the program, and any 5866
delay in payment or default on the part of any borrower does not 5867
in any manner affect the deposit agreement between the eligible 5868
lending institution and the treasurer or governing board or the 5869
investing authority or board of county commissioners. 5870

Sec. 135.81. As used in sections 135.81 to 135.88 of the 5871
Revised Code: 5872

(A) "Above-market investment" means a certificate of deposit, 5873
investment agreement, or other investment bearing an interest rate 5874
at up to three per cent above current market rates as determined 5875

and calculated by the treasurer of state. 5876

(B) "Community improvement corporation" means a corporation 5877
organized under Chapter 1724. of the Revised Code. 5878

~~(B)~~(C) "Depressed economic area linked deposit" means a 5879
certificate of deposit in any amount placed by the treasurer of 5880
state with an eligible lending institution at up to three per cent 5881
below current market rates as determined and calculated by the 5882
treasurer of state, provided the institution agrees either to lend 5883
the value of the deposit, according to the deposit agreement 5884
provided in division (C) of section 135.86 of the Revised Code to 5885
eligible businesses at up to three per cent below the present 5886
borrowing rate applicable to each specific business at the time of 5887
the deposit of state funds in the institution, or to enter into an 5888
agreement with an eligible government to provide that eligible 5889
government with an above-market investment in the value of the 5890
depressed economic area linked deposit. 5891

~~(C)~~(D) "Eligible business" means an eligible steel company or 5892
any person that possesses all of the following characteristics: 5893

(1) Maintains or, because of the depressed economic area 5894
linked deposit loan, will maintain offices and operating 5895
facilities in an eligible county in this state and transacts 5896
business in the county; 5897

(2) Is organized for profit. 5898

~~(D)~~(E) "Eligible county" means any county in this state with 5899
a rate of unemployment as determined by the director of job and 5900
family services that is at least one per cent higher than the 5901
statewide average rate of unemployment. 5902

~~(E)~~(F) "Eligible government" means the state or a county, 5903
municipal corporation, or other political subdivision of the state 5904
that has made or guaranteed a loan to a business that is an 5905
eligible steel company. For this purpose, the state or a county, 5906

municipal corporation, or other political subdivision shall be 5907
regarded as having guaranteed a loan to an eligible steel company 5908
if the state, county, municipal corporation, or other political 5909
subdivision has incurred a direct or contingent legal obligation 5910
to repay all or any portion of a loan made to an eligible steel 5911
company, any of the interest accrued on any such loan, or any 5912
amount owed to any person with respect to any letter of credit, 5913
guarantee, surety bond, insurance policy, or other form of credit 5914
facility or credit enhancement provided by that person with 5915
respect to any such loan. 5916

(G) "Eligible lending institution" means a financial 5917
institution that: 5918

(1) Is eligible to make commercial loans; 5919

(2) Is a public depository of state funds under section 5920
135.03 of the Revised Code; 5921

(3) Agrees to participate in the depressed economic area 5922
linked deposit program. 5923

(F)(H) "Eligible steel company" means a corporation or other 5924
person engaged within this state in the production and manufacture 5925
of a product defined by the American iron and steel institute as a 5926
basic steel mill product, including ingots, slab and billets, 5927
plates, flat-rolled steel, sections and structural products, bars, 5928
rail-type products, pipe and tube, and wire rod, or a company 5929
engaged in business in this state that would otherwise be treated 5930
under the Federal Steel Loan Act as a "qualified steel company," 5931
provided that the corporation or other person is an "eligible 5932
borrower" under the Federal Steel Loan Act. 5933

(I) "Federal Steel Loan Act" means the federal "Emergency 5934
Steel Loan Guarantee Act of 1999," 113 Stat. 252, 15 U.S.C. 1841 5935
(note), as amended, and the regulations thereunder. 5936

(J) "Qualified agent" means a: 5937

(1) Community improvement corporation; 5938

(2) Corporation organized under Chapter 1702. of the Revised 5939
Code that the board of county commissioners of an eligible county 5940
determines meets the criteria established by the director of 5941
development pursuant to section 122.011 of the Revised Code. 5942

Sec. 135.82. (A) The general assembly finds that several 5943
areas in the state are experiencing economic stagnation or decline 5944
because business activity in those areas is at a level that is too 5945
low to sustain an adequate level of prosperity and a decent 5946
standard of living for area residents. A major factor contributing 5947
to the low level of business activity is the inability of 5948
businesses to obtain needed financing at reasonable interest rates 5949
so as to sustain their operations or to expand operations. The 5950
depressed economic area linked deposit program provided for in 5951
sections 135.81 to 135.88 of the Revised Code is intended to 5952
provide a targeted availability of lower cost funds for lending 5953
purposes that will materially contribute to the economic 5954
revitalization of depressed economic areas in this state to allow 5955
the residents of those areas to enjoy the same level of prosperity 5956
and well being that other residents of the state are able to 5957
enjoy. Accordingly, it is declared to be the public policy of the 5958
state through the depressed economic area linked deposit program 5959
to create an availability of lower cost funds to inject needed 5960
capital into the business community, sustain or improve business 5961
profitability, preserve existing employment and create new job 5962
opportunities, and thereby enhance the economic prosperity of the 5963
affected areas. 5964

(B) The general assembly finds and declares it to be the 5965
public policy of this state, consistent with the purposes of the 5966
steel futures program created under section 122.37 of the Revised 5967
Code, to assist steel companies operating in this state by 5968

expanding forms of assistance available under the depressed 5969
economic area linked deposit program provided for in sections 5970
135.81 to 135.88 of the Revised Code, as amended by the main 5971
operating appropriations act for the 2001-2003 biennium. 5972

(C) The depressed economic area linked deposit program 5973
authorized pursuant to sections 135.81 to 135.88 of the Revised 5974
Code is in addition to and separate from the linked deposit 5975
program authorized pursuant to sections 135.61 to 135.67 of the 5976
Revised Code and the agricultural linked deposit program 5977
authorized pursuant to sections 135.71 to 135.76 of the Revised 5978
Code. 5979

Sec. 135.83. (A) The treasurer of state may invest in 5980
depressed economic area linked deposits, provided that at the time 5981
of placement of the linked deposit, not more than three per cent 5982
of the state's total investment portfolio is so invested and, in 5983
the case of linked deposits with respect to which an above-market 5984
investment will be provided to an eligible government or a reduced 5985
rate loan will be made for the benefit of an eligible steel 5986
company, the amount of the linked deposit does not exceed the 5987
product of fifteen thousand dollars, multiplied by the number of 5988
employees, as of the time of placement of the linked deposit, 5989
whose employment was reasonably expected to be created or 5990
preserved as a result of the financial assistance provided under 5991
sections 135.81 to 135.88 of the Revised Code. 5992

(B) The amounts the treasurer is authorized to invest 5993
pursuant to division (A) of this section are in addition to the 5994
amounts the treasurer may invest pursuant to section 135.63 of the 5995
Revised Code. 5996

(C) The treasurer of state may not invest more than one 5997
million dollars in depressed economic area linked deposits per 5998
county in any two-year period, excluding deposits linked to 5999

above-market investments held by eligible governments. 6000

Sec. 135.84. (A) A board of county commissioners of an 6001
eligible county may authorize the county's participation in the 6002
depressed economic area linked deposit program established 6003
pursuant to sections 135.81 to 135.88 of the Revised Code. For 6004
that purpose, the board may: 6005

(1) Appoint a qualified agent to operate the program on 6006
behalf of the board; 6007

(2) Secure eligible lending institutions to participate in 6008
the program. The board shall make every effort to secure eligible 6009
lending institutions located within the county. If no eligible 6010
lending institution located within the county agrees to 6011
participate in the program, the board may secure the participation 6012
of the nearest available eligible lending institution. 6013

(3) Approve loan applications from eligible businesses prior 6014
to the transmittal of depressed economic area linked deposit loan 6015
to the treasurer of state; 6016

(4) Secure and encourage eligible businesses to make loan 6017
applications; 6018

(5) Employ staff, develop forms, and procedures as will 6019
effectuate the county's participation in the program; 6020

(6) Establish, with the approval of the treasurer of state, a 6021
service charge to cover the costs to the board of the county's 6022
participation in the depressed economic area linked deposit 6023
program; 6024

(7) Fix the amount of a loan that is eligible for a reduced 6025
rate based upon a depressed economic area linked deposit, which in 6026
no event, may exceed fifty per cent of the total loan. 6027

(B) If the treasurer of state determines that an eligible 6028
county ceases to be eligible to participate in the depressed 6029

economic area linked deposit program, the treasurer shall notify 6030
the board of county commissioners together with all affected 6031
eligible lending institutions and any qualified agent. Effective 6032
with the first day of the month following the month in which 6033
notification is given, the board shall suspend participation of 6034
the county in the program and shall not approve any further loan 6035
applications pursuant to the program, except that this division 6036
shall not be construed to affect the review and approval or denial 6037
of loan applications that are pending on the date the suspension 6038
takes effect nor the repayment or servicing of loans already made. 6039
If the county subsequently again becomes eligible to participate 6040
in the program, the board may, with the approval of the treasurer 6041
of state, commence operation of the program in the county the 6042
first day of the month following the month in which the treasurer 6043
of state grants approval. 6044

(C) The board of county commissioners may, with the approval 6045
of the treasurer of state, establish a service fee to be charged 6046
in connection with the application of an eligible business for 6047
that portion of a total loan which represents a depressed economic 6048
area linked deposit loan. The eligible business shall pay the 6049
service fee to the board. The board shall use the service fee 6050
solely to pay the costs incurred by the board or its qualified 6051
agent in effectuating the county's participation in the depressed 6052
economic area linked deposit program. The amount of the fee shall 6053
be no more than will recover to the county its costs and may not 6054
exceed an amount equal to one-half of one per cent of that portion 6055
of a loan that is based upon a depressed economic area linked 6056
deposit. 6057

(D) The board of county commissioners, in lieu of directly 6058
operating the depressed economic area linked deposit loan program 6059
for the county, may appoint a qualified agent upon terms as are 6060
agreed to between the board and the agent. Where the board 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. 6093

(B) The eligible lending institution shall forward completed 6094
loan applications the institution approves to the board of county 6095
commissioners or the qualified agent of the board. The board or 6096
agent shall approve or disapprove the loan within fourteen working 6097
days from receipt of the application from the eligible lending 6098
institution. In considering which loan applications to approve, 6099
the board of county commissioners or its qualified agent shall 6100
give priority to the immediacy of a business's financial need for 6101
the loan, the economic needs of the area in which the business is 6102
located, the number of jobs to be created or preserved by the 6103
receipt of the loan, and such other factors as the board or the 6104
agent consider appropriate to determine the relative financial 6105
need of the eligible business and the county as a whole. The 6106
eligible lending institution also shall forward to the board of 6107
county commissioners or its qualified agent those loan 6108
applications it rejects together with a statement of the reason 6109
for the rejection. 6110

(C) The eligible lending institution shall forward to the 6111
treasurer of state a depressed economic area linked deposit 6112
package, based upon loans which the board of county commissioners 6113
or the qualified agent have approved, in the form and manner 6114
prescribed by the treasurer of state. The package shall include 6115
information regarding the amount of the loan requested by each 6116
eligible business and such other information regarding each 6117
business as the treasurer of state requires. The institution shall 6118
certify that each applicant is an eligible business, that the 6119
depressed economic area linked deposit for which the institution 6120
is making application represents no more than fifty per cent of 6121
the total loan for which the eligible business is applying, and 6122
shall, for each business, certify the present borrowing rate 6123
applicable to the depressed economic area linked deposit portion 6124
of the loan applicable to each specific eligible business. 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 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 6137
the treasurer's evaluation of the eligible businesses or eligible 6138
governments included, the amount of individual loans involved, and 6139
the amount of the total package. The treasurer of state may 6140
consult with the director of development as the treasurer finds 6141
necessary in making the decision. The treasurer shall give 6142
priority to a business's or an eligible government's need for the 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 6145
deposited with the eligible lending institution to the jobs 6146
sustained or created. The treasurer also shall consider any 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 6150
considers appropriate. Whenever the department of development 6151
believes that the economic needs of a county or the state require 6152
the suspension or redirection of depressed economic area linked 6153
deposits with respect to a county or that a linked deposit loan 6154
will be improperly made, it may make such recommendations to the 6155
treasurer of state as the department considers appropriate to its 6156
concerns. 6157

(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

the contrary, an above-market investment entered into by an 6190
eligible government with an eligible lending institution in 6191
compliance with the provisions of this chapter that refer 6192
expressly to above-market investments shall be a legal and 6193
authorized investment for the interim or inactive moneys of that 6194
government. 6195

(E) Eligible lending institutions shall comply fully with 6196
sections 135.81 to 135.88 of the Revised Code. 6197

Sec. 135.87. (A) Upon placement of a depressed economic area 6198
linked deposit with an eligible lending institution, the 6199
institution is required either to lend such funds to each approved 6200
eligible business listed in the depressed economic area linked 6201
deposit loan package required by division (C) of section 135.85 of 6202
the Revised Code, or to enter in above-market investments with 6203
eligible governments or eligible lending institutions in 6204
accordance with the terms of the proposal submitted to the 6205
treasurer of state under division (D) of section 135.85 of the 6206
Revised Code, in each case in accordance with the deposit 6207
agreement required by division (C) of section 135.86 of the 6208
Revised Code. The loan shall be at a rate that is up to three per 6209
cent below the present borrowing rate applicable to each business, 6210
and any above-market investment shall bear interest at a rate that 6211
is up to three per cent above current market rates as determined 6212
by the treasurer of state. A certificate of compliance with this 6213
section in the form and manner prescribed by the treasurer of 6214
state shall be required of the eligible lending institution. 6215

(B) The treasurer of state shall take any and all steps 6216
necessary to implement the depressed economic area linked deposit 6217
program, including the development of guidelines as necessary, and 6218
monitor compliance of eligible lending institutions and, eligible 6219
businesses, and eligible governments. The treasurer of state and 6220
the department of development shall notify each other at least 6221

quarterly of the names of the eligible businesses and eligible 6222
governments receiving financial assistance from their respective 6223
programs. 6224

Annually, by the first day of February, the treasurer of 6225
state shall report on the depressed economic area linked deposit 6226
program for the preceding calendar year to the governor, the 6227
speaker of the house of representatives, the president of the 6228
senate, and to the ~~chairmen~~ chairpersons of the standing 6229
committees in each house that customarily consider economic 6230
development legislation. The report shall set forth the depressed 6231
economic area linked deposits made by the treasurer of state under 6232
the program during the prior calendar year and shall include 6233
information regarding the nature, terms, and amounts of the loans 6234
upon which the deposits were based and the eligible businesses and 6235
eligible governments to which ~~loans were made~~ financial assistance 6236
was provided. 6237

Sec. 140.01. As used in this chapter: 6238

(A) "Hospital agency" means any public hospital agency or any 6239
nonprofit hospital agency. 6240

(B) "Public hospital agency" means any county, board of 6241
county hospital trustees established pursuant to section 339.02 of 6242
the Revised Code, county hospital commission established pursuant 6243
to section 339.14 of the Revised Code, municipal corporation, new 6244
community authority organized under Chapter 349. of the Revised 6245
Code, joint township hospital district, state or municipal 6246
university or college operating or authorized to operate a 6247
hospital facility, or the state. 6248

(C) "Nonprofit hospital agency" means a corporation or 6249
association not for profit, no part of the net earnings of which 6250
inures or may lawfully inure to the benefit of any private 6251
shareholder or individual, that has authority to own or operate a 6252

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

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

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

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site improvements, utilities, machinery, facilities, furnishings, 6285
and any separate or connected buildings, structures, improvements, 6286
sites, utilities, facilities, or equipment to be used in, or in 6287
connection with the operation or maintenance of, or supplementing 6288
or otherwise related to the services or facilities to be provided 6289
by, any one or more of such hospital facilities. 6290

(F) "Costs of hospital facilities" means the costs of 6291
acquiring or constructing hospital facilities, costs of improving 6292
one or more hospital facilities, including reconstructing, 6293
rehabilitating, remodeling, renovating, and enlarging, costs of 6294
equipping and furnishing such facilities, and all financing costs 6295
pertaining thereto, including, without limitation thereto, costs 6296
of engineering, architectural, and other professional services, 6297
designs, plans, specifications and surveys, and estimates of cost, 6298
costs of tests and inspections, the costs of any indemnity or 6299
surety bonds and premiums on insurance, all related direct or 6300
allocable administrative expenses pertaining thereto, fees and 6301
expenses of trustees, depositories, and paying agents for the 6302
obligations, cost of issuance of the obligations and financing 6303
charges and fees and expenses of financial advisors, attorneys, 6304
accountants, consultants and rating services in connection 6305
therewith, capitalized interest on the obligations, amounts 6306
necessary to establish reserves as required by the bond 6307
proceedings, the reimbursement of all moneys advanced or applied 6308
by the hospital agency or others or borrowed from others for the 6309
payment of any item or items of costs of such facilities, and all 6310
other expenses necessary or incident to planning or determining 6311
feasibility or practicability with respect to such facilities, and 6312
such other expenses as may be necessary or incident to the 6313
acquisition, construction, reconstruction, rehabilitation, 6314
remodeling, renovation, enlargement, improvement, equipment, and 6315
furnishing of such facilities, the financing thereof, and the 6316

placing of the same in use and operation, including any one, part 6317
of, or combination of such classes of costs and expenses, and 6318
means the costs of refinancing obligations issued by, or 6319
reimbursement of money advanced by, nonprofit hospital agencies or 6320
others the proceeds of which were used for the payment of costs of 6321
hospital facilities, if the governing body of the public hospital 6322
agency determines that the refinancing or reimbursement advances 6323
the purposes of this chapter, whether or not the refinancing or 6324
reimbursement is in conjunction with the acquisition or 6325
construction of additional hospital facilities. 6326

(G) "Hospital receipts" means all moneys received by or on 6327
behalf of a hospital agency from or in connection with the 6328
ownership, operation, acquisition, construction, improvement, 6329
equipping, or financing of any hospital facilities, including, 6330
without limitation thereto, any rentals and other moneys received 6331
from the lease, sale, or other disposition of hospital facilities, 6332
and any gifts, grants, interest subsidies, or other moneys 6333
received under any federal program for assistance in financing the 6334
costs of hospital facilities, and any other gifts, grants, and 6335
donations, and receipts therefrom, available for financing the 6336
costs of hospital facilities. 6337

(H) "Obligations" means bonds, notes, or other evidences of 6338
indebtedness or obligation, including interest coupons pertaining 6339
thereto, issued or issuable by a public hospital agency to pay 6340
costs of hospital facilities. 6341

(I) "Bond service charges" means principal, interest, and 6342
call premium, if any, required to be paid on obligations. 6343

(J) "Bond proceedings" means one or more ordinances, 6344
resolutions, trust agreements, indentures, and other agreements or 6345
documents, and amendments and supplements to the foregoing, or any 6346
combination thereof, authorizing or providing for the terms, 6347
including any variable interest rates, and conditions applicable 6348

to, or providing for the security of, obligations and the 6349
provisions contained in such obligations. 6350

(K) "Nursing home" has the same meaning as in division (A)(1) 6351
of section 5701.13 of the Revised Code. 6352

(L) "Residential care facility" has the same meaning as in 6353
division (A)(2) of section 5701.13 of the Revised Code. 6354

(M) "Adult care facility" has the same meaning as in division 6355
(A)(3) of section 5701.13 of the Revised Code. 6356

(N) "Independent living facility" means any self-care 6357
facility or other housing facility designed or used as a residence 6358
for elderly persons. An "independent living facility" does not 6359
include a residential facility, or that part of a residential 6360
facility, that is any of the following: 6361

(1) A hospital required to be certified by section 3727.02 of 6362
the Revised Code; 6363

(2) A nursing home or residential care facility; 6364

(3) An adult care facility; 6365

(4) A hospice licensed under section 3712.04 of the Revised 6366
Code; 6367

(5) A habilitation center as defined in section 5123.041 of 6368
the Revised Code; 6369

(6) A residential facility for the mentally ill licensed by 6370
the department of mental health under section 5119.22 of the 6371
Revised Code; 6372

(7) A facility licensed to provide methadone treatment under 6373
section 3793.11 of the Revised Code; 6374

(8) A facility certified as an alcohol and drug addiction 6375
program under section 3793.06 of the Revised Code; 6376

(9) A residential facility licensed under section 5123.19 of 6377

the Revised Code or a facility providing services under a contract 6378
with the department of mental retardation and developmental 6379
disabilities under section 5123.18 of the Revised Code; 6380

(10) A residential facility used as part of a hospital to 6381
provide housing for staff of the hospital or students pursuing a 6382
course of study at the hospital. 6383

Sec. 147.01. (A) The ~~governor~~ secretary of state may appoint 6384
and commission as notaries public as many persons who meet the 6385
qualifications of division (B) of this section as ~~he~~ the secretary
of state considers necessary. 6386
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(B) In order for a person to qualify to be appointed and 6388
commissioned as a notary public, the person must satisfy both of 6389
the following: 6390

(1) The person has attained the age of eighteen years. 6391

(2) One of the following applies: 6392

(a) The person is a citizen of this state who is not an 6393
attorney admitted to the practice of law. 6394

(b) The person is a citizen of this state who is an attorney 6395
admitted to the practice of law in this state by the Ohio supreme 6396
court. 6397

(c) The person is not a citizen of this state, is an attorney 6398
admitted to the practice of law in this state by the Ohio supreme 6399
court, and has ~~his~~ the person's principal place of business or ~~his~~
the person's primary practice in this state. 6400
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(C) A notary public shall be appointed and commissioned as a 6402
notary public for the state. The ~~governor~~ secretary of state may 6403
revoke a commission issued to a notary public upon presentation of 6404
satisfactory evidence of official misconduct or incapacity. 6405

Sec. 147.02. (A) Before the appointment of a notary public is 6406
made, the applicant shall produce to the ~~governor~~ secretary of 6407
state a signed oath of office as a notary public and a certificate 6408
from a judge or justice of the court of common pleas, court of 6409
appeals, or supreme court that contains the following: 6410

(1) A statement that the applicant is of good moral 6411
character; 6412

(2) If the applicant is not an attorney admitted to the 6413
practice of law in this state by the Ohio supreme court, a 6414
statement that ~~he~~ the applicant is a citizen of the county in 6415
which ~~he~~ the applicant resides; 6416

(3) If the applicant is an attorney admitted to the practice 6417
of law in this state by the Ohio supreme court, a statement that 6418
~~he~~ the applicant is possessed of sufficient qualifications and 6419
ability to discharge the duties of the office of notary public. 6420

(B) No judge or justice shall issue a certificate required by 6421
division (A) of this section until ~~he~~ the judge or justice is 6422
satisfied from ~~his~~ personal knowledge that the applicant possesses 6423
the qualifications necessary to a proper discharge of the duties 6424
of the office or until the applicant has passed an examination 6425
under any rules that the judge or justice may prescribe. 6426

(C) If the applicant is a citizen of this state who is an 6427
attorney admitted to the practice of law in this state by the Ohio 6428
supreme court, the judge or justice also shall certify this fact 6429
in the certification required by division (A) of this section. 6430

(D) If the applicant is not a citizen of this state but is an 6431
attorney who is admitted to the practice of law in this state by 6432
the Ohio supreme court and whose principal place of business or 6433
primary practice is in this state, the judge or justice also shall 6434
certify these facts in the certification required by division (A) 6435
of this section. 6436

(E) For the purposes of sections 147.03, 147.04, 147.05, and 6437
147.13 of the Revised Code, the county in which an attorney who is 6438
not a citizen of this state and who is a notary public has ~~his~~ the 6439
attorney's principal place of business or ~~his~~ the attorney's 6440
primary practice shall be deemed the county in which ~~he~~ the 6441
attorney resides. 6442

Sec. 147.03. Each notary public, except an attorney admitted 6443
to the practice of law in this state by the Ohio supreme court, 6444
shall hold ~~his~~ office for the term of five years unless the 6445
commission is revoked. ~~Before entering upon the duties of his~~ 6446
~~office, he shall take and subscribe an oath to be endorsed on his~~ 6447
~~commission.~~ An 6448

An attorney admitted to the practice of law in this state by 6449
the Ohio supreme court shall hold ~~his~~ office as a notary public as 6450
long as ~~he~~ the attorney is a resident of this state or has ~~his~~ the 6451
attorney's principal place of business or primary practice in this 6452
state, ~~he~~ the attorney is in good standing before the Ohio supreme 6453
court, and the commission is not revoked. Before entering upon the 6454
duties of ~~his~~ office, ~~he~~ a notary public shall ~~deposit with the~~ 6455
~~secretary of state the certificate provided for in section 147.02~~ 6456
~~of the Revised Code and shall~~ take and subscribe an oath to be 6457
endorsed on ~~his~~ the notary public's commission. 6458

A notary public who violates the oath of office required by 6459
this section shall be removed from office by the court of common 6460
pleas of the county in which ~~he~~ the notary public resides, upon 6461
complaint filed and substantiated in the court, and the court, 6462
upon removing a notary public from office, shall certify the 6463
removal to the ~~governor~~ secretary of state. The person so removed 6464
shall be ineligible for reappointment to the office of notary 6465
public. 6466

~~Each person holding office as a notary public on October 24,~~ 6467

~~1961, shall continue in that office until the expiration of his~~ 6468
~~term, and, after the expiration of that office, he shall hold~~ 6469
~~office pursuant to this section.~~ 6470

~~Sec. 147.05. Before entering upon the duties of his office, a~~ 6471
~~notary public shall leave his commission with the oath indorsed on~~ 6472
~~the commission with the clerk of the court of common pleas of the~~ 6473
~~county in which he resides. The commission shall be recorded by~~ 6474
~~the clerk in a book kept for that purpose. The clerk secretary of~~ 6475
~~state shall indorse on the margin of the record and on the back of~~ 6476
~~the commission the time he received it for record the commission~~ 6477
~~of each notary public appointed and commissioned under this~~ 6478
~~chapter by the secretary of state and make a proper index to all~~ 6479
~~commissions so recorded ~~by him~~. For recording and indexing ~~the a~~~~ 6480
~~commission, the fee of the clerk secretary of state shall be ~~as~~~~ 6481
~~provided for in division (R) of section 2303.20 of the Revised~~ 6482
~~Code ten dollars.~~ 6483

~~The governor's office shall transfer to the secretary of~~ 6484
~~state's office, on or after the effective date of this amendment,~~ 6485
~~the record of notaries public formerly kept by the governor's~~ 6486
~~office under section 107.10 of the Revised Code. The secretary of~~ 6487
~~state's office shall maintain that record together with the record~~ 6488
~~and index of commissions of notaries public required by this~~ 6489
~~section.~~ 6490

~~Sec. 147.06. Upon application, the clerk of the court of~~ 6491
~~common pleas secretary of state shall make a certified copy of a~~ 6492
~~notary public commission and the indorsements ~~thereon~~ on the~~ 6493
~~commission, under the seal of the court, ~~which~~ secretary of state.~~ 6494
~~The certified copy shall be prima-facie evidence of the matters~~ 6495
~~and facts ~~therein~~ contained in it. For each certified copy of a~~ 6496
~~notary public commission, the clerk secretary of state shall be~~ 6497
~~entitled to receive a fee of two dollars.~~ 6498

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.

Sec. 151.04. This section applies to obligations as defined 6528
in this section. 6529

(A) As used in this section: 6530

(1) "Costs of capital facilities" include related direct 6531
administrative expenses and allocable portions of direct costs of 6532
the using institution. 6533

(2) "Obligations" means obligations as defined in section 6534
~~154.30~~ 151.01 of the Revised Code issued to pay costs of capital 6535
facilities for state-supported or state-assisted institutions of 6536
higher education. 6537

(3) "State-supported or state-assisted institutions of higher 6538
education" means a state university or college, or community 6539
college district, technical college district, university branch 6540
district, or state community college, or other institution for 6541
education, including technical education, beyond the high school, 6542
receiving state support or assistance for its expenses of 6543
operation. "State university or college" means each of the state 6544
universities identified in section 3345.011 of the Revised Code, 6545
the northeastern Ohio universities college of medicine, and the 6546
medical college of Ohio at Toledo. 6547

(4) "Using institution" means the state-supported or 6548
state-assisted institution of higher education, or two or more 6549
institutions acting jointly, that are the ultimate users of 6550
capital facilities for state-supported and state-assisted 6551
institutions of higher education financed with net proceeds of 6552
obligations. 6553

(B) The issuing authority shall issue obligations to pay 6554
costs of capital facilities for state-supported and state-assisted 6555
institutions of higher education pursuant to Section 2n of Article 6556
VIII, Ohio Constitution, section 151.01 of the Revised Code, and 6557

this section. 6558

(C) Net proceeds of obligations shall be deposited into the 6559
higher education improvement fund created by division (F) of 6560
section 154.21 of the Revised Code. 6561

(D) There is hereby created in the state treasury the "higher 6562
education capital facilities bond service fund." All moneys 6563
received by the state and required by the bond proceedings, 6564
consistent with sections 151.01 and 151.04 of the Revised Code, to 6565
be deposited, transferred, or credited to the bond service fund, 6566
and all other moneys transferred or allocated to or received for 6567
the purposes of that fund, shall be deposited and credited to the 6568
bond service fund, subject to any applicable provisions of the 6569
bond proceedings but without necessity for any act of 6570
appropriation. During the period beginning with the date of the 6571
first issuance of obligations and continuing during the time that 6572
any obligations are outstanding in accordance with their terms, so 6573
long as moneys in the bond service fund are insufficient to pay 6574
debt service when due on those obligations payable from that fund 6575
(except the principal amounts of bond anticipation notes payable 6576
from the proceeds of renewal notes or bonds anticipated) and due 6577
in the particular fiscal year, a sufficient amount of revenues of 6578
the state is committed and, without necessity for further act of 6579
appropriation, shall be paid to the bond service fund for the 6580
purpose of paying that debt service when due. 6581

Sec. 166.03. (A) There is hereby created the facilities 6582
establishment fund within the state treasury, consisting of 6583
proceeds from the issuance of obligations as specified under 6584
section 166.08 of the Revised Code; the moneys received by the 6585
state from the sources specified in section 166.09 of the Revised 6586
Code; service charges imposed under sections 166.06 and 166.07 of 6587
the Revised Code; any grants, gifts, or contributions of moneys 6588

received by the director of development to be used for loans made 6589
under section 166.07 of the Revised Code or for the payment of the 6590
allowable costs of project facilities; and all other moneys 6591
appropriated or transferred to the fund. Moneys in the loan 6592
guarantee fund in excess of four per cent of the unpaid principal 6593
amount of loan repayments guaranteed under section 166.06 of the 6594
Revised Code, but subject to the provisions and requirements of 6595
any guarantee contracts, may be transferred to the facilities 6596
establishment fund by the treasurer of state upon the order of the 6597
director of development. Moneys received by the state under 6598
Chapter 122. of the Revised Code, to the extent allocable to the 6599
utilization of moneys derived from proceeds of the sale of 6600
obligations pursuant to section 166.08 of the Revised Code, shall 6601
be credited to the facilities establishment fund. 6602

(B) All moneys appropriated or transferred to the facilities 6603
establishment fund may be released at the request of the director 6604
of development for payment of allowable costs or the making of 6605
loans under this chapter, for transfer to the loan guarantee fund 6606
established in section 166.06 of the Revised Code, or for use for 6607
the purpose of or transfer to the funds established by sections 6608
122.35, 122.42, 122.54, 122.55, 122.56, 122.561, 122.57, 122.601, 6609
and 122.80 of the Revised Code and, until July 1, ~~2001~~ 2003, the 6610
funds established by sections 122.26 and 166.031 of the Revised 6611
Code, but only for such of those purposes as are within the 6612
authorization of Section 13 of Article VIII, Ohio Constitution, in 6613
all cases subject to the approval of the controlling board. 6614

(C) The department of development, in the administration of 6615
the facilities establishment fund, is encouraged to utilize and 6616
promote the utilization of, to the maximum practicable extent, the 6617
other existing programs, business incentives, and tax incentives 6618
that department is required or authorized to administer or 6619
supervise. 6620

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,

refunds, and rebates; 6650

(c) Any payment or credit received by a business association 6651
from a business association for tangible goods sold, or services 6652
performed, in the course of business, including, but not limited 6653
to, checks or memoranda, overpayments, unidentified remittances, 6654
nonrefunded overcharges, discounts, refunds, and rebates; 6655

(d) Any credit due a retail customer that is represented by a 6656
gift certificate, gift card, merchandise credit, or merchandise 6657
credit card, redeemable only for merchandise. 6658

For purposes of divisions (B)(2)(b) and (c) of this section, 6659
"business association" means any corporation, joint venture, 6660
business trust, limited liability company, partnership, 6661
association, or other business entity composed of one or more 6662
individuals, whether or not the entity is for profit. 6663

(C) "Owner" means any person, or the person's legal 6664
representative, entitled to receive or having a legal or equitable 6665
interest in or claim against moneys, rights to moneys, or other 6666
intangible property, subject to this chapter. 6667

(D)(1) "Holder" means any person that has possession, 6668
custody, or control of moneys, rights to moneys, or other 6669
intangible property, or that is indebted to another, if any of the 6670
following applies: 6671

(a) Such person resides in this state; 6672

(b) Such person is formed under the laws of this state; 6673

(c) Such person is formed under the laws of the United States 6674
and has an office or principal place of business in this state; 6675
6676

(d) The records of such person indicate that the last known 6677
address of the owner of such moneys, rights to moneys, or other 6678
intangible property is in this state; 6679

(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. 6712

(G) "Lawful claims" means any vested right a holder of 6713
unclaimed funds has against the owner of such unclaimed funds. 6714

(H) "Public utility" means any entity defined as such by 6715
division (A) of section 745.01 or by section 4905.02 of the 6716
Revised Code. 6717

(I) "Deposit" means to place money in the custody of a 6718
financial organization for the purpose of establishing an 6719
income-bearing account by purchase or otherwise. 6720

(J) "Income-bearing account" means a time or savings account, 6721
whether or not evidenced by a certificate of deposit, or an 6722
investment account through which investments are made solely in 6723
obligations of the United States or its agencies or 6724
instrumentalities or guaranteed as to principal and interest by 6725
the United States or its agencies or instrumentalities, debt 6726
securities rated as investment grade by at least two nationally 6727
recognized rating services, debt securities which the director of 6728
commerce has determined to have been issued for the safety and 6729
welfare of the residents of this state, and equity interests in 6730
mutual funds that invest solely in some or all of the above-listed 6731
securities and involve no general liability, without regard to 6732
whether income earned on such accounts, securities, or interests 6733
is paid periodically or at the end of a term. 6734

Sec. 173.35. (A) As used in this section, "PASSPORT 6735
administrative agency" means an entity under contract with the 6736
department of aging to provide administrative services regarding 6737
the PASSPORT program created under section 173.40 of the Revised 6738
Code. 6739

(B) The department of aging shall administer the residential 6740
state supplement program under which the state supplements the 6741

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

individual's needs. If the individual is eligible for supplemental 6772
security income payments or social security disability insurance 6773
benefits because of a mental disability, the PASSPORT 6774
administrative agency shall refer the individual to a community 6775
mental health agency for the community mental health agency to 6776
issue in accordance with section 340.091 of the Revised Code a 6777
recommendation on whether the PASSPORT administrative agency 6778
should determine that the environment in which the individual will 6779
be living while receiving the payments is appropriate for the 6780
individual's needs. Division (C)(2) of this section does not apply 6781
to an individual receiving residential state supplement payments 6782
on June 30, 2000, until the individual's first eligibility 6783
redetermination after that date. 6784

(3) The individual satisfies all eligibility requirements 6785
established by rules adopted under division (D) of this section. 6786

(D) The directors of aging and job and family services shall 6787
adopt rules in accordance with section 111.15 of the Revised Code 6788
as necessary to implement the residential state supplement 6789
program. 6790

To the extent permitted by Title XVI of the "Social Security 6791
Act," and any other provision of federal law, the director of job 6792
and family services shall adopt rules establishing standards for 6793
adjusting the eligibility requirements concerning the level of 6794
impairment a person must have so that the amount appropriated for 6795
the program by the general assembly is adequate for the number of 6796
eligible individuals. The rules shall not limit the eligibility of 6797
disabled persons solely on a basis classifying disabilities as 6798
physical or mental. The director of job and family services also 6799
shall adopt rules that establish eligibility standards for aged, 6800
blind, or disabled individuals who reside in one of the homes or 6801
facilities specified in division (C)(1) of this section but who, 6802
because of their income, do not receive supplemental security 6803

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,

under former section 5101.531 of the Revised Code shall not become 6836
ineligible for payments under this section solely by reason of the 6837
individual's living arrangement as long as the individual remains 6838
in the living arrangement in which the individual resided on 6839
November 15, 1990. 6840

(H) The department of aging shall notify each person denied 6841
approval for payments under this section of the person's right to 6842
a hearing. On request, the hearing shall be provided by the 6843
department of job and family services in accordance with section 6844
5101.35 of the Revised Code. 6845

Sec. 173.40. There is hereby created a component of the 6846
medicaid program established under Chapter 5111. of the Revised 6847
Code to be known as the preadmission screening system providing 6848
options and resources today program, or PASSPORT. ~~Through the~~ 6849
~~medical assistance program established under Chapter 5111. of the~~ 6850
~~Revised Code, the~~ The PASSPORT program shall provide home and 6851
community-based services as an alternative to nursing facility 6852
placement for aged and disabled ~~persons~~ medicaid recipients. The 6853
program shall be operated pursuant to a home and community-based 6854
waiver granted by the United States secretary of health and human 6855
services under section 1915 of the "Social Security Act," 49 Stat. 6856
620 (1935), 42 U.S.C. 1396n, as amended. The department of aging 6857
shall administer the program. ~~The department of aging shall enter~~ 6858
~~into~~ through an interagency agreement entered into with the 6859
department of job and family services ~~regarding services provided~~ 6860
~~under the program to recipients of medical assistance under~~ 6861
~~Chapter 5111. under section 5111.86~~ of the Revised Code. The 6862
directors of aging and job and family services shall adopt rules 6863
in accordance with Chapter 119. of the Revised Code to implement 6864
the program. 6865

Sec. 173.46. The department of aging shall develop and 6866

publish a guide to nursing facilities in this state for use by 6867
individuals considering nursing facility placement and their 6868
families, friends, and advisors. The guide shall be titled the 6869
Ohio long-term care consumer guide. 6870

The consumer guide shall be published in computerized form 6871
for distribution over the internet. The guide shall be made 6872
available not later than ~~fourteen months after the effective date~~ 6873
~~of this section~~ March 1, 2002, and shall be updated in accordance 6874
with section 173.52 of the Revised Code. 6875

Every two years, the department shall publish an executive 6876
summary of the consumer guide, and shall make the executive 6877
summary available in both computerized and printed forms. 6878

Sec. 173.47. The department of aging may contract with any 6879
person or government entity to perform any function related to the 6880
publication of the Ohio long-term care consumer guide or the 6881
collection and preparation of data and other material for the 6882
guide, except that the department shall contract to have the 6883
customer satisfaction surveys conducted under section 173.54 of 6884
the Revised Code. ~~In awarding the contract to have the surveys~~ 6885
~~conducted~~ To the extent possible, the department shall contract 6886
with a person or government entity that has experience in 6887
surveying the customer satisfaction of nursing facility residents 6888
and their families. The department's contract shall permit the 6889
person or government entity to subcontract with other persons or 6890
government entities for purposes of conducting all or part of the 6891
surveys. 6892

Sec. 175.03. (A)(1) The Ohio housing finance agency shall 6893
consist of ~~nine~~ eleven members. ~~Seven~~ Nine of the members shall be 6894
appointed by the governor with the advice and consent of the 6895
senate. The director of commerce and the director of development, 6896
or their respective designees, shall also be voting members of the 6897

agency. Of the ~~seven~~ nine appointed members, at least one shall 6898
have experience in residential housing construction; at least one 6899
shall have experience in residential housing mortgage lending, 6900
loan servicing, or brokering; at least one shall have experience 6901
in the licensed residential housing brokerage business; at least 6902
one shall have experience with the housing needs of senior 6903
citizens; at least one shall be from a background in labor 6904
representation in the construction industry; at least one shall 6905
represent the interests of nonprofit multifamily housing 6906
development organizations; at least one shall represent the 6907
interests of for-profit multifamily housing development 6908
corporations; and two shall be public members. No more than ~~five~~ 6909
~~six~~ of the appointed members of the agency shall be of the same 6910
political party. ~~Of the initial appointments made to the agency,~~ 6911
~~two shall be for a term ending on January 31, 1984, two shall be~~ 6912
~~for a term ending on January 31, 1985, one shall be for a term~~ 6913
~~ending on January 31, 1986, one shall be for a term ending on~~ 6914
~~January 31, 1987, and one shall be for a term ending on January~~ 6915
~~31, 1988, the term for each member to be designated by the~~ 6916
~~governor~~ Of the appointments made to the agency for the eighth and 6917
ninth appointed members in accordance with this amendment, one 6918
shall be for a term ending on January 31, 2005, and one shall be 6919
for a term ending on January 31, 2006. Thereafter, each appointed 6920
member shall serve for a term ending on the thirty-first day of 6921
January which is six years following the date of termination of 6922
the term which it succeeds. Each member shall hold office from the 6923
date of the member's appointment until the end of the term for 6924
which the member was appointed. Any member appointed to fill a 6925
vacancy occurring prior to the expiration of the term for which 6926
the member's predecessor was appointed shall hold office for the 6927
remainder of such term. Any appointed member shall continue in 6928
office subsequent to the expiration date of the member's term 6929
until the member's successor takes office, or until a period of 6930

sixty days has elapsed, whichever occurs first. Each appointed 6931
member may be removed from office by the governor for misfeasance, 6932
nonfeasance, malfeasance in office, or for failure to attend in 6933
person three consecutive meetings of the agency. 6934

(2) The director of development or the director's designee 6935
shall be the chairperson of the agency. The agency shall elect one 6936
of its appointed members as vice-chairperson and such other 6937
officers as it deems necessary, who need not be members of the 6938
agency. Each appointed member of the agency shall receive 6939
compensation at the rate of one hundred fifty dollars per agency 6940
meeting attended in person, not to exceed a maximum of three 6941
thousanddollars per year. All members shall be reimbursed for 6942
their actual and necessary expenses incurred in the discharge of 6943
their official duties. 6944

(3) ~~Five~~ six members of the agency constitute a quorum, and 6945
the affirmative vote of ~~five~~ six members shall be necessary for 6946
any action taken by the agency. No vacancy in membership of the 6947
agency impairs the right of a quorum to exercise all the rights 6948
and perform all the duties of the agency. Meetings of the agency 6949
may be held at any place within the state. Meetings of the agency, 6950
including notice of the place of meetings, shall comply with 6951
section 121.22 of the Revised Code. 6952

(B) The appointed members of the agency are not subject to 6953
section 102.02 of the Revised Code. Each such appointed member 6954
shall file with the agency a signed written statement setting 6955
forth the general nature of sales of goods, property or services 6956
or of loans to the agency in which such member has a pecuniary 6957
interest or in which any member of the member's immediate family, 6958
as defined in section 102.01 of the Revised Code, or any 6959
corporation, partnership or enterprise of which the member is an 6960
officer, director, or partner, or of which the member or a member 6961
of the member's immediate family, as so defined, owns more than a 6962

five per cent interest, has a pecuniary interest, and of which 6963
sale, loan and interest such member has knowledge. The statement 6964
shall be supplemented from time to time to reflect changes in the 6965
general nature of any such sales or loans. No member shall 6966
participate in portions of agency meetings dealing with, or vote 6967
concerning, any such matter. The requirements of this section 6968
pertaining to disclosure and prohibition from participation and 6969
voting do not apply to agency loans to lending institutions or 6970
contracts between the agency and lending institutions for the 6971
purchase, administration, or servicing of loans notwithstanding 6972
that such lending institution has a director, officer, employee, 6973
or owner who is a member of the agency, and no such loans or 6974
contracts shall be deemed to be prohibited or otherwise regulated 6975
by reason of any other law or rule. 6976

Sec. 175.21. (A) The low- and moderate-income housing trust 6977
fund is hereby created in the state treasury. The fund shall 6978
consist of all appropriations, grants, gifts, loan repayments, and 6979
contributions of money made from any source to the department of 6980
development for the fund. All investment earnings of the fund 6981
shall be credited to the fund. The director of development shall 6982
allocate a portion of the money in the fund to an account of the 6983
Ohio housing finance agency. The department shall administer the 6984
fund. The agency shall use money allocated to it in the fund for 6985
implementing and administering its programs and duties under 6986
sections 175.22 and 175.24 of the Revised Code, and the department 6987
shall use the remaining money in the fund for implementing and 6988
administering its programs and duties under sections 175.22 to 6989
175.25 of the Revised Code. Use of all money in the fund is 6990
subject to the following restrictions: forty-five per cent of the 6991
~~money in the fund~~ amount of funds awarded during any one fiscal 6992
year shall be used to make grants and loans to nonprofit 6993
organizations under section 175.22 of the Revised Code, not less 6994

than ~~thirty-five~~ forty-five per cent of the ~~money in the fund~~ 6995
amount of funds awarded during any one fiscal year shall be used 6996
to make grants and loans for activities that will provide housing 6997
and housing assistance to families and individuals in rural areas 6998
and small cities that would not be eligible to participate ~~in the~~ 6999
~~small cities program of the community development and block grant~~ 7000
~~program under sections 570.420 to 570.438 of the Code of Federal~~ 7001
Regulations as a participating jurisdiction under the "HOME 7002
Investment Partnerships Act," 104 Stat. 4094 (1990), 42 U.S.C. 7003
12701 note, 12721, no more than ~~five~~ six per cent of the money in 7004
the fund shall be used for administration, and no money in the 7005
fund shall be used to pay for any legal services other than the 7006
usual and customary legal services associated with the acquisition 7007
of housing. Except as otherwise provided by the director under 7008
division (B) of this section, money in the fund may be used as 7009
matching money for federal funds received by the state, counties, 7010
municipal corporations, and townships for the activities listed in 7011
section 175.22 of the Revised Code. 7012

(B) If after the second quarter of any year it appears to the 7013
director that the full amount of the money in the low- and 7014
moderate-income housing trust fund designated in that year for 7015
activities that will provide housing and housing assistance to 7016
families and individuals in rural areas and small cities under 7017
division (A) of this section will not be so used, the director may 7018
reallocate all or a portion of that amount for other housing 7019
activities. In determining whether or how to reallocate money 7020
under this division, the director may consult with and shall 7021
receive advice from the housing trust fund advisory committee. 7022

Sec. 175.22. (A) The department of development and the Ohio 7023
housing finance agency shall each develop programs under which, in 7024
accordance with rules adopted under this section, it may make 7025
grants, loans, loan guarantees, and loan subsidies to counties, 7026

municipal corporations, townships, local housing authorities, and 7027
nonprofit organizations and may make loans, loan guarantees, and 7028
loan subsidies to private developers and private lenders to assist 7029
them in activities that will provide housing and housing 7030
assistance for specifically targeted low- and moderate-income 7031
families and individuals. There shall be no minimum housing 7032
project size for awards under this division for any project that 7033
is being developed for a special needs population and that is 7034
supported by a social service agency where the housing project 7035
will be located. Activities for which grants, loans, loan 7036
guarantees, and loan subsidies may be made under this section 7037
include all of the following: 7038

(1) Acquiring, financing, constructing, leasing, 7039
rehabilitating, remodeling, improving, and equipping publicly or 7040
privately owned housing; 7041

(2) Providing supportive services related to housing and the 7042
homeless, including housing counseling⁺. Not more than twenty per 7043
cent of the current year appropriation authority for the low- and 7044
moderate-income housing trust fund shall be awarded in any fiscal 7045
year for such supportive services. 7046

(3) Providing rental assistance payments or other project 7047
operating subsidies that lower tenant rents. 7048

(B) Grants, loans, loan guarantees, and loan subsidies may be 7049
made to counties, municipal corporations, townships, and nonprofit 7050
organizations for the additional purposes of providing technical 7051
assistance, design and finance services and consultation, and 7052
payment of pre-development and administrative costs related to any 7053
of the activities listed above. 7054

(C) In developing programs under this section, the department 7055
and the agency shall invite, accept, and consider public comment, 7056
and recommendations from the housing trust fund advisory committee 7057
created under section 175.25 of the Revised Code, on how the 7058

programs should be designed to most effectively benefit low- and 7059
moderate-income families and individuals. The programs developed 7060
under this section shall respond collectively to housing and 7061
housing assistance needs of low- and moderate-income families and 7062
individuals statewide. 7063

(D) The department and the agency, in accordance with Chapter 7064
119. of the Revised Code, shall each adopt rules under which it 7065
shall administer programs developed by it under this section. The 7066
rules shall prescribe procedures and forms whereby counties, 7067
municipal corporations, townships, local housing authorities, and 7068
nonprofit organizations may apply for grants, loans, loan 7069
guarantees, and loan subsidies and private developers and private 7070
lenders may apply for loans, loan guarantees, and loan subsidies; 7071
eligibility criteria for the receipt of funds; procedures for 7072
reviewing and granting or denying applications; procedures for 7073
paying out funds; conditions on the use of funds; procedures for 7074
monitoring the use of funds; and procedures under which a 7075
recipient shall be required to repay funds that are improperly 7076
used. The rules adopted by the department shall do both of the 7077
following: 7078

(1) Require each recipient of a grant or loan made from the 7079
low- and moderate-income housing trust fund for activities that 7080
will provide, or assist in providing, a rental housing project, to 7081
reasonably ensure that the rental housing project will be 7082
affordable to those families and individuals targeted for the 7083
rental housing project for the useful life of the rental housing 7084
project or for thirty years, whichever is longer; 7085

(2) Require each recipient of a grant or loan made from the 7086
low- and moderate-income housing trust fund for activities that 7087
will provide, or assist in providing, a housing project to prepare 7088
and implement a plan to reasonably assist any families and 7089
individuals displaced by the housing project in obtaining decent 7090

affordable housing.

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

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

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

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(F) In making grants, loans, loan guarantees, and loan subsidies under this section, the department and the agency shall give preference to viable projects and activities that will benefit those families and individuals in a county whose incomes are equal to or less than thirty-five per cent of the median income for that county, as determined by the department under section 175.23 of the Revised Code. The department and the agency shall monitor the programs developed under this section to ensure that money granted and loaned under this section is not used in a

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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

commission. Of the initial appointments made to the commission by 7154
the governor and the chief justice, two each shall be for a term 7155
ending two years after ~~the effective date of this section~~ June 30, 7156
1995, and two each shall be for a term ending four years after 7157
that date. Of the initial appointments made to the commission by 7158
the president of the senate and the speaker of the house of 7159
representatives, one each shall be for a term ending two years 7160
after ~~the effective date of this section~~ June 30, 1995, and one 7161
each shall be for a term ending four years after that date. 7162
Thereafter, terms of office shall be for three years, with each 7163
term ending on the same day of the same month of the year as the 7164
term that it succeeds. Each member shall hold office from the date 7165
of appointment until the end of the term for which appointed. 7166
Members may be reappointed. ~~Vacancies~~ 7167

Vacancies shall be filled in the manner provided for original 7168
appointments. Any member appointed to fill a vacancy occurring 7169
prior to the expiration date of the term for which the member's 7170
predecessor was appointed shall hold office as a member for the 7171
remainder of that term. ~~A~~ 7172

A member shall continue in office subsequent to the 7173
expiration date of the member's term until ~~a~~ the member's 7174
successor takes office or until a period of sixty days has 7175
elapsed, whichever occurs first. 7176

(B) The commission shall meet within two weeks after all of 7177
its initial members have been appointed, at a time and place 7178
determined by the governor. Thereafter, the commission shall meet 7179
at least quarterly, or more often upon the call of the ~~chairman~~ 7180
chairperson or at the request of the executive director of the 7181
commission. ~~The~~ 7182

The commission shall organize by selecting from among its 7183
members a ~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, 7184
and ~~such~~ other necessary officers ~~as are necessary~~. All officers 7185

shall be elected annually by vote of the members of the 7186
commission. ~~Each~~ 7187

Each member of the commission shall have one vote. ~~Seven A~~ 7188
majority of the members constitute of the commission, as it exists 7189
at any given time, constitutes a quorum, and the votes of a 7190
majority of the members present at a meeting of the commission are 7191
required to validate an action of the commission. 7192

(C) The members of the commission shall serve without 7193
compensation, but each member shall be reimbursed for actual and 7194
necessary expenses incurred in the performance of official duties, 7195
and actual mileage for each mile necessarily traveled in the 7196
performance of official duties. 7197

Sec. 179.03. (A) The Ohio commission on dispute resolution 7198
and conflict management shall do all of the following: 7199

(1) Appoint and set the compensation of an executive 7200
director, who shall serve at the pleasure of the commission; 7201

(2) Establish and maintain a central office; 7202

(3) Adopt rules to govern the application for, and the 7203
awarding of, grants made available by the commission under 7204
sections 179.01 to 179.04 of the Revised Code out of the dispute 7205
resolution and conflict management commission gifts, grants, and 7206
reimbursements fund established by division (C) of this section; 7207

(4) Seek, solicit, and apply for grants from any public or 7208
private source to provide for the operation of dispute resolution 7209
and conflict management programs in this state; 7210

(5) Adopt standards for the evaluation of dispute resolution 7211
and conflict management programs funded pursuant to sections 7212
179.01 to 179.04 of the Revised Code; 7213

(6) Provide technical aid and assistance to dispute 7214
resolution and conflict management programs, to centers that 7215

provide these programs, and to public and private agencies and	7216
organizations that provide these programs or engage in dispute	7217
resolution and conflict management activities <u>services</u> ;	7218
(7) Approve an annual operating budget;	7219
(8) Prepare an annual report on the operation of the	7220
commission and the office established by the commission, and	7221
provide the report to the governor, the supreme court, and the	7222
general assembly.	7223
(B) The commission may do any of the following:	7224
(1) Receive and accept donations, grants, awards, bequests,	7225
gifts, reimbursements, and similar funds from any lawful source;	7226
(2) Accept the services of volunteer workers and consultants	7227
at no compensation, other than reimbursement for actual and	7228
necessary expenses incurred in the performance of their official	7229
duties, and reimburse any volunteer workers or consultants for	7230
their actual and necessary expenses so incurred;	7231
(3) Prepare and publish statistical data and case studies and	7232
other data pertinent to the development, operation, and evaluation	7233
of dispute resolution and conflict management programs and centers	7234
that provide these programs or engage in dispute resolution and	7235
conflict management services;	7236
(4) Conduct programs that have a general objective of	7237
training and educating mediators and other persons engaged in	7238
providing dispute resolution and conflict management services;	7239
(5) Develop programs and curricula that are designed to	7240
provide dispute resolution and conflict management training and	7241
education for public and private education, as well as other	7242
appropriate education forums;	7243
(6) Enter into contracts for dispute resolution and conflict	7244
management services <u>or authorize the executive director to enter</u>	7245

into those contracts. 7246

(C) There is hereby established in the state treasury the 7247
dispute resolution and conflict management commission gifts, 7248
grants, and reimbursements fund. All donations, grants, awards, 7249
bequests, gifts, ~~and~~ reimbursements, and similar funds received by 7250
the commission under this section shall be deposited in the fund. 7251

Sec. 179.04. (A) No person shall be appointed executive 7252
director of the Ohio commission on dispute resolution and conflict 7253
management unless the person is trained in law, public affairs, 7254
business administration, or social sciences and the person has 7255
experience in administering dispute resolution and conflict 7256
management programs or services. The executive director appointed 7257
by the commission shall serve at the pleasure of the commission. 7258

(B) The executive director shall do both of the following: 7259

(1) Appoint and set the compensation of personnel who are 7260
necessary for the efficient operation of the office established by 7261
the commission, with the approval of the commission; 7262

(2) Keep and maintain financial records pertaining to the 7263
awarding of grants and contracts authorized ~~pursuant to~~ under 7264
sections 179.01 to 179.04 of the Revised Code, and report 7265
periodically, but not less than annually, to the commission on all 7266
relevant data pertaining to the operations, costs, and projected 7267
needs of the office established by the commission and on 7268
recommendations for legislation or amendments to court rules that 7269
may be appropriate to improve dispute resolution and conflict 7270
management programs. 7271

(C) The executive director may do any of the following: 7272

(1) Make all necessary arrangements to coordinate the 7273
services of the office established by the commission with any 7274
federal, state, county, municipal, township, or private entity or 7275

program established to provide dispute resolution and conflict 7276
management services and to obtain and provide all funds allowable 7277
from any such entity or under any such ~~programs~~ program; 7278

(2) Consult and cooperate with professional groups concerned 7279
with the study, development, implementation, and evaluation of 7280
dispute resolution and conflict management programs and services 7281
and the operation of the ~~state dispute resolution and conflict~~ 7282
~~management~~ office established by the commission; 7283

(3) Accept the services of volunteer workers and consultants 7284
at no compensation, other than reimbursement for actual and 7285
necessary expenses incurred in the performance of their official 7286
duties, and provide for the reimbursement of any volunteer workers 7287
or consultants for their actual and necessary expenses so 7288
incurred; 7289

(4) Prescribe any forms that are necessary for the uniform 7290
operation of sections 179.01 to 179.04 of the Revised Code; 7291

(5) With the authorization of the commission, enter into 7292
contracts for dispute resolution and conflict management services. 7293

Sec. 181.51. As used in sections 181.51 to 181.56 of the 7294
Revised Code: 7295

(A) "Federal criminal justice acts" means any federal law 7296
that authorizes financial assistance and other forms of assistance 7297
to be given by the federal government to the states to be used for 7298
the improvement of the criminal and juvenile justice systems of 7299
the states. 7300

(B)(1) "Criminal justice system" includes all of the 7301
functions of the following: 7302

(a) The state highway patrol, county sheriff offices, 7303
municipal and township police departments, and all other law 7304
enforcement agencies; 7305

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

(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;

(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;

(e) Any public or private agency whose purposes include the prevention of crime or the diversion, adjudication, detention, or rehabilitation of criminal offenders;

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

(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.

(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.

(D) "Comprehensive plan" means a document that coordinates,

evaluates, and otherwise assists, on an annual or multi-year 7337
basis, ~~all~~ any of the functions of the criminal and juvenile 7338
justice systems of the state or a specified area of the state, 7339
that conforms to the priorities of the state with respect to 7340
criminal and juvenile justice systems, and that conforms with the 7341
requirements of all federal criminal justice acts. These functions 7342
may include, but are not limited to, ~~all~~ any of the following: 7343
7344

(1) Crime and delinquency prevention; 7345

(2) Identification, detection, apprehension, and detention of 7346
persons charged with criminal offenses or delinquent acts; 7347

(3) Assistance to crime victims or witnesses, except that the 7348
comprehensive plan does not include the functions of the attorney 7349
general pursuant to sections 109.91 and 109.92 of the Revised 7350
Code; 7351

(4) Adjudication or diversion of persons charged with 7352
criminal offenses or delinquent acts; 7353

(5) Custodial treatment of criminal offenders ~~and~~, delinquent 7354
children, or both; 7355

(6) Institutional and noninstitutional rehabilitation of 7356
criminal offenders ~~and~~, delinquent children, or both. 7357

(E) "Metropolitan county criminal justice services agency" 7358
means an agency that is established pursuant to division (A) of 7359
section 181.54 of the Revised Code. 7360

(F) "Administrative planning district" means a district that 7361
is established pursuant to division (A) or (B) of section 181.56 7362
of the Revised Code. 7363

(G) "Criminal justice coordinating council" means a criminal 7364
justice services agency that is established pursuant to division 7365
~~(B)~~(D) of section 181.56 of the Revised Code. 7366

(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

state, including any planning that is required by any federal law; 7398

(2) Collect, analyze, and correlate information and data 7399
concerning the criminal ~~and juvenile~~ justice ~~systems~~ system in the 7400
state; 7401

(3) Cooperate with and provide technical assistance to state 7402
departments, administrative planning districts, metropolitan 7403
county criminal justice services agencies, criminal justice 7404
coordinating councils, agencies, offices, and departments of the 7405
criminal ~~and juvenile~~ justice ~~systems~~ system in the state, and 7406
other appropriate organizations and persons; 7407

(4) Encourage and assist agencies, offices, and departments 7408
of the criminal ~~and juvenile~~ justice ~~systems~~ system in the state 7409
and other appropriate organizations and persons to solve problems 7410
that relate to the duties of the office; 7411

(5) Administer within the state any federal criminal justice 7412
acts ~~or juvenile justice acts~~ that the governor requires it to 7413
administer; 7414

(6) Administer funds received under the "Family Violence 7415
Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 7416
10401, as amended, with all powers necessary for the adequate 7417
administration of those funds, including the authority to 7418
establish a family violence prevention and services program. 7419

(7) Implement the state comprehensive plans; 7420

~~(7)~~(8) Audit grant activities of agencies, offices, 7421
organizations, and persons that are financed in whole or in part 7422
by funds granted through the office; 7423

~~(8)~~(9) Monitor or evaluate the performance of criminal ~~and~~ 7424
~~juvenile~~ justice ~~systems~~ system projects and programs in the state 7425
that are financed in whole or in part by funds granted through the 7426
office; 7427

~~(9)~~(10) Apply for, allocate, disburse, and account for grants 7428
that are made available pursuant to federal criminal justice acts 7429
~~or juvenile justice acts~~, or made available from other federal, 7430
state, or private sources, to improve the criminal ~~and juvenile~~ 7431
justice ~~systems~~ system in the state. All money from such federal 7432
grants shall, if the terms under which the money is received 7433
require that the money be deposited into an interest-bearing fund 7434
or account, be deposited in the state treasury to the credit of 7435
the federal program purposes fund, which is hereby created. All 7436
investment earnings of the fund shall be credited to the fund. 7437

7438

~~(10)~~(11) Contract with federal, state, and local agencies, 7439
foundations, corporations, businesses, and persons when necessary 7440
to carry out the duties of the office; 7441

~~(11)~~(12) Oversee the activities of metropolitan county 7442
criminal justice services agencies, administrative planning 7443
districts, and criminal justice coordinating councils in the 7444
state; 7445

~~(12)~~(13) Advise the general assembly and governor on 7446
legislation and other significant matters that pertain to the 7447
improvement and reform of criminal and juvenile justice systems in 7448
the state; 7449

~~(13)~~(14) Prepare and recommend legislation to the general 7450
assembly and governor for the improvement of the criminal and 7451
juvenile justice systems in the state; 7452

~~(14)~~(15) Assist, advise, and make any reports that are 7453
requested or required by the governor, attorney general, or 7454
general assembly; 7455

~~(15)~~(16) Adopt rules pursuant to Chapter 119. of the Revised 7456
Code. 7457

(C) Division Upon the request of the governor, the office of 7458

criminal justice services may do any of the following: 7459

(1) Collect, analyze, or correlate information and data 7460
concerning the juvenile justice system in the state; 7461

(2) Cooperate with and provide technical assistance to state 7462
departments, administrative planning districts, metropolitan 7463
county criminal justice service agencies, criminal justice 7464
coordinating councils, agency offices, and the departments of the 7465
juvenile justice system in the state and other appropriate 7466
organizations and persons; 7467

(3) Encourage and assist agencies, offices, and departments 7468
of the juvenile justice system in the state and other appropriate 7469
organizations and persons to solve problems that relate to the 7470
duties of the office. 7471

(D) Divisions (B) and (C) of this section does do not limit 7472
the discretion or authority of the attorney general with respect 7473
to crime victim assistance and criminal justice programs. 7474

~~(D)~~(E) Nothing in this section is intended to diminish or 7475
alter the status of the office of the attorney general as a 7476
criminal justice services agency. 7477

Sec. 181.54. (A) A county may enter into an agreement with 7478
the largest city within the county to establish a metropolitan 7479
county criminal justice services agency, if the population of the 7480
county exceeds five hundred thousand or the population of the city 7481
exceeds two hundred fifty thousand. 7482

(B) A metropolitan county criminal justice services agency 7483
shall do all of the following: 7484

(1) Accomplish criminal and juvenile justice systems planning 7485
within its services area; 7486

(2) Collect, analyze, and correlate information and data 7487
concerning the criminal and juvenile justice systems within its 7488

services area;	7489
(3) Cooperate with and provide technical assistance to all criminal and juvenile justice agencies and systems and other appropriate organizations and persons within its services area;	7490 7491 7492
(4) Encourage and assist agencies of the criminal and juvenile justice systems and other appropriate organizations and persons to solve problems that relate to its duties;	7493 7494 7495
(5) Administer within its services area any federal criminal justice acts or juvenile justice acts that the office of criminal justice services <u>pursuant to section 5139.11 of the Revised Code or the department of youth services</u> administers within the state;	7496 7497 7498 7499
(6) Implement the comprehensive plans for its services area;	7500
(7) Monitor or evaluate, within its services area, the performance of the criminal and juvenile justice systems projects and programs that are financed in whole or in part by funds granted through it;	7501 7502 7503 7504
(8) Apply for, allocate, and disburse grants that are made available pursuant to any federal criminal justice acts, or pursuant to any other federal, state, or private sources for the purpose of improving the criminal and juvenile justice systems;	7505 7506 7507 7508
(9) Contract with federal, state, and local agencies, foundations, corporations, and other businesses or persons to carry out the duties of the agency.	7509 7510 7511
Sec. 181.55. (A)(1) When funds are available for this purpose <u>criminal justice purposes pursuant to section 181.54 of the Revised Code</u> , the office of criminal justice services shall provide funds to metropolitan county criminal justice services agencies for the purpose of developing, coordinating, evaluating, and implementing comprehensive plans within their respective counties. The office of criminal justice services shall provide	7512 7513 7514 7515 7516 7517 7518

funds to an agency only if it complies with the conditions of 7519
division (B) of this section. 7520

(2) When funds are available for juvenile justice purposes 7521
pursuant to section 181.54 of the Revised Code, the department of 7522
youth services shall provide funds to metropolitan county criminal 7523
justice services agencies for the purpose of developing, 7524
coordinating, evaluating, and implementing comprehensive plans 7525
within their respective counties. The department shall provide 7526
funds to an agency only if it complies with the conditions of 7527
division (B) of this section. 7528

(B) A metropolitan county criminal justice services agency 7529
shall do all of the following: 7530

(1) Submit, in a form that is acceptable to the office of 7531
criminal justice services or the department of youth services 7532
pursuant to section 5139.01 of the Revised Code, a comprehensive 7533
plan for the county; 7534

(2) Establish a metropolitan county criminal justice services 7535
supervisory board whose members shall include a majority of the 7536
local elected officials in the county and representatives from law 7537
enforcement agencies, courts, prosecuting authorities, public 7538
defender agencies, rehabilitation and correction agencies, 7539
community organizations, juvenile justice services agencies, 7540
professionals, and private citizens in the county, and that shall 7541
have the authority set forth in division (C) of this section; 7542

(3) Organize in the manner provided in sections 167.01 to 7543
167.03, 302.21 to 302.24, or 713.21 to 713.27 of the Revised Code, 7544
unless the board created pursuant to division (B)(2) of this 7545
section organizes pursuant to these sections. 7546

(C) A metropolitan county criminal justice services 7547
supervisory board shall do all of the following: 7548

(1) Exercise leadership in improving the quality of the 7549

criminal and juvenile justice systems in the county; 7550

(2) Review, approve, and maintain general oversight of the 7551
comprehensive plans for the county and the implementation of the 7552
plans; 7553

(3) Review and comment on the overall needs and 7554
accomplishments of the criminal and juvenile justice systems in 7555
the county; 7556

(4) Establish, as required to comply with this division, task 7557
forces, ad hoc committees, and other committees, whose members 7558
shall be appointed by the ~~chairman~~ chairperson of the board; 7559
7560

(5) Establish any rules that the board considers necessary 7561
and that are consistent with the federal criminal justice acts and 7562
section 181.52 of the Revised Code. 7563

Sec. 181.56. (A) In counties in which a metropolitan county 7564
criminal justice services agency does not exist, the office of 7565
criminal justice services shall discharge the office's duties that 7566
the governor requires it to administer by establishing 7567
administrative planning districts for criminal justice programs. 7568
An administrative planning district shall contain a group of 7569
contiguous counties in which no county has a metropolitan county 7570
criminal justice services agency. 7571

(B) In counties in which a metropolitan county criminal 7572
justice services agency does not exist, the department of youth 7573
services shall discharge pursuant to section 5139.11 of the 7574
Revised Code the department's duty by establishing administrative 7575
planning districts for juvenile justice programs. 7576

(C) All administrative planning districts shall contain a 7577
group of contiguous counties in which no county has a metropolitan 7578
county criminal justice services agency. 7579

(D) Any county or any combination of contiguous counties 7580
within an administrative planning district may form a criminal 7581
justice coordinating council or a juvenile justice coordinating 7582
council for its respective programs, if the county or the group of 7583
counties has a total population in excess of two hundred fifty 7584
thousand. The council shall comply with the conditions set forth 7585
in divisions (B) and (C) of section 181.55 of the Revised Code, 7586
and exercise within its jurisdiction the powers and duties set 7587
forth in division (B) of section 181.54 of the Revised Code. 7588

Sec. 183.09. The fiscal year of the tobacco use prevention 7589
and control foundation shall be the same as the fiscal year of the 7590
state. 7591

Within ninety days after the end of each fiscal year, the 7592
foundation shall submit to the governor and the general assembly 7593
both of the following: 7594

(A) A report of the activities of the foundation during the 7595
preceding fiscal year and an independent and objective evaluation 7596
of the progress being made by the foundation in reducing tobacco 7597
use by Ohioans; 7598

(B) A financial report of the foundation for the preceding 7599
fiscal year, which shall include both: 7600

(1) Information on the amount and percentage of overhead and 7601
administrative expenditures compared to programmatic expenditures; 7602

(2) An independent auditor's report on the ~~general purpose~~ 7603
basic financial statements and required supplementary information 7604
of the foundation. Such financial statements shall be prepared in 7605
conformity with generally accepted accounting principles 7606
prescribed for governmental entities. 7607

Sec. 183.10. The law enforcement improvements trust fund is 7608

hereby created in the state treasury. Money credited to the fund 7609
shall be used by the attorney general to maintain, upgrade, and 7610
modernize the law enforcement training, law enforcement 7611
technology, and laboratory ~~facilities~~ equipment of the office of 7612
the attorney general. All investment earnings of the fund shall be 7613
credited to the fund. 7614

Sec. 183.17. The fiscal year of the southern Ohio 7615
agricultural and community development foundation shall be the 7616
same as the fiscal year of the state. 7617

Within ninety days after the end of each fiscal year, the 7618
foundation shall submit to the governor and the general assembly 7619
both of the following: 7620

(A) A report of the activities of the foundation during the 7621
preceding fiscal year. The report shall also contain an 7622
independent evaluation of the progress being made by the 7623
foundation in carrying out its duties. 7624

(B) A financial report of the foundation for the preceding 7625
year, which shall include both: 7626

(1) Information on the amount and percentage of overhead and 7627
administrative expenditures compared to programmatic expenditures; 7628

(2) An independent auditor's report on the ~~general purpose~~ 7629
basic financial statements and required supplementary information 7630
of the foundation. Such financial statements shall be prepared in 7631
conformity with generally accepted accounting principles 7632
prescribed for governmental entities. 7633

On or before July 1, 2010, the foundation shall report to the 7634
governor and the general assembly on the progress that the 7635
foundation has made in replacing the production of tobacco in 7636
southern Ohio with the production of other agricultural products 7637
and in mitigating the adverse economic impact of reduced tobacco 7638

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:	7669
(1) "Credit card" includes a gasoline credit card and a telephone credit card.	7670 7671
(2) "Officer" includes an individual who also is an appointing authority.	7672 7673
(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.	7674 7675 7676 7677
(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 food, transportation, gasoline <u>expenses, limited to the following:</u>	7678 7679 7680 7681
<u>(1) Food expenses;</u>	7682
<u>(2) Transportation expenses;</u>	7683
<u>(3) Gasoline and oil, minor expenses;</u>	7684
<u>(4) Minor motor vehicle maintenance, emergency;</u>	7685
<u>(5) Emergency motor vehicle repair, telephone, lodging, and internet expenses;</u>	7686 7687
<u>(6) Telephone expenses;</u>	7688
<u>(7) Lodging expenses;</u>	7689
<u>(8) Internet service provider expenses;</u>	7690
<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>	7691 7692 7693 7694 7695 7696

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

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

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

approved for use, and is free from previous and then-outstanding 7729
obligations or certifications, the board shall authorize the 7730
officer or employee to incur debt for such expenses against the 7731
county's credit up to the authorized amount. 7732

(2) In lieu of following the procedure set forth in division 7733
(E)(1) of this section, a board of county commissioners may adopt 7734
a resolution authorizing an officer or employee of an appointing 7735
authority to use a county credit card to pay for specific classes 7736
of the work-related expenses listed in division (B) of this 7737
section, or use a specific credit card for any of those 7738
work-related expenses listed in division (B) of this section, 7739
without submitting an estimate of those expenses to the board as 7740
required by division (E)(1) of this section. Prior to adopting the 7741
resolution, the board shall notify the county auditor. The 7742
resolution shall specify whether the officer's or employee's 7743
exemption extends to the use of a specific card, which card shall 7744
be identified by its number, or to one or more specific 7745
work-related uses from the classes of uses permitted under 7746
division (B) of this section. Before any credit card exempted for 7747
specific uses may be used to make purchases for uses other than 7748
those specific uses listed in the resolution, the procedures 7749
outlined in division (E)(1) of this section must be followed or 7750
the use shall be considered an unauthorized use. Use of any credit 7751
card under division (E)(2) of this section shall be limited to the 7752
amount appropriated and encumbered in a specific appropriation 7753
line item for the permitted use or uses designated in the 7754
authorizing resolution, or, in the case of a resolution that 7755
authorizes use of a specific credit card, for each of the 7756
permitted uses listed in division (B) of this section, but only to 7757
the extent the moneys in such appropriations are not otherwise 7758
encumbered. 7759

(F)(1) Any time a county credit card approved for use for an 7760

authorized amount under division (E)(1) of this section is used 7761
for more than that authorized amount, the appointing authority may 7762
request the board of county commissioners to authorize after the 7763
fact the expenditure of any amount charged beyond the originally 7764
authorized amount if, upon the board's request, the county auditor 7765
certifies that sum of money is in the treasury or in the process 7766
of collection to the credit of the appropriate appropriation line 7767
item for which the credit card was used and is free from previous 7768
and then-outstanding obligations or certifications. If the card is 7769
used for more than the amount originally authorized and if for any 7770
reason that amount is not authorized after the fact, then the 7771
county treasury shall be reimbursed for any amount spent beyond 7772
the originally authorized amount in the following manner: 7773

(a) If the card is issued in the name of a specific officer 7774
or employee, then that officer or employee is liable in person and 7775
upon any official bond the officer or employee has given to the 7776
county to reimburse the county treasury for the amount charged to 7777
the county beyond the originally authorized amount. 7778

(b) If the card was issued to the office of the appointing 7779
authority, then the appointing authority is liable in person and 7780
upon any official bond the appointing authority has given to the 7781
county for the amount charged to the county beyond the originally 7782
authorized amount. 7783

(2) Any time a county credit card authorized for use under 7784
division (E)(2) of this section is used for more than the amount 7785
appropriated under that division, the appointing authority may 7786
request the board of county commissioners to issue a supplemental 7787
appropriation or make a transfer to the proper line item account 7788
as permitted in section 5705.40 of the Revised Code, to cover the 7789
amount charged beyond the originally appropriated amount. If the 7790
card is used for more than the amount originally appropriated and 7791
if for any reason that amount is not appropriated or transferred 7792

as permitted by this section, then the county treasury shall be 7793
reimbursed for any amount spent beyond the originally appropriated 7794
amount in the following manner: 7795

(a) If the card is issued in the name of a specific officer 7796
or employee, then that officer or employee is liable in person and 7797
upon any official bond the officer or employee has given to the 7798
county for reimbursing the county treasury for any amount charged 7799
on the card beyond the originally appropriated amount. 7800

(b) If the card is issued in the name of the office of the 7801
appointing authority, then the appointing authority is liable in 7802
person and upon any official bond the appointing authority has 7803
given to the county for reimbursement for any amount charged on 7804
the card beyond the originally appropriated amount. 7805

(3) Whenever any officer or employee authorized to use a 7806
credit card held by the board or the office of any other county 7807
appointing authority suspects the loss, theft, or possibility of 7808
unauthorized use of the county credit card the officer or employee 7809
is authorized to use, the officer or employee shall so notify the 7810
officer's or employee's appointing authority or the board 7811
immediately and in writing. 7812

(4) If the county auditor determines there has been a credit 7813
card expenditure beyond the appropriated or authorized amount as 7814
provided in division (E) of this section, the auditor immediately 7815
shall notify the board of county commissioners of this fact. When 7816
the board of county commissioners determines on its own or after 7817
notification from the county auditor that the county treasury 7818
should be reimbursed for credit card expenditures beyond the 7819
appropriated or authorized amount as provided in divisions (F)(1) 7820
and (2) of this section, it shall give written notice to the 7821
officer or employee or appointing authority liable to the treasury 7822
as provided in divisions (F)(1) and (2) of this section. If, 7823
within thirty days after issuance of this written notice the 7824

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

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

Sec. 307.86. Anything to be purchased, leased, leased with an
option or agreement to purchase, or constructed, including, but
not limited to, any product, structure, construction,
reconstruction, improvement, maintenance, repair, or service,
except 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 county
or contracting authority, as defined in section 307.92 of the
Revised Code, at a cost in excess of fifteen thousand dollars,
except as otherwise provided in division (D) of section 713.23 and
in sections 125.04, 307.022, 307.041, 307.861, 339.05, 340.03,
340.033, 4115.31 to 4115.35, 5119.16, 5513.01, 5543.19, 5713.01,
and 6137.05 of the Revised Code, shall be obtained through
competitive bidding. However, competitive bidding is not required
when any of the following applies:

(A) The board of county commissioners, by a unanimous vote of
its members, makes a determination that a real and present
emergency exists, and that determination and the reasons for it
are entered in the minutes of the proceedings of the board, when
either of the following applies:

(1) The estimated cost is less than fifty thousand dollars.

(2) There is actual physical disaster to structures, radio
communications equipment, or computers.

For purposes of this division, "unanimous vote" means all 7856
three members of a board of county commissioners when all three 7857
members are present, or two members of the board if only two 7858
members, constituting a quorum, are present. 7859

Whenever a contract of purchase, lease, or construction is 7860
exempted from competitive bidding under division (A)(1) of this 7861
section because the estimated cost is less than fifty thousand 7862
dollars, but the estimated cost is fifteen thousand dollars or 7863
more, the county or contracting authority shall solicit informal 7864
estimates from no fewer than three persons who could perform the 7865
contract, before awarding the contract. With regard to each such 7866
contract, the county or contracting authority shall maintain a 7867
record of such estimates, including the name of each person from 7868
whom an estimate is solicited. The county or contracting authority 7869
shall maintain the record for the longer of at least one year 7870
after the contract is awarded or the amount of time the federal 7871
government requires. 7872

(B) The purchase consists of supplies or a replacement or 7873
supplemental part or parts for a product or equipment owned or 7874
leased by the county, and the only source of supply for the 7875
supplies, part, or parts is limited to a single supplier. 7876

(C) The purchase is from the federal government, the state, 7877
another county or contracting authority of another county, or a 7878
board of education, township, or municipal corporation. 7879

(D) Public family services or workforce development 7880
activities are purchased for provision by the county department of 7881
job and family services under section 329.04 of the Revised Code, 7882
or program services, such as direct and ancillary client services, 7883
child day-care, case management services, residential services, 7884
and family resource services, are purchased for provision by a 7885
county board of mental retardation and developmental disabilities 7886
under section 5126.05 of the Revised Code. 7887

(E) The purchase consists of criminal justice services, 7888
social services programs, family services, or workforce 7889
development activities by the board of county commissioners from 7890
nonprofit corporations or associations under programs ~~that are~~ 7891
funded ~~entirely~~ by the federal government or by state grants. 7892

(F) The purchase consists of any form of an insurance policy 7893
or contract authorized to be issued under Title XXXIX of the 7894
Revised Code or any form of health care plan authorized to be 7895
issued under Chapter 1751. of the Revised Code, or any combination 7896
of such policies, contracts, or plans that the contracting 7897
authority is authorized to purchase, and the contracting authority 7898
does all of the following: 7899

(1) Determines that compliance with the requirements of this 7900
section would increase, rather than decrease, the cost of ~~such~~ the 7901
purchase; 7902

(2) Employs a competent consultant to assist the contracting 7903
authority in procuring appropriate coverages at the best and 7904
lowest prices; 7905

(3) Requests issuers of ~~such~~ the policies, contracts, or 7906
plans to submit proposals to the contracting authority, in a form 7907
prescribed by the contracting authority, setting forth the 7908
coverage and cost of ~~such~~ the policies, contracts, or plans as the 7909
contracting authority desires to purchase; 7910

(4) Negotiates with ~~such~~ the issuers for the purpose of 7911
purchasing ~~such~~ the policies, contracts, or plans at the best and 7912
lowest price reasonably possible. 7913

(G) The purchase consists of computer hardware, software, or 7914
consulting services that are necessary to implement a computerized 7915
case management automation project administered by the Ohio 7916
prosecuting attorneys association and funded by a grant from the 7917
federal government. 7918

(H) Child day-care services are purchased for provision to county employees.	7919 7920
(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:	7921 7922 7923
(a) The contracting authority is authorized by the Revised Code to lease the property.	7924 7925
(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.	7926 7927 7928 7929
(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.	7930 7931 7932 7933 7934
(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.	7935 7936 7937 7938 7939
(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.	7940 7941 7942 7943
(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	7944 7945 7946 7947 7948 7949

treatment, services to children in their home, or electronic 7950
monitoring. 7951

(K) The purchase is made by a public children services agency 7952
pursuant to section 307.92 or 5153.16 of the Revised Code and 7953
consists of family services, programs, or ancillary services that 7954
provide case management, prevention, or treatment services for 7955
children at risk of being or alleged to be abused, neglected, or 7956
dependent children. 7957

Any issuer of policies, contracts, or plans listed in 7958
division (F) of this section and any prospective lessor under 7959
division (I) of this section may have the issuer's or prospective 7960
lessor's name and address, or the name and address of an agent, 7961
placed on a special notification list to be kept by the 7962
contracting authority, by sending the contracting authority ~~such~~ 7963
that name and address. The contracting authority shall send notice 7964
to all persons listed on the special notification list. Notices 7965
shall state the deadline and place for submitting proposals. The 7966
contracting authority shall mail the notices at least six weeks 7967
prior to the deadline set by the contracting authority for 7968
submitting proposals. Every five years the contracting authority 7969
may review this list and remove any person from the list after 7970
mailing the person notification of ~~such~~ that action. 7971

Any contracting authority that negotiates a contract under 7973
division (F) of this section shall request proposals and 7974
renegotiate with issuers in accordance with that division at least 7975
every three years from the date of the signing of such a contract. 7976

Any consultant employed pursuant to division (F) of this 7977
section and any real estate appraiser employed pursuant to 7978
division (I) of this section shall disclose any fees or 7979
compensation received from any source in connection with that 7980
employment. 7981

Sec. 313.091. In connection with the performance of duties 7982
~~performed in accordance with~~ under this chapter, a coroner, deputy 7983
coroner, or representative of a coroner or deputy coroner may 7984
request, in writing, to inspect and receive a copy of the deceased 7985
person's medical and psychiatric records. The person to whom the 7986
request is delivered shall make such records in the person's 7987
custody available during normal business hours to the coroner, 7988
deputy coroner, or representative for purposes of inspection and 7989
copying. A person who provides copies of medical or psychiatric 7990
records pursuant to a request made under this section may request, 7991
in writing, reimbursement in a specified amount for the necessary 7992
and reasonable costs of copying the records, in which case the 7993
coroner, deputy coroner, or representative shall remit that amount 7994
to the person upon receipt of the copies. 7995

Any medical or psychiatric record provided to a coroner, 7996
deputy coroner, or representative of a coroner or deputy coroner 7997
under this section is not a public record subject to section 7998
149.43 of the Revised Code. The release of a deceased person's 7999
medical or psychiatric records to a coroner, deputy coroner, or 8000
representative of a coroner or deputy coroner in accordance with 8001
this section does not violate division (B)(4) of section 4731.22 8002
or section 5122.31 of the Revised Code. 8003

As used in this section and section 313.10 of the Revised 8004
Code, "medical record" has the same meaning as in division (A)(3) 8005
of section 149.43 of the Revised Code. 8006

Sec. 325.071. There shall be allowed annually to the sheriff, 8007
in addition to all salary and allowances otherwise provided by 8008
law, an amount equal to one-half of the official salary allowed 8009
under ~~sections~~ division (A) of section 325.06 and section 325.18 8010
of the Revised Code, to provide for expenses that the sheriff 8011
incurs in the performance of the sheriff's official duties and in 8012

the furtherance of justice. Upon the order of the sheriff, the 8013
county auditor shall draw the auditor's warrant on the county 8014
treasurer, payable to the sheriff or any other person as the order 8015
designates, for the amount the order requires. The amounts the 8016
order requires, not exceeding the amount provided by this section, 8017
shall be paid out of the general fund of the county. 8018

Nothing shall be paid under this section until the sheriff 8019
gives bond to the state in an amount not less than the sheriff's 8020
official salary, to be fixed by the court of common pleas or the 8021
probate court, with sureties to be approved by either of those 8022
courts. The bond shall be conditioned that the sheriff will 8023
faithfully discharge all the duties enjoined upon the sheriff, and 8024
pay over all moneys the sheriff receives in an official capacity. 8025
The bond, with the approval of the court of common pleas or the 8026
probate court of the amount of the bond and the sureties on the 8027
bond, shall be deposited with the county treasurer. 8028

The sheriff annually, before the first Monday of January, 8029
shall file with the county auditor an itemized statement, verified 8030
by the sheriff, as to the manner in which the fund provided by 8031
this section has been expended during the current year, and, if 8032
any part of that fund remains in the sheriff's hands unexpended, 8033
forthwith shall pay the remainder into the county treasury. 8034

Sec. 329.042. The county department of job and family 8035
services shall certify public assistance and nonpublic assistance 8036
households eligible under the "Food Stamp Act of 1964," 78 Stat. 8037
703, 7 U.S.C.A. 2011, as amended, and federal and state 8038
regulations adopted pursuant to such act, to enable low-income 8039
households to participate in the food stamp program and thereby to 8040
purchase foods having a greater monetary value than is possible 8041
under public assistance standard allowances or other low-income 8042
budgets. 8043

The county department of job and family services shall 8044
administer the distribution of food stamp ~~coupons~~ benefits under 8045
the supervision of the department of job and family services. ~~Such~~ 8046
~~coupons~~ The benefits shall be distributed by ~~mail in accordance~~ 8047
~~with sections 5101.541, 5101.542, and 5101.543 of the Revised~~ 8048
~~Code, or by some alternative~~ a method approved by the department 8049
of job and family services in accordance with the "Food Stamp Act 8050
of 1964," 78 Stat. 703, 7 U.S.C.A. 2011, as amended, and 8051
regulations issued thereunder. 8052

The document referred to as the "authorization-to-participate 8053
card," which shows the face value of the ~~coupon allotment~~ benefits 8054
an eligible household is entitled to receive on presentment of the 8055
document, shall be issued, immediately upon certification, to a 8056
household determined under division (C) of section 5101.54 of the 8057
Revised Code to be in immediate need of food assistance by being 8058
personally handed by a member of the staff of the county 8059
department of job and family services to the member of the 8060
household in whose name application was made for participation in 8061
the program or the authorized representative of such member of the 8062
household. 8063

Sec. ~~5101.19~~ 329.19. (A) Upon determining that a person or 8064
persons are eligible for ~~aid payments~~ benefits or services under 8065
~~Chapter 5107. or 5115. of the Revised Code~~ any assistance program 8066
administered by the county department of job and family services, 8067
the county department may issue an identification card ~~shall be~~ 8068
~~issued to the individual designated to receive warrants for aid~~ 8069
~~payments~~ person or persons. Such cards ~~may be made up and issued~~ 8070
~~by the county department of job and family services, or the~~ 8071
~~department of job and family services may enter into a contract~~ 8072
~~with any person, corporation, or agency, public or private, to~~ 8073
~~furnish cards to individuals certified by the county department.~~ 8074
The county department of job and family services shall determine 8075

the card's material, design, and informational content, which 8076
~~shall~~ may include a photograph, social security number, name, and 8077
signature, and shall prescribe the procedure by which it is 8078
issued. 8079

~~(B) Any county department of job and family services which on 8080
July 7, 1972 is furnishing identification cards to individuals 8081
designated to receive warrants for aid payments under Chapter 8082
5107. of the Revised Code, may continue to issue such cards and 8083
may issue identification cards to individuals designated to 8084
receive warrants for aid payments under Chapter 5115. of the 8085
Revised Code under procedures developed by the county, in lieu of 8086
those established under division (A) of this section, provided:~~ 8087

~~(1) The information borne on the card is substantially the 8088
same as that required in division (A) of this section:~~ 8089

~~(2) The county complies with any regulations adopted by the 8090
director of job and family services which are applicable to such a 8091
procedure. 8092~~

~~(C) The individual designated to receive warrants for aid 8093
payments shall present the identification card issued under this 8094
section as a condition for the acceptance and payment of the 8095
warrants. 8096~~

In issuing identification cards under this section, the 8097
county department shall comply with any state or federal laws 8098
governing the issuance of the cards. All expenses incurred in 8099
issuing the issuance of identification cards under this section 8100
shall be paid from funds appropriated available to the county 8101
department of job and family services for administrative expenses. 8102

Sec. 339.05. A board of county hospital trustees may adopt, 8103
annually, bidding procedures and purchasing policies for services 8104
provided through a joint purchasing arrangement sponsored by a 8105
nonprofit organization, and for supplies and equipment, that are 8106

routinely used in the operation of the hospital and that cost in 8107
excess of the amount specified in section 307.86 of the Revised 8108
Code as the amount above which purchases must be competitively 8109
bid. If a board of county hospital trustees adopts ~~such~~ those 8110
policies and procedures, and if the board of county commissioners 8111
approves them, the board of county hospital trustees may follow 8112
~~these~~ those policies and procedures in lieu of following the 8113
competitive bidding procedures of sections 307.86 to 307.92 of the 8114
Revised Code. 8115

Sec. 340.02. As used in this section, "mental health 8116
professional" means a person who is qualified to work with 8117
mentally ill persons, pursuant to ~~minimum~~ standards established by 8118
the director of mental health under section ~~5119.61~~ 5119.611 of 8119
the Revised Code. 8120

For each alcohol, drug addiction, and mental health service 8121
district there shall be appointed a board of alcohol, drug 8122
addiction, and mental health services of eighteen members. Members 8123
shall be residents of the district and shall be interested in 8124
mental health programs and facilities or in alcohol or drug 8125
addiction programs. 8126

The director of mental health shall appoint four members of 8127
the board, the director of alcohol and drug addiction services 8128
shall appoint four members, and the board of county commissioners 8129
shall appoint ten members. In a joint-county district the county 8130
commissioners of each participating county shall appoint members 8131
in as nearly as possible the same proportion as that county's 8132
population bears to the total population of the district, except 8133
that at least one member shall be appointed from each 8134
participating county. 8135

The director of mental health shall ensure that at least one 8136
member of the board is a psychiatrist and one member of the board 8137

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

alcohol, drug addiction, and mental health services shall be an 8170
employee of any agency with which the board has entered into a 8171
contract for the provision of services or facilities. No person 8172
shall be an employee of a board and such an agency unless the 8173
board and agency both agree in writing. 8174

No person shall serve as a member of the board of alcohol, 8175
drug addiction, and mental health services whose spouse, child, 8176
parent, brother, sister, grandchild, stepparent, stepchild, 8177
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 8178
daughter-in-law, brother-in-law, or sister-in-law serves as a 8179
member of the board of any agency with which the board of alcohol, 8180
drug addiction, and mental health services has entered into a 8181
contract for the provision of services or facilities. No person 8182
shall serve as a member or employee of the board whose spouse, 8183
child, parent, brother, sister, stepparent, stepchild, 8184
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 8185
daughter-in-law, brother-in-law, or sister-in-law serves as a 8186
county commissioner of a county or counties in the alcohol, drug 8187
addiction, and mental health service district. 8188

Each year each board member shall attend at least one 8189
inservice training session provided or approved by the department 8190
of mental health or the department of alcohol and drug addiction 8191
services. Such training sessions shall not be considered to be 8192
regularly scheduled meetings of the board. 8193

Each member shall be appointed for a term of four years, 8194
commencing the first day of July, except that one-third of initial 8195
appointments to a newly established board, and to the extent 8196
possible to expanded boards, shall be for terms of two years, 8197
one-third for terms of three years, and one-third for terms of 8198
four years. No member shall serve more than two consecutive 8199
four-year terms. A member may serve for three consecutive terms 8200
only if one of the terms is for less than two years. A member who 8201

has served two consecutive four-year terms or three consecutive 8202
terms totaling less than ten years is eligible for reappointment 8203
one year following the end of the second or third term, 8204
respectively. 8205

When a vacancy occurs, appointment for the expired or 8206
unexpired term shall be made in the same manner as an original 8207
appointment. The appointing authority shall be notified by 8208
certified mail of any vacancy and shall fill the vacancy within 8209
sixty days following such notice. 8210

Any member of the board may be removed from office by the 8211
appointing authority for neglect of duty, misconduct, or 8212
malfeasance in office, and shall be removed by the appointing 8213
authority if the member's spouse, child, parent, brother, sister, 8214
stepparent, stepchild, stepbrother, stepsister, father-in-law, 8215
mother-in-law, son-in-law, daughter-in-law, brother-in-law, or 8216
sister-in-law serves as a county commissioner of a county or 8217
counties in the service district or serves as a member or employee 8218
of the board of an agency with which the board of alcohol, drug 8219
addiction, and mental health services has entered a contract for 8220
the provision of services or facilities. The member shall be 8221
informed in writing of the charges and afforded an opportunity for 8222
a hearing. Upon the absence of a member within one year from 8223
either four board meetings or from two board meetings without 8224
prior notice, the board shall notify the appointing authority, 8225
which may vacate the appointment and appoint another person to 8226
complete the member's term. 8227

Members of the board shall serve without compensation, but 8228
shall be reimbursed for actual and necessary expenses incurred in 8229
the performance of their official duties, as defined by rules of 8230
the departments of mental health and alcohol and drug addiction 8231
services. 8232

Sec. 340.03. (A) Subject to rules issued by the director of 8233
mental health after consultation with relevant constituencies as 8234
required by division (A)(11) of section 5119.06 of the Revised 8235
Code, with regard to mental health services, the board of alcohol, 8236
drug addiction, and mental health services shall: 8237

(1) Serve as the community mental health planning agency for 8238
the county or counties under its jurisdiction, and in so doing it 8239
shall: 8240

(a) Evaluate the need for facilities and community mental 8241
health ~~programs and facilities~~ services; 8242

(b) ~~Assess~~ In cooperation with other local and regional 8243
planning and funding bodies and with relevant ethnic 8244
organizations, assess the community mental health needs, set 8245
priorities, and develop plans for the operation of facilities and 8246
community mental health services ~~and programs, and facilities for~~ 8247
~~those services and programs, in cooperation with other local and~~ 8248
~~regional planning and funding bodies and with relevant ethnic~~ 8249
~~organizations;~~ 8250

(c) In accordance with guidelines issued by the director of 8251
mental health after consultation with board representatives, 8252
develop and submit to the department of mental health, no later 8253
than six months prior to the conclusion of the fiscal year in 8254
which the board's current plan is scheduled to expire, a community 8255
mental health plan listing community mental health needs, 8256
including the needs of all residents of the district now residing 8257
in state mental institutions and severely mentally disabled 8258
adults, children, and adolescents; all children subject to a 8259
determination made pursuant to section 121.38 of the Revised Code; 8260
and all the facilities and community mental health ~~programs and~~ 8261
~~facilities~~ services that are or will be in operation or provided 8262
during the period for which the plan will be in operation in the 8263

service district to meet such needs. 8264

The plan shall include, but not be limited to, a statement of 8265
which of the services listed in section 340.09 of the Revised Code 8266
the board intends to provide or purchase, an explanation of how 8267
the board intends to make any payments that it may be required to 8268
pay under section 5119.62 of the Revised Code, a statement of the 8269
inpatient and community-based services the board proposes that the 8270
department operate, an assessment of the number and types of 8271
residential facilities needed, and such other information as the 8272
department requests, and a budget for moneys the board expects to 8273
receive. The board shall also submit an allocation request for 8274
state and federal funds. Within sixty days after the department's 8275
determination that the plan and allocation request are complete, 8276
the department shall approve or disapprove the plan and request, 8277
in whole or in part, according to the criteria developed pursuant 8278
to section 5119.61 of the Revised Code. The department's statement 8279
of approval or disapproval shall specify the inpatient and the 8280
community-based services that the department will operate for the 8281
board. Eligibility for financial support shall be contingent upon 8282
an approved plan or relevant part of a plan. 8283

If the director disapproves all or part of any plan, the 8284
director shall inform the board of the reasons for the disapproval 8285
and of the criteria that must be met before the plan may be 8286
approved. The director shall provide the board an opportunity to 8287
present its case on behalf of the plan. The director shall give 8288
the board a reasonable time in which to meet the criteria, and 8289
shall offer the board technical assistance to help it meet the 8290
criteria. 8291

If the approval of a plan remains in dispute thirty days 8292
prior to the conclusion of the fiscal year in which the board's 8293
current plan is scheduled to expire, the board or the director may 8294
request that the dispute be submitted to a mutually agreed upon 8295

third-party mediator with the cost to be shared by the board and 8296
the department. The mediator shall issue to the board and the 8297
department recommendations for resolution of the dispute. Prior to 8298
the conclusion of the fiscal year in which the current plan is 8299
scheduled to expire, the director, taking into consideration the 8300
recommendations of the mediator, shall make a final determination 8301
and approve or disapprove the plan, in whole or in part. 8302

If a board determines that it is necessary to amend a plan or 8303
an allocation request that has been approved under division 8304
(A)(1)(c) of this section, the board shall submit a proposed 8305
amendment to the director. The director may approve or disapprove 8306
all or part of the amendment. If the director does not approve all 8307
or part of the amendment within thirty days after it is submitted, 8308
the amendment or part of it shall be considered to have been 8309
approved. The director shall inform the board of the reasons for 8310
disapproval of all or part of an amendment and of the criteria 8311
that must be met before the amendment may be approved. The 8312
director shall provide the board an opportunity to present its 8313
case on behalf of the amendment. The director shall give the board 8314
a reasonable time in which to meet the criteria, and shall offer 8315
the board technical assistance to help it meet the criteria. 8316

The board shall implement the plan approved by the 8317
department. 8318

(d) Receive, compile, and transmit to the department of 8319
mental health applications for state reimbursement; 8320

(e) Promote, arrange, and implement working agreements with 8321
social agencies, both public and private, and with judicial 8322
agencies. 8323

(2) Investigate, or request another agency to investigate, 8324
any complaint alleging abuse or neglect of any person receiving 8325
services from a community mental health agency as defined in 8326

section 5122.01 of the Revised Code, or from a residential 8327
facility licensed under section 5119.22 of the Revised Code. If 8328
the investigation substantiates the charge of abuse or neglect, 8329
the board shall take whatever action it determines is necessary to 8330
correct the situation, including notification of the appropriate 8331
authorities. Upon request, the board shall provide information 8332
about such investigations to the department. 8333

(3) Review, For the purpose of section 5119.611 of the 8334
Revised Code, cooperate with the director of mental health in 8335
visiting and evaluating whether the services of a community mental 8336
health agency satisfy the certification standards established by 8337
rules adopted under that section; 8338

(4) In accordance with criteria established under division 8339
(G) of section 5119.61 of the Revised Code, review and evaluate, 8340
and conduct program audits for the quality, effectiveness, and 8341
efficiency of services provided through its community mental 8342
health services, facilities, and agencies seeking federal, state, 8343
or board assistance, review licensure applications pursuant to 8344
section 5119.22 of the Revised Code, and determine if the services 8345
meet minimum standards established pursuant to division (G) of 8346
section 5119.01 of the Revised Code plan and submit its findings 8347
and recommendations to the department of mental health; 8348

~~(4)~~(5) In accordance with section 5119.22 of the Revised 8349
Code, review applications for residential facility licenses and 8350
recommend to the department of mental health approval or 8351
disapproval of applications; 8352

(6) Audit, in accordance with rules adopted by the auditor of 8353
state pursuant to section 117.20 of the Revised Code, at least 8354
annually all programs and services provided under contract with 8355
the board. In so doing, the board may contract for or employ the 8356
services of private auditors. A copy of the fiscal audit report 8357
shall be provided to the director of mental health, the auditor of 8358

state, and the county auditor of each county in the board's 8359
district. 8360

~~+5)~~(7) Recruit and promote local financial support for mental 8361
health programs from private and public sources; 8362

~~+6)~~(8)(a) Enter into contracts with public and private 8363
facilities for the operation of facility services included in the 8364
board's community mental health plan and enter into contracts with 8365
public and private community mental health agencies for the 8366
provision of community mental health services and facilities 8367
listed in section 340.09 of the Revised Code and included in the 8368
board's community mental health plan. Contracts with community 8369
mental health agencies are subject to section 5119.611 of the 8370
Revised Code. Section 307.86 of the Revised Code does not apply to 8371
contracts entered into under this division. In contracting with a 8372
~~public or private~~ community mental health agency, a board shall 8373
consider the cost effectiveness of services provided by that 8374
agency and the quality and continuity of care, and may review cost 8375
elements, including salary costs, of the services to be provided. 8376
A utilization review process shall be established as part of the 8377
contract for services entered into between a board and a ~~public or~~ 8378
~~private~~ community mental health agency. The board may establish 8379
this process in a way ~~which~~ that is most effective and efficient 8380
in meeting local needs. In the case of a contract with a community 8381
mental health facility described in division (B) of section 8382
5111.022 of the Revised Code to provide services established by 8383
division (A) of that section, the contract shall provide for the 8384
facility to be paid in accordance with the contract entered into 8385
between the departments of ~~human~~ job and family services and 8386
mental health under division (E) of that section and any rules 8387
adopted under division (A) of section 5119.61 of the Revised Code. 8388

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If either the board or a facility or community mental health 8390

agency with which it the board contracts for mental health 8391
~~services, programs, or facilities~~ under division (A)(8)(a) of this 8392
section proposes not to renew the contract or proposes substantial 8393
changes in contract terms, the other party shall be given written 8394
notice at least one hundred twenty days before the expiration date 8395
of the contract. During the first sixty days of this one hundred 8396
twenty-day period, both parties shall attempt to resolve any 8397
dispute through good faith collaboration and negotiation in order 8398
to continue to provide services to persons in need. If the dispute 8399
has not been resolved sixty days before the expiration date of the 8400
contract, either party may notify the department of mental health 8401
of the unresolved dispute. The director may require both parties 8402
to submit the dispute to a third party with the cost to be shared 8403
by the board and the facility or community mental health agency. 8404
The third party shall issue to the board, the facility or agency, 8405
and the department recommendations on how the dispute may be 8406
resolved twenty days prior to the expiration date of the contract, 8407
unless both parties agree to a time extension. The director shall 8408
adopt rules establishing the procedures of this dispute resolution 8409
process. 8410

(b) With the prior approval of the director of mental health, 8411
a board may operate a facility or provide a community mental 8412
health service, ~~program, or facility~~ as follows, if there is no 8413
other qualified private or public facility or community mental 8414
health agency that is immediately available and willing to operate 8415
such a facility or provide the service, ~~program, or facility~~: 8416
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(i) In an emergency situation, any board may operate a 8418
facility or provide a community mental health service, ~~program, or~~ 8419
~~facility~~ in order to provide essential services for the duration 8420
of the emergency; 8421

(ii) In a service district with a population of at least one 8422

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;

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(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.

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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~~.

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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~~.

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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 8455
the board to take over operation of the ~~service, program, or~~ 8456
facility. The director shall not give a board approval to provide 8457
a community mental health service previously provided by a 8458
community mental health agency unless the board has established to 8459
the director's satisfaction that the agency cannot effectively 8460
provide the service or that the agency has requested the board 8461
take over providing the service. 8462

The director shall review and evaluate ~~the~~ a board's 8463
operation of ~~each a facility and provision of community~~ 8464
health service, ~~program, or facility operated by a board~~ under 8465
division (A)~~(6)~~(8)(b) of this section. 8466

Nothing in division (A)~~(6)~~(8)(b) of this section authorizes a 8467
board to administer or direct the daily operation of any facility 8468
or community mental health agency, but ~~an a facility or~~ agency may 8469
contract with a board to receive administrative services or staff 8470
direction from the board under the direction of the governing body 8471
of the facility or agency. 8472

~~(7)~~(9) Approve fee schedules and related charges or adopt a 8473
unit cost schedule or other methods of payment for contract 8474
services provided by community mental health agencies in 8475
accordance with guidelines issued by the department as necessary 8476
to comply with state and federal laws pertaining to financial 8477
assistance; 8478

~~(8)~~(10) Submit to the director and the county commissioners 8479
of the county or counties served by the board, and make available 8480
to the public, an annual report of the programs under the 8481
jurisdiction of the board, including a fiscal accounting; 8482

~~(9)~~(11) Establish, to the extent resources are available, a 8483
community support system, which provides for treatment, support, 8484
and rehabilitation services and opportunities. The essential 8485
elements of the system include, but are not limited to, the 8486

following components in accordance with section 5119.06 of the	8487
Revised Code:	8488
(a) To locate persons in need of mental health services to	8489
inform them of available services and benefits mechanisms;	8490
(b) Assistance for clients to obtain services necessary to	8491
meet basic human needs for food, clothing, shelter, medical care,	8492
personal safety, and income;	8493
(c) Mental health care, including, but not limited to,	8494
outpatient, partial hospitalization, and, where appropriate,	8495
inpatient care;	8496
(d) Emergency services and crisis intervention;	8497
(e) Assistance for clients to obtain vocational services and	8498
opportunities for jobs;	8499
(f) The provision of services designed to develop social,	8500
community, and personal living skills;	8501
(g) Access to a wide range of housing and the provision of	8502
residential treatment and support;	8503
(h) Support, assistance, consultation, and education for	8504
families, friends, consumers of mental health services, and	8505
others;	8506
(i) Recognition and encouragement of families, friends,	8507
neighborhood networks, especially networks that include racial and	8508
ethnic minorities, churches, community organizations, and	8509
meaningful employment as natural supports for consumers of mental	8510
health services;	8511
(j) Grievance procedures and protection of the rights of	8512
consumers of mental health services;	8513
(k) Case management, which includes continual individualized	8514
assistance and advocacy to ensure that needed services are offered	8515
and procured.	8516

~~(10)~~(12) Designate the treatment program, agency, or facility 8517
for each person involuntarily committed to the board pursuant to 8518
Chapter 5122. of the Revised Code and authorize payment for such 8519
treatment. The board shall provide the least restrictive and most 8520
appropriate alternative that is available for any person 8521
involuntarily committed to it and shall assure that the services 8522
listed in section 340.09 of the Revised Code are available to 8523
severely mentally disabled persons residing within its service 8524
district. The board shall establish the procedure for authorizing 8525
payment for services, which may include prior authorization in 8526
appropriate circumstances. The board may provide for services 8527
directly to a severely mentally disabled person when life or 8528
safety is endangered and when no community mental health agency is 8529
available to provide the service. 8530

~~(11)~~(13) Establish a method for evaluating referrals for 8531
involuntary commitment and affidavits filed pursuant to section 8532
5122.11 of the Revised Code in order to assist the probate 8533
division of the court of common pleas in determining whether there 8534
is probable cause that a respondent is subject to involuntary 8535
hospitalization and what alternative treatment is available and 8536
appropriate, if any. i 8537

~~(12)~~(14) Ensure that apartments or rooms built, subsidized, 8538
renovated, rented, owned, or leased by the board or a community 8539
mental health agency have been approved as meeting minimum fire 8540
safety standards and that persons residing in the rooms or 8541
apartments are receiving appropriate and necessary services, 8542
including culturally relevant services, from a community mental 8543
health agency. This division does not apply to residential 8544
facilities licensed pursuant to section 5119.22 of the Revised 8545
Code. 8546

~~(13)~~(15) Establish a mechanism for involvement of consumer 8547
recommendation and advice on matters pertaining to mental health 8548

services in the alcohol, drug addiction, and mental health service 8549
district; 8550

~~(14)~~(16) Perform the duties under section 3722.18 of the 8551
Revised Code required by rules adopted under section 5119.61 of 8552
the Revised Code regarding referrals by the board or mental health 8553
agencies under contract with the board of individuals with mental 8554
illness or severe mental disability to adult care facilities and 8555
effective arrangements for ongoing mental health services for the 8556
individuals. The board is accountable in the manner specified in 8557
the rules for ensuring that the ongoing mental health services are 8558
effectively arranged for the individuals. 8559

(B) The board shall establish such rules, operating 8560
procedures, standards, and bylaws, and perform such other duties 8561
as may be necessary or proper to carry out the purposes of this 8562
chapter. 8563

(C) A board of alcohol, drug addiction, and mental health 8564
services may receive by gift, grant, devise, or bequest any 8565
moneys, lands, or property for the benefit of the purposes for 8566
which the board is established, and may hold and apply it 8567
according to the terms of the gift, grant, or bequest. All money 8568
received, including accrued interest, by gift, grant, or bequest 8569
shall be deposited in the treasury of the county, the treasurer of 8570
which is custodian of the alcohol, drug addiction, and mental 8571
health services funds to the credit of the board and shall be 8572
available for use by the board for purposes stated by the donor or 8573
grantor. 8574

(D) No board member or employee of a board of alcohol, drug 8575
addiction, and mental health services shall be liable for injury 8576
or damages caused by any action or inaction taken within the scope 8577
of the board member's official duties or the employee's 8578
employment, whether or not such action or inaction is expressly 8579
authorized by this section, section 340.033, or any other section 8580

of the Revised Code, unless such action or inaction constitutes 8581
willful or wanton misconduct. Chapter 2744. of the Revised Code 8582
applies to any action or inaction by a board member or employee of 8583
a board taken within the scope of the board member's official 8584
duties or employee's employment. For the purposes of this 8585
division, the conduct of a board member or employee shall not be 8586
considered willful or wanton misconduct if the board member or 8587
employee acted in good faith and in a manner that the board member 8588
or employee reasonably believed was in or was not opposed to the 8589
best interests of the board and, with respect to any criminal 8590
action or proceeding, had no reasonable cause to believe the 8591
conduct was unlawful. 8592

(E) The meetings held by any committee established by a board 8593
of alcohol, drug addiction, and mental health services shall be 8594
considered to be meetings of a public body subject to section 8595
121.22 of the Revised Code. 8596

Sec. 340.08. The community mental health plan prepared 8597
pursuant to division (A)~~(3)~~(1)(c) of section 340.03 of the Revised 8598
Code constitutes an application for funds from the department of 8599
mental health. The director of mental health shall distribute 8600
funds to the board pursuant to section 5119.62 of the Revised 8601
Code. The director shall review the budgets and expenditures of 8602
the various facilities, and community mental health agencies,~~and~~ 8603
~~programs~~ receiving funds periodically during the year. The 8604
director may charge against the county or counties any overpayment 8605
of state funds allocated to the program, and the county or 8606
counties shall reimburse the treasurer of state the amount of the 8607
overpayment if the overpayment exceeds the total moneys allocated 8608
to but not yet received by the county or counties. 8609

Sec. 340.091. Each board of alcohol, drug addiction, and 8610
mental health services shall contract with a community mental 8611

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

5111.022 of the Revised Code to children in the custody of public children services agencies. The departments shall complete the plan not later than ninety days after the effective date of this section.

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Sec. 349.01. As used in this chapter:

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

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

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

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

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(E) "Developer" means any person, organized for carrying out a new community development program who owns or controls, through leases of at least seventy-five years' duration, options, or

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contracts to purchase, the land within a new community district, 8673
or any ~~municipality~~ municipal corporation, county, or port 8674
authority that owns the land within a new community district, or 8675
has the ability to acquire such land, either by voluntary 8676
acquisition or condemnation in order to eliminate slum, blighted, 8677
and deteriorated or deteriorating areas and to prevent the 8678
recurrence thereof. 8679

(F) "Organizational board of commissioners" means, if the new 8680
community district is located in only one county, the board of 8681
county commissioners of such county; if located in more than one 8682
county, a board consisting of the members of the board of county 8683
commissioners of each of the counties in which the district is 8684
located, provided that action of such board shall require a 8685
majority vote of the members of each separate board of county 8686
commissioners; or, if more than half of the new community district 8687
is located within the boundaries of the most populous municipal 8688
corporation of a county, the legislative authority of the 8689
municipal corporation. 8690

(G) "Land acquisition" means the acquisition of real property 8691
and interests in real property as part of a new community 8692
development program. 8693

(H) "Land development" means the process of clearing and 8694
grading land, making, installing, or constructing water 8695
distribution systems, sewers, sewage collection systems, steam, 8696
gas, and electric lines, roads, streets, curbs, gutters, 8697
sidewalks, storm drainage facilities, and other installations or 8698
work, whether within or without the new community district, and 8699
the construction of community facilities. 8700

(I) "Community facilities" means all real property, 8701
buildings, structures, or other facilities, including related 8702
fixtures, equipment, and furnishings, to be owned, operated, 8703
financed, constructed, and maintained under this chapter, 8704

including public, community, village, neighborhood, or town 8705
buildings, centers and plazas, auditoriums, day care centers, 8706
recreation halls, educational facilities, hospital facilities as 8707
defined in section 140.01 of the Revised Code, recreational 8708
facilities, natural resource facilities, including parks and other 8709
open space land, lakes and streams, cultural facilities, community 8710
streets, pathway and bikeway systems, pedestrian underpasses and 8711
overpasses, lighting facilities, design amenities, or other 8712
community facilities, and buildings needed in connection with 8713
water supply or sewage disposal installations or steam, gas, or 8714
electric lines or installation. 8715

(J) "Cost" as applied to a new community development program 8716
means all costs related to land acquisition and land development, 8717
the acquisition, construction, maintenance, and operation of 8718
community facilities and offices of the community authority, and 8719
of providing furnishings and equipment therefor, financing charges 8720
including interest prior to and during construction and for the 8721
duration of the new community development program, planning 8722
expenses, engineering expenses, administrative expenses including 8723
working capital, and all other expenses necessary and incident to 8724
the carrying forward of the new community development program. 8725

(K) "Income source" means any and all sources of income to 8726
the community authority, including community development charges 8727
of which the new community authority is the beneficiary as 8728
provided in section 349.07 of the Revised Code, rentals, user fees 8729
and other charges received by the new community authority, any 8730
gift or grant received, any moneys received from any funds 8731
invested by or on behalf of the new community authority, and 8732
proceeds from the sale or lease of land and community facilities. 8733

(L) "Community development charge" means a dollar amount 8734
which shall be determined on the basis of the assessed valuation 8735
of real property or interests in real property in a new community 8736

district sold, leased, or otherwise conveyed by the developer or
the new community authority, the income of the residents of such
property subject to such charge under section 349.07 of the
Revised Code, if such property is devoted to residential uses or
to the profits of any business, a uniform fee on each parcel of
such real property originally sold, leased, or otherwise conveyed
by the developer or new community authority, or any combination of
the foregoing bases.

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

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

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

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..... For name change

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..... Against name change"

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

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consecutive weeks and shall post the notice and explanation in 8767
five conspicuous places in the unincorporated area of the 8768
township. 8769

(C) If a majority of the votes cast on the proposition of 8770
changing the township's name is in the affirmative, the name 8771
change is adopted and becomes effective ninety days after the 8772
board of elections certifies the election results to the clerk of 8773
the township. Upon receipt of the certification of the election 8774
results from the board of elections, the clerk of the township 8775
shall send a copy of that certification to the secretary of state 8776
~~and to the state and local government commission of Ohio.~~ 8777

(D) A change in the name of a township shall not alter the 8778
rights or liabilities of the township as previously named. 8779

Sec. 504.03. (A)(1) If a limited home rule government is 8780
adopted pursuant to section 504.02 of the Revised Code, it shall 8781
remain in effect for at least three years except as otherwise 8782
provided in division (B) of this section. At the end of that 8783
period, if the board of township trustees determines that that 8784
government is not in the best interests of the township, it may 8785
adopt a resolution causing the board of elections to submit to the 8786
electors of the unincorporated area of the township the question 8787
of whether the township should continue the limited home rule 8788
government. The question shall be voted upon at the next general 8789
election occurring at least seventy-five days after the 8790
certification of the resolution to the board of elections. After 8791
certification of the resolution, the board of elections shall 8792
submit the question to the electors of the unincorporated area of 8793
the township, and the ballot language shall be substantially as 8794
follows: 8795

"Shall the township of (name) continue the 8796
limited home rule government under which it is operating? 8797

..... For continuation of the limited home rule government 8798
..... Against continuation of the limited home rule government" 8799

(2) At least forty-five days before the election on the 8800
question of continuing the limited home rule government, the board 8801
of township trustees shall have notice of the election published 8802
in a newspaper of general circulation in the township for three 8803
consecutive weeks and have the notice posted in five conspicuous 8804
places in the unincorporated area of the township. 8805

(B) The electors of a township that has adopted a limited 8806
home rule government may propose at any time by initiative 8807
petition, in accordance with section 504.14 of the Revised Code, a 8808
resolution submitting to the electors in the unincorporated area 8809
of the township, in an election, the question set forth in 8810
division (A)(1) of this section. 8811

(C) If a majority of the votes cast under division (A) or (B) 8812
of this section on the proposition of continuing the limited home 8813
rule government is in the negative, that government is terminated 8814
effective on the first day of January immediately following the 8815
election, and a limited home rule government shall not be adopted 8816
in the unincorporated area of the township pursuant to section 8817
504.02 of the Revised Code for at least three years after that 8818
date. 8819

(D) If a limited home rule government is terminated ~~pursuant~~ 8820
~~to~~ under this section, the board of township trustees immediately 8821
shall adopt a resolution repealing all resolutions adopted 8822
pursuant to this chapter that are not authorized by any other 8823
section of the Revised Code outside this chapter, effective on the 8824
first day of January immediately following the election described 8825
in division (A) or (B) of this section. However, no resolution 8826
adopted under this division shall affect or impair the obligations 8827
of the township under any security issued or contracts entered 8828
into by the township in connection with the financing of any water 8829

supply facility or sewer improvement under sections 504.18 to 8830
504.20 of the Revised Code or the authority of the township to 8831
collect or enforce any assessments or other revenues constituting 8832
security for or source of payments of debt service charges of 8833
those securities. 8834

(E) Upon the termination of a limited home rule government 8835
under this section, if the township had converted its board of 8836
township trustees to a five-member board under section 504.21 of 8837
the Revised Code, the current board member who received the lowest 8838
number of votes of the current board members who were elected at 8839
the most recent election for township trustees, and the current 8840
board member who received the lowest number of votes of the 8841
current board members who were elected at the second most recent 8842
election for township trustees, shall cease to be township 8843
trustees on the date that the limited home rule government 8844
terminates. Their offices likewise shall cease to exist at that 8845
time, and the board shall continue as a three-member board as 8846
provided in section 505.01 of the Revised Code. 8847

Sec. 504.04. (A) A township that adopts a limited home rule 8848
government may do all of the following by resolution, provided 8849
that any of these resolutions, other than a resolution to supply 8850
water or sewer services in accordance with sections 504.18 to 8851
504.20 of the Revised Code, may be enforced only by the imposition 8852
of civil fines as authorized in this chapter: 8853

(1) Exercise all powers of local self-government within the 8854
unincorporated area of the township, other than powers that are in 8855
conflict with general laws, except that the township shall comply 8856
with the requirements and prohibitions of this chapter, and shall 8857
enact no taxes other than those authorized by general law, and 8858
except that no resolution adopted pursuant to this chapter shall 8859
encroach upon the powers, duties, and privileges of elected 8860
township officers or change, alter, combine, eliminate, or 8861

otherwise modify the form or structure of the township government	8862
unless the change is required <u>or permitted</u> by this chapter;	8863
(2) Adopt and enforce within the unincorporated area of the	8864
township local police, sanitary, and other similar regulations	8865
that are not in conflict with general laws or otherwise prohibited	8866
by division (B) of this section;	8867
(3) Supply water and sewer services to users within the	8868
unincorporated area of the township in accordance with sections	8869
504.18 to 504.20 of the Revised Code.	8870
(B) No resolution adopted pursuant to this chapter shall do	8871
any of the following:	8872
(1) Create a criminal offense or impose criminal penalties,	8873
except as authorized by division (A) of this section;	8874
(2) Impose civil fines other than as authorized by this	8875
chapter;	8876
(3) Establish or revise subdivision regulations, road	8877
construction standards, urban sediment rules, or storm water and	8878
drainage regulations;	8879
(4) Establish or revise building standards, building codes,	8880
and other standard codes except as provided in section 504.13 of	8881
the Revised Code;	8882
(5) Increase, decrease, or otherwise alter the powers or	8883
duties of a township under any other chapter of the Revised Code	8884
pertaining to agriculture or the conservation or development of	8885
natural resources;	8886
(6) Establish regulations affecting hunting, trapping,	8887
fishing, or the possession, use, or sale of firearms;	8888
(7) Establish or revise water or sewer regulations, except in	8889
accordance with sections 504.18 and 504.19 of the Revised Code.	8890

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. 8922

(C) If a board of township trustees is converted to a 8923
five-member board, the board members shall be elected by 8924
determining which individuals receive the highest number of votes 8925
from a slate of candidates running for the office of township 8926
trustee. If the first election after a township converts its board 8927
of township trustees to a five-member board is an election for 8928
three four-year term members and one two-year term member, the 8929
three candidates who receive the highest number of votes from the 8930
slate of candidates for township trustee shall serve a four-year 8931
term and the candidate who receives the fourth highest number of 8932
votes from that slate of candidates shall serve a two-year term. 8933

Sec. 505.24. Each township trustee is entitled to 8934
compensation as follows: 8935

(A) Except as otherwise provided in division (B) of this 8936
section, an amount for each day of service in the business of the 8937
township, to be paid from the township treasury as follows: 8938

(1) In townships having a budget of fifty thousand dollars or 8939
less, twenty dollars per day for not more than two hundred days; 8940
8941

(2) In townships having a budget of more than fifty thousand 8942
but not more than one hundred thousand dollars, twenty-four 8943
dollars per day for not more than two hundred days; 8944

(3) In townships having a budget of more than one hundred 8945
thousand but not more than two hundred fifty thousand dollars, 8946
twenty-eight dollars and fifty cents per day for not more than two 8947
hundred days; 8948

(4) In townships having a budget of more than two hundred 8949
fifty thousand but not more than five hundred thousand dollars, 8950
thirty-three dollars per day for not more than two hundred days; 8951

(5) In townships having a budget of more than five hundred thousand but not more than seven hundred fifty thousand dollars, thirty-five dollars per day for not more than two hundred days;	8952 8953 8954
(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;	8955 8956 8957
(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;	8958 8959 8960 8961
(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;	8962 8963 8964 8965
(9) In townships having a budget of more than six million dollars, fifty-two dollars per day for not more than two hundred days.	8966 8967 8968
(B) Beginning in calendar year 1999, the amounts paid as specified in division (A) of this section shall be replaced by the following amounts:	8969 8970 8971
(1) In calendar year 1999, the amounts specified in division (A) of this section increased by three per cent;	8972 8973
(2) In calendar year 2000, the amounts determined under division (B)(1) of this section increased by three per cent;	8974 8975
(3) In calendar year 2001, the amounts determined under division (B)(2) of this section increased by three per cent;	8976 8977
(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; <u>in townships having a budget of more than six million but not more</u>	8978 8979 8980 8981

than ten million dollars, seventy dollars per day for not more 8982
than two hundred days; and in townships having a budget of more 8983
than ten million dollars, ninety dollars per day for not more than 8984
two hundred days; 8985

(5) In calendar years 2003 through 2008, the amounts 8986
determined under division (B) of this section for the immediately 8987
preceding calendar year increased by the lesser of the following: 8988

(a) Three per cent; 8989

(b) The percentage increase, if any, in the consumer price 8990
index over the twelve-month period that ends on the thirtieth day 8991
of September of the immediately preceding calendar year, rounded 8992
to the nearest one-tenth of one per cent; 8993

(6) In calendar year 2009 and thereafter, the amount 8994
determined under division (B) of this section for calendar year 8995
2008. 8996

As used in division (B) of this section, "consumer price 8997
index" has the same meaning as in section 325.18 of the Revised 8998
Code. 8999

(C) Whenever members of a board of township trustees are 9000
compensated per diem and not by annual salary, the board shall 9001
establish, by resolution, a method by which each member of the 9002
board shall periodically notify the township clerk of the number 9003
of days spent in the service of the township and the kinds of 9004
services rendered on those days. The per diem compensation shall 9005
be paid from the township general fund or from other township 9006
funds in such proportions as the kinds of services performed may 9007
require. The notice shall be filed with the township clerk and 9008
preserved for inspection by any persons interested. 9009

By unanimous vote, a board of township trustees may adopt a 9010
method of compensation consisting of an annual salary to be paid 9011
in equal monthly payments. If the office of trustee is held by 9012

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, 9043
eleven thousand dollars; 9044

(6) In townships having a budget of more than seven hundred 9045
fifty thousand but not more than one million five hundred thousand 9046
dollars, thirteen thousand two hundred dollars; 9047

(7) In townships having a budget of more than one million 9048
five hundred thousand but not more than three million five hundred 9049
thousand dollars, fifteen thousand four hundred dollars; 9050

(8) In townships having a budget of more than three million 9051
five hundred thousand dollars but not more than six million 9052
dollars, sixteen thousand five hundred dollars; 9053

(9) In townships having a budget of more than six million 9054
dollars, seventeen thousand six hundred dollars. 9055

(B) Any township clerk may elect to receive less than the 9056
compensation the clerk is entitled to under division (A) of this 9057
section. Any clerk electing to do this shall so notify the board 9058
of township trustees in writing, and the board shall include this 9059
notice in the minutes of its next board meeting. 9060

(C) The compensation of the township clerk shall be paid in 9061
equal monthly payments. If the office of clerk is held by more 9062
than one person during any calendar year, each person holding the 9063
office shall receive payments for only those months, and any 9064
fractions of those months, during which the person holds the 9065
office. 9066

(D) Beginning in calendar year 1999, the township clerk shall 9067
be entitled to compensation as follows: 9068

(1) In calendar year 1999, the compensation specified in 9069
division (A) of this section increased by three per cent; 9070

(2) In calendar year 2000, the compensation determined under 9071
division (D)(1) of this section increased by three per cent; 9072

(3) In calendar year 2001, the compensation determined under 9073
division (D)(2) of this section increased by three per cent; 9074

(4) In calendar year 2002, except in townships having a 9075
budget of more than six million dollars, the compensation 9076
determined under division (D)(3) of this section increased by 9077
three per cent; in townships having a budget of more than six 9078
million but not more than ten million dollars, nineteen thousand 9079
eight hundred ten dollars; and in townships having a budget of 9080
more than ten million dollars, twenty thousand nine hundred 9081
dollars; 9082

(5) In calendar years 2003 through 2008, the compensation 9083
determined under division (D) of this section for the immediately 9084
preceding calendar year increased by the lesser of the following: 9085

(a) Three per cent; 9086

(b) The percentage increase, if any, in the consumer price 9087
index over the twelve-month period that ends on the thirtieth day 9088
of September of the immediately preceding calendar year, rounded 9089
to the nearest one-tenth of one per cent; 9090

(6) In calendar year 2009 and thereafter, the amount 9091
determined under division (D) of this section for calendar year 9092
2008. 9093

As used in this division, "consumer price index" has the same 9094
meaning as in section 325.18 of the Revised Code. 9095

Sec. 737.03. The director of public safety shall manage, and 9096
make all contracts with reference to the police stations, fire 9097
houses, reform schools, infirmaries, hospitals, workhouses, farms, 9098
pesthouses, and all other charitable and reformatory institutions. 9099
In the control and supervision of ~~such~~ those institutions, the 9100
director shall be governed by the provisions of Title VII of the 9101
Revised Code relating to ~~such~~ those institutions. 9102

Such ~~The~~ director may make all contracts and expenditures of 9103
money for acquiring lands for the erection or repairing of station 9104
houses, police stations, fire department buildings, fire cisterns, 9105
and plugs, that are required, for the purchase of engines, 9106
apparatus, and all other supplies necessary for the police and 9107
fire departments, and for other undertakings and departments under 9108
~~his~~ the director's supervision, but no obligation involving an 9109
expenditure of more than ~~ten~~ fifteen thousand dollars shall be 9110
created unless first authorized and directed by ordinance. In 9111
making, altering, or modifying ~~such~~ those contracts, the director 9112
shall be governed by sections 735.05 to 735.09 of the Revised 9113
Code, except that all bids shall be filed with and opened by ~~such~~ 9114
the director. ~~He~~ The director shall make no sale or disposition of 9115
any property belonging to the city without first being authorized 9116
by resolution or ordinance of the city legislative authority. 9117

Sec. 901.43. (A) The director of agriculture may authorize 9118
any department of agriculture laboratory to perform a laboratory 9119
service for any person, organization, political subdivision, state 9120
agency, federal agency, or other entity, whether public or 9121
private. The director shall adopt and enforce rules to provide for 9122
the rendering of a laboratory service. 9123

(B) The director may charge a reasonable fee for the 9124
performance of a laboratory service, except when the service is 9125
performed on an official sample taken by the director acting 9126
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 9127
Revised Code; by a board of health acting as the licensor of 9128
retail food establishments or food service operations under 9129
Chapter 3717. of the Revised Code; or by the director of health 9130
acting as the licensor of food service operations under Chapter 9131
3717. of the Revised Code. The director of agriculture shall adopt 9132
rules specifying what constitutes an official sample. 9133

The director shall publish a list of laboratory services 9134
offered, together with the fee for each service. 9135

(C) The director may enter into a contract with any person, 9136
organization, political subdivision, state agency, federal agency, 9137
or other entity for the provision of a laboratory service. 9138

(D)(1) The director may adopt rules establishing standards 9139
for accreditation of laboratories and laboratory services and in 9140
doing so may adopt by reference existing or recognized standards 9141
or practices. 9142

(2) The director may inspect and accredit laboratories and 9143
laboratory services, and may charge a reasonable fee for the 9144
inspections and accreditation. 9145

(E)(1) All moneys collected by the director under this 9146
section that are from fees generated by a laboratory service 9147
performed by the department and related to the diseases of 9148
animals, and all moneys so collected that are from fees generated 9149
for the inspection and accreditation of laboratories and 9150
laboratory services related to the diseases of animals, shall be 9151
deposited in the animal industry laboratory fund, which is hereby 9152
created in the state treasury. The director shall use the moneys 9153
in the animal industry laboratory fund to pay the expenses 9154
necessary to operate the animal industry laboratory, including the 9155
purchase of supplies and equipment ~~for the laboratory that~~ 9156
~~provides laboratory services related to the diseases of animals.~~ 9157

(2) All moneys collected by the director under this section 9158
that are from fees generated by a laboratory service performed by 9159
the consumer analytical laboratory, and all moneys so collected 9160
that are from fees generated for the inspection and accreditation 9161
of laboratories and laboratory services not related to weights and 9162
measures or the diseases of animals, shall be deposited in the 9163
laboratory services fund, which is hereby created in the state 9164

treasury. The moneys held in the fund may be used to pay the 9165
expenses necessary to operate the consumer analytical laboratory, 9166
including the purchase of supplies and equipment. 9167

(3) All moneys collected by the director under this section 9168
that are from fees generated by a laboratory service performed by 9169
the weights and measures laboratory, and all moneys so collected 9170
that are from fees generated for the inspection and accreditation 9171
of laboratories and laboratory services related to weights and 9172
measures, shall be deposited in the weights and measures 9173
laboratory fund, which is hereby created in the state treasury. 9174
The moneys held in the fund may be used to pay the expenses 9175
necessary to operate the division of weights and measures, 9176
including the purchase of supplies and equipment. 9177

Sec. 901.63. (A) The agricultural financing commission shall 9178
do both of the following until July 1, ~~2001~~ 2003: 9179

(1) Make recommendations to the director of agriculture about 9180
financial assistance applications made pursuant to sections 901.80 9181
to 901.83 of the Revised Code. In making its recommendations, the 9182
commission shall utilize criteria established by rules adopted 9183
under division (A)(8)(b) of section 901.82 of the Revised Code. 9184

(2) Advise the director in the administration of sections 9186
901.80 to 901.83 of the Revised Code. 9187

With respect to sections 901.80 to 901.83 of the Revised 9188
Code, the role of the commission is solely advisory. No officer, 9189
member, or employee of the commission is liable for damages in a 9190
civil action for any injury, death, or loss to person or property 9191
that allegedly arises out of purchasing any loan or providing a 9192
loan guarantee, failure to purchase a loan or provide a loan 9193
guarantee, or failure to take action under sections 901.80 to 9194
901.83 of the Revised Code, or that allegedly arises out of any 9195

act or omission of the department of agriculture that involves	9196
those sections.	9197
(B) The commission may:	9198
(1) Adopt bylaws for the conduct of its business;	9199
(2) Exercise all rights, powers, and duties conferred on the	9200
commission as an issuer under Chapter 902. of the Revised Code;	9201
(3) Contract with, retain, or designate financial	9202
consultants, accountants, and such other consultants and	9203
independent contractors as the commission may determine to be	9204
necessary or appropriate to carry out the purposes of this chapter	9205
and to fix the terms of those contracts;	9206
(4) Undertake and carry out or authorize the completion of	9207
studies and analyses of agricultural conditions and needs within	9208
the state relevant to the purpose of this chapter to the extent	9209
not otherwise undertaken by other departments or agencies of the	9210
state satisfactory for such <u>that</u> purpose;	9211
(5) Acquire by gift, purchase, foreclosure, or other means,	9212
and hold, assign, pledge, lease, transfer, or otherwise dispose	9213
of, real and personal property, or any interest in that real and	9214
personal property, in the exercise of its powers and the	9215
performance of its duties under this chapter and Chapter 902. of	9216
the Revised Code;	9217
(6) Receive and accept gifts, grants, loans, or any other	9218
financial or other form of aid from any federal, state, local, or	9219
private agency or fund and enter into any contract with any such	9220
agency or fund in connection therewith, and receive and accept aid	9221
or contributions from any other source of money, property, labor,	9222
or things of value, to be held, used, and applied only for the	9223
purposes for which such <u>the</u> grants and contributions are made, all	9224
within the purposes of this chapter and Chapter 902. of the	9225
Revised Code;	9226

(7) Sue and be sued in its own name with respect to its 9227
contracts or to enforce this chapter or its obligations or 9228
covenants made under this chapter and Chapter 902. of the Revised 9229
Code; 9230

(8) Make and enter into all contracts, commitments, and 9231
agreements, and execute all instruments necessary or incidental to 9232
the performance of its duties and the execution of its powers 9233
under this chapter and Chapter 902. of the Revised Code; 9234

(9) Adopt an official seal; 9235

(10) Do any and all things necessary or appropriate to carry 9236
out the public purposes and exercise the powers granted to the 9237
commission in this chapter and Chapter 902. of the Revised Code 9238
and the public purposes of Section 13 of Article VIII, Ohio 9239
Constitution. 9240

Any instrument by which real property is acquired pursuant to 9241
this section shall identify the agency of the state that has the 9242
use and benefit of the real property as specified in section 9243
5301.012 of the Revised Code. 9244

Sec. 901.81. (A) As used in this section and sections 901.82 9245
and 901.83 of the Revised Code: 9246

(1) "Financial institution" means any banking corporation; 9247
trust company; savings and loan association; building and loan 9248
association; or corporation, partnership, or other institution 9249
that is engaged in lending or investing funds for agricultural or 9250
other business purposes and that is eligible to become a 9251
depository for public moneys under section 135.03 of the Revised 9252
Code. 9253

(2) "Eligible applicant" means a person who has made all of 9254
the demonstrations enumerated in division (B) of section 901.82 of 9255
the Revised Code. 9256

(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

agricultural financing commission together with necessary	9288
supporting information;	9289
(2) Receive the recommendations of the commission made under	9290
division (A)(1) of section 901.63 of the Revised Code and make a	9291
final determination whether to approve the <u>an</u> application for	9292
financial assistance;	9293
(3) Transmit the director's determinations to approve	9294
assistance to the controlling board together with any information	9295
the controlling board requires for its review and its decision	9296
whether to approve the release of money for the financial	9297
assistance;	9298
(4) Work in conjunction with financial institutions and other	9299
private and public financing sources to purchase loans from	9300
financial institutions or provide loan guarantees to eligible	9301
applicants;	9302
(5) Require each applicant to provide a farm business plan,	9303
including an overview of the type of agricultural operation the	9304
applicant anticipates conducting, and a management strategy for	9305
the project;	9306
(6) Inform agricultural organizations and others in the state	9307
of the existence of the program established under section 901.80	9308
of the Revised Code and of the financial assistance available	9309
under the program;	9310
(7) Report to the governor, president of the senate, speaker	9311
of the house of representatives, and minority leaders of the	9312
senate and the house of representatives by the thirtieth day of	9313
June of each year on the activities carried out under the program	9314
during the preceding calendar year. The report shall include the	9315
number of loans purchased or loan guarantees made that year, the	9316
amount of each such loan or loan guarantee, the county in which	9317
the loan recipient's farm is located, and whatever other	9318

information the director determines is relevant to include. 9319

(8) Adopt rules in accordance with Chapter 119. of the 9320
Revised Code establishing all of the following with regard to the 9321
program: 9322

(a) Forms and procedures by which eligible applicants may 9323
apply for financial assistance; 9324

(b) Criteria for reviewing, evaluating, and ranking 9325
applications, and for approving applications that best serve the 9326
goals of the program; 9327

(c) Reporting requirements and monitoring procedures; 9328

(d) Interest rates, payment schedules, loan transfer 9329
provisions, penalties, including penalties for the conversion of 9330
land devoted exclusively to agricultural use as defined in section 9331
5713.30 of the Revised Code, and other terms and conditions for 9332
loans purchased and loan guarantees provided under the program; 9333

(e) Criteria for determining whether the location at which 9334
the applicant proposes to use financial assistance provided under 9335
the program is in an area in which agriculture is the primary land 9336
use at the time the application is made and whether the land at 9337
that location reasonably may not be expected to be converted to a 9338
nonagricultural use during the period of time that the applicant's 9339
obligation to repay the loan remains outstanding; 9340

(f) Any other rules necessary to implement and administer the 9341
program. 9342

(B) In order to be eligible for financial assistance under 9343
section 901.80 of the Revised Code, an applicant shall demonstrate 9344
all of the following: 9345

(1) That the applicant is domiciled in this state; 9346

(2) That the applicant is unable to obtain sufficient 9347
financing from commercial or agricultural lending sources; 9348

(3) That the applicant has the ability to repay the loan, 9349
primarily from the cash flow of the proposed farming operation, 9350
and that there is adequate security for the loan; 9351

(4) That the applicant has sufficient education, training, or 9352
experience in the type of farming for which the applicant requests 9353
the financial assistance; 9354

(5) That there are no zoning restrictions, environmental 9355
regulations, or other impairments to the use of the land for the 9356
purpose intended; 9357

(6) That the location at which the applicant proposes to use 9358
the financial assistance is in an area in which agriculture is the 9359
primary land use at the time the application is made and that the 9360
land at that location reasonably may not be expected to be 9361
converted to a nonagricultural use during the period of time that 9362
the applicant's obligation to repay the financial assistance 9363
remains outstanding. In demonstrating the information required 9364
under division (B)(5)(6) of this section, the applicant shall 9365
utilize criteria established in rules adopted under division 9366
(A)(8)(e) of this section. 9367

Sec. 917.07. The dairy industry fund is hereby created in the 9368
state treasury. All inspection fees and license fees collected 9369
under this chapter shall be deposited into the fund. 9370

~~The dairy fund is hereby created in the state treasury. All 9371
together with all fine moneys received by the treasurer of state 9372
pursuant to division (E)(F) of section 917.99 of the Revised Code 9373
and any other moneys collected under this chapter, except for 9374
inspection fees and license fees, shall be deposited into the 9375
fund. 9376~~

Moneys credited to the dairy industry fund and the dairy fund 9377
shall be used to operate and pay expenses of the division of dairy 9378

in the department of agriculture. 9379

Sec. 917.99. (A) Whoever violates division (C) of section 9380
917.09 of the Revised Code is guilty of a misdemeanor of the 9381
second degree on a first offense and a misdemeanor of the first 9382
degree on each subsequent offense. 9383

(B) Whoever violates section 917.13 or 917.14 of the Revised 9384
Code is guilty of a misdemeanor of the first degree on a first 9385
offense, a felony of the fifth degree on a second offense, and a 9386
felony of the fourth degree on each subsequent offense. 9387

(C) Whoever violates division (A), (B), (C), (D), or (G) of 9388
section 917.05 of the Revised Code is guilty of a misdemeanor of 9389
the fourth degree. 9390

(D) Whoever violates division (E) or (F) of section 917.05 of 9391
the Revised Code is guilty of a misdemeanor of the second degree 9392
on a first offense and a misdemeanor of the first degree on each 9393
subsequent offense. 9394

(E) Each day of violation of a provision described in 9395
divisions (A) to (D) of this section constitutes a separate 9396
offense. 9397

(F) The court imposing a fine under divisions (A) to (D) of 9398
this section shall order that not less than fifty per cent of the 9399
fine be disbursed to the treasurer of state for deposit into the 9400
dairy industry fund created in section 917.07 of the Revised Code. 9401
Subject to that minimum percentage, the court's order shall 9402
specify the percentage of the fine that the clerk of the court 9403
shall disburse to the treasurer of state. The clerk of the court 9404
shall disburse the remainder of the fine to the county treasurer. 9405

Sec. 1309.40. (A) Presentation for filing of a financing 9406
statement, tender of the filing fee, and acceptance of the 9407
statement by the filing officer constitute filing under sections 9408

1309.01 to 1309.50 of the Revised Code. 9409

(B)(1) Except as provided in divisions (B)(2) and (F) of this 9410
section, a filed financing statement is effective for a period of 9411
five years from the date of filing. The effectiveness of a filed 9412
financing statement lapses on the expiration of the five-year 9413
period unless a continuation statement is filed prior to the 9414
lapse. If a security interest perfected by filing exists at the 9415
time insolvency proceedings are commenced by or against the 9416
debtor, the security interest remains perfected until termination 9417
of the insolvency proceedings and thereafter for a period of sixty 9418
days or until expiration of the five-year period, whichever occurs 9419
later. Upon lapse the security interest becomes unperfected, 9420
unless it is perfected without filing. If the security interest 9421
becomes unperfected upon lapse, it is deemed to have been 9422
unperfected as against a person who became a purchaser or lien 9423
creditor before lapse. 9424

(2) A filed financing statement that states that it relates 9425
to an obligation secured by both (a) a mortgage upon real estate 9426
filed for record within this state and (b) a security interest in 9427
collateral, whether or not such collateral includes or consists of 9428
goods which are or are to become fixtures situated upon such real 9429
estate, shall, if such financing statement states a maturity date 9430
of such obligation, or the final installment thereof, of more than 9431
five years, be fully effective until the maturity date set forth 9432
therein. Such financing statement shall also contain a reference 9433
to the recorder's file number of the mortgage upon real estate or 9434
to the volume and page of the mortgage record in which such 9435
mortgage is recorded. 9436

(C) A continuation statement may be filed by the secured 9437
party within six months prior to the expiration of the five-year 9438
period specified in division (B)(1) of this section, or within six 9439
months prior to the stated maturity date referred to in division 9440

(B)(2) of this section. A continuation statement shall be filed on 9441
a form prescribed by the secretary of state. A continuation 9442
statement filed in the office of the county recorder shall also 9443
comply with Chapter 317. of the Revised Code. The continuation 9444
statement must be signed by the secured party, identify the 9445
original statement by file number, and state that the original 9446
statement is still effective. A continuation statement signed by a 9447
person other than the secured party of record must be accompanied 9448
by a separate written statement of assignment signed by the 9449
secured party of record and complying with division (B) of section 9450
1309.42 of the Revised Code, including payment of the required 9451
fee. Upon timely filing of the continuation statement, the 9452
effectiveness of the original statement is continued for five 9453
years after the last date to which the filing was effective 9454
whereupon it lapses in the same manner as provided in division (B) 9455
of this section unless another continuation statement is filed 9456
prior to such lapse. Succeeding continuation statements may be 9457
filed in the same manner to continue the effectiveness of the 9458
original statement. The filing officer may remove a lapsed 9459
statement from the files and destroy it immediately if the filing 9460
officer has retained a microfilm or other photographic record, or 9461
in other cases one year after the lapse. The filing officer shall 9462
so arrange matters by physical annexation of financing statements 9463
to continuation statements or other related filings, or by other 9464
means, that if the filing officer physically destroys the 9465
financing statements of a period more than five years past, those 9466
which have been continued by a continuation statement or which are 9467
still effective under division (B)(2) or (F) of this section shall 9468
be retained. 9469

(D) Except as provided in division (G) of this section, a 9470
filing officer shall assign each statement a consecutive file 9471
number and shall hold the statement or a microfilm or other 9472

photographic or digitized copy thereof for public inspection. In 9473
addition, the filing officer shall index the statements according 9474
to the name of the debtor and shall note in the index the file 9475
number, the date and hour of filing, and the address of the debtor 9476
given in the statement. In addition to the indexing required in 9477
the previous sentence, statements covering crops growing or to be 9478
grown or timber to be cut or minerals or the like, including oil 9479
and gas, or accounts subject to division (E) of section 1309.03 of 9480
the Revised Code, or a financing statement filed as a fixture 9481
filing pursuant to section 1309.32 of the Revised Code shall also 9482
be indexed in the real estate mortgage records by the filing 9483
officer according to the name of the debtor or, if the financing 9484
statement shows the record owner or record lessee to be other than 9485
the debtor, then according to the name of the record owner or 9486
record lessee given in the statement. The fee to be charged for 9487
indexing financing statements in the real estate mortgage records 9488
shall be two dollars for each record owner or lessee listed in the 9489
statement, as provided in division (E) of section 317.32 of the 9490
Revised Code. 9491

(E) The fee for filing, indexing, and furnishing filing data 9492
for an original, amended, or a continuation statement on a form 9493
that is prescribed by the secretary of state shall be ~~nine~~ twelve 9494
dollars. The fee for filing, indexing, and furnishing filing data 9495
for an original, amended, or a continuation statement on a form 9496
that is not prescribed by the secretary of state and that is filed 9497
in the office of the county recorder shall be eleven dollars. 9498

(F) If the debtor is a transmitting utility and a filed 9499
financing statement so states, it is effective until a termination 9500
statement is filed. A real estate mortgage that is effective as a 9501
fixture filing under division (E) of section 1309.39 of the 9502
Revised Code remains effective as a fixture filing until the 9503
mortgage is released or satisfied of record or its effectiveness 9504

otherwise terminates as to the real estate. 9505

(G) If the person filing any original or amended financing 9506
statement, termination statement, statement of assignment, or 9507
statement of release requests a copy thereof, the filing officer 9508
shall note upon the copy the file number and date and hour of the 9509
filing of the original and deliver or send the copy to such 9510
person. 9511

(H)(1) Upon request of any person, the filing officer shall 9512
issue a certificate showing whether there is on file on the date 9513
and hour stated ~~therein in the certificate~~, any presently 9514
effective financing statement naming a particular debtor, owner, 9515
~~or lessee~~, and any statement of assignment ~~thereof of the~~ 9516
~~financing statement~~, and, if there is, giving the date and hour of 9517
filing of each such statement and the names and addresses of each 9518
secured party ~~therein in each such statement~~. The fee for such a 9519
certificate shall be ~~nine twenty~~ dollars ~~plus one dollar for each~~ 9520
~~financing statement and for each statement of assignment reported~~ 9521
~~therein. Upon~~ 9522

~~(2) Upon request, the a county recorder who is a filing~~ 9523
~~officer shall furnish to any person a copy of any filed financing~~ 9524
~~statement or naming a particular debtor, owner, or lessee and any~~ 9525
~~filed statement of assignment of the financing statement. When~~ 9526
~~such a request for copies is made in the office of the county~~ 9527
~~recorder, the county recorder shall charge a fee of one dollar per~~ 9528
~~page. When a request for copies is made in the office of the~~ 9529
~~secretary of state, the fee shall not exceed one dollar per page.~~ 9530

~~(3) Any person may request from the secretary of state a copy~~ 9531
~~of any financing statement naming a particular debtor, owner, or~~ 9532
~~lessee, and of any statement of assignment of the financing~~ 9533
~~statement, that is on file with the secretary of state. The~~ 9534
~~request shall be made in writing to the secretary of state, and~~ 9535
~~the secretary of state shall charge and collect a fee of five~~ 9536

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 9568
secretary of state is otherwise required to collect for the filing 9569
under this chapter. 9570

Sec. 1309.42. (A) A financing statement may disclose an 9571
assignment of a security interest in the collateral described in 9572
the financing statement by indication in the financing statement 9573
of the name and address of the assignee or by an assignment itself 9574
or a copy thereof on the face or back of the statement. On 9575
presentation to the filing officer of such a financing statement, 9576
the filing officer shall proceed as provided in division (D) of 9577
section 1309.40 of the Revised Code. The fee for filing, indexing, 9578
and furnishing filing data for a financing statement so indicating 9579
an assignment shall be ~~nine~~ twelve dollars. 9580

(B) A secured party may assign of record all or a part of the 9581
secured party's rights under a financing statement by the filing 9582
in the place where the original financing statement was filed of a 9583
separate written statement of assignment. The statement of 9584
assignment shall be on a form prescribed by the secretary of 9585
state, shall be signed by the secured party of record, shall set 9586
forth the name of the secured party of record and the debtor, the 9587
file number and the date of filing of the financing statement, and 9588
the name and address of the assignee, and shall contain a 9589
description of the collateral assigned. A statement of assignment 9590
filed in the office of the county recorder shall also comply with 9591
Chapter 317. of the Revised Code. On presentation to the filing 9592
officer of a separate statement of assignment, the filing officer 9593
shall mark the separate statement with the date and hour of 9594
filing. The filing officer shall note the assignment on the index 9595
of the financing statement, or in the case of a fixture filing, or 9596
a filing covering crops growing or to be grown or timber to be 9597
cut, or covering minerals or the like, including oil and gas, or 9598
accounts subject to division (E) of section 1309.03 of the Revised 9599

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.

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, 9663
limited partnership, limited liability partnership, corporation, 9664
association, professional association, limited liability company, 9665
society, foundation, federation, or organization formed under the 9666
laws of this state or any other state. 9667

(B) Subject to sections 1329.01 to 1329.10 of the Revised 9668
Code, any person may register with the secretary of state, on a 9669
form prescribed by the secretary of state, any trade name under 9670
which the person is operating, setting forth all of the following: 9671

(1) The name and business address of the applicant for 9672
registration and any of the following that is applicable: 9673

(a) If the applicant is a general partnership, the names and 9674
residence addresses of all of the partners; 9675

(b) If the applicant is a limited partnership existing prior 9676
to July 1, 1994, that has not registered with the secretary of 9677
state pursuant to Chapter 1782. of the Revised Code, the name of 9678
the Ohio county in which its certificate of limited partnership or 9679
application for registration as a foreign limited partnership is 9680
filed; 9681

(c) If the applicant is a limited partnership to which 9682
division (B)(1)(b) of this section does not apply or is a 9683
corporation, professional association, limited liability company, 9684
or other entity, the form of the entity and the state under the 9685
laws of which it was formed. 9686

(2) The trade name to be registered; 9687

(3) The general nature of the business conducted by the 9688
applicant; 9689

(4) The length of time during which the trade name has been 9690
used by the applicant in business operations in this state. 9691

(C) The trade name application shall be signed by the 9692
applicant or by any authorized representative of the applicant. 9693

A single trade name may be registered upon each trade name 9694
application submitted under sections 1329.01 to 1329.10 of the 9695
Revised Code. 9696

The trade name application shall be accompanied by a filing 9697
fee of ~~twenty~~ fifty dollars, payable to the secretary of state. 9698

(D) Any person who does business under a fictitious name and 9699
who has not registered and does not wish to register the 9700
fictitious name as a trade name or who cannot do so because the 9701
name is not available for registration shall report the use of the 9702
fictitious name to the secretary of state, on a form prescribed by 9703
the secretary of state, setting forth all of the following: 9704

(1) The name and business address of the user and any of the 9705
following that is applicable: 9706

(a) If the user is a general partnership, the names and 9707
residence addresses of all the partners; 9708

(b) If the user is a limited partnership existing prior to 9709
July 1, 1994, that has not been registered with the secretary of 9710
state pursuant to Chapter 1782. of the Revised Code, the name of 9711
the Ohio county in which its certificate of limited partnership or 9712
application for registration as a foreign limited partnership is 9713
filed; 9714

(c) If the user is a limited partnership to which division 9715
(D)(1)(b) of this section does not apply or is a corporation, 9716
professional association, limited liability company, or other 9717
entity, the form of the entity and the state under whose laws it 9718
was formed. 9719

(2) The fictitious name being used; 9720

(3) The general nature of the business conducted by the user. 9721

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

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

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

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

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Sec. 1329.04. Registration of a trade name or report of a
fictitious name, under sections 1329.01 to 1329.10 of the Revised
Code, shall be effective for a term of five years from the date of
registration or report. Upon application filed within six months
prior to the expiration of such term, on a form furnished by the
secretary of state, the registration or report may be renewed at
the end of each five-year period for a like term, provided that a
general partnership shall renew its registration or report
whenever there has been a change in the listing of partners on its
registration or report and a limited partnership shall renew its
registration or report when a change occurs in the listing of its
general partners on its registration or report. Such a renewal
shall extend the registration or report for five years, unless
further changes occur in the interim. A The renewal fee specified
in division (S)(3) of ~~ten dollars~~ section 111.16 of the Revised
Code, payable to the secretary of state, shall accompany the
application for renewal of the registration or report.

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The secretary of state shall notify persons who have
registered trade names or reported fictitious names, within the
six months next preceding the expiration of the five years from
the date of registration or report, of the necessity of renewal by

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writing to the last known address of such persons.

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

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Sec. 1329.07. The registrant of any trade name or a person who reports a fictitious name shall record all changes of the registrant's business address by filing with the secretary of state a statement in writing, on a form prescribed by the secretary of state, setting forth the name previously registered or reported, the date of the registration or report, and the new address of the applicant. ~~A~~ The filing fee specified in division (S)(4) of ~~three dollars~~ section 111.16 of the Revised Code shall accompany ~~such~~ the statement.

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

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

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

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(C) The type of articles or supplies in connection with which

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the name, mark, or device is used.

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

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

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Sec. 1329.45. The certificate of the filing of any name,
mark, or device under sections 1329.41 to 1329.53 of the Revised
Code and the benefits obtained ~~thereunder~~ under it shall be
assignable with the sale of the articles or supplies on which the
same are produced and used. Assignments shall be by instruments in
writing duly executed and may be recorded upon the payment of a
the fee specified in division (U)(2) of ~~ten dollars~~ section 111.16

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of the Revised Code, payable to the secretary of state, who, after 9813
recording the assignment, upon request of the assignee, may issue 9814
in the assignee's name a new certificate. The instrument shall be 9815
on a form prescribed by the secretary of state. 9816

Sec. 1329.56. (A) Subject to the limitations set forth in 9817
sections 1329.54 to 1329.67 of the Revised Code, any person who 9818
adopts and uses a trademark or service mark in this state may file 9819
in the office of the secretary of state, on a form to be 9820
prescribed by the secretary of state, an application for 9821
registration of that trademark or service mark that sets forth, 9822
but is not limited to, the following information: 9823

(1) The name and business address of the person applying for 9824
the registration; if the person is a corporation, the state of its 9825
incorporation; if the person is a partnership or limited liability 9826
partnership, the state in which the partnership is organized and 9827
the names of the general partners; and, if the person is a limited 9828
liability company, the state of its organization; 9829

(2) The goods or services on or in connection with which the 9830
mark is used, the mode or manner in which the mark is used on or 9831
in connection with the goods or services, and the class in which 9832
the goods or services fall; 9833

(3) The date when the mark was first used anywhere and the 9834
date when it was first used in this state by the applicant or the 9835
applicant's predecessor in interest; 9836

(4) A statement that the applicant is the owner of the mark, 9837
that the mark is in use, and that, to the knowledge of the person 9838
verifying the application, no other person has the right to use 9839
the mark in the state either in the identical form of the mark, or 9840
in near resemblance to the mark, as to be likely, when used on or 9841
in connection with the goods or services of another person, to 9842
cause confusion or mistake or to deceive; 9843

(5) A statement that, to the knowledge of the person 9844
verifying the application, no other person has a registration or a 9845
pending intent to use application of the same or a confusingly 9846
similar mark in the United States patent and trademark office for 9847
the same or similar goods or services or a statement that the 9848
applicant is the owner of a concurrent registration in the United 9849
States patent and trademark office of the applicant's mark 9850
covering an area including this state. 9851

(B) The application shall be signed and verified by the 9852
applicant, by an authorized representative, or by an officer of 9853
the firm, limited liability company, limited liability 9854
partnership, general partnership, or limited partnership, 9855
corporation, union, association, or other organization that is the 9856
applicant. 9857

(C) The application shall be accompanied by a specimen of the 9858
mark as actually used and shall contain a brief description of the 9859
mark as it appears on the specimen. 9860

(D) The application shall be accompanied by ~~a~~ the filing fee 9861
specified in division (U)(1) of twenty dollars that is section 9862
111.16 of the Revised Code, payable to the secretary of state. 9863

Sec. 1329.58. Registration of a trademark or service mark 9864
under sections 1329.54 to 1329.67 of the Revised Code shall be 9865
effective for a term of ten years from the date of registration. 9866
Upon the filing of an application within six months prior to the 9867
expiration of that term on a form furnished by the secretary of 9868
state, the registrant may renew the registration at the end of 9869
each ten-year period for a similar term. ~~A~~ The renewal fee 9870
specified in division (U)(2) of ten dollars that is section 111.16 9871
of the Revised Code, payable to the secretary of state, shall 9872
accompany the renewal application. The renewal application shall 9873
require the applicant to state that the mark still is in use in 9874

this state. 9875

Sec. 1329.60. Any trademark or service mark and its 9876
registration shall be assignable with the good will of the 9877
business in which the trademark or service mark is used, or with 9878
that part of the good will of the business connected with the use 9879
of and symbolized by the trademark or service mark. Assignment 9880
shall be by instruments in writing duly executed and may be 9881
recorded with the secretary of state upon the payment of ~~a~~ the fee 9882
specified in division (U)(2) of ten dollars section 111.16 of the 9883
Revised Code, payable to the secretary of state, who, after 9884
recording the assignment, shall issue in the name of the assignee 9885
a new certificate for the remainder of the term of the 9886
registration or of the last renewal thereof. The instrument shall 9887
be on a form prescribed by the secretary of state. An assignment 9888
of any registration shall be void as against any subsequent 9889
purchaser for valuable consideration without notice unless it is 9890
recorded with the secretary of state within three months after the 9891
date thereof or prior to such subsequent purchase. 9892

Sec. 1329.601. The registrant of a trademark or service mark 9893
shall record all changes of the registrant's business address by 9894
filing a written statement, on a form prescribed by the secretary 9895
of state, of the new address with the secretary of state. ~~A~~ The 9896
filing fee ~~of three dollars~~ specified in division (U)(2) of 9897
section 111.16 of the Revised Code shall accompany the statement. 9898

Sec. 1345.21. As used in sections 1345.21 to 1345.28 of the 9899
Revised Code: 9900

(A) "Home solicitation sale" means a sale of consumer goods 9901
or services in which the seller or a person acting for the seller 9902
engages in a personal solicitation of the sale at a residence of 9903
the buyer, including solicitations in response to or following an 9904

invitation by the buyer, and the buyer's agreement or offer to 9905
purchase is there given to the seller or a person acting for the 9906
seller, or in which the buyer's agreement or offer to purchase is 9907
made at a place other than the seller's place of business. It does 9908
not include a transaction or transactions in which: 9909

(1) The total purchase price to be paid by the buyer, whether 9910
under single or multiple contracts, is less than twenty-five 9911
dollars; 9912

(2) The transaction was conducted and consummated entirely by 9913
mail or by telephone if initiated by the buyer, and without any 9914
other contact between the seller or the seller's representative 9915
prior to the delivery of goods or performance of the service; 9916

(3) The final agreement is made pursuant to prior 9917
negotiations in the course of a visit by the buyer to a retail 9918
business establishment having a fixed permanent location where the 9919
goods are exhibited or the services are offered for sale on a 9920
continuing basis; 9921

(4) The buyer initiates the contact between the parties for 9922
the purpose of negotiating a purchase and the seller has a 9923
business establishment at a fixed location in this state where the 9924
goods or services involved in the transaction are regularly 9925
offered or exhibited for sale. 9926

Advertisements by such a seller in newspapers, magazines, 9927
catalogues, radio, or television do not constitute the seller 9928
initiation of the contact. 9929

(5) The buyer initiates the contact between the parties, the 9930
goods or services are needed to meet a bona fide immediate 9931
personal emergency of the buyer which will jeopardize the welfare, 9932
health, or safety of natural persons, or endanger property which 9933
the buyer owns or for which the buyer is responsible, and the 9934
buyer furnishes the seller with a separate, dated, and signed 9935

statement in the buyer's handwriting describing the situation	9936
requiring immediate remedy and expressly acknowledging and waiving	9937
the right to cancel the sale within three business days;	9938
(6) The buyer has initiated the contact between the parties	9939
and specifically requested the seller to visit the buyer's home	9940
for the purpose of repairing or performing maintenance upon the	9941
buyer's personal property. If, in the course of such a visit, the	9942
seller sells the buyer additional services or goods other than	9943
replacement parts necessarily used in performing the maintenance	9944
or in making the repairs, the sale of those additional goods or	9945
services does not fall within this exclusion.	9946
(7) The buyer is accorded the right of rescission by the	9947
"Consumer Credit Protection Act," (1968) 82 Stat. 152, 15 U.S.C.	9948
1635, or regulations adopted pursuant to it.	9949
(B) "Sale" includes a lease or rental.	9950
(C) "Seller" includes a lessor or anyone offering goods for	9951
rent.	9952
(D) "Buyer" includes a lessee or anyone who gives a	9953
consideration for the privilege of using goods.	9954
(E) "Consumer goods or services" means goods or services	9955
purchased, leased, or rented primarily for personal, family, or	9956
household purposes, including courses or instruction or training	9957
regardless of the purpose for which they are taken.	9958
(F) "Consumer goods or services" does not include goods or	9959
services pertaining to any of the following:	9960
(1) Sales or rentals of real property by a real estate broker	9961
or salesperson, or by a foreign real estate dealer or salesperson,	9962
who is licensed by the Ohio real estate commission under Chapter	9963
4735. of the Revised Code;	9964
(2) The sale of securities or commodities by a broker-dealer	9965

registered with the securities and exchange commission;	9966
(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;	9967 9968 9969
(4) The sale of insurance by a person licensed by the superintendent of insurance;	9970 9971
(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;	9972 9973 9974
(6) The sale of property at an auction by an auctioneer licensed by the department of commerce <u>agriculture</u> under Chapter 4707. of the Revised Code.	9975 9976 9977
(G) "Purchase price" means the total cumulative price of the consumer goods or services, including all interest and service charges.	9978 9979 9980
(H) "Place of business" means the main office, or a permanent branch office or permanent local address of a seller.	9981 9982
(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.	9983 9984 9985 9986
Sec. 1501.01. Except where otherwise expressly provided, the director of natural resources shall formulate and institute all the policies and programs of the department of natural resources. The chief of any division of the department shall not enter into any contract, agreement, or understanding unless it is approved by the director. No appointee or employee of the director, other than the assistant director, may bind the director in a contract except when given general or special authority to do so by the director.	9987 9988 9989 9990 9991 9992 9993 9994 9995

The director shall correlate and coordinate the work and 9996
activities of the divisions in the department to eliminate 9997
unnecessary duplications of effort and overlapping of functions. 9998
The chiefs of the various divisions of the department shall meet 9999
with the director at least once each month at a time and place 10000
designated by the director. 10001

The director may create advisory boards to any of those 10002
divisions in conformity with section 121.13 of the Revised Code. 10003

The director may accept and expend gifts, devises, and 10004
bequests of money, lands, and other properties on behalf of the 10005
department or any division thereof under the terms set forth in 10006
section 9.20 of the Revised Code. Any political subdivision of 10007
this state may make contributions to the department for the use of 10008
the department or any division therein according to the terms of 10009
the contribution. 10010

The director may publish and sell or otherwise distribute 10011
data, reports, and information. 10012

The director shall adopt rules in accordance with Chapter 10013
119. of the Revised Code to permit the department to accept by 10014
means of a credit card the payment of fees, charges, and rentals 10015
at those facilities described in section 1501.07 of the Revised 10016
Code that are operated by the department, for any data, reports, 10017
or information sold by the department, and for any other goods or 10018
services provided by the department. 10019

Whenever authorized by the governor to do so, the director 10020
may appropriate property for the uses and purposes authorized to 10021
be performed by the department and on behalf of any division 10022
within the department. This authority shall be exercised in the 10023
manner provided in sections 163.01 to 163.22 of the Revised Code 10024
for the appropriation of property by the director of 10025
administrative services. This authority to appropriate property is 10026

in addition to the authority provided by law for the appropriation 10027
of property by divisions of the department. The director of 10028
natural resources also may acquire by purchase, lease, or 10029
otherwise such real and personal property rights or privileges in 10030
the name of the state as are necessary for the purposes of the 10031
department or any division therein. The director, with the 10032
approval of the governor and the attorney general, may sell, 10033
lease, or exchange portions of lands or property, real or 10034
personal, of any division of the department or grant easements or 10035
licenses for the use thereof, or enter into agreements for the 10036
sale of water from lands and waters under the administration or 10037
care of the department or any of its divisions, when the sale, 10038
lease, exchange, easement, agreement, or license for use is 10039
advantageous to the state, provided that such approval is not 10040
required for leases and contracts made under ~~section 1507.12, if~~ 10041
~~any, or~~ section 1501.07, 1501.09, or 1520.03 or Chapter 1523. of 10042
the Revised Code. Water may be sold from a reservoir only to the 10043
extent that the reservoir was designed to yield a supply of water 10044
for a purpose other than recreation or wildlife, and the water 10045
sold is in excess of that needed to maintain the reservoir for 10046
purposes of recreation or wildlife. 10047

Money received from such sales, leases, easements, exchanges, 10048
agreements, or licenses for use, except revenues required to be 10049
set aside or paid into depositories or trust funds for the payment 10050
of bonds issued under sections 1501.12 to 1501.15 of the Revised 10051
Code, and to maintain the required reserves therefor as provided 10052
in the orders authorizing the issuance of such bonds or the trust 10053
agreements securing such bonds, revenues required to be paid and 10054
credited pursuant to the bond proceeding applicable to obligations 10055
issued pursuant to section 154.22, and revenues generated under 10056
section 1520.05 of the Revised Code, shall be deposited in the 10057
state treasury to the credit of the fund of the division of the 10058

department having prior jurisdiction over the lands or property. 10059
If no such fund exists, the money shall be credited to the general 10060
revenue fund. All such money received from lands or properties 10061
administered by the division of wildlife shall be credited to the 10062
wildlife fund. 10063

The director shall provide for the custody, safekeeping, and 10064
deposit of all moneys, checks, and drafts received by the 10065
department or its employees prior to paying them to the treasurer 10066
of state under section 113.08 of the Revised Code. 10067

The director shall cooperate with the nature conservancy, 10068
other nonprofit organizations, and the United States fish and 10069
wildlife service in order to secure protection of islands in the 10070
Ohio river and the wildlife and wildlife habitat of those islands. 10071

Any instrument by which real property is acquired pursuant to 10072
this section shall identify the agency of the state that has the 10073
use and benefit of the real property as specified in section 10074
5301.012 of the Revised Code. 10075

Sec. 1501.04. There is hereby created in the department of 10076
natural resources a recreation and resources commission composed 10077
of the ~~chairman~~ chairperson of the wildlife council created under 10078
section 1531.03 of the Revised Code, the ~~chairman~~ chairperson of 10079
the parks and recreation council created under section 1541.40 of 10080
the Revised Code, the ~~chairman~~ chairperson of the waterways safety 10081
council created under section 1547.73 of the Revised Code, the 10082
~~chairman~~ chairperson of the technical advisory council on oil and 10083
gas created under section 1509.38 of the Revised Code, the 10084
chairman of the forestry advisory council created under section 10085
1503.40 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 10086
soil and water conservation commission created under section 10087
1515.02 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 10088
natural areas council created under section 1517.03 of the Revised 10089

Code, the ~~chairman~~ chairperson of the Ohio water advisory council 10090
created under section 1521.031 of the Revised Code, the 10091
chairperson of the recycling and litter prevention advisory 10092
council created under section 1502.04 of the Revised Code, the 10093
chairperson of the civilian conservation advisory council created 10094
under section 1553.10 of the Revised Code, the ~~chairman~~ 10095
chairperson of the Ohio geology advisory council created under 10096
section 1505.11 of the Revised Code, and five members appointed by 10097
the governor with the advice and consent of the senate, not more 10098
than three of whom shall belong to the same political party. The 10099
director of natural resources shall be an ex officio member of the 10100
commission, with a voice in its deliberations, but without the 10101
power to vote. 10102

Terms of office of members of the commission appointed by the 10103
governor shall be for five years, commencing on the second day of 10104
February and ending on the first day of February. Each member 10105
shall hold office from the date of ~~his~~ appointment until the end 10106
of the term for which ~~he~~ the member was appointed. 10107

In the event of the death, removal, resignation, or 10108
incapacity of a member of the commission, the governor, with the 10109
advice and consent of the senate, shall appoint a successor who 10110
shall hold office for the remainder of the term for which ~~his~~ the 10111
member's predecessor was appointed. Any member shall continue in 10112
office subsequent to the expiration date of ~~his~~ the member's term 10113
until ~~his~~ the member's successor takes office, or until a period 10114
of sixty days has elapsed, whichever occurs first. 10115

The governor may remove any appointed member of the 10116
commission for misfeasance, nonfeasance, or malfeasance in office. 10117

The commission shall exercise no administrative function, but 10118
may: 10119

(A) Advise with and recommend to the director of natural 10120
resources as to plans and programs for the management, 10121

development, utilization, and conservation of the natural 10122
resources of the state; 10123

(B) Advise with and recommend to the director as to methods 10124
of coordinating the work of the divisions of the department; 10125

(C) Consider and make recommendations upon any matter which 10126
the director may submit to it; 10127

(D) Submit to the governor biennially recommendations for 10128
amendments to the conservation laws of the state. 10129

~~Before~~ Each member of the commission, before entering upon 10130
the discharge of ~~his~~ the member's duties, ~~each member of the~~ 10131
~~commission~~ shall take and subscribe to an oath of office, which 10132
oath, in writing, shall be filed in the office of the secretary of 10133
state. 10134

The members of the commission shall serve without 10135
compensation, but shall be entitled to receive their actual and 10136
necessary expenses incurred in the performance of their official 10137
duties. 10138

The commission, by a majority vote of all its members, shall 10139
adopt and amend bylaws. 10140

To be eligible for appointment, a person shall be a citizen 10141
of the United States and an elector of the state and shall possess 10142
a knowledge of and have an interest in the natural resources of 10143
this state. 10144

The commission shall hold at least four regular quarterly 10145
meetings each year. Special meetings shall be held at such times 10146
as the bylaws of the commission provide. Notices of all meetings 10147
shall be given in such manner as the bylaws provide. The 10148
commission shall choose annually from among its members a ~~chairman~~ 10149
chairperson to preside over its meetings and a secretary to keep a 10150
record of its proceedings. A majority of the members of the 10151

commission constitutes a quorum. No advice shall be given or 10152
recommendation made without a majority of the members of the 10153
commission concurring therein. 10154

Sec. 1501.23. The department of natural resources may utilize 10155
the services of volunteers to implement clean-up and 10156
beautification programs or any other programs that accomplish any 10157
of the purposes of the department. The director of natural 10158
resources shall approve all volunteer programs and may recruit, 10159
train, and supervise the services of community volunteers or 10160
volunteer groups for volunteer programs. The director may 10161
designate volunteers in a volunteer program as state employees for 10162
the purpose of motor vehicle accident liability insurance under 10163
section 9.83 of the Revised Code, for the purpose of immunity 10164
under section 9.86 of the Revised Code, and for the purpose of 10165
indemnification from liability incurred in the performance of 10166
their duties under section 9.87 of the Revised Code. 10167

Sec. 1501.40. The department of natural resources is the 10168
designated state agency responsible for the coordination and 10169
administration of sections 120 to 136 of the "National and 10170
Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C.A. 10171
12401 to 12456, ~~and amendments thereto as amended~~. With the 10172
assistance of the ~~state Ohio~~ community service ~~advisory committee~~ 10173
council created in section 121.40 of the Revised Code, the 10174
director of natural resources shall coordinate with other state 10175
agencies to apply for funding under the act when appropriate and 10176
shall administer any federal funds the state receives under 10177
sections 120 to 136 of the act. 10178

Sec. 1502.12. (A) There is hereby created in the state 10179
treasury the scrap tire grant fund, consisting of moneys 10180
transferred to the fund under section 3734.82 of the Revised Code. 10181

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. 10182
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(B) Projects and activities that are eligible for grants under this section shall be evaluated for funding using, at a minimum, the following criteria: 10188
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(1) The degree to which a proposed project contributes to the increased use of scrap tires generated in this state; 10191
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(2) The degree of local financial support for a proposed project; 10193
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(3) The technical merit and quality of a proposed project. 10195

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. 10196
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The chief may do any or all of the following: 10204

(A) Provide rural forestry assistance to nonindustrial private forest landowners, including advice in tree planting, forest improvement, harvesting, and all aspects of conservation; 10205
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(B) Provide urban forestry assistance to individuals, nonprofit organizations, and political subdivisions to manage their urban forest resource and develop comprehensive tree care 10208
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programs;	10211
(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;	10212 10213 10214 10215 10216 10217
(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;	10218 10219 10220 10221
(E) Provide technical assistance to landowners in developing forest windbreaks, filter strips, and other forest management practices that provide conservation benefits;	10222 10223 10224
(F) Provide awareness of and education concerning the programs provided for under divisions (A) to (E) of this section;	10225 10226
(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 sections <u>section</u> 1503.01 and 1503.35 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.	10227 10228 10229 10230 10231 10232 10233 10234 10235 10236 10237
As used in this section, "nonprofit organization" has the same meaning as in section 4141.01 of the Revised Code.	10238 10239
Sec. 1507.01. There is hereby created in the department of	10240

natural resources the division of engineering to be administered 10241
by the chief engineer of the department, who shall be a 10242
professional engineer registered under Chapter 4733. of the 10243
Revised Code. The chief engineer shall do all of the following: 10244

(A) Administer this chapter; 10245

(B) Provide engineering, architectural, land surveying, and 10246
related administrative and maintenance support services to the 10247
other divisions in the department; 10248

(C) Upon request of the director of natural resources, 10249
implement the department's capital improvement program and 10250
facility maintenance projects, including all associated 10251
engineering, architectural, design, contracting, surveying, 10252
inspection, and management responsibilities and requirements; 10253

(D) With the approval of the director, act as contracting 10254
officer in departmental engineering, architectural, surveying, and 10255
construction matters regarding capital improvements except for 10256
those matters otherwise specifically provided for in law; 10257

~~(E) As long as the state retains ownership of the Burr Oak 10258
water system, administer, operate, and maintain the Burr Oak water 10259
system and, with the approval of the director, act as contracting 10260
agent in matters concerning that system; 10261~~

~~(F)~~ Provide engineering support for the coastal management 10262
program established under Chapter 1506. of the Revised Code; 10263

~~(G)~~(F) Coordinate the department's roadway maintenance 10264
program with the department of transportation pursuant to section 10265
5511.05 of the Revised Code and maintain the roadway inventory of 10266
the department of natural resources; 10267

~~(H) Coordinate the department's emergency response activities 10268
with the emergency management agency created in section 5502.22 of 10269
the Revised Code; 10270~~

~~(I)~~(G) Coordinate the department's projects, programs, 10271
policies, procedures, and activities with the United States army 10272
corps of engineers; 10273

~~(J)~~(H) Subject to the approval of the director, employ 10274
professional and technical assistants and such other employees as 10275
are necessary for the performance of the activities required or 10276
authorized under this chapter, other work of the division, and any 10277
other work agreed to under working agreements or contractual 10278
arrangements; prescribe their duties; and fix their compensation 10279
in accordance with such schedules as are provided by law for the 10280
compensation of state employees. 10281

Sec. 1509.06. An application for a permit to drill a new 10282
well, drill an existing well deeper, reopen a well, convert a well 10283
to any use other than its original purpose, or plug back a well to 10284
a different source of supply shall be filed with the chief of the 10285
division of mineral resources management upon such form as the 10286
chief prescribes and shall contain each of the following that is 10287
applicable: 10288

(A) The name and address of the owner and, if a corporation, 10289
the name and address of the statutory agent; 10290

(B) The signature of the owner or the owner's authorized 10291
agent. When an authorized agent signs an application, it shall be 10292
accompanied by a certified copy of the appointment as such agent. 10293

(C) The names and addresses of all persons holding the 10294
royalty interest in the tract upon which the well is located or is 10295
to be drilled or within a proposed drilling unit; 10296

(D) The location of the tract or drilling unit on which the 10297
well is located or is to be drilled identified by section or lot 10298
number, city, village, township, and county; 10299

(E) Designation of the well by name and number; 10300

(F) The geological formation to be tested or used and the proposed total depth of the well; 10301
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(G) The type of drilling equipment to be used; 10303

(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; 10304
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(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; 10307
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(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. 10315
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(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; 10320
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(L) Such other relevant information as the chief prescribes by rule. 10324
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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 10326
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mine, the name of the mine, and the name of the person operating
the mine. 10332
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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. 10334
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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. 10342
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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. 10349
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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 10357
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application and the request for expedited review by telephone or 10364
other means that in the judgment of the chief will provide timely 10365
notice of the application and request. The chief shall issue a 10366
permit within seven days of the filing of the request unless the 10367
chief denies the application by order. Notwithstanding the 10368
provisions of this section governing expedited review of permit 10369
applications, the chief may refuse to accept requests for 10370
expedited review if, in the chief's judgment, the acceptance of 10371
the requests would prevent the issuance, within twenty-one days of 10372
their filing, of permits for which applications are pending. 10373

A well shall be drilled and operated in accordance with the 10374
plans, sworn statements, and other information submitted in the 10375
approved application. 10376

The chief shall issue an order denying a permit if the chief 10377
finds that there is a substantial risk that the operation will 10378
result in violations of this chapter or rules adopted under it 10379
that will present an imminent danger to public health or safety or 10380
damage to the environment, provided that where the chief finds 10381
that terms or conditions to the permit can reasonably be expected 10382
to prevent such violations, the chief shall issue the permit 10383
subject to those terms or conditions. 10384

Each application for a permit required by section 1509.05 of 10385
the Revised Code, except an application for a well drilled or 10386
reopened for purposes of section 1509.22 of the Revised Code, also 10387
shall be accompanied by a nonrefundable fee of two hundred fifty 10388
dollars. 10389

The chief may order the immediate suspension of drilling, 10390
operating, or plugging activities after finding that any person is 10391
causing, engaging in, or maintaining a condition or activity that 10392
in the chief's judgment presents an imminent danger to public 10393
health or safety or results in or is likely to result in immediate 10394
substantial damage to natural resources or for nonpayment of the 10395

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

bond filed to ensure compliance with those sections and rules 10428
forfeited in the amount set by rule of the chief. The chief 10429
thereupon shall certify the total forfeiture to the attorney 10430
general, who shall proceed to collect the amount of the 10431
forfeiture. 10432

In lieu of total forfeiture, the surety, at its option, may 10433
cause the well to be properly plugged and abandoned and the area 10434
properly restored or pay to the treasurer of state the cost of 10435
plugging and abandonment. 10436

(B) All moneys collected because of forfeitures of bonds as 10437
provided in this section shall be deposited in the state treasury 10438
to the credit of the oil and gas well fund created in section 10439
1509.02 of the Revised Code. The fund shall be expended by the 10440
chief for the following purposes in addition to the other purposes 10441
specified in that section: 10442

(1) In accordance with division (D) of this section, to plug 10443
wells or to restore the land surface properly as required in 10444
section 1509.072 of the Revised Code for which the bonds have been 10445
forfeited, for abandoned wells for which no funds are available to 10446
plug the wells in accordance with this chapter, or to use 10447
abandoned wells for the injection of oil or gas production wastes; 10448

(2) In accordance with division (E) of this section, to 10449
correct conditions that the chief reasonably has determined are 10450
causing imminent health or safety risks. 10451

Expenditures from the fund shall be made only for lawful 10452
purposes. 10453

(C)(1) Upon determining that the owner of a well has failed 10454
to properly plug and abandon it or to properly restore the land 10455
surface at the well site in compliance with the applicable 10456
requirements of this chapter and applicable rules adopted and 10457
orders issued under it or that a well is an abandoned well for 10458

which no funds are available to plug the well in accordance with 10459
this chapter, the chief shall do all of the following: 10460

(a) Determine from the records in the office of the county 10461
recorder of the county in which the well is located the identity 10462
of the owner of the land on which the well is located, the 10463
identity of the owner of the oil or gas lease under which the well 10464
was drilled or the identity of each person owning an interest in 10465
the lease, and the identities of the persons having legal title 10466
to, or a lien upon, any of the equipment appurtenant to the well; 10467

(b) Mail notice to the owner of the land on which the well is 10468
located informing the landowner that the well is to be plugged. If 10469
the owner of the oil or gas lease under which the well was drilled 10470
is different from the owner of the well or if any persons other 10471
than the owner of the well own interests in the lease, the chief 10472
also shall mail notice that the well is to be plugged to the owner 10473
of the lease or to each person owning an interest in the lease, as 10474
appropriate. 10475

(c) Mail notice to each person having legal title to, or a 10476
lien upon, any equipment appurtenant to the well, informing the 10477
person that the well is to be plugged and offering the person the 10478
opportunity to plug the well and restore the land surface at the 10479
well site at the person's own expense in order to avoid forfeiture 10480
of the equipment to this state. 10481

(2) If none of the persons described in division (C)(1)(c) of 10482
this section plugs the well within sixty days after the mailing of 10483
the notice required by that division, all equipment appurtenant to 10484
the well is hereby declared to be forfeited to this state without 10485
compensation and without the necessity for any action by the state 10486
for use to defray the cost of plugging and abandoning the well and 10487
restoring the land surface at the well site. 10488

(D) Expenditures from the fund for the purpose of division 10489

(B)(1) of this section shall be made in accordance with either of 10490
the following: 10491

(1) The expenditures may be made pursuant to contracts 10492
entered into by the chief with persons who agree to furnish all of 10493
the materials, equipment, work, and labor as specified and 10494
provided in such a contract. Agents or employees of persons 10495
contracting with the chief for the restoration, plugging, and 10496
injection projects may enter upon any land, public or private, for 10497
~~which a project has been approved by the controlling board and on~~ 10498
which the well is located, for the purpose of performing the work. 10499
Prior to such entry, the chief shall give to the following persons 10500
written notice of the existence of a contract for a project to 10501
restore, plug, or inject oil or gas production wastes into a well, 10502
the names of the persons with whom the contract is made, and the 10503
date that the project will commence: the owner of the well, the 10504
owner of the land upon which the well is located, the owner or 10505
agents of adjoining land, and, if the well is located in the same 10506
township as or in a township adjacent to the excavations and 10507
workings of a mine and the owner or lessee of that mine has 10508
provided written notice identifying those townships to the chief 10509
at any time during the immediately preceding three years, the 10510
owner or lessee of the mine. 10511

~~The chief periodically shall submit project proposals under 10512
division (D)(1) of this section to the controlling board, together 10513
with benefit and cost data and other pertinent information. 10514
Expenditures from the fund for the purpose of division (D)(1) of 10515
this section may be made only for restoration, plugging, or 10516
injection projects that are approved by the controlling board, and 10517
expenditures for a particular project may not exceed any limits 10518
set by the board. 10519~~

(2)(a) The owner of the land on which a well is located who 10520
has received notice under division (C)(1)(b) of this section may 10521

plug the well and be reimbursed by the division for the reasonable 10522
cost of plugging the well. In order to plug the well, the 10523
landowner shall submit an application to the chief on a form 10524
prescribed by the chief and approved by the technical advisory 10525
council on oil and gas created in section 1509.38 of the Revised 10526
Code. The application, at a minimum, shall require the landowner 10527
to provide the same information as is required to be included in 10528
the application for a permit to plug and abandon under section 10529
1509.13 of the Revised Code. The application shall be accompanied 10530
by a copy of a proposed contract to plug the well prepared by a 10531
contractor regularly engaged in the business of plugging oil and 10532
gas wells. The proposed contract shall require the contractor to 10533
furnish all of the materials, equipment, work, and labor necessary 10534
to plug the well properly and shall specify the price for doing 10535
the work, including a credit for the equipment appurtenant to the 10536
well that was forfeited to the state through the operation of 10537
division (C)(2) of this section. The application also shall be 10538
accompanied by the permit fee required by section 1509.13 of the 10539
Revised Code unless the chief, in the chief's discretion, waives 10540
payment of the permit fee. The application constitutes an 10541
application for a permit to plug and abandon the well for the 10542
purposes of section 1509.13 of the Revised Code. 10543

(b) Within thirty days after receiving an application and 10544
accompanying proposed contract under division (D)(2)(a) of this 10545
section, the chief shall determine whether the plugging would 10546
comply with the applicable requirements of this chapter and 10547
applicable rules adopted and orders issued under it and whether 10548
the cost of the plugging under the proposed contract is 10549
reasonable. If the chief determines that the proposed plugging 10550
would comply with those requirements and that the proposed cost of 10551
the plugging is reasonable, the chief shall notify the landowner 10552
of that determination and issue to the landowner a permit to plug 10553

and abandon the well under section 1509.13 of the Revised Code. 10554
Upon approval of the application and proposed contract, the chief 10555
shall transfer ownership of the equipment appurtenant to the well 10556
to the landowner. The chief may disapprove an application 10557
submitted under division (D)(2)(a) of this section if the chief 10558
determines that the proposed plugging would not comply with the 10559
applicable requirements of this chapter and applicable rules 10560
adopted and orders issued under it, that the cost of the plugging 10561
under the proposed contract is unreasonable, or that the proposed 10562
contract is not a bona fide, arms length contract. 10563

(c) After receiving the chief's notice of the approval of the 10564
application and permit to plug and abandon a well under division 10565
(D)(2)(b) of this section, the landowner shall enter into the 10566
proposed contract to plug the well. The plugging shall be 10567
completed within one hundred eight days after the landowner 10568
receives the notice of approval and permit. 10569

(d) Upon determining that the plugging has been completed 10570
within the time required by division (D)(2)(c) of this section and 10571
has been completed in compliance with the applicable requirements 10572
of this chapter and applicable rules adopted and orders issued 10573
under it, the chief shall reimburse the landowner for the cost of 10574
the plugging as set forth in the proposed contract approved by the 10575
chief. The reimbursement shall be paid from the oil and gas well 10576
fund. If the chief determines that the plugging was not completed 10577
within the required time or was not completed in accordance with 10578
the applicable requirements, the chief shall not reimburse the 10579
landowner for the cost of the plugging, and the landowner or the 10580
contractor, as applicable, promptly shall transfer back to this 10581
state title to and possession of the equipment appurtenant to the 10582
well that previously was transferred to the landowner under 10583
division (D)(2)(b) of this section. If any such equipment was 10584
removed from the well during the plugging and sold, the landowner 10585

shall pay to the chief the proceeds from the sale of the 10586
equipment, and the chief promptly shall pay the moneys so received 10587
to the treasurer of state for deposit into the oil and gas well 10588
fund. 10589

The chief may establish an annual limit on the number of 10590
wells that may be plugged under division (D)(2) of this section or 10591
an annual limit on the expenditures to be made under that 10592
division. 10593

As used in division (D)(2) of this section, "plug" and 10594
"plugging" include the plugging of the well and the restoration of 10595
the land surface disturbed by the plugging. 10596

(E) Expenditures from the oil and gas well fund for the 10597
purpose of division (B)(2) of this section may be made pursuant to 10598
contracts entered into by the chief with persons who agree to 10599
furnish all of the materials, equipment, work, and labor as 10600
specified and provided in such a contract. The competitive bidding 10601
requirements of Chapter 153. of the Revised Code do not apply if 10602
the chief reasonably determines that correction of the applicable 10603
health or safety risk requires immediate action. The chief, 10604
designated representatives of the chief, and agents or employees 10605
of persons contracting with the chief under this division may 10606
enter upon any land, public or private, for the purpose of 10607
performing the work. 10608

(F) Contracts entered into by the chief under this section 10609
are not subject to either of the following: 10610

(1) Chapter 4115. of the Revised Code; 10611

(2) Section 153.54 of the Revised Code, except that the 10612
contractor shall obtain and provide to the chief as a bid guaranty 10613
a surety bond or letter of credit in an amount equal to ten per 10614
cent of the amount of the contract. 10615

(G) The owner of land on which a well is located who has 10616

received notice under division (C)(1)(b) of this section, in lieu 10617
of plugging the well in accordance with division (D)(2) of this 10618
section, may cause ownership of the well to be transferred to an 10619
owner who is lawfully doing business in this state and who has met 10620
the financial responsibility requirements established under 10621
section 1509.07 of the Revised Code, subject to the approval of 10622
the chief. The transfer of ownership also shall be subject to the 10623
landowner's filing the appropriate forms required under this 10624
chapter and providing to the chief sufficient information to 10625
demonstrate the landowner's or owner's right to produce a 10626
formation or formations. That information may include a deed, a 10627
lease, or other documentation of ownership or property rights. 10628

The chief shall approve or disapprove the transfer of 10629
ownership of the well. If the chief approves the transfer, the 10630
owner is responsible for operating the well in accordance with 10631
this chapter and rules adopted under it, including, without 10632
limitation, all of the following: 10633

(1) Filing an application with the chief under section 10634
1509.06 of the Revised Code if the owner intends to drill deeper 10635
or produce a formation that is not listed in the records of the 10636
division for that well; 10637

(2) Taking title to and possession of the equipment 10638
appurtenant to the well that has been identified by the chief as 10639
having been abandoned by the former owner; 10640

(3) Complying with all applicable requirements that are 10641
necessary to drill deeper, plug the well, or plug back the well. 10642

Sec. 1509.08. Upon receipt of an application for a permit 10643
required by section 1509.05 of the Revised Code, or upon receipt 10644
of an application for a permit to plug and abandon under section 10645
1509.13 of the Revised Code, the chief of the division of mineral 10646
resources management shall determine whether the well is or is to 10647

be located in a coal bearing township. 10648

Whether or not the well is or is to be located in a coal 10649
bearing township, the chief, by order, may refuse to issue a 10650
permit required by section 1509.05 of the Revised Code to any 10651
applicant who at the time of applying for the permit is in 10652
material or substantial violation of this chapter or rules adopted 10653
or orders issued under it. The chief shall refuse to issue a 10654
permit to any applicant who at the time of applying for the permit 10655
has been found liable by a final nonappealable order of a court of 10656
competent jurisdiction for damage to streets, roads, highways, 10657
bridges, culverts, or drainways pursuant to section 4513.34 or 10658
5577.12 of the Revised Code until the applicant provides the chief 10659
with evidence of compliance with the order. No applicant shall 10660
attempt to circumvent this provision by applying for a permit 10661
under a different name or business organization name, by 10662
transferring responsibility to another person or entity, by 10663
abandoning the well or lease, or by any other similar act. 10664

If the well is not or is not to be located in a coal bearing 10665
township, or if it is to be located in a coal bearing township, 10666
but the landowner submits an affidavit attesting to ownership of 10667
the property in fee simple, including the coal, and has no 10668
objection to the well, the chief shall issue the permit. 10669

If the application to drill, reopen, or convert concerns a 10670
well that is or is to be located in a coal bearing township, the 10671
chief immediately shall notify the owner or lessee of any affected 10672
mine that the application has been filed and send to the owner or 10673
lessee two copies of the map accompanying the application setting 10674
forth the location of the well. 10675

If the owner or lessee objects to the location of the well or 10676
objects to any location within fifty feet of the original location 10677
as a possible site for relocation of the well, the owner or lessee 10678
shall notify the chief of the objection, giving the reasons for 10679

the objection and, if applicable, indicating on a copy of the map 10680
the particular location or locations within fifty feet of the 10681
original location to which the owner or lessee objects as a site 10682
for possible relocation of the well, within six days after the 10683
receipt of the notice. If the chief receives no objections from 10684
the owner or lessee of the mine within ten days after the receipt 10685
of the notice by the owner or lessee, or if in the opinion of the 10686
chief the objections offered by the owner or lessee are not 10687
sufficiently well founded, the chief immediately shall notify the 10688
owner or lessee of those findings. The owner or lessee may appeal 10689
the decision of the chief to the ~~mine examining board created~~ 10690
reclamation commission under section ~~1561.10~~ 1513.13 of the 10691
Revised Code. The appeal shall be filed within fifteen days, 10692
notwithstanding provisions in divisions (A)(1) of section 1513.13 10693
of the Revised Code, to the contrary, from the date on which the 10694
owner or lessee receives the notice. If the appeal is not filed 10695
within that time, the chief immediately shall approve the 10696
application and issue the permit if the provisions of this chapter 10697
pertaining to the issuance of such a permit have been complied 10698
with. 10699

If the chief receives an objection from the owner or lessee 10700
of the mine as to the location of the well within ten days after 10701
receipt of the notice by the owner or lessee, and if in the 10702
opinion of the chief the objection is well founded, the chief 10703
shall disapprove the application and suggest a new location for 10704
the well, provided that the suggested new location shall not be a 10705
location within fifty feet of the original location to which the 10706
owner or lessee has objected as a site for possible relocation of 10707
the well if the chief has determined that the objection is well 10708
founded. The chief immediately shall notify the applicant for the 10709
permit of the disapproval and any suggestion as to a new location 10710
for the well. The applicant may withdraw the application or amend 10711

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

shall hear any such appeal in accordance with section ~~1561.53~~ 10744
1513.13 of the Revised Code and ~~render~~ issue a decision within 10745
thirty days of the filing of the notice of appeal. 10746

The chief shall not issue a permit to drill a new well or 10747
reopen a well that is or is to be located within three hundred 10748
feet of any opening of any mine used as a means of ingress, 10749
egress, or ventilation for persons employed in the mine, nor 10750
within one hundred feet of any building or inflammable structure 10751
connected with the mine and actually used as a part of the 10752
operating equipment of the mine, unless the chief determines that 10753
life or property will not be endangered by drilling and operating 10754
the well in that location. 10755

Sec. 1509.11. The owner of any well producing or capable of 10756
producing oil or gas shall file with the chief of the division of 10757
mineral resources management, on or before the ~~fifteenth~~ first day 10758
of ~~April~~ March, a statement of production of oil, gas, and brine 10759
for the last preceding calendar year in such form as the chief may 10760
prescribe. The chief shall include on the form, at the minimum, a 10761
request for the submittal of the information that a person who is 10762
regulated under this chapter is required to submit under the 10763
"Emergency Planning and Community Right-To-Know Act of 1986," 100 10764
Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under it, 10765
and that the division does not obtain through other reporting 10766
mechanisms. 10767

Sec. 1509.23. (A) Rules of the chief of the division of 10768
mineral resources management may specify practices to be followed 10769
in the drilling of wells and production of oil and gas for 10770
protection of public health or safety or to prevent damage to 10771
natural resources, including specification of devices, minimum 10772
distances that wells and other excavations, structures, and 10773
equipment shall be located from water wells, streets, roads, 10774

highways, railroad tracks, and buildings, other methods of 10775
operation, and procedures, methods, and equipment and other 10776
requirements for equipment to prevent and contain discharges of 10777
oil from oil production facilities and oil drilling and workover 10778
facilities consistent with and equivalent in scope, content, and 10779
coverage to section 311(j)(1)(c) of the "Federal Water Pollution 10780
Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, 10781
as amended, and regulations adopted under it. 10782

(B) The chief, in consultation with the emergency response 10783
commission created in section 3750.02 of the Revised Code, shall 10784
adopt rules in accordance with Chapter 119. of the Revised Code 10785
that specify the information that shall be included in an 10786
electronic database that the chief shall create and host. The 10787
information shall be that which the chief considers to be 10788
appropriate for the purpose of responding to emergency situations 10789
that pose a threat to public health or safety or the environment. 10790
At the minimum, the information shall include that which a person 10791
who is regulated under this chapter is required to submit under 10792
the "Emergency Planning and Community Right-To-Know Act of 1986," 10793
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 10794
it. 10795

In addition, the rules shall specify whether and to what 10796
extent the database and the information that it contains will be 10797
made accessible to the public. The rules shall ensure that the 10798
database will be made available via the internet or a system of 10799
computer disks to the emergency response commission and to every 10800
local emergency planning committee and fire department in this 10801
state. 10802

Sec. 1513.05. There is hereby created a reclamation 10803
commission consisting of seven members appointed by the governor 10804
with the advice and consent of the senate. For the purposes of 10805
hearing appeals under section 1513.13 of the Revised Code that 10806

involve mine safety issues, the reclamation commission shall 10807
consist of two additional members appointed specifically for that 10808
function by the governor with the advice and consent of the 10809
senate. All terms of office shall be for five years, commencing on 10810
the twenty-ninth day of June and ending on the twenty-eighth day 10811
of June. Each member shall hold office from the date of 10812
appointment until the end of the term for which the appointment 10813
was made. Each vacancy occurring on the commission shall be filled 10814
by appointment within sixty days after the vacancy occurs. Any 10815
member appointed to fill a vacancy occurring prior to the 10816
expiration of the term for which the member's predecessor was 10817
appointed shall hold office for the remainder of such term. Any 10818
member shall continue in office subsequent to the expiration date 10819
of the member's term until the member's successor takes office, or 10820
until a period of sixty days has elapsed, whichever occurs first. 10821

~~Two~~ 10822

Two of the appointees to the commission shall be persons who, 10823
at the time of their appointment, own and operate a farm or are 10824
retired farmers. Notwithstanding section 1513.04 of the Revised 10825
Code, one of the appointees to the commission shall be a person 10826
who, at the time of appointment, is the representative of an 10827
operator of a coal mine. One of the appointees to the commission 10828
shall be a person who, by reason of the person's previous 10829
vocation, employment, or affiliations, can be classed as a 10830
representative of the public. One of the appointees to the 10831
commission shall be a person who, by reason of previous training 10832
and experience, can be classed as one learned and experienced in 10833
modern forestry practices. One of the appointees to the commission 10834
shall be a person who, by reason of previous training and 10835
experience, can be classed as one learned and experienced in 10836
agronomy. One of the appointees to the commission shall be either 10837
a person who, by reason of previous training and experience, can 10838
be classed as one capable and experienced in earth-grading 10839

problems, or a civil engineer. Not more than four members shall be 10840
members of the same political party. 10841

The two additional members of the commission who are 10842
appointed specifically to hear appeals that involve mine safety 10843
issues shall be individuals who, because of previous vocation, 10844
employment, or affiliation, can be classified as representatives 10845
of employees currently engaged in mining operations. One shall be 10846
a representative of coal miners, and one shall be a representative 10847
of aggregates miners. Prior to making the appointment, the 10848
governor shall request the highest ranking officer in the major 10849
employee organization representing coal miners in this state to 10850
submit to the governor the names and qualifications of three 10851
nominees and shall request the highest ranking officer in the 10852
major employee organization representing aggregates miners in this 10853
state to do the same. The governor shall appoint one person 10854
nominated by each organization to the commission. The nominees 10855
shall have not less than five years of practical experience in 10856
dealing with mine health and safety issues and at the time of the 10857
nomination shall be employed in positions that involve the 10858
protection of the health and safety of miners. The major employee 10859
organization representing coal miners and the major employee 10860
organization representing aggregates miners shall represent a 10861
membership consisting of the largest number of coal miners and 10862
aggregates miners, respectively, in this state compared to other 10863
employee organizations in the year prior to the year in which the 10864
appointments are made. 10865

When the commission hears an appeal that involves a coal 10866
mining safety issue, one of the commission members who owns and 10867
operates a farm or is a retired farmer shall be replaced by the 10868
additional member who is a representative of coal miners. When the 10869
commission hears an appeal that involves an aggregates mining 10870
safety issue, one of the commission members who owns and operates 10871

a farm or is a retired farmer shall be replaced by the additional 10872
member who is a representative of aggregates miners. Neither of 10873
the additional members who are appointed specifically to hear 10874
appeals that involve mine safety issues shall be considered to be 10875
members of the commission for any other purpose, and they shall 10876
not participate in any other matters that come before the 10877
commission. 10878

The commission may appoint a secretary to hold office at its 10879
pleasure. A commission member may serve as secretary. The 10880
secretary shall perform such duties as the commission prescribes, 10881
and shall receive such compensation as the commission fixes in 10882
accordance with such schedules as are provided by law for the 10883
compensation of state employees. 10884

The commission shall appoint one or more hearing officers who 10885
shall be attorneys at law admitted to practice in this state to 10886
conduct hearings under this chapter. 10887

Four members constitute a quorum, and no action of the 10888
commission shall be valid unless it has the concurrence of at 10889
least four members. The commission shall keep a record of its 10890
proceedings. 10891

Each member shall be paid as compensation for work as a 10892
member one hundred fifty dollars per day when actually engaged in 10893
the performance of work as a member and when engaged in travel 10894
necessary in connection with such work. In addition to such 10895
compensation each member shall be reimbursed for all traveling, 10896
hotel, and other expenses, in accordance with the current travel 10897
rules of the office of budget and management, necessarily incurred 10898
in the performance of the member's work as a member. 10899

Annually one member shall be elected as chairperson and 10900
another member shall be elected as vice-chairperson for terms of 10901
one year. 10902

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

fund the amount that is needed to keep the balance of the fund at 10934
forty thousand dollars. The remainder of the fees collected under 10935
section 1513.07 of the Revised Code shall be deposited with the 10936
treasurer of state to the credit of the coal mining administration 10937
and reclamation reserve fund created in section 1513.181 of the 10938
Revised Code. 10939

Sec. 1513.13. (A)(1) ~~A person having an interest that is or~~ 10940
~~may be adversely affected by a finding or determination of the~~ 10941
~~chief of the division of mineral resources management made under~~ 10942
~~section 1509.08, 1561.35, 1561.351, 1563.13, or 6111.044 of the~~ 10943
~~Revised Code or an investigation made by the chief under section~~ 10944
~~1561.51 of the Revised Code may appeal to the mine examining board~~ 10945
~~in accordance with those sections. Any other person having an~~ 10946
~~interest that is or may be adversely affected by a notice of~~ 10947
~~violation, order, or decision of the chief of the division of~~ 10948
~~mineral resources management, other than a show cause order or an~~ 10949
~~order that adopts a rule, or by any modification, vacation, or~~ 10950
~~termination of such a notice, order, or decision, may appeal by~~ 10951
~~filing a notice of appeal with the reclamation commission for~~ 10952
~~review of the notice, order, or decision within thirty days after~~ 10953
~~the notice, order, or decision is served upon the person or within~~ 10954
~~thirty days after its modification, vacation, or termination and~~ 10955
~~by filing a copy of the notice of appeal with the chief within~~ 10956
~~three days after filing the notice of appeal with the commission.~~ 10957
~~The notice of appeal shall contain a copy of the notice of~~ 10958
~~violation, order, or decision complained of and the grounds upon~~ 10959
~~which the appeal is based. The commission has exclusive original~~ 10960
~~jurisdiction to hear and decide such appeals. The filing of a~~ 10961
~~notice of appeal under division (A)(1) of this section does not~~ 10962
~~operate as a stay of any order, notice of violation, or decision~~ 10963
~~of the chief.~~ 10964

(2) The permittee, the chief, and other interested persons 10965

shall be given written notice of the time and place of the hearing 10966
at least five days prior thereto. The hearing shall be of record. 10967

(3) Any person authorized under this section to appeal to the 10968
commission may request an informal review by the chief or the 10969
chief's designee by filing a written request with the chief within 10970
thirty days after a notice, order, decision, modification, 10971
vacation, or termination is served upon the person. Filing of the 10972
written request shall toll the time for appeal before the 10973
commission, but shall not operate as a stay of any order, notice 10974
of violation, or decision of the chief. The chief's determination 10975
of an informal review is appealable to the commission under this 10976
section. 10977

(B) The commission shall affirm the notice of violation, 10978
order, or decision of the chief unless the commission determines 10979
that it is arbitrary, capricious, or otherwise inconsistent with 10980
law; in that case the commission may modify the notice of 10981
violation, order, or decision or vacate it and remand it to the 10982
chief for further proceedings that the commission may direct. 10983

The commission shall conduct hearings and render decisions in 10984
a timely fashion, except that all of the following apply: 10985

(1) When the appeal concerns an order for the cessation of 10986
coal mining and reclamation operations issued pursuant to division 10987
(D)(1) or (2) of section 1513.02 of the Revised Code, the 10988
commission shall issue its written decision within thirty days 10989
after the receipt of the appeal unless temporary relief has been 10990
granted by the chairperson pursuant to division (C) of this 10991
section. 10992

(2) When the appeal concerns an application for a permit 10993
under division (I) of section 1513.07 of the Revised Code, the 10994
commission shall hold a hearing within thirty days after receipt 10995
of the notice of appeal and issue its decision within thirty days 10996

after the hearing. 10997

(3) When the appeal concerns a decision of the chief 10998
regarding release of bond under division (F) of section 1513.16 of 10999
the Revised Code, the commission shall hold a hearing within 11000
thirty days after receipt of the notice of appeal and issue its 11001
decision within sixty days after the hearing. 11002

(4) When the appeal concerns a decision of the chief 11003
regarding the location of a well in a coal bearing township under 11004
section 1509.08 of the Revised Code, the commission shall hold a 11005
hearing and issue its decision within thirty days after receipt of 11006
the notice of appeal. 11007

(C) The chairperson of the commission, under conditions the 11008
chairperson prescribes, may grant temporary relief the chairperson 11009
considers appropriate pending final determination of an appeal if 11010
all of the following conditions are met: 11011

(1) All parties to the appeal have been notified and given an 11012
opportunity for a hearing to be held in the locality of the 11013
subject site on the request for temporary relief and the 11014
opportunity to be heard on the request. 11015

(2) The person requesting relief shows that there is a 11016
substantial likelihood that the person will prevail on the merits. 11017

(3) The relief will not adversely affect public health or 11018
safety or cause significant imminent environmental harm to land, 11019
air, or water resources. 11020

The chairperson shall issue a decision expeditiously, except 11021
that when the applicant requests relief from an order for the 11022
cessation of coal mining and reclamation operations issued 11023
pursuant to division (D)(1) or (2) of section 1513.02 of the 11024
Revised Code, the decision shall be issued within five days after 11025
its receipt. 11026

Any party to an appeal filed with the commission who is 11027
aggrieved or adversely affected by a decision of the chairperson 11028
to grant or deny temporary relief under this section may appeal 11029
that decision to the commission. The commission may confine its 11030
review to the record developed at the hearing before the 11031
chairperson. 11032

The appeal shall be filed with the commission within thirty 11033
days after the chairperson issues the decision on the request for 11034
temporary relief. The commission shall issue a decision as 11035
expeditiously as possible, except that when the appellant requests 11036
relief from an order for the cessation of coal mining and 11037
reclamation operations issued pursuant to division (D)(1) or (2) 11038
of section 1513.02 of the Revised Code, the decision of the 11039
commission shall be issued within five days after receipt of the 11040
notice of appeal. 11041

The commission shall affirm the decision of the chairperson 11042
granting or denying temporary relief unless it determines that the 11043
decision is arbitrary, capricious, or otherwise inconsistent with 11044
law. 11045

(D) Following the issuance of an order to show cause as to 11046
why a permit should not be suspended or revoked pursuant to 11047
division (D)(3) of section 1513.02 of the Revised Code, the chief 11048
or a representative of the chief shall hold a public adjudicatory 11049
hearing after giving written notice of the time, place, and date 11050
thereof. The hearing shall be of record. 11051

Within sixty days following the public hearing, the chief 11052
shall issue and furnish to the permittee and all other parties to 11053
the hearing a written decision, and the reasons therefor, 11054
concerning suspension or revocation of the permit. If the chief 11055
revokes the permit, the permittee immediately shall cease coal 11056
mining operations on the permit area and shall complete 11057
reclamation within a period specified by the chief, or the chief 11058

shall declare as forfeited the performance bonds for the 11059
operation. 11060

(E)(1) Whenever an enforcement order or permit decision is 11061
appealed under this section or any action is filed under division 11062
(B) of section 1513.15 or 1513.39 of the Revised Code, at the 11063
request of a prevailing party, a sum equal to the aggregate amount 11064
of all costs and expenses, including attorney's fees, as 11065
determined to have been necessary and reasonably incurred by the 11066
prevailing party for or in connection with participation in the 11067
enforcement proceedings before the commission, the court under 11068
section 1513.15 of the Revised Code, or the chief under section 11069
1513.39 of the Revised Code, may be awarded, as considered proper, 11070
in accordance with divisions (E)(1)(a) to (c) of this section. In 11071
no event shall attorney's fees awarded under this section exceed, 11072
for the kind and quality of services, the prevailing market rates 11073
at the time the services were furnished under division (A) of this 11074
section. A party may be entitled to costs and expenses related 11075
solely to the preparation, defense, and appeal of a petition for 11076
costs and expenses, provided that the costs and expenses are 11077
limited and proportionate to costs and expenses otherwise allowed 11078
under division (E) of this section. 11079

(a) A party, other than the permittee or the division of 11080
mineral resources management, shall file a petition, if any, for 11081
an award of costs and expenses, including attorney's fees, with 11082
the chief, who shall review the petition. If the chief finds that 11083
the party, other than the permittee or the division, prevailed in 11084
whole or in part, made a substantial contribution to a full and 11085
fair determination of the issues, and made a contribution separate 11086
and distinct from the contribution made by any other party, the 11087
chief may award to that party the party's costs and expenses, 11088
including attorney's fees that were necessary and reasonably 11089
incurred by the party for, or in connection with, participation in 11090

the proceeding before the commission. 11091

(b) If a permittee who made a request under division (E)(1) 11092
of this section demonstrates that a party other than a permittee 11093
who initiated an appeal under this section or participated in such 11094
an appeal initiated or participated in the appeal in bad faith and 11095
for the purpose of harassing or embarrassing the permittee, the 11096
permittee may file a petition with the chief. The chief may award 11097
to the permittee the costs and expenses reasonably incurred by the 11098
permittee in connection with participation in the appeal and 11099
assess those costs and expenses against the party who initiated 11100
the appeal. 11101

(c) The division may file, with the commission, a request for 11102
an award to the division of the costs and expenses reasonably 11103
incurred by the division in connection with an appeal initiated 11104
under this section. The commission may assess those costs and 11105
expenses against the party who initiated the appeal if the 11106
division demonstrates that the party initiated or participated in 11107
the appeal in bad faith and for the purpose of harassing or 11108
embarrassing the division. 11109

(2) Whenever an order issued under this section or as a 11110
result of any administrative proceeding under this chapter is the 11111
subject of judicial review, at the request of any party, a sum 11112
equal to the aggregate amount of all costs and expenses, including 11113
attorney's fees, as determined by the court to have been necessary 11114
and reasonably incurred by the party for or in connection with 11115
participation in the proceedings, may be awarded to either party, 11116
in accordance with division (E)(1) of this section, as the court, 11117
on the basis of judicial review, considers proper. 11118

Sec. 1513.14. (A) Any party aggrieved or adversely affected 11119
by a decision of the reclamation commission may appeal to the 11120
court of appeals for the county in which the activity addressed by 11121

the decision of the commission occurred, is occurring, or will 11122
occur, which court has exclusive jurisdiction over the appeal. The 11123
appeal shall be filed within thirty days of issuance of the 11124
decision of the commission. The court shall confine its review to 11125
the record certified by the commission. The court may, upon 11126
motion, grant such temporary relief as it ~~deems~~ considers 11127
appropriate pending final disposition of the appeal if all of the 11128
following apply: 11129

(1) All parties to the appeal have been notified and given an 11130
opportunity to be heard on a request for temporary relief~~+~~. 11131

(2) The person requesting the relief shows that there is a 11132
substantial likelihood that the person will prevail on the merits~~+~~ 11133
and. 11134

(3) The relief will not adversely affect public health or 11135
safety or the health or safety of miners or cause significant 11136
imminent environmental harm to land, air, or water resources. 11137

The court shall affirm the decision of the commission unless 11138
the court determines that it is arbitrary, capricious, or 11139
otherwise inconsistent with law, in which case the court shall 11140
vacate the decision and remand to the commission for such further 11141
proceedings as it may direct. 11142

(B) Any order of the chief of the division of mineral 11143
resources management adopting a rule shall be subject to judicial 11144
review in the Franklin county court of appeals, which court has 11145
exclusive original jurisdiction to review the order. A petition 11146
for review of the order shall be filed within thirty days from the 11147
date of such order. The petition may be made by any person who 11148
participated in the rule-making proceedings and who is aggrieved 11149
by the order. The court shall confine its review to the record of 11150
the rule-making proceedings. The order shall be affirmed unless 11151
the court concludes that the order is arbitrary, capricious, or 11152
otherwise inconsistent with law, in which case the court shall 11153

vacate the order or portion thereof and remand to the chief for 11154
such further proceedings as it may direct. 11155

Sec. 1514.11. In addition to the purposes authorized in 11156
section 1514.06 of the Revised Code, the chief of the division of 11157
mineral resources management may use moneys in the surface mining 11158
fund created under that section for the administration and 11159
enforcement of this chapter, for the reclamation of land affected 11160
by surface mining under a permit issued under this chapter that 11161
the operator failed to reclaim and for which the performance bond 11162
filed by the operator is insufficient to complete the reclamation, 11163
~~and~~ for the reclamation of land affected by surface mining that 11164
was abandoned and left unreclaimed and for which no permit was 11165
issued or bond filed under this chapter, and for the mine safety 11166
and first aid classes provided under division (C) of section 11167
1561.26 of the Revised Code. The chief, with the approval of the 11168
director of natural resources, annually shall determine the 11169
amounts to be expended for the mine safety and first aid classes. 11170
For purposes of this section, the chief shall expend moneys in the 11171
fund in accordance with the procedures and requirements 11172
established in section 1514.06 of the Revised Code and may enter 11173
into contracts and perform work in accordance with that section. 11174

Fees collected under sections 1514.02 and 1514.03 of the 11175
Revised Code, one-half of the moneys collected from the severance 11176
taxes levied under divisions (A)(3) and (4) of section 5749.02 of 11177
the Revised Code, and all of the moneys collected from the 11178
severance tax levied under division (A)(7) of section 5749.02 of 11179
the Revised Code shall be credited to the fund in accordance with 11180
those sections. Notwithstanding any section of the Revised Code 11181
relating to the distribution or crediting of fines for violations 11182
of the Revised Code, all fines imposed under section 1514.99 of 11183
the Revised Code shall be credited to the fund. 11184

Sec. 1517.05. The department of natural resources, for and on 11185
behalf of the state, shall acquire a system of nature preserves 11186
for the following uses and purposes: 11187

(A) For scientific research in such fields as ecology, 11188
taxonomy, genetics, forestry, pharmacology, agriculture, soil 11189
science, geology, paleontology, conservation, and similar fields; 11190

(B) For the teaching of biology, natural history, ecology, 11191
geology, conservation, and other subjects; 11192

(C) As habitats for plant and animal species and communities 11193
and other natural objects; 11194

(D) As reservoirs of natural materials; 11195

(E) As places of natural interest and beauty; 11196

(F) For visitation whereby persons may observe and experience 11197
natural biotic and environmental systems of the earth and their 11198
processes; 11199

(G) To promote understanding and appreciation of the 11200
aesthetic, cultural, scientific, and spiritual values of such 11201
areas by the people of the state; 11202

(H) For the preservation and protection of nature preserves 11203
against modification or encroachment resulting from occupation, 11204
development, or other use ~~which~~ that would destroy their natural 11205
or aesthetic conditions. 11206

The director of natural resources, upon the advice and 11207
concurrence of the Ohio natural areas council, shall accept 11208
natural areas by articles of dedication or gift, provided that 11209
funds and services are available for their preservation and 11210
protection. 11211

A nature preserve is established when articles of dedication 11212
have been filed by or at the direction of the owner of land, or a 11213

governmental agency having ownership or control thereof, in the 11214
office of the county recorder of the county in which the land is 11215
located. 11216

Articles of dedication shall be executed by the owner of the 11217
land in the same manner and with the same effect as a conveyance 11218
of an interest in land and shall be irrevocable except as provided 11219
in this section. The county recorder may not accept articles of 11220
dedication for recording unless they have been accepted by the 11221
director of natural resources. The director may not accept 11222
articles of dedication unless they contain terms restricting the 11223
use of the land ~~which~~ that adequately provide for its preservation 11224
and protection against modification or encroachment resulting from 11225
occupation, development, or other use ~~which~~ that would destroy its 11226
natural or aesthetic conditions for one or more of the uses and 11227
purposes set forth in this section. Wherever possible and 11228
consistent with such preservation and protection of the land, the 11229
articles shall provide for public access in order that the maximum 11230
benefit be obtained for the uses and purposes stated in this 11231
section. 11232

Articles of dedication may contain provisions for the 11233
management, custody, and transfer of land, provisions defining the 11234
rights of the owner or operating agency, and the department, and 11235
such other provisions as may be necessary or advisable to carry 11236
out the uses and purposes for which the land is dedicated. They 11237
may contain conditions under which the owner and the director of 11238
natural resources may agree to rescind the articles. 11239

The attorney general, upon request of the director of natural 11240
resources, may bring an action for injunction in any court of 11241
competent jurisdiction to enforce the terms of articles of 11242
dedication. 11243

The department may make or accept amendments of any articles 11244
of dedication upon terms and conditions that the director of 11245

natural resources determines will not destroy the natural or 11246
aesthetic conditions of a preserve, including amendments that 11247
provide for the relocation of an existing easement or other 11248
encumbrance within the boundaries of a preserve. The relocation of 11249
an existing easement or encumbrance does not constitute the 11250
destruction of the natural or aesthetic conditions of a preserve. 11251
If the fee simple interest in the area or preserve is not held by 11252
the state, no amendments shall be made without the written consent 11253
of the owner. Each amendment shall be recorded in the same manner 11254
as the articles of dedication. 11255

Sec. 1517.06. (A) Nature preserves dedicated under section 11256
1517.05 of the Revised Code are to be held in trust, for the uses 11257
and purposes set forth in that section ~~1517.05 of the Revised~~ 11258
~~Code~~, for the benefit of the people of the state of present and 11259
future generations. They shall be managed and protected in the 11260
manner approved by, and subject to rules established by the chief 11261
of the division of natural areas and preserves. They shall not be 11262
taken for any other use except another public use after a finding 11263
by the department of natural resources of the existence of an 11264
imperative and unavoidable public necessity for such other public 11265
use and with the approval of the governor. Except as may otherwise 11266
be provided in the articles of dedication, the department may 11267
grant, upon such terms and conditions as it may determine, an 11268
estate, interest, or right in, or dispose of, a nature preserve, 11269
but only after a finding by the department of the existence of an 11270
imperative and unavoidable public necessity for ~~such~~ the grant or 11271
disposition and with the approval of the governor. 11272

(B) For purposes of this section, the relocation of an 11274
existing easement or other encumbrance within the boundaries of a 11275
preserve does not constitute the taking of land for another use. 11276
In addition, the relocation does not require a finding of the 11277

existence of an imperative and unavoidable public necessity by the 11278
department and does not require the approval of the governor. 11279

Sec. 1517.07. Before (A) Except as provided in division (B) 11280
of this section, before the department of natural resources makes 11281
any finding of the existence of an imperative and unavoidable 11282
public necessity, or grants any estate, interest, or right in a 11283
nature preserve or disposes of a nature preserve or of any estate, 11284
interest, or right therein as provided in section 1517.06 of the 11285
Revised Code, it shall give notice of ~~such~~ the proposed action and 11286
an opportunity for any person to be heard at a public hearing in 11287
the county in which the preserve is located. In the event the 11288
preserve is located in more than one county, the public hearing 11289
shall be held in the most populous county. ~~Such~~ The notice shall 11290
be published at least once in a newspaper with a general 11291
circulation in the county in which the nature preserve is located. 11292
The notice shall set forth the substance of the proposed action 11293
and describe, with or without legal description, the nature 11294
preserve affected, and shall specify a place and time not less 11295
than thirty days after ~~such~~ the publication for a public hearing 11296
before the department on ~~such~~ the proposed action. All persons 11297
desiring to be heard shall have a reasonable opportunity to be 11298
heard prior to action by the department on ~~such~~ the proposal. 11299

(B) A public hearing under this section is not required for 11300
the relocation of an existing easement or encumbrance within the 11301
boundaries of a preserve. 11302

Sec. 1521.04. The chief of the division of water, with the 11303
approval of the director of natural resources, may make loans and 11304
grants from the water management fund created in section 1501.32 11305
of the Revised Code to governmental agencies for water management, 11306
water supply improvements, and planning and may administer grants 11307
from the federal government and from other public or private 11308

sources for carrying out those functions and for the performance 11309
of any acts that may be required by the United States or by any 11310
agency or department thereof as a condition for the participation 11311
by any governmental agency in any federal financial or technical 11312
assistance program. Direct and indirect costs of administration 11313
may be paid from the water management fund. 11314

The chief may use the water management fund to acquire, 11315
construct, reconstruct, improve, equip, maintain, operate, and 11316
dispose of water management improvements. The chief may fix, 11317
alter, charge, and collect rates, fees, rentals, and other charges 11318
to be paid into the water management fund by governmental agencies 11319
and persons who are supplied with water by facilities constructed 11320
or operated by the department of natural resources in order to 11321
amortize and defray the cost of the construction, maintenance, and 11322
operation of those facilities. ~~This section does not apply to the~~ 11323
~~Burr Oak water system administered by the chief engineer of the~~ 11324
~~department of natural resources under sections 1507.01 and 1507.12~~ 11325
~~of the Revised Code.~~ 11326

Sec. 1521.19. (A) There is hereby created the Ohio water 11327
resources council consisting of the directors of agriculture, 11328
development, environmental protection, health, natural resources, 11329
transportation, and the Ohio public works commission, the 11330
chairperson of the public utilities commission of Ohio, the 11331
executive directors of the state and local government commission 11332
of Ohio and the Ohio water development authority, and an executive 11333
assistant in the office of the governor appointed by the governor. 11334
The governor shall appoint one of the members of the council to 11335
serve as its chairperson. The council may adopt bylaws that are 11336
necessary for the implementation of this section. The council 11337
shall provide a forum for policy development, collaboration and 11338
coordination among state agencies, and strategic direction with 11339
respect to state water resource programs. The council shall be 11340

assisted in its functions by a state agency coordinating group and
an advisory group as provided in this section.

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(B) The state agency coordinating group shall consist of the
executive director of the Ohio Lake Erie commission and a member
or members from each state agency, commission, and authority
represented on the council, to be appointed by the applicable
director, chairperson, or executive director. However, the
environmental protection agency shall be represented on the group
by the chiefs of the divisions within that agency having
responsibility for surface water programs and drinking and ground
water programs, and the department of natural resources shall be
represented on the group by the chief of the division of water and
the chief of the division of soil and water conservation. The
chairperson of the council shall appoint a leader of the state
agency coordinating group. The group shall provide assistance to
and perform duties on behalf of the council as directed by the
council.

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(C) The advisory group shall consist of not more than twenty
members, each representing an organization or entity with an
interest in water resource issues. The council shall appoint the
members of the advisory group. Of the initial appointments, not
more than ten members shall be appointed for one-year terms, and
not more than ten members shall be appointed for two-year terms.
Thereafter, all advisory group members shall serve two-year terms.
Members may be reappointed. Each member shall hold office from the
date of the member's appointment until the end of the member's
term. A member shall continue in office subsequent to the
expiration date of the member's term until the member's successor
takes office or until a period of sixty days has elapsed,
whichever occurs first. The council may remove a member for
misfeasance, nonfeasance, or malfeasance in office. The council
shall appoint members to fill any vacancies on the group. A member

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appointed to fill a vacancy shall hold office for the remainder of 11373
the term for which that member was appointed. 11374

The chairperson of the council shall appoint a chairperson of 11375
the advisory group. The advisory group shall advise the council on 11376
water resources issues addressed by the council. 11377

(D) There is hereby created in the state treasury the Ohio 11378
water resources council fund. The department of natural resources 11379
shall serve as the fiscal agent for the fund. The departments of 11380
agriculture, development, environmental protection, health, 11381
natural resources, and transportation shall transfer moneys to the 11382
fund in equal amounts via intrastate transfer voucher. The public 11383
utilities commission of Ohio, Ohio public works commission, state 11384
and local government commission of Ohio, and Ohio water 11385
development authority may transfer moneys to the fund. If a 11386
voluntary transfer of moneys is made to the fund, the portion that 11387
is required to be transferred by the departments of agriculture, 11388
development, environmental protection, health, natural resources, 11389
and transportation may be equally reduced. Moneys in the fund 11390
shall be used to pay the operating expenses of the Ohio water 11391
resources council, including those specified in division (E) of 11392
this section. 11393

(E) The Ohio water resources council may hire staff to 11394
support its activities. The council may enter into contracts and 11395
agreements with state agencies, political subdivisions, and 11396
private entities to assist in accomplishing its objectives. 11397
Advisory group members shall be reimbursed for expenses 11398
necessarily incurred in the performance of their duties pursuant 11399
to section 126.31 of the Revised Code and any applicable rules 11400
pertaining to travel reimbursement adopted by the office of budget 11401
and management. 11402

Sec. 1531.35. The wildlife boater angler fund is hereby 11403

created in the state treasury. The fund shall consist of money 11404
credited to the fund pursuant to section 5735.051 of the Revised 11405
Code and other money contributed to the division of wildlife for 11406
the purposes of the fund. The fund ~~may~~ shall be used for boating 11407
~~access construction, capital improvements, grant programs for~~ 11408
~~boating and fishing access, maintenance, and development on lakes~~ 11409
on which the operation of gasoline-powered watercraft is 11410
permissible. 11411

Sec. 1533.13. Hunting and fishing licenses, wetlands habitat 11412
stamps, deer and wild turkey permits, and fur taker permits shall 11413
be issued by the clerk of the court of common pleas, village and 11414
township clerks, and other authorized agents designated by the 11415
chief of the division of wildlife. When required by the chief, a 11416
clerk or agent shall give bond in the manner provided by the 11417
chief. All bonds, reports, except records prescribed by the 11418
auditor of state, and moneys received by those persons shall be 11419
handled under rules adopted by the director of natural resources. 11420

The premium of ~~any fidelity bond prescribed under section~~ 11421
~~9.832 of the Revised Code~~ or of any bond prescribed by the chief 11422
under this section may be paid by the chief. Any person who is 11423
designated and authorized by the chief to issue licenses, stamps, 11424
and permits as provided in this section, except the clerk of the 11425
court of common pleas and the village and township clerks, shall 11426
pay to the chief a premium in an amount that represents the 11427
person's portion of the premium paid by the chief under this 11428
section, which amount shall be established by the chief and 11429
approved by the wildlife council created under section 1531.03 of 11430
the Revised Code. The chief shall pay all moneys that the chief 11431
receives as premiums under this section into the state treasury to 11432
the credit of the wildlife fund created under section 1531.17 of 11433
the Revised Code. 11434

Every authorized agent, for the purpose of issuing hunting 11435
and fishing licenses, deer and wild turkey permits, and fur taker 11436
permits, may administer oaths to and take affidavits from 11437
applicants for the licenses or permits when required. An 11438
authorized agent may appoint deputies to perform any acts that the 11439
agent is authorized to perform, consistent with division rules. 11440

Every applicant for a hunting or fishing license, deer or 11441
wild turkey permit, or fur taker permit, unless otherwise provided 11442
by division rule, shall make and subscribe an affidavit setting 11443
forth the applicant's name, age, weight, height, occupation, place 11444
of residence, personal description, and citizenship. The clerk or 11445
other agent authorized to issue licenses and permits shall charge 11446
each applicant a fee of one dollar for taking the affidavit and 11447
issuing the license or permit. The application, license, permit, 11448
and other blanks required by this section shall be prepared and 11449
furnished by the chief, in such form as the chief provides, to the 11450
clerk or other agent authorized to issue them. The licenses and 11451
permits shall be issued to applicants by the clerk or other agent. 11452
The record of licenses and permits kept by the clerk and other 11453
authorized agents shall be uniform throughout the state and in 11454
such form or manner as the auditor of state prescribes and shall 11455
be open at all reasonable hours to the inspection of any person. 11456
Unless otherwise provided by division rule, each hunting license, 11457
deer or wild turkey permit, and fur taker permit issued shall 11458
remain in force until midnight of the thirty-first day of August 11459
next ensuing. Application for any such license or permit may be 11460
made and a license or permit issued prior to the date upon which 11461
it becomes effective. 11462

The chief may require an applicant who wishes to purchase a 11463
license, stamp, or permit by mail or telephone to pay a nominal 11464
fee for postage and handling. 11465

The court before whom a violator of any laws or division 11466

rules for the protection of wild animals is tried, as a part of
the punishment, shall revoke the license, stamp, or permit of any
person convicted. The license, stamp, or permit fee paid by that
person shall not be returned to the person. The person shall not
procure or use any other license, stamp, or permit or engage in
hunting wild animals or trapping fur-bearing animals during the
period of revocation as ordered by the court.

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No person under sixteen years of age shall engage in hunting
unless accompanied by the person's parent or another adult person.

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Sec. 1547.67. The division of watercraft, with the approval
of the director of natural resources, may expend, for the purpose
of assisting political subdivisions, conservancy districts, and
state departments to establish or maintain and operate a marine
patrol for the purpose of enforcing this chapter and Chapter 1548.
of the Revised Code and rules adopted under them and to provide
emergency response to boating accidents on the water, such funds
as are appropriated by the general assembly for that purpose and,
in addition, such moneys from the waterways safety fund
established in section 1547.75 of the Revised Code as determined
to be necessary by the division not to exceed ten per cent of all
moneys accruing to the fund. In no case shall the grant to a
political subdivision, conservancy district, or state department,
not including the department of natural resources, total more than
thirty thirty-five thousand dollars in a calendar year. Moneys so
allocated may be used for the purchase, maintenance, and operation
of vessels and marine equipment, educational materials, and
personnel salaries that are necessary for enforcement of this
chapter and Chapter 1548. of the Revised Code and rules adopted
under them and to provide emergency response to boating accidents
on the water.

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The division shall disburse the moneys as provided in this

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section in accordance with its determination of need in the 11498
enforcement of this chapter and Chapter 1548. of the Revised Code 11499
and rules adopted under them and shall disburse those moneys only 11500
on a cost share basis to supplement funds allocated by a political 11501
subdivision, conservancy district, or state department for that 11502
purpose. A grantee shall provide at least twenty-five per cent of 11503
the total program cost. 11504

Sec. 1561.05. The laws relating to mines and mining and 11505
duties and functions of the division of mineral resources 11506
management shall be administered by the chief of the division of 11507
mineral resources management, and through and by deputy mine 11508
inspectors. If a vacancy occurs in the office of a deputy mine 11509
inspector, it may be filled by the chief, who shall select a 11510
~~qualified person from the eligible list certified to the chief by~~ 11511
~~the mine examining board~~ for deputy mine inspectors that is 11512
prepared under section 124.24 of the Revised Code. 11513

The chief shall adopt, in accordance with Chapter 119. of the 11514
Revised Code, all necessary rules for conducting examinations and 11515
for governing all other matters requisite to the exercise of the 11516
chief's powers and the performance of the chief's duties under 11517
this chapter and Chapters 1509., 1563., 1565., and 1567. of the 11518
Revised Code relating to mines and mining. 11519

Sec. 1561.07. The mining laws of this state shall extend to 11520
and govern the operation of clay mines and clay stripping pits in 11521
so far as such laws are applicable thereto. The chief of the 11522
division of mineral resources management shall adopt, publish, and 11523
enforce specific rules particularly applicable to clay mining 11524
operations to safeguard life and property in the clay mining 11525
industry and to secure safe and sanitary working conditions in 11526
such clay mines and clay stripping pits. 11527

Such rules adopted by the chief shall provide that: 11528

(A) Distances between break-throughs in clay mines shall not 11529
exceed one hundred feet, unless permission in special cases is 11530
granted by the chief, after maps have been filed with the chief 11531
showing the method of working and ventilating the same, if such 11532
distances would add to increased safety. 11533

(B) When, in the opinion of the mine foreperson or deputy 11534
mine inspector, line brattices or other approved methods of 11535
circulation are necessary to deliver sufficient air to the working 11536
face, they shall be provided by the owner, operator, or lessee. 11537

(C) Not more than a two days' supply of explosives shall be 11538
stored in a clay mine at any one time, and not more than one 11539
hundred pounds of explosives shall be stored in any one place at 11540
any one time. 11541

(D) Charges of explosives shall be made up at least one 11542
hundred feet away from any storage place for explosives. 11543

(E) There shall be no less than two persons in each working 11544
place when shots are being lighted. 11545

(F) Misfired shots in clay mines shall be posted on the 11546
bulletin board or other conspicuous place available for 11547
examination by the workers when shots are fired by other than the 11548
loaders. 11549

(G) The use of electric blasting caps shall be encouraged as 11550
a safety measure. 11551

The chief, in assigning deputy mine inspectors, shall 11552
designate inspectors who have had experience and are especially 11553
qualified in clay mining operations, to examine and inspect clay 11554
mining operations and enforce the law relating to such operations. 11555

The ~~mine-examining board~~ chief, in conducting examinations 11556
and issuing certificates for mine forepersons, shall ~~in its rules~~ 11557

provide by rules adopted under section 1561.05 of the Revised Code 11558
for the examination of applicants for certificates as mine 11559
forepersons in a clay mine or clay stripping pits to test the 11560
applicant on experience and fitness on the problems and duties 11561
peculiar to the clay mining industry. An applicant for a 11562
certificate as a clay mine foreperson shall have at least three 11563
years' experience in mining operations. 11564

Sec. 1561.11. The ~~mine examining board~~ chief of the division 11565
of mineral resources management, for the purpose of conducting the 11566
examinations for mine ~~foremen~~ forepersons and fire bosses, may 11567
designate one or more examining boards of three members, selected 11568
from among the deputy mine inspectors, superintendent and 11569
assistant superintendents of rescue stations, and electrical 11570
inspectors. The examinations shall be conducted in the district of 11571
the applicant's residence or as near thereto as practicable. 11572
Grading and issuance of certificates shall be done by the ~~board~~ 11573
chief. 11574

Sec. 1561.12. An applicant for any examination or certificate 11575
under this section shall, before being examined, register ~~his~~ the 11576
applicant's name with the ~~mine examining board~~ chief of the 11577
division of mineral resources management and file with the ~~board~~ 11578
chief an affidavit as to all matters of fact establishing ~~his~~ the 11579
applicant's right to receive the examination, a certificate of 11580
good character and temperate habits signed by at least three 11581
reputable citizens of the community in which ~~he~~ the applicant 11582
resides, and a certificate from a reputable and disinterested 11583
physician as to the physical condition of such applicant showing 11584
that ~~he~~ the applicant is physically capable of performing the 11585
duties of the office or position. 11586

Each applicant for examination for any of the following 11587
positions shall present evidence satisfactory to the ~~board~~ chief 11588

that ~~he~~ the applicant has been a resident and citizen of this 11589
state for two years next preceding the date of application: 11590

(A) An applicant for the position of deputy mine inspector of 11591
underground mines shall have had actual practical experience of 11592
not less than six years, at least two of which shall have been in 11593
the underground workings of ~~coal~~ mines in this state. In the case 11594
of an applicant who would inspect underground coal mines, the two 11595
years shall consist of actual practical experience in underground 11596
coal mines. In the case of an applicant who would inspect noncoal 11597
mines, the two years shall consist of actual practical experience 11598
in noncoal mines. In lieu of two years of the actual practical 11599
experience required, the ~~board~~ chief may accept as the equivalent 11600
thereof a certificate evidencing graduation from an accredited 11601
school of mines or mining, after a four-year course of study, but 11602
such credit shall not apply as to the two years' actual practical 11603
experience required in the ~~coal~~ mines in this state. 11604

~~He~~ The applicant shall pass an examination as to ~~his~~ the 11605
applicant's practical and technological knowledge of mine 11606
surveying, mining machinery, and appliances; the proper 11607
development and operation of mines; the best methods of working 11608
and ventilating mines; the nature, properties, and powers of 11609
noxious, poisonous, and explosive gases, particularly methane; the 11610
best means and methods of detecting, preventing, and removing the 11611
accumulation of such gases; the use and operation of gas detecting 11612
devices and appliances; first aid to the injured; and the uses and 11613
dangers of electricity as applied and used in, at, and around 11614
mines. Such applicant shall also hold a certificate for ~~foreman~~ 11615
foreperson of gaseous mines issued by the ~~mine-examining board~~ 11616
chief. 11617

(B) An applicant for the position of deputy mine inspector of 11618
surface mines shall have had actual practical mining experience of 11619
not less than six years, at least two of which shall have been in 11620

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

classes in first aid, safety, and rescue work. 11653

~~He~~ The applicant shall pass the examination required for 11654
deputy mine inspectors and shall be tested as to ~~his~~ the 11655
applicant's practical and technological experience and training in 11656
first aid, safety, and mine rescue work. 11657

(E) An applicant for the position of mine chemist shall have 11658
such educational training as is represented by the degree MS in 11659
chemistry from a university of recognized standing, and at least 11660
five years of actual practical experience in research work in 11661
chemistry or as an assistant chemist. The ~~board~~ chief may provide 11662
that an equivalent combination of education and experience 11663
together with a wide knowledge of the methods of and skill in 11664
chemical analysis and research may be accepted in lieu of the 11665
above qualifications. It is preferred that such chemist shall have 11666
had actual experience in mineralogy and metallurgy. 11667

(F) An applicant for the position of gas storage well 11668
inspector shall possess the same qualifications as an applicant 11669
for the position of deputy mine inspector and shall have a 11670
practical knowledge and experience of and in the operation, 11671
location, drilling, maintenance, and abandonment of oil and gas 11672
wells, especially in coal or mineral bearing townships, and shall 11673
have a thorough knowledge of the latest and best method of 11674
plugging and sealing abandoned oil and gas wells. 11675

Such applicant for gas storage well inspector shall pass an 11676
examination conducted by the ~~board~~ chief to determine ~~his~~ the 11677
applicant's fitness to act as a gas storage well inspector before 11678
being eligible for appointment. 11679

Sec. 1561.13. The ~~mine examining board~~ chief of the division 11680
of mineral resources management shall conduct examinations for 11681
offices and positions in the division of mineral resources 11682
management, and for mine forepersons, mine electricians, shot 11683

firers, surface mine blasters, and fire bosses, as follows:	11684
(A) Division of mineral resources management:	11685
(1) Deputy mine inspectors of underground mines;	11686
(2) Deputy mine inspectors of surface mines;	11687
(3) Electrical inspectors;	11688
(4) Superintendent of rescue stations;	11689
(5) Assistant superintendents of rescue stations;	11690
(6) Mine chemists at a division laboratory if the chief of	11691
the division of mineral resources management chooses to operate a	11692
laboratory;	11693
(7) Gas storage well inspector.	11694
(B) Mine forepersons:	11695
(1) Mine foreperson of gaseous mines;	11696
(2) Mine foreperson of nongaseous mines;	11697
(3) Mine foreperson of surface mines.	11698
(C) Forepersons:	11699
(1) Foreperson of gaseous mines;	11700
(2) Foreperson of nongaseous mines;	11701
(3) Foreperson of surface maintenance facilities at	11702
underground or surface mines;	11703
(4) Foreperson of surface mines.	11704
(D) Fire bosses.	11705
(E) Mine electricians.	11706
(F) Surface mine blasters.	11707
(G) Shot firers.	11708
The board shall hold such meetings as are necessary for the	11709

~~proper discharge of its duties.~~

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The ~~board chief annually~~ shall ~~meet annually at the capitol,~~
~~as prescribed by its rules,~~ provide for the examination of
candidates for appointment or promotion as deputy mine inspectors
and such other positions and offices set forth in division (A) of
this section as are necessary. Special examinations may be held
whenever it becomes necessary to make appointments to any of those
positions.

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~~For~~ The chief shall provide for the examination of persons
seeking certificates of competency as mine forepersons,
forepersons, mine electricians, shot firers, surface mine
blasters, and fire bosses, ~~the board shall hold meetings,~~
quarterly or more often as required, at such times and places
within the state as shall, in the judgment of the ~~members~~ chief,
afford the best facilities to the greatest number of applicants.
Public notice shall be given through the press or otherwise, not
less than ten days in advance, announcing the time and place at
which examinations under this section are to be held.

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The examinations provided for in this section shall be
conducted under rules adopted under section 1561.05 of the Revised
Code and conditions prescribed by the ~~board~~ chief. ~~Such rules~~
~~shall be made a part of the permanent record of the board, and~~
~~such of them as~~ Any rules that relate to particular candidates
shall, upon application of any candidate, be furnished to the
candidate by the ~~board~~ chief; they shall also be of uniform
application to all candidates in the several groups.

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Sec. 1561.14. A person who applies for a certificate as a
mine electrician shall be able to read and write the English
language, and prior to the date of the application for examination
either shall have had at least one year's experience in performing
electrical work underground in a coal mine, in the surface work

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area of an underground coal mine, in a surface coal mine, or in a 11741
noncoal mine, or shall have had such experience as the ~~mine~~ 11742
~~examining board chief of the division of mineral resources~~ 11743
~~management~~ determines to be equivalent. Each applicant for 11744
examination shall pay a fee of ten dollars to the ~~board chief~~ on 11745
the first day of the examination. Any moneys collected under this 11746
section shall be paid into the state treasury to the credit of the 11747
mining regulation fund created in section 1561.48 of the Revised 11748
Code. 11749

Sec. 1561.15. An applicant for a certificate as mine ~~foreman~~ 11750
~~foreperson~~, ~~foreman foreperson~~, mine electrician, shot firer, 11751
surface mine blaster, or fire boss shall apply to the ~~mine~~ 11752
~~examining board chief of the division of mineral resources~~ 11753
~~management~~ for examination and shall be examined by the ~~board~~ 11754
~~chief~~. This shall be a practical examination, a substantial part 11755
of which shall be oral, to determine the competency of the 11756
applicant, based on experience and practical knowledge of the 11757
dangers incident to coal mining, and not upon technical education, 11758
but consideration shall be given such technical education as the 11759
applicant possesses. This examination shall be held as soon after 11760
application is made as practicable in the district from which the 11761
applicant makes application. 11762

Sec. 1561.16. (A) As used in this section and sections 11763
1561.17 to 1561.21 of the Revised Code, "actual practical 11764
experience" means previous employment that involved a person's 11765
regular presence in the type of mining operation in which the 11766
experience is required to exist; participation in functions 11767
relating to the hazards involved in and the utilization of 11768
equipment, tools, and work crews and individuals for that type of 11769
mining; and regular exposure to the methods, procedures, and 11770
safety laws applicable to that type of mining. Credit of up to one 11771

year for a portion of the required experience time may be given 11772
upon documentation to the ~~mine examining board~~ chief of the 11773
division of mineral resources management of an educational degree 11774
in a field related to mining. Credit of up to two years of the 11775
required experience time may be given upon presentation to the 11776
~~mine examining board~~ chief of proof of graduation from an 11777
accredited school of mines or mining after a four-year course of 11778
study with employment in the mining industry during interim breaks 11779
during the school years. 11780

(B) A person who applies for a certificate as a mine ~~foreman~~ 11781
foreperson of gaseous mines shall be able to read and write the 11782
English language; shall have had at least five years' actual 11783
practical experience in the underground workings of a gaseous mine 11784
or the equivalent thereof in the judgment of the ~~mine examining~~ 11785
~~board~~ chief; and shall have had practical experience obtained by 11786
actual contact with gas in mines and have knowledge of the dangers 11787
and nature of noxious and explosive gases and ventilation of 11788
gaseous mines. An applicant for a certificate as a ~~foreman~~ 11789
foreperson of gaseous mines shall meet the same requirements, 11790
except that the applicant shall have had at least three years' 11791
actual practical experience in the underground workings of a 11792
gaseous mine or the equivalent thereof in the judgment of the ~~mine~~ 11793
~~examining board~~ chief. Each applicant for examination shall pay a 11794
fee of ten dollars to the ~~board~~ chief on the first day of such 11795
examination. Any moneys collected under this section shall be paid 11796
into the state treasury to the credit of the mining regulation 11797
fund created in section 1561.48 of the Revised Code. 11798

Sec. 1561.17. A person who applies for a certificate as mine 11799
~~foreman~~ foreperson or ~~foreman~~ foreperson of nongaseous mines shall 11800
be able to read and write the English language; shall have had at 11801
least three years' actual practical experience in mines, or the 11802
equivalent thereof in the judgment of the ~~mine examining board~~ 11803

chief of the division of mineral resources management; and shall 11804
have knowledge of the dangers and nature of noxious gases. Each 11805
applicant for examination shall pay a fee of ten dollars to the 11806
~~board~~ chief on the first day of the examination. Any moneys 11807
collected under this section shall be paid into the state treasury 11808
to the credit of the mining regulation fund created in section 11809
1561.48 of the Revised Code. 11810

Sec. 1561.18. A person who applies for a certificate as a 11811
~~foreman~~ foreperson of surface maintenance facilities at 11812
underground or surface mines shall be able to read and write the 11813
English language and shall have had at least three years' actual 11814
practical experience in or around the surface maintenance 11815
facilities of underground or surface mines or the equivalent 11816
thereof in the judgment of the ~~mine-examining board~~ chief of the 11817
division of mineral resources management. Each applicant for 11818
examination shall pay a fee of ten dollars to the ~~board~~ chief on 11819
the first day of the examination. Any moneys collected under this 11820
section shall be paid into the state treasury to the credit of the 11821
mining regulation fund created in section 1561.48 of the Revised 11822
Code. 11823

Sec. 1561.19. A person who applies for a certificate as a 11824
mine ~~foreman~~ foreperson of surface mines shall be able to read and 11825
write the English language and shall have had at least five years' 11826
actual practical experience in surface mines. An applicant for a 11827
certificate as a ~~foreman~~ foreperson of surface mines shall meet 11828
the same requirements, except that the applicant shall have had at 11829
least three years' actual practical experience in surface mines or 11830
the equivalent thereof in the judgment of the ~~mine-examining board~~ 11831
chief of the division of mineral resources management. Each 11832
applicant for examination shall pay a fee of ten dollars to the 11833
~~board~~ chief on the first day of the examination. Any moneys 11834

collected under this section shall be paid into the state treasury 11835
to the credit of the mining regulation fund created in section 11836
1561.48 of the Revised Code. 11837

Sec. 1561.20. A person who applies for a certificate as a 11838
surface mine blaster shall be able to read and write the English 11839
language; shall have had at least one year's actual practical 11840
experience in surface mines or the equivalent thereof in the 11841
judgment of the ~~mine-examining board~~ chief of the division of 11842
mineral resources management; shall have knowledge of the dangers 11843
and nature of the use of explosives, related equipment, and 11844
blasting techniques; and shall have knowledge of safety laws and 11845
rules, including those related to the storage, use, and 11846
transportation of explosives. Each applicant for examination shall 11847
pay a fee of ten dollars to the ~~board~~ chief on the first day of 11848
the examination. Any moneys collected under this section shall be 11849
paid into the state treasury to the credit of the mining 11850
regulation fund created in section 1561.48 of the Revised Code. 11851

Sec. 1561.21. A person who applies for a certificate as a 11852
shot firer shall be able to read and write the English language; 11853
shall have had at least one year's actual practical experience in 11854
the underground workings of mines or the equivalent thereof in the 11855
judgment of the ~~mine-examining board~~ chief of the division of 11856
mineral resources management; shall have knowledge of the dangers 11857
and nature of noxious and explosive gases; shall have knowledge of 11858
the dangers and nature of the use of explosives, related 11859
equipment, and blasting techniques; and shall have knowledge of 11860
safety laws and rules, including those related to the underground 11861
storage, use, and transportation of explosives. Each applicant for 11862
examination shall pay a fee of ten dollars to the ~~board~~ chief on 11863
the first day of the examination. Any moneys collected under this 11864
section shall be paid into the state treasury to the credit of the 11865

mining regulation fund created in section 1561.48 of the Revised Code. 11866
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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. 11868
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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. 11871
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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: 11884
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11886

(A) Certificates for mine ~~foremen~~ forepersons of gaseous mines; 11887
11888

(B) Certificates for mine ~~foremen~~ forepersons of nongaseous mines; 11889
11890

(C) Certificates for ~~foremen~~ forepersons of gaseous mines; 11891

(D) Certificates for ~~foremen~~ forepersons of nongaseous mines; 11892
11893

(E) Certificates for ~~foremen~~ forepersons of surface 11894

maintenance facilities of underground or surface mines;	11895
(F) Certificates for mine foremen <u>forepersons</u> of surface mines;	11896
	11897
(G) Certificates for foremen <u>forepersons</u> of surface mines;	11898
(H) Certificates for fire bosses;	11899
(I) Certificates for mine electricians;	11900
(J) Certificates for surface mine blasters;	11901
(K) Certificates for shot firers.	11902
Applicants for certificates shall make application to the	11903
board chief , on a form provided by it <u>the chief</u> , for examination.	11904
All applicants shall be able to read and write the English	11905
language intelligently, and shall furnish the board chief with a	11906
certificate as to their character, length and description of their	11907
practical experience, and satisfactory evidence of their ability	11908
to perform the duties of the position for which they make	11909
application for examination.	11910
Any certificate issued by the <u>former</u> mine examining board	11911
prior to the effective date of this amendment <u>October 29, 1995</u> ,	11912
shall remain in effect notwithstanding the new classifications of	11913
certificates established by this amendment <u>section</u> .	11914
Sec. 1561.26. (A) As used in this section, "EMT-basic,"	11915
"EMT-I," and "paramedic" have the same meanings as in section	11916
4765.01 of the Revised Code.	11917
(B) The superintendent of rescue stations, with the approval	11918
of the chief of the division of mineral resources management,	11919
shall, at each rescue station provided for in section 1561.25 of	11920
the Revised Code, train and employ rescue crews of six members	11921
each, one of whom shall hold a mine foreperson or fire boss	11922
certificate and be designated captain, and train and employ any	11923

number of such rescue crews as the superintendent believes 11924
necessary. One member of a rescue crew shall be certified as an 11925
EMT-basic, EMT-I, or paramedic. Each member of a rescue crew shall 11926
devote the time specified by the chief each month for training 11927
purposes and shall be available at all times to assist in rescue 11928
work at explosions, mine fires, and other emergencies. 11929

A captain of mine rescue crews shall receive for service as 11930
captain the sum of twenty-four dollars per month, and each member 11931
shall receive the sum of twenty dollars per month, all payable on 11932
requisition approved by the chief. When engaged in rescue work at 11933
explosions, mine fires, or other emergencies away from their 11934
station, the members of the rescue crews and captains of the same 11935
shall be paid the sum of six dollars per hour for work on the 11936
surface, which includes the time consumed by ~~such~~ those members in 11937
traveling to and from the scene of ~~such~~ the emergency when ~~such~~ 11938
the scene is away from the station of ~~such~~ the members, and the 11939
sum of seven dollars per hour for all work underground at ~~such~~ the 11940
emergency, and in addition thereto, the necessary living expenses 11941
of ~~such~~ the members when ~~such~~ the emergency is away from their 11942
home station, all payable on requisition approved by the chief. 11943

Each member of a mine rescue crew shall undergo an annual 11944
medical examination by a doctor designated by the chief. In 11945
designating ~~such~~ the doctor, the chief shall choose one near the 11946
station of the member of ~~such~~ the rescue crews. ~~Such~~ The doctor 11947
shall report the doctor's findings to the chief and if, in the 11948
opinion of the chief, ~~such~~ the report indicates that ~~such~~ the 11949
member is physically unfit for further services, the chief shall 11950
relieve the member from further duty. The fee charged by ~~such~~ the 11951
doctor for ~~such~~ the examination shall be paid in the same manner 11952
as fees are paid to doctors employed by the industrial commission 11953
for special medical examinations. 11954

The chief may remove any member of a rescue crew for any 11955

reason. Such crews shall be subject to the orders of the chief, 11956
the superintendent, and the deputy mine inspectors when engaged in 11957
actual mine rescue work. Mine rescue crews shall, in case of death 11958
or injury when engaged in rescue work, wherever the same may 11959
occur, be paid compensation, or their dependents shall be paid 11960
death benefits, from the workers' compensation fund, in the same 11961
manner as other employees of the state. 11962

(C) In addition to the training of rescue crews, each 11963
assistant superintendent of rescue stations, with the approval of 11964
the superintendent, shall provide for and conduct safety, first 11965
aid, and rescue classes at any mine or for any group of miners who 11966
make application for the conducting of such classes. The chief may 11967
assess a fee for safety and first aid classes for the purpose of 11968
covering the costs associated with providing those classes. The 11969
chief shall establish a fee schedule for safety and first aid 11970
classes by rule adopted in accordance with Chapter 119. of the 11971
Revised Code. Fees collected under this section shall be deposited 11972
in the surface mining fund created in section 1514.06 of the 11973
Revised Code. 11974

The superintendent shall prescribe and provide for a uniform 11975
schedule of conducting such safety and rescue classes as will 11976
provide a competent knowledge of modern safety and rescue methods 11977
in, at, and about mines. 11978

Sec. 1561.35. If the deputy mine inspector finds that any 11979
matter, thing, or practice connected with any mine and not 11980
prohibited specifically by law is dangerous or hazardous, or that 11981
from a rigid enforcement of this chapter and Chapters 1509., 11982
1563., 1565., and 1567. of the Revised Code, the matter, thing, or 11983
practice would become dangerous and hazardous so as to tend to the 11984
bodily injury of any person, the deputy mine inspector forthwith 11985
shall give notice in writing to the owner, lessee, or agent of the 11986

mine of the particulars in which the deputy mine inspector 11987
considers the mine or any matter, thing, or practice connected 11988
therewith is dangerous or hazardous and recommend changes that the 11989
conditions require, and forthwith shall mail a copy of the report 11990
and the deputy mine inspector's recommendations to the chief of 11991
the division of mineral resources management. Upon receipt of the 11992
report and recommendations, the chief forthwith shall make a 11993
finding thereon and mail a copy to the owner, operator, lessee, or 11994
agent of the mine, and to the deputy mine inspector; a copy of the 11995
finding of the chief shall be posted upon the bulletin board of 11996
the mine. Where the miners have a mine safety committee, one 11997
additional copy shall be posted on the bulletin board for the use 11998
and possession of the committee. 11999

The owner, operator, lessee, or agent of the mine, or the 12000
authorized representative of the workers of the mine, within ten 12001
days may appeal to the ~~mine examining board~~ reclamation commission 12002
for a review and redetermination of the finding of the chief in 12003
the matter in accordance with section ~~1561.53~~ 1513.13 of the 12004
Revised Code, notwithstanding division (A)(1) of that section, 12005
which provides for appeals within thirty days. A copy of the 12006
decision of the ~~board~~ commission shall be mailed as required by 12007
this section for the mailing of the finding by the chief on the 12008
deputy mine inspector's report. 12009

Sec. 1561.351. A deputy mine inspector who makes a finding 12010
concerning a violation of this chapter or Chapter 1563., 1565., or 12011
1567. or section 1509.09, 1509.12, 1509.13, 1509.14, 1509.15, 12012
1509.17, or 1509.18 of the Revised Code that involves mining 12013
safety shall notify the chief of the division of mineral resources 12014
management of the finding. The chief shall review the inspector's 12015
finding, make a written determination regarding it, and provide a 12016
copy of the written determination to the owner, operator, lessee, 12017
or agent of the mine involved. The chief shall provide a copy of 12018

the written determination to any other interested party upon 12019
request. 12020

A person, such as an owner, operator, lessee, or agent of the 12021
mine or the authorized representative of the workers of the mine, 12022
who has an interest that is or may be adversely affected by the 12023
chief's determination may appeal the determination, not later than 12024
ten days after receiving notice of the determination, to the ~~mine~~ 12025
~~examining board~~ reclamation commission by filing a copy of the 12026
chief's written determination with the ~~board~~ commission, 12027
notwithstanding division (A)(1) of section 1513.13 of the Revised 12028
Code, which provides for appeals within thirty days. The ~~board~~ 12029
commission shall hear the appeal in accordance with section 12030
~~1561.53~~ 1513.13 of the Revised Code. 12031

Sec. 1561.46. Fees received by the ~~mine-examining board~~ chief 12032
of the division of mineral resources management under sections 12033
1561.16 to 1561.22 of the Revised Code shall be paid by the 12034
~~secretary of the board~~ chief into the state treasury to the credit 12035
of the mining regulation fund created in section 1561.48 of the 12036
Revised Code. 12037

Sec. 1561.51. When written charges of neglect of duty, 12038
incompetency, or malfeasance in office against the deputy mine 12039
inspector are filed with the chief of the division of mineral 12040
resources management, signed by not less than fifteen employees, 12041
or otherwise as provided in section 1561.50 of the Revised Code, 12042
or the owner, lessee, or agent of a mine, and the signers of the 12043
charges are dissatisfied with the result of the investigation made 12044
by the chief, they may appeal to the ~~mine-examining board~~ 12045
reclamation commission by filing the same charges against the 12046
deputy mine inspector and a copy of the report of the 12047
investigation made by the chief in the matter with the ~~board~~ 12048
commission, and the ~~board~~ commission shall hear the appeal in 12049

accordance with section ~~1561.53~~ 1513.13 of the Revised Code. The 12050
~~board~~ commission shall mail a copy of its decision to the 12051
complainant whose name appears first in the charges. 12052

Sec. 1561.52. On receipt of a notice pursuant to section 12053
3123.43 of the Revised Code, the ~~mine examining board~~ chief of the 12054
division of mineral resources management shall comply with 12055
sections 3123.41 to 3123.50 of the Revised Code and any applicable 12056
rules adopted under section 3123.63 of the Revised Code with 12057
respect to a certificate issued pursuant to this chapter. 12058

Sec. 1563.13. When a deputy mine inspector considers that the 12059
ways and means of egress in any underground mine from the interior 12060
working places to the surface are inadequate as a safe and ready 12061
means of escape in case of emergency, from danger of fire at any 12062
point, or any other cause that may result in the entombment of 12063
persons working in the mine, the deputy mine inspector shall give 12064
notice in writing to the owner, lessee, or agent of the mine of 12065
the particular in which the deputy mine inspector considers the 12066
conditions dangerous, recommending any changes that the conditions 12067
require, and forthwith shall mail a copy of the deputy mine 12068
inspector's recommendations to the chief of the division of 12069
mineral resources management. Upon receipt of the recommendations, 12070
the chief forthwith shall make a finding concerning them and mail 12071
a copy to the operator of the mine and to the deputy mine 12072
inspector. A copy of the finding of the chief shall be posted upon 12073
the bulletin board at the time. 12074

The operator of the mine, or the authorized representative of 12075
the workers of the mine, within ten days may appeal to the ~~mine~~ 12076
~~examining board~~ reclamation commission for a review and 12077
redetermination of the finding of the chief in the matter in 12078
accordance with section ~~1561.53~~ 1513.13 of the Revised Code, 12079
notwithstanding division (A)(1) of that section, which provides 12080

for appeals within thirty days. A copy of the decision of the 12081
board commission shall be mailed as required by this section for 12082
the mailing of the finding by the chief on the deputy mine 12083
inspector's report. 12084

No operator of a mine shall refuse or neglect to comply with 12085
this section. 12086

Sec. 1565.04. The operator of each mine who is an employer as 12087
defined in section 4123.01 of the Revised Code, or any mine 12088
working with three or more men workers, shall employ a certified 12089
mine foreman foreperson. In gaseous mines, only a holder of a mine 12090
foreman foreperson of gaseous mines certificate ~~which that~~ 12091
contains a notation by the ~~mine examining board~~ chief of the 12092
division of mineral resources management showing the holder to be 12093
at least twenty-three years of age and have at least five years' 12094
actual practical experience in gaseous mines shall be employed as 12095
the mine ~~foreman~~ foreperson. In other mines, the mine ~~foreman~~ 12096
foreperson shall be a holder of a mine ~~foreman~~ foreperson of 12097
nongaseous mines certificate ~~which that~~ contains a notation by the 12098
~~mine examining board~~ chief showing the holder to be at least 12099
twenty-one years of age and have at least three years' actual 12100
practical experience in mines. All such mines shall have at least 12101
one certified ~~foreman~~ foreperson on duty at all times when men 12102
workers are employed in the loading or mining of coal. 12103

No operator of a mine shall refuse or neglect to comply with 12104
this section. 12105

Sec. 1565.06. (A) In emergencies arising at a mine because of 12106
accident, death, illness, or any other cause, an operator may 12107
appoint noncertificate persons as forepersons and fire bosses to 12108
act until certified forepersons and fire bosses satisfactory to 12109
the operator can be secured. Such appointee may not serve in such 12110
capacity for a period longer than six months or until such time 12111

thereafter as an examination is held for such certified persons 12112
under section 1561.13 of the Revised Code. The employer of such 12113
noncertificate person shall, upon appointment of such 12114
noncertificate person in this capacity, forward the name of such 12115
noncertificate person to the chief of the division of mineral 12116
resources management. 12117

(B) An operator may appoint as a temporary foreperson or fire 12118
boss a noncertificate person who is within six months of 12119
possessing the necessary actual practical experience to qualify to 12120
take the examination for certification for the position to which 12121
the person is temporarily appointed. Upon appointment of a 12122
noncertificate person, the operator shall forward the name, social 12123
security number, and brief summary of the person's actual 12124
practical experience to the ~~mine-examining board~~ chief, and the 12125
~~board~~ chief shall issue the person a temporary certificate for the 12126
position to which the person has been temporarily appointed. A 12127
temporary certificate issued under this division is valid for six 12128
months or until such time thereafter as an examination is held 12129
under section 1561.13 of the Revised Code for the position to 12130
which the person has been temporarily appointed. 12131

(C) A person who possesses a valid certificate issued by 12132
another state for a position for which the ~~mine-examining board~~ 12133
chief issues a certificate shall be eligible for a temporary 12134
certificate from the ~~board~~ chief upon presentation to the ~~board~~ 12135
chief of a copy of the certificate from that other state. A 12136
temporary certificate issued under this division shall be valid 12137
for six months. 12138

No operator of a mine shall violate or fail to comply with 12139
this section. 12140

Sec. 1565.07. The superintendent in charge of a mine shall 12141
direct the mine foreperson in such manner as is necessary to 12142

secure compliance with this chapter and Chapters 1561., 1563., and 12143
1567. and sections 1509.18 and 1509.19 of the Revised Code. The 12144
superintendent may act as mine foreperson, but if the 12145
superintendent does so act regularly, the superintendent shall 12146
obtain a certificate from the ~~mine examining board~~ chief of the 12147
division of mineral resources management in the same manner as the 12148
certification of mine foreperson is obtained. 12149

A person designated as a superintendent of an underground 12150
coal mine after January 1, 1977, shall, within six months after 12151
being so designated, demonstrate to the chief ~~of the division of~~ 12152
~~mineral resources management~~ that the person has knowledge of the 12153
mining laws of this state governing the operation of underground 12154
coal mines either by presenting evidence that the person has 12155
passed a mine foreperson examination given by the ~~mine examining~~ 12156
~~board~~ chief or an examination given by the chief concerning the 12157
laws of this state governing the operation of underground coal 12158
mines. 12159

No person shall refuse or neglect to comply with this 12160
section. 12161

Sec. 1565.08. If a person certified by the ~~mine examining~~ 12162
~~board~~ chief of the division of mineral resources management 12163
purposely violates the mining laws, the person's certificate may 12164
be revoked by the chief after investigation and a hearing in 12165
accordance with Chapter 119. of the Revised Code, ~~by the chief of~~ 12166
~~the division of mineral resources management, with the approval of~~ 12167
~~the mine examining board.~~ 12168

No person whose license, certificate, or similar authority to 12169
perform any certifiable mining duties in another state is 12170
suspended or revoked by that state shall be certified for an 12171
equivalent mining certificate in this state during the period of 12172
the suspension or revocation in the other state. 12173

Sec. 1565.25. On receipt of a notice pursuant to section 12174
3123.43 of the Revised Code, the ~~mine examining board~~ chief of the 12175
division of mineral resources management shall comply with 12176
sections 3123.41 to 3123.50 of the Revised Code and any applicable 12177
rules adopted under section 3123.63 of the Revised Code with 12178
respect to a certificate issued pursuant to this chapter. 12179

Sec. 1701.05. (A) Except as provided in this section, and in 12180
sections 1701.75, 1701.78, and 1701.82 of the Revised Code, which 12181
sections relate to the reorganization, merger, and consolidation 12182
of corporations, the corporate name of a domestic corporation 12183
shall comply with all of the following: 12184

(1) It shall end with or include the word or abbreviation 12185
"company," "co.," "corporation," "corp.," "incorporated," or 12186
"inc." 12187

(2) It shall be distinguishable upon the records in the 12188
office of the secretary of state from all of the following: 12189

(a) The name of any other corporation, whether nonprofit or 12190
for profit and whether that of a domestic or of a foreign 12191
corporation authorized to do business in this state; 12192

(b) The name of any limited liability company registered in 12193
the office of the secretary of state pursuant to Chapter 1705. of 12194
the Revised Code, whether domestic or foreign; 12195

(c) The name of any limited liability partnership registered 12196
in the office of the secretary of state pursuant to Chapter 1775. 12197
of the Revised Code, whether domestic or foreign; 12198

(d) The name of any limited partnership registered in the 12199
office of the secretary of state pursuant to Chapter 1782. of the 12200
Revised Code, whether domestic or foreign; 12201

(e) Any trade name the exclusive right to which is at the 12202

time in question registered in the office of the secretary of 12203
state pursuant to Chapter 1329. of the Revised Code. 12204

(3) It shall not contain any language that indicates or 12205
implies that the corporation is connected with a government agency 12206
of this state, another state, or the United States. 12207

(B) The secretary of state shall determine for purposes of 12208
this section whether a name is "distinguishable" from another name 12209
upon the secretary of state's records. Without excluding other 12210
names that may not constitute distinguishable names in this state, 12211
a name is not considered distinguishable from another name for 12212
purposes of this section solely because it differs from the other 12213
name in only one or more of the following manners: 12214

(1) The use of the word "corporation," "company," 12215
"incorporated," "limited," or any abbreviation of any of those 12216
words; 12217

(2) The use of any article, conjunction, contraction, 12218
abbreviation, or punctuation; 12219

(3) The use of a different tense or number of the same word. 12220

(C) A corporation may apply to the secretary of state for 12221
authorization to use a name that is not distinguishable upon the 12222
secretary of state's records from the name of any other 12223
corporation, limited liability company, limited liability 12224
partnership, or limited partnership, or from a registered trade 12225
name, if there also is filed in the office of the secretary of 12226
state, on a form prescribed by the secretary of state, the consent 12227
of the other entity or, in the case of a registered trade name, 12228
the person in whose name is registered the exclusive right to use 12229
the name, which consent is evidenced in a writing signed by any 12230
authorized officer or any authorized representative of the other 12231
entity or person. 12232

(D) In case of judicial sale or judicial transfer, by sale or 12233

transfer of good will or otherwise, of the right to use the name 12234
of a corporation, whether nonprofit or for profit, and whether 12235
that of a domestic corporation or of a foreign corporation 12236
authorized to exercise its corporate privileges in this state or 12237
to do business in this state, the secretary of state, at the 12238
instance of the purchaser or transferee of such right, shall 12239
accept for filing articles of a corporation with a name the same 12240
as or similar to the name of such other corporation, if there also 12241
is filed in the office of the secretary of state a certified copy 12242
of the decree or order of court confirming or otherwise evidencing 12243
the purchase or transfer. 12244

(E) Any person who wishes to reserve a name for a proposed 12245
new corporation, or any corporation intending to change its name, 12246
may submit to the secretary of state a written application, on a 12247
form prescribed by the secretary of state, for the exclusive right 12248
to use a specified name as the name of a corporation. If the 12249
secretary of state finds that, under this section, the specified 12250
name is available for such use, the secretary of state shall file 12251
the application and, from the date of the filing, the applicant 12252
shall have the exclusive right for sixty one hundred eighty days 12253
to use the specified name as the name of a corporation, counting 12254
the date of such filing as the first of sixty one hundred eighty 12255
days. The right so obtained may be transferred by the applicant or 12256
other holder thereof by the filing in the office of the secretary 12257
of state of a written transfer, on a form prescribed by the 12258
secretary of state, stating the name and address of the 12259
transferee. 12260

~~(F) For filing under this section any application or other 12261
document, other than articles or a consent to the use of a name, 12262
the secretary of state shall charge and collect a fee of five 12263
dollars. 12264~~

Sec. 1701.07. (A) Every corporation shall have and maintain 12265
an agent, sometimes referred to as the "statutory agent," upon 12266
whom any process, notice, or demand required or permitted by 12267
statute to be served upon a corporation may be served. The agent 12268
may be a natural person who is a resident of this state or may be 12269
a domestic corporation or a foreign corporation holding a license 12270
as such under the laws of this state, that is authorized by its 12271
articles of incorporation to act as such agent and that has a 12272
business address in this state. 12273

(B) The secretary of state shall not accept original articles 12274
for filing unless there is filed with the articles a written 12275
appointment of an agent that is signed by the incorporators of the 12276
corporation or a majority of them and a written acceptance of the 12277
appointment that is signed by the agent. In all other cases, the 12278
corporation shall appoint the agent and shall file in the office 12279
of the secretary of state a written appointment of the agent that 12280
is signed by any authorized officer of the corporation and a 12281
written acceptance of the appointment that is either the original 12282
acceptance signed by the agent or a photocopy, facsimile, or 12283
similar reproduction of the original acceptance signed by the 12284
agent. 12285

(C) The written appointment of an agent shall set forth the 12286
name and address in this state of the agent, including the street 12287
and number or other particular description, and shall otherwise be 12288
in such form as the secretary of state prescribes. The secretary 12289
of state shall keep a record of the names of corporations, and the 12290
names and addresses of their respective agents. 12291

(D) If any agent dies, removes from the state, or resigns, 12292
the corporation shall forthwith appoint another agent and file 12293
with the secretary of state, on a form prescribed by the secretary 12294
of state, a written appointment of the agent. 12295

(E) Unless the change is reported on the annual report filed 12296

with the department of taxation, if the agent changes the agent's 12297
address from that appearing upon the record in the office of the 12298
secretary of state, the corporation or the agent shall forthwith 12299
file with the secretary of state, on a form prescribed by the 12300
secretary of state, a written statement setting forth the new 12301
address. 12302

(F) An agent may resign by filing with the secretary of 12303
state, on a form prescribed by the secretary of state, a written 12304
notice to that effect that is signed by the agent and by sending a 12305
copy of the notice to the corporation at the current or last known 12306
address of its principal office on or prior to the date the notice 12307
is filed with the secretary of state. The notice shall set forth 12308
the name of the corporation, the name and current address of the 12309
agent, the current or last known address, including the street and 12310
number or other particular description, of the corporation's 12311
principal office, the resignation of the agent, and a statement 12312
that a copy of the notice has been sent to the corporation within 12313
the time and in the manner prescribed by this division. Upon the 12314
expiration of thirty days after the filing, the authority of the 12315
agent shall terminate. 12316

(G) A corporation may revoke the appointment of an agent by 12317
filing with the secretary of state, on a form prescribed by the 12318
secretary of state, a written appointment of another agent and a 12319
statement that the appointment of the former agent is revoked. 12320

(H) Any process, notice, or demand required or permitted by 12321
statute to be served upon a corporation may be served upon the 12322
corporation by delivering a copy of it to its agent, if a natural 12323
person, or by delivering a copy of it at the address of its agent 12324
in this state, as the address appears upon the record in the 12325
office of the secretary of state. If (1) the agent cannot be 12326
found, or (2) the agent no longer has that address, or (3) the 12327
corporation has failed to maintain an agent as required by this 12328

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.

(L) Except when an original appointment of an agent is filed 12361
with the original articles, a written appointment of an agent or a 12362
written statement filed by a corporation with the secretary of 12363
state shall be signed by any authorized officer of the corporation 12364
or by the incorporators of the corporation or a majority of them 12365
if no directors have been elected. 12366

(M) For filing a written appointment of an agent other than 12367
one filed with original articles, and for filing a statement of 12368
change of address of an agent, the secretary of state shall charge 12369
and collect ~~a the fee specified in division (R) of three dollars~~ 12370
section 111.16 of the Revised Code. 12371

(N) Upon the failure of a corporation to appoint another 12372
agent or to file a statement of change of address of an agent, the 12373
secretary of state shall give notice thereof by certified mail to 12374
the corporation at the address set forth in the notice of 12375
resignation or on the last franchise tax return filed in this 12376
state by the corporation. Unless the default is cured within 12377
thirty days after the mailing by the secretary of state of the 12378
notice or within any further period of time that the secretary of 12379
state grants, upon the expiration of that period of time from the 12380
date of the mailing, the articles of the corporation shall be 12381
canceled without further notice or action by the secretary of 12382
state. The secretary of state shall make a notation of the 12383
cancellation on the secretary of state's records. 12384

A corporation whose articles have been canceled may be 12385
reinstated by filing, on a form prescribed by the secretary of 12386
state, an application for reinstatement and the required 12387
appointment of agent or required statement, and by paying ~~a the~~ 12388
filing fee specified in division (Q) of ten dollars section 111.16 12389
of the Revised Code. The rights, privileges, and franchises of a 12390
corporation whose articles have been reinstated are subject to 12391
section 1701.922 of the Revised Code. The secretary of state shall 12392

furnish the tax commissioner a monthly list of all corporations 12393
canceled and reinstated under this division. 12394

(O) This section does not apply to banks, trust companies, 12395
insurance companies, or any corporation defined under the laws of 12396
this state as a public utility for taxation purposes. 12397

Sec. 1701.81. (A) Upon adoption by each constituent entity of 12398
an agreement of merger or consolidation pursuant to section 12399
1701.78, 1701.781, 1701.79, 1701.791, 1701.80, or 1701.801 of the 12400
Revised Code, a certificate of merger or consolidation shall be 12401
filed with the secretary of state that is signed by any authorized 12402
representative of each constituent corporation, partnership, or 12403
other entity. The certificate shall be on a form prescribed by the 12404
secretary of state and shall set forth only the information 12405
required by this section. 12406

(B)(1) The certificate of merger or consolidation shall set 12407
forth all of the following: 12408

(a) The name and the form of entity of each constituent 12409
entity and the state under the laws of which each constituent 12410
entity exists; 12411

(b) A statement that each constituent entity has complied 12412
with all of the laws under which it exists and that the laws 12413
permit the merger or consolidation; 12414

(c) The name and mailing address of the person or entity that 12415
is to provide, in response to any written request made by a 12416
shareholder, partner, or other equity holder of a constituent 12417
entity, a copy of the agreement of merger or consolidation; 12418

(d) The effective date of the merger or consolidation, which 12419
date may be on or after the date of the filing of the certificate; 12420

(e) The signature of each representative authorized to sign 12421
the certificate on behalf of each constituent entity and the 12422

office held or the capacity in which the representative is acting; 12423

(f) A statement that the agreement of merger or consolidation 12424
is authorized on behalf of each constituent entity and that each 12425
person who signed the certificate on behalf of each entity is 12426
authorized to do so; 12427

(g) In the case of a merger, a statement that one or more 12428
specified constituent entities will be merged into a specified 12429
surviving entity or, in the case of a consolidation, a statement 12430
that the constituent entities will be consolidated into a new 12431
entity; 12432

(h) In the case of a merger, if the surviving entity is a 12433
foreign entity not licensed to transact business in this state, 12434
the name and address of the statutory agent upon whom any process, 12435
notice, or demand against any constituent entity may be served; 12436

(i) In the case of a consolidation, the name and address of 12437
the statutory agent upon whom any process, notice, or demand 12438
against any constituent entity or the new entity may be served. 12439

(2) In the case of a consolidation into a new domestic 12440
corporation, limited liability company, or limited partnership, 12441
the articles of incorporation, the articles of organization, or 12442
the certificate of limited partnership of the new domestic entity 12443
shall be filed with the certificate of merger or consolidation. 12444

(3) In the case of a merger into a domestic corporation, 12445
limited liability company, or limited partnership, any amendments 12446
to the articles of incorporation, articles of organization, or 12447
certificate of limited partnership of the surviving domestic 12448
entity shall be filed with the certificate of merger or 12449
consolidation. 12450

(4) If the surviving or new entity is a foreign entity that 12451
desires to transact business in this state as a foreign 12452
corporation, limited liability company, or limited partnership, 12453

the certificate of merger or consolidation shall be accompanied by 12454
the information required by division (B)(8), (9), or (10) of 12455
section 1701.791 of the Revised Code. 12456

(5) If a foreign or domestic corporation licensed to transact 12457
business in this state is a constituent entity and the surviving 12458
or new entity resulting from the merger or consolidation is not a 12459
foreign or domestic corporation that is to be licensed to transact 12460
business in this state, the certificate of merger or consolidation 12461
shall be accompanied by the affidavits, receipts, certificates, or 12462
other evidence required by division (H) of section 1701.86 of the 12463
Revised Code, with respect to each domestic constituent 12464
corporation, and by the affidavits, receipts, certificates, or 12465
other evidence required by division (C) or (D) of section 1703.17 12466
of the Revised Code, with respect to each foreign constituent 12467
corporation licensed to transact business in this state. 12468

(C) If any constituent entity in a merger or consolidation is 12470
organized or formed under the laws of a state other than this 12471
state or under any chapter of the Revised Code other than this 12472
chapter, there also shall be filed in the proper office all 12473
documents that are required to be filed in connection with the 12474
merger or consolidation by the laws of that state or by that 12475
chapter. 12476

(D) Upon the filing of a certificate of merger or 12477
consolidation and other filings as described in division (C) of 12478
this section or at such later date as the certificate of merger or 12479
consolidation specifies, the merger or consolidation is effective. 12480

(E) The secretary of state shall furnish, upon request and 12481
payment of ~~a~~ the fee specified in division (D) of ten dollars 12482
section 111.16 of the Revised Code, the secretary of state's 12483
certificate setting forth the name and the form of entity of each 12484
constituent entity and the states under the laws of which each 12485

constituent entity existed prior to the merger or consolidation, 12486
the name and the form of entity of the surviving or new entity and 12487
the state under the laws of which the surviving entity exists or 12488
the new entity is to exist, the date of filing of the certificate 12489
of merger or consolidation with the secretary of state, and the 12490
effective date of the merger or consolidation. The certificate of 12491
the secretary of state, or a copy of the certificate of merger or 12492
consolidation certified by the secretary of state, may be filed 12493
for record in the office of the recorder of any county in this 12494
state and, if filed, shall be recorded in the records of deeds for 12495
that county. For that recording, the county recorder shall charge 12496
and collect the same fee as in the case of deeds. 12497

Sec. 1702.05. (A) Except as provided in this section and in 12498
sections 1702.41 and 1702.45 of the Revised Code, the secretary of 12499
state shall not accept for filing in the secretary of state's 12500
office any articles if the corporate name set forth in the 12501
articles is not distinguishable upon the secretary of state's 12502
records from any of the following: 12503

(1) The name of any other corporation, whether a nonprofit 12504
corporation or a business corporation and whether that of a 12505
domestic or of a foreign corporation authorized to do business in 12506
this state; 12507

(2) The name of any limited liability company registered in 12508
the office of the secretary of state pursuant to Chapter 1705. of 12509
the Revised Code, whether domestic or foreign; 12510

(3) The name of any limited liability partnership registered 12511
in the office of the secretary of state pursuant to Chapter 1775. 12512
of the Revised Code, whether domestic or foreign; 12513

(4) The name of any limited partnership registered in the 12514
office of the secretary of state pursuant to Chapter 1782. of the 12515
Revised Code, whether domestic or foreign; 12516

(5) Any trade name, the exclusive right to which is at the 12517
time in question registered in the office of the secretary of 12518
state pursuant to Chapter 1329. of the Revised Code. 12519

(B) The secretary of state shall determine for purposes of 12520
this section whether a name is "distinguishable" from another name 12521
upon the secretary of state's records. Without excluding other 12522
names that may not constitute distinguishable names in this state, 12523
a name is not considered distinguishable from another name for 12524
purposes of this section solely because it differs from the other 12525
name in only one or more of the following manners: 12526

(1) The use of the word "corporation," "company," 12527
"incorporated," "limited," or any abbreviation of any of those 12528
words; 12529

(2) The use of any article, conjunction, contraction, 12530
abbreviation, or punctuation; 12531

(3) The use of a different tense or number of the same word. 12532

(C) A corporation may apply to the secretary of state for 12533
authorization to use a name that is not distinguishable upon the 12534
secretary of state's records from the name of any other 12535
corporation, any limited liability company, limited liability 12536
partnership, or limited partnership, or from a registered trade 12537
name, if there also is filed in the office of the secretary of 12538
state, on a form prescribed by the secretary of state, the consent 12539
of the other entity, or, in the case of a registered trade name, 12540
the person in whose name is registered the exclusive right to use 12541
the name, which consent is evidenced in a writing signed by any 12542
authorized officer or authorized representative of the other 12543
entity or person. 12544

(D) In case of judicial sale or judicial transfer, by sale or 12545
transfer of good will or otherwise, of the right to use the name 12546
of a nonprofit corporation or business corporation, whether that 12547

of a domestic corporation or of a foreign corporation authorized 12548
to exercise its corporate privileges in this state or to do 12549
business in this state, the secretary of state, at the instance of 12550
the purchaser or transferee of such right, shall accept for filing 12551
articles of a corporation with a name the same as or similar to 12552
the name of such other corporation, if there also is filed in the 12553
office of the secretary of state a certified copy of the decree or 12554
order of court confirming or otherwise evidencing the purchase or 12555
transfer. 12556

(E) Any person who wishes to reserve a name for a proposed 12557
new corporation, or any corporation intending to change its name, 12558
may submit to the secretary of state a written application, on a 12559
form prescribed by the secretary of state, for the exclusive right 12560
to use a specified name as the name of a corporation. If the 12561
secretary of state finds that, under this section, the specified 12562
name is available for such use, the secretary of state shall file 12563
such application, and, from the date of such filing, such 12564
applicant shall have the exclusive right for sixty one hundred 12565
eighty days to use the specified name as the name of a 12566
corporation, counting the date of such filing as the first of the 12567
sixty one hundred eighty days. The right so obtained may be 12568
transferred by the applicant or other holder of the right by the 12569
filing in the office of the secretary of state of a written 12570
transfer, on a form prescribed by the secretary of state, stating 12571
the name and address of the transferee. 12572

~~(F) For filing under this section any application or other 12573
document, other than articles or a consent to the use of a name, 12574
the secretary of state shall charge and collect a fee of five 12575
dollars. 12576~~

Sec. 1702.06. (A) Every corporation shall have and maintain 12577
an agent, sometimes referred to as the "statutory agent," upon 12578

whom any process, notice, or demand required or permitted by 12579
statute to be served upon a corporation may be served. The agent 12580
may be a natural person who is a resident of this state, or may be 12581
a domestic or foreign business corporation holding a license as 12582
such under the laws of this state that is authorized by its 12583
articles of incorporation to act as such agent, and that has a 12584
business address in this state. 12585

(B) The secretary of state shall not accept original articles 12586
for filing unless there is filed with the articles a written 12587
appointment of an agent signed by the incorporators of the 12588
corporation or a majority of them and a written acceptance of the 12589
appointment signed by the agent. In all other cases, the 12590
corporation shall appoint the agent and shall file in the office 12591
of the secretary of state a written appointment of the agent that 12592
is signed by any authorized officer of the corporation and a 12593
written acceptance of the appointment that is either the original 12594
acceptance signed by the agent or a photocopy, facsimile, or 12595
similar reproduction of the original acceptance signed by the 12596
agent. 12597

(C) The written appointment of an agent shall set forth the 12598
name and address in this state of the agent, including the street 12599
and number or other particular description, and shall otherwise be 12600
in such form as the secretary of state prescribes. The secretary 12601
of state shall keep a record of the names of corporations and the 12602
names and addresses of their respective agents. 12603

(D) If any agent dies, removes from the state, or resigns, 12604
the corporation shall forthwith appoint another agent and file 12605
with the secretary of state, on a form prescribed by the secretary 12606
of state, a written appointment of that agent. 12607

(E) If the agent changes the agent's address from that 12608
appearing upon the record in the office of the secretary of state, 12609
the corporation or the agent shall forthwith file with the 12610

secretary of state, on a form prescribed by the secretary of 12611
state, a written statement setting forth the new address. 12612

(F) An agent may resign by filing with the secretary of 12613
state, on a form prescribed by the secretary of state, a written 12614
notice to that effect that is signed by the agent and by sending a 12615
copy of the notice to the corporation at the current or last known 12616
address of its principal office on or prior to the date that 12617
notice is filed with the secretary of state. The notice shall set 12618
forth the name of the corporation, the name and current address of 12619
the agent, the current or last known address, including the street 12620
and number or other particular description, of the corporation's 12621
principal office, the resignation of the agent, and a statement 12622
that a copy of the notice has been sent to the corporation within 12623
the time and in the manner prescribed by this division. Upon the 12624
expiration of sixty days after such filing, the authority of the 12625
agent shall terminate. 12626

(G) A corporation may revoke the appointment of an agent by 12627
filing with the secretary of state, on a form prescribed by the 12628
secretary of state, a written appointment of another agent and a 12629
statement that the appointment of the former agent is revoked. 12630

(H) Any process, notice, or demand required or permitted by 12631
statute to be served upon a corporation may be served upon the 12632
corporation by delivering a copy of it to its agent, if a natural 12633
person, or by delivering a copy of it at the address of its agent 12634
in this state, as such address appears upon the record in the 12635
office of the secretary of state. If (1) the agent cannot be 12636
found, or (2) the agent no longer has that address, or (3) the 12637
corporation has failed to maintain an agent as required by this 12638
section, and if in any such case the party desiring that such 12639
process, notice, or demand be served, or the agent or 12640
representative of the party, shall have filed with the secretary 12641
of state an affidavit stating that one of the foregoing conditions 12642

exists and stating the most recent address of the corporation that 12643
the party after diligent search has been able to ascertain, then 12644
service of process, notice, or demand upon the secretary of state, 12645
as the agent of the corporation, may be initiated by delivering to 12646
the secretary of state or at the secretary of state's office 12647
triplicate copies of such process, notice, or demand and by paying 12648
to the secretary of state a fee of five dollars. The secretary of 12649
state shall forthwith give notice of such delivery to the 12650
corporation at its principal office as shown upon the record in 12651
the secretary of state's office and also to the corporation at any 12652
different address set forth in the above mentioned affidavit, and 12653
shall forward to the corporation at each of those addresses, by 12654
certified mail, with request for return receipt, a copy of such 12655
process, notice, or demand; and thereupon service upon the 12656
corporation shall be deemed to have been made. 12657

(I) The secretary of state shall keep a record of each 12658
process, notice, and demand delivered to the secretary of state or 12659
at the secretary of state's office under this section or any other 12660
law of this state that authorizes service upon the secretary of 12661
state, and shall record the time of such delivery and the 12662
secretary of state's action thereafter with respect thereto. 12663

(J) This section does not limit or affect the right to serve 12664
any process, notice, or demand upon a corporation in any other 12665
manner permitted by law. 12666

(K) Except when an original appointment of an agent is filed 12667
with the original articles, a written appointment of an agent or a 12668
written statement filed by a corporation with the secretary of 12669
state shall be signed by any authorized officer of the corporation 12670
or by the incorporators of the corporation or a majority of them 12671
if no directors have been elected. 12672

(L) For filing a written appointment of an agent other than 12673
one filed with original articles, and for filing a statement of 12674

change of address of an agent, the secretary of state shall charge 12675
and collect ~~a~~ the fee specified in division (R) of three dollars 12676
section 111.16 of the Revised Code. 12677

(M) Upon the failure of any corporation to appoint another 12678
agent or to file a statement of change of address of an agent, the 12679
secretary of state shall give notice thereof by certified mail to 12680
the corporation at the address set forth in the notice of 12681
resignation or on the most recent statement of continued existence 12682
filed in this state by the corporation. Unless the failure is 12683
cured within thirty days after the mailing by the secretary of 12684
state of the notice or within any further period the secretary of 12685
state grants, upon the expiration of that period, the articles of 12686
the corporation shall be canceled without further notice or action 12687
by the secretary of state. The secretary of state shall make a 12688
notation of the cancellation on the secretary of state's records. 12689
A corporation whose articles have been canceled may be reinstated 12690
by filing, on a form prescribed by the secretary of state, an 12691
application for reinstatement and the required appointment of 12692
agent or required statement, and by paying ~~a~~ the filing fee 12693
specified in division (Q) of ten dollars section 111.16 of the 12694
Revised Code. The rights, privileges, and franchises of a 12695
corporation whose articles have been reinstated are subject to 12696
section 1702.60 of the Revised Code. The secretary of state shall 12697
furnish the tax commissioner a monthly list of all corporations 12698
canceled and reinstated under this division. 12699

(N) This section does not apply to banks, trust companies, 12700
insurance companies, or any corporation defined under the laws of 12701
this state as a public utility for taxation purposes. 12702

Sec. 1702.43. (A) Upon adoption by each constituent 12703
corporation of an agreement of merger or consolidation pursuant to 12704
section 1702.42 or 1702.45 of the Revised Code, a certificate of 12705

merger or consolidation, signed by any authorized representative 12706
of each constituent corporation, shall be filed with the secretary 12707
of state. The certificate shall be on a form prescribed by the 12708
secretary of state and shall set forth only the information 12709
required by this section. 12710

(1) The certificate of merger or consolidation shall set 12711
forth all of the following: 12712

(a) The name of each constituent entity and the state under 12713
whose laws each constituent entity exists; 12714

(b) A statement that each constituent entity has complied 12715
with all of the laws under which it exists and that the laws 12716
permit the merger or consolidation; 12717

(c) The name and mailing address of the person or entity that 12718
is to provide, in response to any written request made by a member 12719
or other person, a copy of the agreement of merger or 12720
consolidation; 12721

(d) The effective date of the merger or consolidation, which 12722
date may be on or after the date of the filing of the certificate; 12723

(e) The signature of each representative authorized to sign 12724
the certificate on behalf of each constituent entity and the 12725
office each representative authorized to sign holds or the 12726
capacity in which the representative is acting; 12727

(f) A statement that the agreement of merger or consolidation 12728
is authorized on behalf of each constituent entity and that each 12729
person who signed the certificate on behalf of each entity is 12730
authorized to do so; 12731

(g) In the case of a merger, a statement that one or more 12732
specified constituent entities will be merged into a specified 12733
surviving entity or, in the case of a consolidation, a statement 12734
that the constituent entities will be consolidated into a new 12735
entity; 12736

(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

Revised Code, with respect to each domestic corporation, and by 12768
the affidavits, receipts, certificates, or other evidence required 12769
by division (C) or (D) of section 1703.17 of the Revised Code, 12770
with respect to each foreign constituent corporation licensed to 12771
transact business in this state. 12772

(B) If any constituent entity in a merger or consolidation is 12773
organized or formed under the laws of a state other than this 12774
state or under any chapter of the Revised Code other than this 12775
chapter, there also shall be filed in the proper office all 12776
documents that are required to be filed in connection with the 12777
merger or consolidation by the laws of that state or by that 12778
chapter. 12779

(C) Upon the filing of a certificate of merger or 12780
consolidation and other filings as described in division (B) of 12781
this section, or at such later date as the certificate of merger 12782
or consolidation specifies, the merger or consolidation shall 12783
become effective. 12784

(D) The secretary of state shall furnish, upon request and 12785
payment of a the fee specified in division (D) of ten dollars 12786
section 111.16 of the Revised Code, a certificate setting forth 12787
the name of each constituent entity and the state under whose laws 12788
each constituent entity existed prior to the merger or 12789
consolidation, the name of the surviving or new entity and the 12790
state under whose laws the surviving entity exists or the new 12791
entity is to exist, the date of filing of the certificate of 12792
merger or consolidation with the secretary of state, and the 12793
effective date of the merger or consolidation. The certificate of 12794
the secretary of state or a copy of the merger or consolidation 12795
certified by the secretary of state may be filed for record in the 12796
office of the recorder of any county in this state and, if filed, 12797
shall be recorded in the records of deeds for that county. For 12798
that recording, the county recorder shall charge and collect the 12799

same fee as in the case of deeds. 12800

Sec. 1702.59. (A) Every nonprofit corporation, incorporated 12801
under the general corporation laws of this state, or previous 12802
laws, or under special provisions of the Revised Code, or created 12803
before September 1, 1851, which corporation has expressedly or 12804
impliedly elected to be governed by the laws passed since that 12805
date, and whose articles or other documents are filed with the 12806
secretary of state, shall file with the secretary of state a 12807
verified statement of continued existence, signed by a director, 12808
officer, or three members in good standing, setting forth the 12809
corporate name, the place where the principal office of the 12810
corporation is located, the date of incorporation, the fact that 12811
the corporation is still actively engaged in exercising its 12812
corporate privileges, and the name and address of its agent 12813
appointed pursuant to section 1702.06 of the Revised Code. 12814

(B) Each corporation required to file a statement of 12815
continued existence shall file it with the secretary of state 12816
within each five years after the date of incorporation or of the 12817
last corporate filing. ~~For filing such statements of continued 12818
existence, the secretary of state shall charge and collect a fee 12819
of five dollars.~~ 12820

(C) Corporations specifically exempted by division (N) of 12821
section 1702.06 of the Revised Code, or whose activities are 12822
regulated or supervised by another state official, agency, bureau, 12823
department, or commission are exempted from this section. 12824

(D) The secretary of state shall give notice in writing and 12825
provide a form for compliance with this section to each 12826
corporation required by this section to file the statement of 12827
continued existence, such notice and form to be mailed to the last 12828
known address of the corporation as it appears on the records of 12829
the secretary of state or which the secretary of state may 12830

ascertain upon a reasonable search. 12831

(E) ~~In the event~~ If any nonprofit corporation required by 12832
this section to file a statement of continued existence fails to 12833
file the statement required every fifth year, then the secretary 12834
of state shall cancel the articles of such corporation, make a 12835
notation of the cancellation on the records, and mail to the 12836
corporation a certificate of the action so taken. 12837

(F) A corporation whose articles have been canceled may be 12838
reinstated by filing an application for reinstatement and paying 12839
to the secretary of state ~~a~~ the fee specified in division (O) of 12840
~~ten dollars~~ section 111.16 of the Revised Code. The name of a 12841
corporation whose articles have been canceled shall be reserved 12842
for a period of one year after the date of cancellation. If the 12843
reinstatement is not made within one year from the date of the 12844
cancellation of its articles of incorporation and it appears that 12845
a corporate name, limited liability company name, limited 12846
liability partnership name, limited partnership name, or trade 12847
name has been filed, the name of which is not distinguishable upon 12848
the record as provided in section 1702.06 of the Revised Code, the 12849
applicant for reinstatement shall be required by the secretary of 12850
state, as a condition prerequisite to such reinstatement, to amend 12851
its articles by changing its name. A certificate of reinstatement 12852
may be filed in the recorder's office of any county in the state, 12853
for which the recorder shall charge and collect a fee of one 12854
dollar. The rights, privileges, and franchises of a corporation 12855
whose articles have been reinstated are subject to section 1702.60 12856
of the Revised Code. 12857

(G) The secretary of state shall furnish the tax commissioner 12858
a list of all corporations failing to file the required statement 12859
of continued existence. 12860

Sec. 1703.04. (A) To procure a license to transact business 12861

in this state, a foreign corporation for profit shall file with 12862
the secretary of state a certificate of good standing or 12863
subsistence, dated not earlier than ninety days prior to the 12864
filing of the application, under the seal of the secretary of 12865
state, or other proper official, of the state under the laws of 12866
which said corporation was incorporated, setting forth: 12867

(1) The exact corporate title; 12868

(2) The date of incorporation; 12869

(3) The fact that the corporation is in good standing or is a 12870
subsisting corporation. 12871

(B) To procure such a license, such corporation also shall 12872
file with the secretary of state an application in such form as 12873
the secretary of state prescribes, verified by the oath of any 12874
authorized officer of such corporation, setting forth, but not 12875
limited to: 12876

(1) The name of the corporation and, if its corporate name is 12877
not available, the trade name under which it will do business in 12878
this state; 12879

(2) The name of the state under the laws of which it was 12880
incorporated; 12881

(3) The location and complete address of its principal 12882
office; 12883

(4) The name of the county and the municipal corporation or 12884
township in which its principal office within this state, if any, 12885
is to be located; 12886

(5) The appointment of a designated agent and the complete 12887
address of such agent; 12888

(6) The irrevocable consent of such corporation to service of 12889
process on such agent so long as the authority of such agent 12890
continues and to service of process upon the secretary of state in 12891

the events provided for in section 1703.19 of the Revised Code; 12892

(7) A brief summary of the corporate purposes to be exercised 12893
within this state. 12894

~~(C) Upon the filing by a foreign corporation for profit of an 12895
application for a license to transact business in this state, the 12896
corporation shall pay a filing fee of one hundred dollars to the 12897
secretary of state. 12898~~

~~(D)~~(1) No such application for a license shall be accepted 12899
for filing if it appears that the name of the foreign corporation 12900
is prohibited by law or is not distinguishable upon the records in 12901
the office of the secretary of state from the name of any other 12902
corporation, whether nonprofit or for profit and whether that of a 12903
domestic corporation or of a foreign corporation authorized to 12904
transact business in this state, the name of a limited liability 12905
company registered in the office of the secretary of state 12906
pursuant to Chapter 1705. of the Revised Code, whether domestic or 12907
foreign, the name of any limited liability partnership registered 12908
in the office of the secretary of state pursuant to Chapter 1775. 12909
of the Revised Code, whether domestic or foreign, the name of any 12910
limited partnership registered in the office of the secretary of 12911
state pursuant to Chapter 1782. of the Revised Code, whether 12912
domestic or foreign, or a trade name to which the exclusive right 12913
at the time in question is registered in the manner provided in 12914
Chapter 1329. of the Revised Code, unless there also is filed with 12915
the secretary of state, on a form prescribed by the secretary of 12916
state, the consent of the other entity or person to the use of the 12917
name, evidenced in a writing signed by any authorized officer of 12918
the other entity or authorized representative of the other person 12919
owning the exclusive right to the registered trade name. 12920

(2) Notwithstanding division ~~(D)~~(C)(1) of this section, if an 12921
application for a license is not acceptable for filing solely 12922
because the name of the foreign corporation is not distinguishable 12923

from the name of another entity or registered trade name, the 12924
foreign corporation may be authorized to transact business in this 12925
state by filing with the secretary of state, in addition to those 12926
items otherwise prescribed by this section, a statement signed by 12927
an authorized officer directing the foreign corporation to make 12928
application for a license to transact business in this state under 12929
an assumed business name or names that comply with the 12930
requirements of this division and stating that the foreign 12931
corporation will transact business in this state only under the 12932
assumed name or names. The application for a license shall be on a 12933
form prescribed by the secretary of state. 12934

Sec. 1703.041. (A) Every foreign corporation for profit that 12935
is licensed to transact business in this state, and every foreign 12936
nonprofit corporation that is licensed to exercise its corporate 12937
privileges in this state, shall have and maintain an agent, 12938
sometimes referred to as the "designated agent," upon whom process 12939
against the corporation may be served within this state. The agent 12940
may be a natural person who is a resident of this state, or may be 12941
a domestic corporation for profit or a foreign corporation for 12942
profit holding a license under the laws of this state that is 12943
authorized by its articles of incorporation to act as an agent and 12944
that has a business address in this state. 12945

(B) The written appointment of a designated agent shall set 12946
forth the name and address of the agent, including the street and 12947
number or other particular description, and shall otherwise be in 12948
such form as the secretary of state prescribes. The secretary of 12949
state shall keep a record of the names of such foreign 12950
corporations and the names and addresses of their respective 12951
agents. 12952

(C) If the designated agent dies, removes from the state, or 12953
resigns, the foreign corporation shall forthwith appoint another 12954
agent and file in the office of the secretary of state an 12955

~~amendment to the corporation's application for a foreign license~~ 12956
~~indicating the name and address, on a form prescribed by the~~ 12957
~~secretary of state, a written appointment of the new agent.~~ 12958

(D) If the designated agent changes the agent's address from 12959
that appearing upon the record in the office of the secretary of 12960
state, the foreign corporation or the designated agent in its 12961
behalf shall forthwith file with the secretary of state ~~an~~ 12962
~~amendment to the corporation's application for a foreign license~~ 12963
~~setting forth the new address unless the change is reported on the~~ 12964
~~annual report filed with the department of taxation, on a form~~ 12965
~~prescribed by the secretary of state, a written statement setting~~ 12966
~~forth the agent's new address.~~ 12967

(E) A designated agent may resign by filing with the 12968
secretary of state, on a form prescribed by the secretary of 12969
state, a signed statement to that effect. The secretary of state 12970
shall forthwith mail a copy of ~~such the~~ statement to the foreign 12971
corporation at its principal office as shown by the record in the 12972
secretary of state's office. Upon the expiration of sixty days 12973
after the filing, the authority of the agent shall terminate. 12974

(F) A foreign corporation may revoke the appointment of a 12975
designated agent by filing with the secretary of state ~~an~~ 12976
~~amendment to its application for a foreign license appointing~~ 12977
~~another agent that includes, on a form prescribed by the secretary~~ 12978
~~of state, a written appointment of another agent and~~ a statement 12979
that the appointment of the former agent is revoked. 12980

(G) Process may be served upon a foreign corporation by 12981
delivering a copy of it to its designated agent, if a natural 12982
person, or by delivering a copy of it at the address of its agent 12983
in this state, as the address appears upon the record in the 12984
office of the secretary of state. 12985

(H) This section does not limit or affect the right to serve 12986
process upon a foreign corporation in any other manner permitted 12987

by law. 12988

(I) Every foreign corporation for profit shall state in each 12989
annual report filed by it with the department of taxation the name 12990
and address of its designated agent in this state. 12991

Sec. 1703.15. No foreign corporation shall transact in this 12992
state any business that could not be lawfully transacted by a 12993
domestic corporation. Whenever the secretary of state finds that a 12994
foreign corporation licensed to transact business in this state is 12995
transacting in this state a business that a domestic corporation 12996
could not lawfully transact, is transacting business in this state 12997
in a corporate name that is not readily distinguishable from the 12998
name of every other corporation, limited liability company, 12999
limited liability partnership, or limited partnership, domestic or 13000
foreign, or every trade name, registered in the office of the 13001
secretary of state, theretofore authorized to transact business in 13002
this state, without the consent of the other corporation, limited 13003
liability company, limited liability partnership, limited 13004
partnership, or trade name registrant, evidenced in writing filed 13005
with the secretary of state pursuant to section 1703.04 of the 13006
Revised Code, or has failed, after the death or resignation of its 13007
designated agent or the designated agent's removal from this 13008
state, to designate another agent as required by section 1703.041 13009
of the Revised Code, the secretary of state shall give notice 13010
thereof by certified mail to the corporation. Unless that failure 13011
is cured within thirty days after the mailing by the secretary of 13012
state of the notice or within such further period as the secretary 13013
of state grants, the secretary of state, upon the expiration of 13014
such period, shall cancel the license of the foreign corporation 13015
to transact business in this state, give notice of the 13016
cancellation to the corporation by mail, and make a notation of 13017
the cancellation on the secretary of state's records. 13018
13019

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;

(2) That it surrenders its license; 13051

(3) The address to which the secretary of state may mail any 13052
process against such corporation that may be served upon the 13053
secretary of state, and may mail any other notices, certificates, 13054
or statements. 13055

(C) A certificate of surrender, filed with the secretary of 13056
state, on a form prescribed by the secretary of state, shall be 13057
accompanied by: 13058

(1) A receipt, certificate, or other evidence showing the 13059
payment of all franchise, sales, use, and highway use taxes 13060
accruing up to the date of such filing, or that such payment has 13061
been adequately guaranteed; 13062

(2) A receipt, certificate, or other evidence showing the 13063
payment of all personal property taxes accruing up to the date of 13064
such filing; 13065

(3) A receipt, certificate, or other evidence from the 13066
director of job and family services showing that all contributions 13067
due from the corporation as an employer have been paid, or that 13068
such payment has been adequately guaranteed, or that the 13069
corporation is not subject to such contributions; 13070

(4) An affidavit of the officer, or other person permitted by 13071
law, executing the certificate of surrender, containing a 13072
statement of the counties, if any, in this state in which the 13073
corporation has personal property or a statement that the 13074
corporation is of a type required to pay personal property taxes 13075
to state authorities only. 13076

(D) In lieu of the receipt, certificate, or other evidence 13077
described in divisions (C)(1), (2), and (3) of this section, a 13078
certificate of surrender may be accompanied by an affidavit of the 13079
person executing the certificate of surrender, or of an officer of 13080
the corporation, that contains a statement of the date upon which 13081

the particular department, agency, or authority was advised in 13082
writing of the scheduled date of filing the certificate of 13083
surrender and was advised in writing of the acknowledgement by the 13084
corporation that the surrender of its license does not relieve it 13085
of liability, if any, for payment of the taxes and contributions 13086
described in divisions (C)(1), (2), and (3) of this section. 13087

(E) In lieu of filing such certificate of surrender there may 13088
be filed a certificate of the secretary of state, or other proper 13089
official, of the state under the laws of which the corporation is 13090
incorporated, certifying that said corporation has been dissolved 13091
or its corporate existence otherwise terminated, or a certified 13092
copy of an order of court terminating the existence of such 13093
corporation; but such certificate or certified copy shall be 13094
accompanied by the information required by division (B)(3) of this 13095
section. 13096

(F) ~~For~~ After the payment of the fee specified in division 13097
(N)(2) of section 111.16 of the Revised Code and the filing of any 13098
such certificate or certified copy under this section, ~~there shall~~ 13099
~~be paid to the secretary of state a filing fee of twenty-five~~ 13100
~~dollars. The~~ the secretary of state shall ~~thereupon~~ cancel the 13101
license of such corporation, make a notation of such cancellation 13102
upon the secretary of state's records, and mail to the corporation 13103
a certificate of the action so taken. 13104

(G) The mere retirement from business of a foreign 13105
corporation without filing a certificate of surrender shall not 13106
exempt such corporation from the requirements of filing the 13107
reports and paying the fees required by sections 1703.01 to 13108
1703.31 of the Revised Code, or from making reports and paying 13109
excise or franchise fees or taxes. 13110

Sec. 1703.27. No foreign nonprofit corporation shall exercise 13111
its corporate privileges in this state in a continual course of 13112

transactions until it has first procured from the secretary of 13113
state a certificate authorizing it to do so. 13114

Before issuing such certificate, the secretary of state shall 13115
require such foreign corporation to file in the secretary of 13116
state's office a certificate of good standing or subsistence, 13117
setting forth the exact corporate title, the date of 13118
incorporation, and the fact that the corporation is in good 13119
standing or is a subsisting corporation, certified by the 13120
secretary of state, or other proper official, of the state under 13121
the laws of which the corporation was incorporated, and a 13122
statement, on a form prescribed by the secretary of state, 13123
verified by the oath of one of its officers, setting forth, but 13124
not limited to, the following: 13125

(A) The name of the corporation; 13126

(B) The state under the laws of which it is incorporated; 13127

(C) The location of its principal office; 13128

(D) The corporate privileges it proposes to exercise in this 13129
state; 13130

(E) The location of its principal office in this state; 13131

(F) The appointment of a designated agent and the complete 13132
address of such agent; 13133

(G) Its irrevocable consent to service of process on such 13134
agent so long as the authority of the agent continues and to 13135
service of process upon the secretary of state in the events 13136
provided for in section 1703.19 of the Revised Code. 13137

For the filing of ~~such that~~ statement, the secretary of state 13138
shall charge and collect ~~a~~ the fee specified in division (I)(1) of 13139
~~thirty-five dollars~~ section 111.16 of the Revised Code. 13140

A foreign nonprofit corporation shall file an amendment with 13141
the secretary of state if there is a modification of any of the 13142

information required to be included in its statement, except for 13143
changes in information required by division (F) of this section, 13144
which shall be corrected in the same manner as described in 13145
section 1702.06 of the Revised Code. For the filing of ~~such~~ 13146
~~amendment~~ those amendments and corrections, the secretary of state 13147
shall charge and collect ~~a~~ the fee specified in division (B) or 13148
(R) of fifty dollars section 111.16 of the Revised Code. 13149

Sections 1703.01 to 1703.31 of the Revised Code, governing 13150
foreign corporations for profit in respect to exemption from 13151
attachment, change of location of principal office, change of its 13152
designated agent or of the designated agent's address, service on 13153
the secretary of state, license certificate as prima-facie 13154
evidence, proof of due incorporation, filing of amendments 13155
evidencing changes of corporate name, merger, or consolidation, 13156
filing of certificate of surrender, service on retired 13157
corporation, and penalties or forfeitures for transacting business 13158
without license, for false reports, and for failure to comply with 13159
other applicable provisions of such sections, shall also apply to 13160
foreign nonprofit corporations. 13161

The secretary of state may require further reports, 13162
certificates, or information from a foreign nonprofit corporation, 13163
including verification of the continued existence of the 13164
corporation. Upon the failure of any corporation to provide the 13165
information, the secretary of state shall give notice of the 13166
failure by certified mail and, if the report is not filed within 13167
thirty days after the mailing of the notice, the license of the 13168
corporation to exercise its corporate privileges in this state 13169
shall expire and the secretary of state shall make a notation to 13170
that effect on the secretary of state's records. 13171

Sec. 1703.31. (A) Any foreign corporation may register its 13172
corporate name, if its corporate name is available for use under 13173

division (D) of section 1703.04 of the Revised Code, by filing in 13174
the office of the secretary of state an application, on a form 13175
prescribed by the secretary of state, that contains the following 13176
information: 13177

(1) The exact corporate name to be registered; 13178

(2) The complete address of the principal office of the 13179
corporation; 13180

(3) The jurisdiction of its incorporation; 13181

(4) The date of its incorporation; 13182

(5) A statement that it is carrying on or doing business; 13183

(6) The general nature of the business in which it is 13184
engaged; 13185

(7) Any other information required by the secretary of state. 13186

The application shall be signed and verified by an officer of 13188
the applicant. 13189

The application shall be accompanied by a certificate stating 13190
that the corporation is in good standing under the laws of the 13191
jurisdiction of its incorporation, which certificate shall be 13192
executed by the official of the jurisdiction having custody of the 13193
records pertaining to corporations and dated not earlier than 13194
sixty days prior to the filing of the application. 13195

~~A The filing fee specified in division (S)(1) of twenty-five 13196
dollars, payable to the secretary of state, section 111.16 of the 13197
Revised Code shall accompany the application. 13198~~

(B) Registration of a corporate name under this section is 13199
effective for a term of one year from the date of registration. 13200
Upon application, on a form prescribed by the secretary of state, 13201
filed with the secretary of state prior to the expiration of each 13202
one-year term, the registration may be renewed for an additional 13203

term. The renewal application shall set forth the facts required 13204
to be set forth in the original application for registration, 13205
together with a certificate of good standing as required for the 13206
initial registration. 13207

The secretary of state shall notify registrants within the 13208
three months before the expiration of one year from the date of 13209
registration of the necessity of renewal by writing to the 13210
principal office address of the registrants as shown upon the 13211
current registration in effect. 13212

A The renewal fee specified in division (S)(3) of ~~twenty-five~~ 13213
dollars section 111.16 of the Revised Code, payable to the 13214
secretary of state, shall accompany the application for renewal of 13215
the registration. 13216

Sec. 1705.05. (A) The name of a limited liability company 13217
shall include the words, "limited liability company," without 13218
abbreviation or shall include one of the following abbreviations: 13219
"LLC," "L.L.C.," "limited," "ltd.," or "ltd". 13220

(B)(1) Except as provided in this section and in sections 13221
1701.75, 1701.78, 1701.82, 1705.36, and 1705.37 of the Revised 13222
Code, the secretary of state shall not accept for filing in the 13223
secretary of state's office the articles of organization of a 13224
limited liability company if the company name set forth in the 13225
articles is not distinguishable on the records of the secretary of 13226
state from the name of any of the following: 13227

(a) Any other limited liability company, whether the name is 13228
of a domestic limited liability company or of a foreign limited 13229
liability company registered as a foreign limited liability 13230
company under this chapter; 13231

(b) Any corporation, whether the name is of a domestic 13232
corporation or of a foreign corporation holding a license as a 13233

foreign corporation under the laws of this state pursuant to 13234
Chapter 1701., 1702., or 1703. of the Revised Code; 13235

(c) Any limited liability partnership, whether the name is of 13236
a domestic limited liability partnership or a foreign limited 13237
liability partnership registered pursuant to Chapter 1775. of the 13238
Revised Code; 13239

(d) Any limited partnership, whether the name is of a 13240
domestic limited partnership or a foreign limited partnership 13241
registered pursuant to Chapter 1782. of the Revised Code; 13242

(e) Any trade name to which the exclusive right, at the time 13243
in question, is registered in the office of the secretary of state 13244
pursuant to Chapter 1329. of the Revised Code. 13245

(2) The secretary of state may accept for filing in the 13246
secretary of state's office the articles of organization of a 13247
limited liability company whose name set forth in the articles is 13248
not distinguishable on the records of the secretary of state from 13249
any trade name or the name of another limited liability company, 13250
corporation, limited liability partnership, or limited partnership 13251
if there also is filed in the secretary of state's office the 13252
consent of the other entity or, in the case of a registered trade 13253
name, the person in whose name is registered the exclusive right 13254
to the use of the particular name. 13255

(C) A consent given by an entity or person in whose name is 13256
registered the exclusive right to use a trade name, to the use of 13257
a name by a limited liability company, shall be in the form of an 13258
instrument, prescribed by the secretary of state, that is signed 13259
by an authorized officer or other authorized representative of the 13260
consenting entity or person in whose name the trade name is 13261
registered. 13262

(D) If a judicial sale or a judicial transfer by sale, 13263
transfer of good will, or otherwise involves the right to use the 13264

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

maintain continuously in this state an agent for service of 13296
process on the company. The agent shall be an individual who is a 13297
resident of this state, a domestic corporation, or a foreign 13298
corporation holding a license as a foreign corporation under the 13299
laws of this state. 13300

(B)(1) The secretary of state shall not accept original 13301
articles of organization of a limited liability company for filing 13302
unless the articles are accompanied by both of the following: 13303

(a) A written appointment of an agent as described in 13304
division (A) of this section that is signed by an authorized 13305
member, manager, or other representative of the limited liability 13306
company; 13307

(b) A written acceptance of the appointment that is signed by 13308
the designated agent on a form prescribed by the secretary of 13309
state. 13310

(2) In cases not covered by division (B)(1) of this section, 13311
the limited liability company shall appoint the agent described in 13312
division (A) of this section and shall file with the secretary of 13313
state, on a form prescribed by the secretary of state, a written 13314
appointment of that agent that is signed as described in division 13315
(K) of this section and a written acceptance of the appointment 13316
that is signed by the designated agent. 13317

(3) For purposes of divisions (B)(1) and (2) of this section, 13318
the filed written acceptance of an agent's appointment shall be a 13319
signed original document or a photocopy, facsimile, or similar 13320
reproduction of a signed original document. 13321

(C) The written appointment of an agent described in division 13322
(A) of this section shall set forth the name of the agent and the 13323
agent's address in this state, including the street and number or 13324
other particular description of that address. It otherwise shall 13325
be in the form that the secretary of state prescribes. The 13326

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

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

and shall forward to the company at either address by certified
mail, return receipt requested, a copy of the process, notice, or
demand. Service upon the company is made when the secretary of
state gives the notice and forwards the process, notice, or demand
as set forth in division (H)(2) of this section.

(I) The secretary of state shall keep a record of each
process, notice, and demand that pertains to a limited liability
company and that is delivered to the secretary of state's office
under this section or another law of this state that authorizes
service upon the secretary of state in connection with a limited
liability company. In that record, the secretary of state shall
record the time of each delivery of that type and the secretary of
state's subsequent action with respect to the process, notice, or
demand.

(J) This section does not limit or affect the right to serve
any process, notice, or demand upon a limited liability company in
any other manner permitted by law.

(K) The written appointment of an agent or a written
statement filed by the company with the secretary of state shall
be signed by an authorized member, manager, or other
representative of the company.

~~(L) For filing a written appointment of an agent described in
division (A) of this section that is not filed with the original
articles of organization of a limited liability company and for
filing a statement of change of address of an agent, the secretary
of state shall charge and collect a fee of three dollars.~~

Sec. 1705.38. (A) Upon the adoption by each constituent
entity of an agreement of merger or consolidation pursuant to
section 1705.36 or 1705.37 of the Revised Code, a certificate of
merger or consolidation shall be filed with the secretary of state

that is signed by a manager of each constituent limited liability 13422
company in which the management is not reserved to its members, by 13423
at least one member of each other constituent limited liability 13424
company, by at least one general partner of each constituent 13425
partnership, and by an authorized representative of each other 13426
constituent entity. The certificate shall be on a form prescribed 13427
by the secretary of state and shall set forth only the information 13428
required by this section. 13429

(B)(1) The certificate of merger or consolidation shall set 13430
forth all of the following: 13431

(a) The name and the form of entity of each constituent 13432
entity and the state under the laws of which each constituent 13433
entity exists; 13434

(b) A statement that each constituent entity has complied 13435
with all of the laws under which it exists and that the laws 13436
permit the merger or consolidation; 13437

(c) The name and mailing address of the person or entity that 13438
is to provide, in response to any written request made by a 13439
shareholder, partner, or other equity holder of a constituent 13440
entity, a copy of the agreement of merger or consolidation; 13441

(d) The effective date of the merger or consolidation, which 13442
date may be on or after the date of the filing of the certificate; 13443

(e) The signature of the representative or representatives 13444
authorized to sign the certificate on behalf of each constituent 13445
entity and the office held or the capacity in which the 13446
representative is acting; 13447

(f) A statement that the agreement of merger or consolidation 13448
is authorized on behalf of each constituent entity and that the 13449
persons who signed the certificate on behalf of each entity are 13450
authorized to do so; 13451

(g) In the case of a merger, a statement that one or more 13452

specified constituent entities will be merged into a specified 13453
surviving entity or, in the case of a consolidation, a statement 13454
that the constituent entities will be consolidated into a new 13455
entity; 13456

(h) In the case of a merger, if the surviving entity is a 13457
foreign entity not licensed to transact business in this state, 13458
the name and address of the statutory agent upon whom any process, 13459
notice, or demand may be served; 13460

(i) In the case of a consolidation, the name and address of 13461
the statutory agent upon whom any process, notice, or demand 13462
against any constituent entity or the new entity may be served. 13463

(2) In the case of a consolidation into a new domestic 13464
corporation, limited liability company, or limited partnership, 13465
the articles of incorporation, the articles of organization, or 13466
the certificate of limited partnership of the new domestic entity 13467
shall be filed with the certificate of merger or consolidation. 13468

(3) In the case of a merger into a domestic corporation, 13469
limited liability company, or limited partnership, any amendments 13470
to the articles of incorporation, articles of organization, or 13471
certificate of limited partnership of the surviving domestic 13472
entity shall be filed with the certificate of merger or 13473
consolidation. 13474

(4) If the surviving or new entity is a foreign entity that 13475
desires to transact business in this state as a foreign 13476
corporation, limited liability company, or limited partnership, 13477
the certificate of merger or consolidation shall be accompanied by 13478
the information required by division (B)(8), (9), or (10) of 13479
section 1705.37 of the Revised Code. 13480

(5) If a foreign or domestic corporation licensed to transact 13481
business in this state is a constituent entity and the surviving 13482
or new entity resulting from the merger or consolidation is not a 13483

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;

(c) The date of the filing of the certificate of merger or consolidation in the secretary of state's office; 13516
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(d) The effective date of the merger or consolidation. 13518

(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. 13519
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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. ~~ff~~ 13526
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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.~~ 13534
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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 13543
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written appointment of another agent and an acceptance of 13547
appointment in the manner described in division (B)(2) of section 13548
1705.06 of the Revised Code and a statement indicating that the 13549
appointment of the former agent is revoked. 13550

(D) The fee specified in division (R) of section 111.16 of 13551
the Revised Code shall accompany a filing under division (B) or 13552
(C) of this section. 13553

Sec. 1746.04. (A) Except as set forth in section 1746.03 of 13554
the Revised Code, before transacting business in this state, a 13555
business trust shall file ~~a report~~ in the office of the secretary 13556
of state, on forms prescribed by the secretary of state, a report 13557
containing the following information: 13558

(1) A list of the names and addresses of its trustees; 13559

(2) The address of its principal office; 13560

(3) In the case of a foreign business trust, the address of 13561
its principal office within this state, if any; 13562

(4) The business names of the business trust, including any 13563
fictitious or assumed names; 13564

(5) The name and address within this state of a designated 13565
agent upon whom process against the business trust may be served; 13566

(6) The irrevocable consent of the business trust to service 13567
of process upon its designated agent and to service of process 13568
upon the secretary of state if, without the registration of 13569
another agent with the secretary of state, its designated agent 13570
has died, resigned, lost authority, dissolved, become 13571
disqualified, or has removed from this state, or if its designated 13572
agent cannot, with due diligence, be found. 13573

Such report shall have attached as an exhibit an executed 13574
copy of the trust instrument or a true and correct copy of it, 13575

certified to be such by a trustee before an official authorized to 13576
administer oaths or by a public official in another state in whose 13577
office an executed copy is on file. 13578

(B) Not more than ninety days after the occurrence of any 13579
event causing any filing, including exhibits, made pursuant to 13580
division (A) of this section, or any previous filing made pursuant 13581
to this division, to be inaccurate or incomplete, there shall be 13582
filed in the office of the secretary of state all information 13583
necessary to maintain the accuracy and completeness of such 13584
filing. 13585

(C) The secretary of state shall charge and collect ~~a fee~~ the 13586
fees specified in division (T) of ~~seventy-five dollars~~ section 13587
111.16 of the Revised Code for each filing made under division (A) 13588
~~of this section and fifteen dollars for each filing under division~~ 13589
~~or~~ (B) of this section, except for filings under division (B) of 13590
this section pertaining solely to division (A)(5) of this section, 13591
for which the secretary of state shall charge and collect the fee 13592
specified in division (R) of section 111.16 of the Revised Code. 13593

(D) The trust instrument and other information filed in the 13594
office of the secretary of state are matters of public record, and 13595
persons dealing with a business trust are charged with 13596
constructive notice of the contents of any such instrument or 13597
information by reason of such filing. 13598

(E) A copy of a trust instrument or other information filed 13599
in the office of the secretary of state shall be accepted as 13600
prima-facie evidence of the existence of the instrument or other 13601
information and of its contents, and conclusive evidence of the 13602
existence of such record. 13603

Sec. 1746.06. (A) No business trust that has made a filing 13604
pursuant to section 1746.04 of the Revised Code may use the words 13605
"Incorporated," "Corporation," "Inc.," "Co.," "Partnership," 13606

"Ltd.," or derivatives thereof in its name. 13607

(B) No business trust formed after the effective date of this 13608
chapter that has made a filing pursuant to section 1746.04 of the 13609
Revised Code shall assume the name of any corporation established 13610
under the laws of this state, or of a corporation, firm, or 13611
association, or trust whether or not as defined in section 1746.01 13612
of the Revised Code, or of an individual, carrying on business in 13613
this state at the time when the business trust is created, or 13614
assume a name so similar thereto as to be likely to be mistaken 13615
for it, except with the written consent of such existing 13616
corporation, firm, association, or trust, or of such individual, 13617
previously or concurrently filed with the secretary of state. 13618

(C) The secretary of state shall refuse to receive for filing 13619
the trust instrument of a business trust if it appears to ~~him~~ the 13620
secretary of state to have violated any provision of this section. 13621
The courts of common pleas of this state shall have jurisdiction, 13622
upon the application of any person interested or affected, to 13623
enjoin a business trust from transacting business under any name 13624
in violation of any provision of this section, notwithstanding 13625
that the trust instrument of such business trust has been received 13626
for filing under section 1746.04 of the Revised Code. 13627

(D) Any person who wishes to reserve a name for a proposed 13629
new business trust, or any business trust intending to change its 13630
name, may submit to the secretary of state a written application 13631
for the exclusive right to use a specified name as the name of a 13632
business trust. If the secretary of state finds that, under this 13633
section, the specified name is available for such use, ~~he~~ the 13634
secretary of state shall indorse ~~his~~ the secretary of state's 13635
approval upon and file such application and, from the date of such 13636
indorsement, such applicant shall have the exclusive right for 13637
sixty one hundred eighty days to use the specified name as the 13638

name of a business trust, counting the date of such indorsement as 13639
the first of the ~~sixty~~ one hundred eighty days. The right so 13640
obtained may be transferred by the applicant or other holder 13641
thereof by the filing in the office of the secretary of state of a 13642
written transfer stating the name and address of the transferee. 13643
For filing any application for the exclusive right to use a 13644
specified name under this division, the secretary of state shall 13645
charge and collect ~~a~~ the fee specified in division (S)(1) of five 13646
dollars section 111.16 of the Revised Code. For each filing of a 13647
transfer of the right to an exclusive name under this division, 13648
the secretary of state shall charge and collect the fee specified 13649
in division (S)(4) of section 111.16 of the Revised Code. 13650

(E) Any business trust that has not made the filings 13651
described under section 1746.04 of the Revised Code may submit to 13652
the secretary of state a written application for the exclusive 13653
right to use a specified name as the name of such business trust. 13654
If the secretary of state finds that, under this section, the 13655
specified name is available for such use, ~~he~~ the secretary of 13656
state shall indorse ~~his~~ the secretary of state's approval upon and 13657
file such application and, from the date of such indorsement, such 13658
applicant has the exclusive right to use the specified name for 13659
the period that it transacts business. The right so obtained may 13660
be transferred by the applicant or other holder thereof by the 13661
filing in the office of the secretary of state of a written 13662
transfer stating the name and address of the transferee. For 13663
filing ~~any~~ an application for the exclusive right to use a 13664
specified name under this division, the secretary of state shall 13665
charge and collect ~~a~~ the fee specified in division (S)(1) of five 13666
dollars section 111.16 of the Revised Code. 13667

Sec. 1746.15. Any business trust that has made the filings 13668
described in section 1746.04 of the Revised Code may withdraw from 13669
this state at any time by filing in the office of the secretary of 13670

state a verified copy of a resolution duly adopted by its trustees 13671
declaring its intention to withdraw and surrender its authority, 13672
accompanied by a the fee of fifteen dollars specified in division 13673
(T) of section 111.16 of the Revised Code. 13674

Sec. 1747.03. (A) Before transacting real estate business in 13675
this state, a real estate investment trust shall file the 13676
following report in the office of the secretary of state, on forms 13677
prescribed by the secretary of state: 13678

(1) An executed copy of the trust instrument or a true and 13679
correct copy of it, certified to be such by a trustee before an 13680
official authorized to administer oaths or by a public official in 13681
another state in whose office an executed copy is on file; 13682

(2) A list of the names and addresses of its trustees; 13683

(3) The address of its principal office; 13684

(4) In the case of a foreign real estate investment trust, 13685
the address of its principal office within this state, if any; 13686

(5) The business name of the trust; 13687

(6) The name and address within this state of a designated 13688
agent upon whom process against the trust may be served; 13689

(7) The irrevocable consent of the trust to service of 13690
process on its designated agent and to service of process upon the 13691
secretary of state if, without the registration of another agent 13692
with the secretary of state, its designated agent has died, 13693
resigned, lost authority, dissolved, become disqualified, or has 13694
removed from this state, or if its designated agent cannot, with 13695
due diligence, be found; 13696

(8) Not more than ninety days after the occurrence of any 13697
event causing any filing made pursuant to divisions (A)(2) to (6) 13698
of this section, or any previous filing made pursuant to this 13699
division, to be inaccurate or incomplete, all information 13700

necessary to maintain the accuracy and completeness of such
filing.

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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.

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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.

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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.

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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.

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Sec. 1747.10. Any domestic or foreign real estate investment trust authorized to transact real estate business in this state may surrender its authority at any time by filing in the office of the secretary of state a verified copy of a resolution duly adopted by its trustees declaring its intention to withdraw, accompanied by ~~a~~ the fee specified in division (T) of ten-dollars section 111.16 of the Revised Code. Such real estate investment trust then ceases and is without authority to transact real estate business in this state, except as necessary for ~~the concluding~~ thereof its conclusion.

Sec. 1775.63. (A) A domestic limited liability partnership or foreign registered limited liability partnership shall, ~~annually~~ biennially during the month of July in odd-numbered years, file a report with the office of the secretary of state verifying and, if necessary, updating, as of the thirtieth day of June of that year, the information contained in the registration application required by division (A) of sections 1775.61 and 1775.64 of the Revised Code. The ~~annual~~ report shall be made on a form prescribed and furnished by the secretary of state and shall be signed by a majority in interest of the partners or by one or more partners authorized by the partnership to execute the report.

(B) If a domestic limited liability partnership or foreign registered limited liability partnership fails to file the ~~annual~~ report in accordance with division (A) of this section, the secretary of state shall give notice of the failure by certified mail to the last known address of the partnership or its statutory agent. If the report is not filed within thirty days after the mailing of the notice, the secretary of state shall, upon the expiration of that period, cancel the registration of the partnership, give notice of the cancellation to the partnership by regular mail to the last known address of the partnership or its

statutory agent, and make a notation of the cancellation on the 13763
secretary of state's records. 13764

(C) A domestic limited liability partnership or foreign 13765
registered limited liability partnership whose registration has 13766
been canceled pursuant to division (B) of this section may be 13767
reinstated by filing an application for reinstatement, together 13768
with the required ~~annual~~ report or reports, and by paying a the 13769
reinstatement fee specified in division (Q) of ~~ten dollars~~ section 13770
111.16 of the Revised Code. The secretary of state shall inform 13771
the tax commissioner of all cancellations and reinstatements under 13772
this section. 13773

Sec. 1775.64. (A) Before transacting business in this state, 13774
a foreign limited liability partnership shall file a registration 13775
application with the secretary of state. The application shall be 13776
on a form prescribed by the secretary of state and shall set forth 13777
only the following information: 13778

(1) The name of the partnership; 13779

(2) The jurisdiction pursuant to the laws of which it was 13780
organized as a limited liability partnership; 13781

(3) The address of its principal office or, if the 13782
partnership's principal office is not located in this state, the 13783
address of a registered office; 13784

(4) The name and address of its agent for service of process 13785
in this state; 13786

(5) A brief statement of the business in which the 13787
partnership engages. 13788

(B) A registration application shall be accompanied by the 13789
application fee specified in division (F) of section 111.16 of the 13790
Revised Code. 13791

(C) A foreign limited liability partnership transacting 13792

business in this state shall comply with the name, correction, and 13793
annual reporting requirements set forth in division (G) of section 13794
1775.61, divisions (B) and (C) of section 1775.62, and section 13795
1775.63 of the Revised Code and shall comply with any statutory or 13796
administrative registration or filing requirements governing the 13797
specific type of business in which the partnership engages. 13798

(D) The secretary of state shall register as a foreign 13799
limited liability partnership, any foreign limited liability 13800
partnership that submits a completed registration application with 13801
the required fee. 13802

(E) Registration as a foreign limited liability partnership 13803
ceases if ~~either of the following occurs:~~ 13804

~~(1) The registration is voluntarily withdrawn by filing with 13805
the secretary of state, on a form prescribed by the secretary of 13806
state, a written withdrawal notice signed by one or more partners 13807
authorized by the partnership to execute a withdrawal notice. 13808~~

~~(2) The registration is canceled by the secretary of state 13809
pursuant to section 1775.63 of the Revised Code. 13810~~

Sec. 1782.04. (A) Each limited partnership shall maintain 13811
continuously in this state an agent for service of process on the 13812
limited partnership. The agent shall be a natural person who is a 13813
resident of this state, a domestic corporation, or a foreign 13814
corporation holding a license as such under the laws of this 13815
state. 13816

(B) The secretary of state shall not accept a certificate of 13817
limited partnership for filing unless there is filed with the 13818
certificate a written appointment of an agent that is signed by 13819
the general partners of the limited partnership and a written 13820
acceptance of the appointment that is signed by the agent, or 13821
unless there is filed a written appointment of an agent that is 13822

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. 13823
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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. 13828
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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. 13832
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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. 13838
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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. 13842
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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 13847
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current address of the agent, the current or last known address, 13854
including the street and number or other particular description, 13855
of the limited partnership's principal office, the resignation of 13856
the agent, and a statement that a copy of the notice has been sent 13857
to the limited partnership within the time and in the manner 13858
prescribed by this division. Upon the expiration of thirty days 13859
after the filing, the authority of the agent shall terminate. 13860

(G) A limited partnership may revoke the appointment of an 13861
agent by filing with the secretary of state, on a form prescribed 13862
by the secretary of state, a written appointment of another agent 13863
and a statement that the appointment of the former agent is 13864
revoked. 13865

(H) Except when an original appointment of an agent is filed 13866
with the certificate of limited partnership, a written appointment 13867
of an agent or a written statement filed by a limited partnership 13868
with the secretary of state shall be signed by any authorized 13869
officer of the limited partnership, or the general partners of the 13870
limited partnership, or a majority of them. 13871

Sec. 1782.08. (A) To form a limited partnership, a 13872
certificate of limited partnership shall be executed and filed 13873
with the secretary of state, as provided in section 1782.13 of the 13874
Revised Code. The certificate shall be on a form prescribed by the 13875
secretary of state and shall set forth all of the following: 13876

(1) The name of the limited partnership; 13877

(2) The address of the principal place of business of the 13878
limited partnership ~~and the name and address, including the street~~ 13879
~~and number or other particular description, of the agent for~~ 13880
~~service of process maintained pursuant to section 1782.04 of the~~ 13881
~~Revised Code;~~ 13882

(3) The name and business or residence address of each 13883

general partner; 13884

(4) Any other matters that the general partners determine to include in the certificate. 13885
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(B) A written appointment of a statutory agent for the purpose set forth in section 1782.04 of the Revised Code shall be filed with the certificate of limited partnership. 13887
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(C) A limited partnership is an entity formed at the time of filing the certificate of limited partnership pursuant to section 1782.13 of the Revised Code or at any later time specified in the certificate if, in either case, there has been substantial compliance with the requirements of ~~division~~ divisions (A) and (B) of this section. 13890
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Sec. 1782.09. (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: 13896
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(1) The name of the limited partnership and the file number assigned to it by the secretary of state; 13901
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(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; 13903
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(3) The amendment to the certificate of limited partnership. 13907

(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: 13908
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(1) A new general partner is admitted; 13912

(2) A general partner withdraws;	13913
(3) The business is continued pursuant to section 1782.44 of the Revised Code after an event of withdrawal of a general partner;	13914 13915 13916
(4) The address of the principal place of business of the limited partnership changes;	13917 13918
(5) The name or identity of the statutory agent changes;	13919
(6) The address of the statutory agent changes;	13920
(7) The name of the limited partnership is changes.	13921
(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.	13922 13923 13924 13925 13926
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.	13927 13928 13929 13930 13931 13932 13933
(D) A certificate of limited partnership may be amended at any time for any other proper purpose the general partners determine.	13934 13935 13936
(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.	13937 13938 13939 13940 13941
(F) A certificate of limited partnership may be restated at	13942

any time by filing a restatement of the certificate of limited
partnership with the secretary of state.

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.

(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 13973
authorized to do so; 13974

(g) In the case of a merger, a statement that one or more 13975
specified constituent entities will be merged into a specified 13976
surviving entity or, in the case of a consolidation, a statement 13977
that the constituent entities will be consolidated into a new 13978
entity; 13979

(h) In the case of a merger, if the surviving entity is a 13980
foreign entity not licensed to transact business in this state, 13981
the name and address of the statutory agent upon whom any process, 13982
notice, or demand may be served; 13983

(i) In the case of a consolidation, the name and address of 13984
the statutory agent upon whom any process, notice, or demand 13985
against any constituent entity or the new entity may be served. 13986

(2) In the case of a consolidation into a new domestic 13987
corporation, limited liability company, or limited partnership, 13988
the articles of incorporation, the articles of organization, or 13989
the certificate of limited partnership of the new domestic entity 13990
shall be filed with the certificate of merger or consolidation. 13991

(3) In the case of a merger into a domestic corporation, 13992
limited liability company, or limited partnership, any amendments 13993
to the articles of incorporation, articles of organization, or 13994
certificate of limited partnership of the surviving domestic 13995
entity shall be filed with the certificate of merger or 13996
consolidation. 13997

(4) If the surviving or new entity is a foreign entity that 13998
desires to transact business in this state as a foreign 13999
corporation, limited liability company, or limited partnership, 14000
the certificate of merger or consolidation shall be accompanied by 14001
the information required by division (B)(7), (8), or (9) of 14002
section 1782.432 of the Revised Code. 14003

(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

the state under the laws of which the surviving entity exists or 14036
the new entity is to exist; the date of filing of the certificate 14037
of merger or consolidation with the secretary of state; and the 14038
effective date of the merger or consolidation. The certificate of 14039
the secretary of state, or a copy of the certificate of merger or 14040
consolidation certified by the secretary of state, may be filed 14041
for record in the office of the recorder of any county in this 14042
state and, if filed, shall be recorded in the records of deeds for 14043
that county. For that recording, the county recorder shall charge 14044
and collect the same fee as in the case of deeds. 14045

Sec. 1785.06. A professional association, within thirty days 14046
after the thirtieth day of June in each year, shall furnish a 14047
statement to the secretary of state showing the names and 14048
post-office addresses of all of the shareholders in the 14049
association and certifying that all of the shareholders are duly 14050
licensed, certificated, or otherwise legally authorized to render 14051
within this state the same professional service for which the 14052
association was organized or, in the case of a combination of 14053
professional services described in division (B) of section 1785.01 14054
of the Revised Code, to render within this state any of the 14055
applicable types of professional services for which the 14056
association was organized. This statement shall be made on a form 14057
that the secretary of state shall prescribe, shall be signed by an 14058
officer of the association, and shall be filed in the office of 14059
the secretary of state. 14060

If any professional association fails to file the annual 14061
statement within the time required by this section, the secretary 14062
of state shall give notice of the failure by certified mail, 14063
return receipt requested, to the last known address of the 14064
association or its agent. If the annual statement is not filed 14065
within thirty days after the mailing of the notice, the secretary 14066
of state, upon the expiration of that period, shall cancel the 14067

association's articles of incorporation, give notice of the 14068
cancellation to the association by mail sent to the last known 14069
address of the association or its agent, and make a notation of 14070
the cancellation on the records of the secretary of state. 14071

A professional association whose articles have been canceled 14072
pursuant to this section may be reinstated by filing an 14073
application for reinstatement and the required annual statement or 14074
statements and by paying a the reinstatement fee specified in 14075
division (Q) of ~~ten dollars~~ section 111.16 of the Revised Code. 14076
The rights, privileges, and franchises of a professional 14077
association whose articles have been reinstated are subject to 14078
section 1701.922 of the Revised Code. The secretary of state shall 14079
inform the tax commissioner of all cancellations and 14080
reinstatements under this section. 14081

Sec. 1901.26. (A) Subject to division (E) of this section, 14082
costs in a municipal court shall be fixed and taxed as follows: 14083

(1) The municipal court shall require an advance deposit for 14084
the filing of any new civil action or proceeding when required by 14085
division (A)(9) of this section, and in all other cases, by rule, 14086
shall establish a schedule of fees and costs to be taxed in any 14087
civil or criminal action or proceeding. 14088

(2) The municipal court, by rule, may require an advance 14089
deposit for the filing of any civil action or proceeding and 14090
publication fees as provided in section 2701.09 of the Revised 14091
Code. The court may waive the requirement for advance deposit upon 14092
affidavit or other evidence that a party is unable to make the 14093
required deposit. 14094

(3) When a jury trial is demanded in any civil action or 14095
proceeding, the party making the demand may be required to make an 14096
advance deposit as fixed by rule of court, unless, upon affidavit 14097
or other evidence, the court concludes that the party is unable to 14098

make the required deposit. If a jury is called, the fees of a jury shall be taxed as costs. 141099
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(4) In any civil or criminal action or proceeding, witnesses' fees shall be fixed in accordance with sections 2335.06 and 2335.08 of the Revised Code. 141101
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(5) A reasonable charge for driving, towing, carting, storing, keeping, and preserving motor vehicles and other personal property recovered or seized in any proceeding may be taxed as part of the costs in a trial of the cause, in an amount that shall be fixed by rule of court. 141104
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(6) Chattel property seized under any writ or process issued by the court shall be preserved pending final disposition for the benefit of all persons interested and may be placed in storage when necessary or proper for that preservation. The custodian of any chattel property so stored shall not be required to part with the possession of the property until a reasonable charge, to be fixed by the court, is paid. 141109
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(7) The municipal court, as it determines, may refund all deposits and advance payments of fees and costs, including those for jurors and summoning jurors, when they have been paid by the losing party. 141116
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(8) Charges for the publication of legal notices required by statute or order of court may be taxed as part of the costs, as provided by section 7.13 of the Revised Code. 141120
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(B)(1) The municipal court may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment 141123
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of magistrates, the training and education of judges, acting 14130
judges, and magistrates, and other related services. Upon that 14131
determination, the court by rule may charge a fee, in addition to 14132
all other court costs, on the filing of each criminal cause, civil 14133
action or proceeding, or judgment by confession. 14134

If the municipal court offers a special program or service in 14135
cases of a specific type, the municipal court by rule may assess 14136
an additional charge in a case of that type, over and above court 14137
costs, to cover the special program or service. The municipal 14138
court shall adjust the special assessment periodically, but not 14139
retroactively, so that the amount assessed in those cases does not 14140
exceed the actual cost of providing the service or program. 14141

All moneys collected under division (B) of this section shall 14142
be paid to the county treasurer if the court is a county-operated 14143
municipal court or to the city treasurer if the court is not a 14144
county-operated municipal court for deposit into either a general 14145
special projects fund or a fund established for a specific special 14146
project. Moneys from a fund of that nature shall be disbursed upon 14147
an order of the court in an amount no greater than the actual cost 14148
to the court of a project. If a specific fund is terminated 14149
because of the discontinuance of a program or service established 14150
under division (B) of this section, the municipal court may order 14151
that moneys remaining in the fund be transferred to an account 14152
established under this division for a similar purpose. 14153

(2) As used in division (B) of this section: 14154

(a) "Criminal cause" means a charge alleging the violation of 14155
a statute or ordinance, or subsection of a statute or ordinance, 14156
that requires a separate finding of fact or a separate plea before 14157
disposition and of which the defendant may be found guilty, 14158
whether filed as part of a multiple charge on a single summons, 14159
citation, or complaint or as a separate charge on a single 14160
summons, citation, or complaint. "Criminal cause" does not include 14161

separate violations of the same statute or ordinance, or 14162
subsection of the same statute or ordinance, unless each charge is 14163
filed on a separate summons, citation, or complaint. 14164

(b) "Civil action or proceeding" means any civil litigation 14165
that must be determined by judgment entry. 14166

~~(C) Prior to January 1, 1993, and on and after January 1,~~ 14167
~~2003, the municipal court shall collect the sum of four dollars as~~ 14168
~~additional filing fees in each new civil action or proceeding for~~ 14169
~~the charitable public purpose of providing financial assistance to~~ 14170
~~legal aid societies that operate within the state. From January 1,~~ 14171
~~1993, through December 31, 2002, the~~ The municipal court shall 14172
collect in all its divisions except the small claims division the 14173
sum of fifteen dollars as additional filing fees in each new civil 14174
action or proceeding for the charitable public purpose of 14175
providing financial assistance to legal aid societies that operate 14176
within the state. ~~From January 1, 1993, through December 31, 2002,~~ 14177
~~the~~ The municipal court shall collect in its small claims division 14178
the sum of seven dollars as additional filing fees in each new 14179
civil action or proceeding for the charitable public purpose of 14180
providing financial assistance to legal aid societies that operate 14181
within the state. This division does not apply to any execution on 14182
a judgment, proceeding in aid of execution, or other post-judgment 14183
proceeding arising out of a civil action. The filing fees required 14184
to be collected under this division shall be in addition to any 14185
other court costs imposed in the action or proceeding and shall be 14186
collected at the time of the filing of the action or proceeding. 14187
The court shall not waive the payment of the additional filing 14188
fees in a new civil action or proceeding unless the court waives 14189
the advanced payment of all filing fees in the action or 14190
proceeding. All such moneys shall be transmitted on the first 14191
business day of each month by the clerk of the court to the 14192
treasurer of state. The moneys then shall be deposited by the 14193

treasurer of state to the credit of the legal aid fund established 14194
under section 120.52 of the Revised Code. 14195

The court may retain up to one per cent of the moneys it 14196
collects under this division to cover administrative costs, 14197
including the hiring of any additional personnel necessary to 14198
implement this division. 14199

(D) In the Cleveland municipal court, reasonable charges for 14200
investigating titles of real estate to be sold or disposed of 14201
under any writ or process of the court may be taxed as part of the 14202
costs. 14203

(E) Under the circumstances described in sections 2969.21 to 14204
2969.27 of the Revised Code, the clerk of the municipal court 14205
shall charge the fees and perform the other duties specified in 14206
those sections. 14207

Sec. 1907.24. (A) Subject to division (C) of this section, a 14208
county court shall fix and tax fees and costs as follows: 14209

(1) The county court shall require an advance deposit for the 14210
filing of any new civil action or proceeding when required by 14211
division (C) of this section and, in all other cases, shall 14212
establish a schedule of fees and costs to be taxed in any civil or 14213
criminal action or proceeding. 14214

(2) The county court by rule may require an advance deposit 14215
for the filing of a civil action or proceeding and publication 14216
fees as provided in section 2701.09 of the Revised Code. The court 14217
may waive an advance deposit requirement upon the presentation of 14218
an affidavit or other evidence that establishes that a party is 14219
unable to make the requisite deposit. 14220

(3) When a party demands a jury trial in a civil action or 14221
proceeding, the county court may require the party to make an 14222
advance deposit as fixed by rule of court, unless the court 14223

concludes, on the basis of an affidavit or other evidence 14224
presented by the party, that the party is unable to make the 14225
requisite deposit. If a jury is called, the county court shall tax 14226
the fees of a jury as costs. 14227

(4) In a civil or criminal action or proceeding, the county 14228
court shall fix the fees of witnesses in accordance with sections 14229
2335.06 and 2335.08 of the Revised Code. 14230

(5) A county court may tax as part of the costs in a trial of 14231
the cause, in an amount fixed by rule of court, a reasonable 14232
charge for driving, towing, carting, storing, keeping, and 14233
preserving motor vehicles and other personal property recovered or 14234
seized in a proceeding. 14235

(6) The court shall preserve chattel property seized under a 14236
writ or process issued by the court pending final disposition for 14237
the benefit of all interested persons. The court may place the 14238
chattel property in storage when necessary or proper for its 14239
preservation. The custodian of chattel property so stored shall 14240
not be required to part with the possession of the property until 14241
a reasonable charge, to be fixed by the court, is paid. 14242

(7) The county court, as it determines, may refund all 14243
deposits and advance payments of fees and costs, including those 14244
for jurors and summoning jurors, when they have been paid by the 14245
losing party. 14246

(8) The court may tax as part of costs charges for the 14247
publication of legal notices required by statute or order of 14248
court, as provided by section 7.13 of the Revised Code. 14249

(B)(1) The county court may determine that, for the efficient 14250
operation of the court, additional funds are necessary to acquire 14251
and pay for special projects of the court including, but not 14252
limited to, the acquisition of additional facilities or the 14253
rehabilitation of existing facilities, the acquisition of 14254

equipment, the hiring and training of staff, community service 14255
programs, mediation or dispute resolution services, the employment 14256
of magistrates, the training and education of judges, acting 14257
judges, and magistrates, and other related services. Upon that 14258
determination, the court by rule may charge a fee, in addition to 14259
all other court costs, on the filing of each criminal cause, civil 14260
action or proceeding, or judgment by confession. 14261

If the county court offers a special program or service in 14262
cases of a specific type, the county court by rule may assess an 14263
additional charge in a case of that type, over and above court 14264
costs, to cover the special program or service. The county court 14265
shall adjust the special assessment periodically, but not 14266
retroactively, so that the amount assessed in those cases does not 14267
exceed the actual cost of providing the service or program. 14268

All moneys collected under division (B) of this section shall 14269
be paid to the county treasurer for deposit into either a general 14270
special projects fund or a fund established for a specific special 14271
project. Moneys from a fund of that nature shall be disbursed upon 14272
an order of the court in an amount no greater than the actual cost 14273
to the court of a project. If a specific fund is terminated 14274
because of the discontinuance of a program or service established 14275
under division (B) of this section, the county court may order 14276
that moneys remaining in the fund be transferred to an account 14277
established under this division for a similar purpose. 14278

(2) As used in division (B) of this section: 14279

(a) "Criminal cause" means a charge alleging the violation of 14280
a statute or ordinance, or subsection of a statute or ordinance, 14281
that requires a separate finding of fact or a separate plea before 14282
disposition and of which the defendant may be found guilty, 14283
whether filed as part of a multiple charge on a single summons, 14284
citation, or complaint or as a separate charge on a single 14285
summons, citation, or complaint. "Criminal cause" does not include 14286

separate violations of the same statute or ordinance, or 14287
subsection of the same statute or ordinance, unless each charge is 14288
filed on a separate summons, citation, or complaint. 14289

(b) "Civil action or proceeding" means any civil litigation 14290
that must be determined by judgment entry. 14291

(C) Subject to division (E) of this section, ~~prior to January~~ 14292
~~1, 1993, and on and after January 1, 2003, the county court shall~~ 14293
~~collect the sum of four dollars as additional filing fees in each~~ 14294
~~new civil action or proceeding for the charitable public purpose~~ 14295
~~of providing financial assistance to legal aid societies that~~ 14296
~~operate within the state. Subject to division (E) of this section,~~ 14297
~~from January 1, 1993, through December 31, 2002, the county court~~ 14298
shall collect in all its divisions except the small claims 14299
division the sum of fifteen dollars as additional filing fees in 14300
each new civil action or proceeding for the charitable public 14301
purpose of providing financial assistance to legal aid societies 14302
that operate within the state. Subject to division (E) of this 14303
section, ~~from January 1, 1993, through December 31, 2002, the~~ 14304
county court shall collect in its small claims division the sum of 14305
seven dollars as additional filing fees in each new civil action 14306
or proceeding for the charitable public purpose of providing 14307
financial assistance to legal aid societies that operate within 14308
the state. This division does not apply to any execution on a 14309
judgment, proceeding in aid of execution, or other post-judgment 14310
proceeding arising out of a civil action. The filing fees required 14311
to be collected under this division shall be in addition to any 14312
other court costs imposed in the action or proceeding and shall be 14313
collected at the time of the filing of the action or proceeding. 14314
The court shall not waive the payment of the additional filing 14315
fees in a new civil action or proceeding unless the court waives 14316
the advanced payment of all filing fees in the action or 14317
proceeding. All such moneys collected during a month shall be 14318

transmitted on or before the twentieth day of the following month 14319
by the clerk of the court to the treasurer of state. The moneys 14320
then shall be deposited by the treasurer of state to the credit of 14321
the legal aid fund established under section 120.52 of the Revised 14322
Code. 14323

The court may retain up to one per cent of the moneys it 14324
collects under this division to cover administrative costs, 14325
including the hiring of any additional personnel necessary to 14326
implement this division. 14327

(D) The county court shall establish by rule a schedule of 14328
fees for miscellaneous services performed by the county court or 14329
any of its judges in accordance with law. If judges of the court 14330
of common pleas perform similar services, the fees prescribed in 14331
the schedule shall not exceed the fees for those services 14332
prescribed by the court of common pleas. 14333

(E) Under the circumstances described in sections 2969.21 to 14334
2969.27 of the Revised Code, the clerk of the county court shall 14335
charge the fees and perform the other duties specified in those 14336
sections. 14337

Sec. 2303.20. Under the circumstances described in sections 14338
2969.21 to 2969.27 of the Revised Code, the clerk of the court of 14339
common pleas shall charge the fees and perform the other duties 14340
specified in those sections. In all other cases, the clerk shall 14341
charge the following fees and no more: 14342

(A) Twenty-five dollars for each cause of action which shall 14343
include the following: 14344

(1) Docketing in all dockets; 14345

(2) Filing necessary documents, noting the filing of the 14346
documents, except subpoena, on the dockets; 14347

(3) Issuing certificate of deposit in foreign writs; 14348

(4) Indexing pending suits and living judgments;	14349
(5) Noting on appearance docket all papers mailed;	14350
(6) Certificate for attorney's fee;	14351
(7) Certificate for stenographer's fee;	14352
(8) Preparing cost bill;	14353
(9) Entering on indictment any plea;	14354
(10) Entering costs on docket and cash book.	14355
(B) Two dollars for taking each undertaking, bond, or recognizance;	14356 14357
(C) Two dollars for issuing each writ, order, or notice, except subpoena;	14358 14359
(D) Two dollars for each name for issuing subpoena, swearing witness, entering attendance, and certifying fees;	14360 14361
(E) Twenty-five dollars for calling a jury in each cause;	14362
(F) Two dollars for each page, for entering on journal, indexing, and posting on any docket;	14363 14364
(G) Three dollars for each execution or transcript of judgment, including indexing;	14365 14366
(H) One dollar for each page, for making complete record, including indexing;	14367 14368
(I) Five dollars for certifying a plat recorded in the county recorder's office;	14369 14370
(J) Five dollars for issuing certificate to receiver or order of reference with oath;	14371 14372
(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;	14373 14374 14375
(L) One dollar for each certificate of fact under seal of the	14376

court, to be paid by the party demanding it;	14377
(M) One dollar for taking each affidavit, including certificate and seal;	14378 14379
(N) Two dollars for acknowledging all instruments in writing;	14380 14381
(O) Five dollars for making certificate of judgment;	14382
(P) Ten dollars for filing, docketing, and endorsing a certificate of judgment, including the indexing and noting the return of the certificate;	14383 14384 14385
(Q) Twenty-five dollars for each cause of action for each judgment by confession, including all docketing, indexing, and entries on the journal;	14386 14387 14388
(R) Five dollars for recording commission of <u>a mayor or notary public</u> ;	14389 14390
(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;	14391 14392 14393
(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;	14394 14395 14396
(U) Twenty-five dollars for docketing and indexing each appeal, including the filing and noting of all necessary documents;	14397 14398 14399
(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;	14400 14401 14402 14403 14404 14405

(W) Five dollars for numbering, docketing, indexing, and 14406
filing each authenticated or certified copy of the record, or any 14407
portion of an authenticated or certified copy of the record, of an 14408
extra county action or proceeding; 14409

(X) Two dollars for each certificate of divorce, annulment, 14410
or dissolution of marriage to the bureau of vital statistics; 14411

(Y) Two dollars for each electronic transmission of a 14412
document, plus one dollar for each page of that document. These 14413
fees are to be paid by the party requesting the electronic 14414
transmission. 14415

(Z) One dollar for each page, for copies of pleadings, 14416
process, record, or files, including certificate and seal. 14417

Sec. 2303.201. (A)(1) The court of common pleas of any county 14418
may determine that for the efficient operation of the court 14419
additional funds are required to computerize the court, to make 14420
available computerized legal research services, or to do both. 14421
Upon making a determination that additional funds are required for 14422
either or both of those purposes, the court shall authorize and 14423
direct the clerk of the court of common pleas to charge one 14424
additional fee, not to exceed three dollars, on the filing of each 14425
cause of action or appeal under divisions (A), (Q), and (U) of 14426
section 2303.20 of the Revised Code. 14427

(2) All fees collected under division (A)(1) of this section 14428
shall be paid to the county treasurer. The treasurer shall place 14429
the funds from the fees in a separate fund to be disbursed, upon 14430
an order of the court, in an amount not greater than the actual 14431
cost to the court of procuring and maintaining computerization of 14432
the court, computerized legal research services, or both. 14433

(3) If the court determines that the funds in the fund 14434
described in division (A)(2) of this section are more than 14435

sufficient to satisfy the purpose for which the additional fee 14436
described in division (A)(1) of this section was imposed, the 14437
court may declare a surplus in the fund and expend those surplus 14438
funds for other appropriate technological expenses of the court. 14439

(B)(1) The court of common pleas of any county may determine 14440
that, for the efficient operation of the court, additional funds 14441
are required to computerize the office of the clerk of the court 14442
of common pleas and, upon that determination, authorize and direct 14443
the clerk of the court of common pleas to charge an additional 14444
fee, not to exceed ten dollars, on the filing of each cause of 14445
action or appeal, on the filing, docketing, and endorsing of each 14446
certificate of judgment, or on the docketing and indexing of each 14447
aid in execution or petition to vacate, revive, or modify a 14448
judgment under divisions (A), (P), (Q), (T), and (U) of section 14449
2303.20 of the Revised Code. Subject to division (B)(2) of this 14450
section, all moneys collected under division (B)(1) of this 14451
section shall be paid to the county treasurer to be disbursed, 14452
upon an order of the court of common pleas and subject to 14453
appropriation by the board of county commissioners, in an amount 14454
no greater than the actual cost to the court of procuring and 14455
maintaining computer systems for the office of the clerk of the 14456
court of common pleas. 14457

(2) If the court of common pleas of a county makes the 14458
determination described in division (B)(1) of this section, the 14459
board of county commissioners of that county may issue one or more 14460
general obligation bonds for the purpose of procuring and 14461
maintaining the computer systems for the office of the clerk of 14462
the court of common pleas. In addition to the purposes stated in 14463
division (B)(1) of this section for which the moneys collected 14464
under that division may be expended, the moneys additionally may 14465
be expended to pay debt charges on and financing costs related to 14466
any general obligation bonds issued pursuant to division (B)(2) of 14467

this section as they become due. General obligation bonds issued 14468
pursuant to division (B)(2) of this section are Chapter 133. 14469
securities. 14470

~~(C) Prior to January 1, 1993, and on and after January 1,~~ 14471
~~2003, the court of common pleas shall collect the sum of four~~ 14472
~~dollars as additional filing fees in each new civil action or~~ 14473
~~proceeding for the charitable public purpose of providing~~ 14474
~~financial assistance to legal aid societies that operate within~~ 14475
~~the state. From January 1, 1993, through December 31, 2002, the~~ 14476
The court of common pleas shall collect the sum of fifteen dollars 14477
as additional filing fees in each new civil action or proceeding 14478
for the charitable public purpose of providing financial 14479
assistance to legal aid societies that operate within the state. 14480
This division does not apply to proceedings concerning annulments, 14481
dissolutions of marriage, divorces, legal separation, spousal 14482
support, marital property or separate property distribution, 14483
support, or other domestic relations matters; to a juvenile 14484
division of a court of common pleas; to a probate division of a 14485
court of common pleas, except that the additional filing fees 14486
shall apply to name change, guardianship, and adoption 14487
proceedings; or to an execution on a judgment, proceeding in aid 14488
of execution, or other post-judgment proceeding arising out of a 14489
civil action. The filing fees required to be collected under this 14490
division shall be in addition to any other filing fees imposed in 14491
the action or proceeding and shall be collected at the time of the 14492
filing of the action or proceeding. The court shall not waive the 14493
payment of the additional filing fees in a new civil action or 14494
proceeding unless the court waives the advanced payment of all 14495
filing fees in the action or proceeding. All such moneys collected 14496
during a month shall be transmitted on or before the twentieth day 14497
of the following month by the clerk of the court to the treasurer 14498
of state. The moneys then shall be deposited by the treasurer of 14499

state to the credit of the legal aid fund established under 14500
section 120.52 of the Revised Code. 14501

The court may retain up to one per cent of the moneys it 14502
collects under this division to cover administrative costs, 14503
including the hiring of any additional personnel necessary to 14504
implement this division. 14505

(D) On and after the thirtieth day after December 9, 1994, 14506
the court of common pleas shall collect the sum of thirty-two 14507
dollars as additional filing fees in each new action or proceeding 14508
for annulment, divorce, or dissolution of marriage for the purpose 14509
of funding shelters for victims of domestic violence pursuant to 14510
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 14511
required to be collected under this division shall be in addition 14512
to any other filing fees imposed in the action or proceeding and 14513
shall be collected at the time of the filing of the action or 14514
proceeding. The court shall not waive the payment of the 14515
additional filing fees in a new action or proceeding for 14516
annulment, divorce, or dissolution of marriage unless the court 14517
waives the advanced payment of all filing fees in the action or 14518
proceeding. On or before the twentieth day of each month, all 14519
moneys collected during the immediately preceding month pursuant 14520
to this division shall be deposited by the clerk of the court into 14521
the county treasury in the special fund used for deposit of 14522
additional marriage license fees as described in section 3113.34 14523
of the Revised Code. Upon their deposit into the fund, the moneys 14524
shall be retained in the fund and expended only as described in 14525
section 3113.34 of the Revised Code. 14526

(E)(1) The court of common pleas may determine that, for the 14527
efficient operation of the court, additional funds are necessary 14528
to acquire and pay for special projects of the court, including, 14529
but not limited to, the acquisition of additional facilities or 14530
the rehabilitation of existing facilities, the acquisition of 14531

equipment, the hiring and training of staff, community service 14532
programs, mediation or dispute resolution services, the employment 14533
of magistrates, the training and education of judges, acting 14534
judges, and magistrates, and other related services. Upon that 14535
determination, the court by rule may charge a fee, in addition to 14536
all other court costs, on the filing of each criminal cause, civil 14537
action or proceeding, or judgment by confession. 14538

If the court of common pleas offers a special program or 14539
service in cases of a specific type, the court by rule may assess 14540
an additional charge in a case of that type, over and above court 14541
costs, to cover the special program or service. The court shall 14542
adjust the special assessment periodically, but not retroactively, 14543
so that the amount assessed in those cases does not exceed the 14544
actual cost of providing the service or program. 14545

All moneys collected under division (E) of this section shall 14546
be paid to the county treasurer for deposit into either a general 14547
special projects fund or a fund established for a specific special 14548
project. Moneys from a fund of that nature shall be disbursed upon 14549
an order of the court in an amount no greater than the actual cost 14550
to the court of a project. If a specific fund is terminated 14551
because of the discontinuance of a program or service established 14552
under division (E) of this section, the court may order that 14553
moneys remaining in the fund be transferred to an account 14554
established under this division for a similar purpose. 14555

(2) As used in division (E) of this section: 14556

(a) "Criminal cause" means a charge alleging the violation of 14557
a statute or ordinance, or subsection of a statute or ordinance, 14558
that requires a separate finding of fact or a separate plea before 14559
disposition and of which the defendant may be found guilty, 14560
whether filed as part of a multiple charge on a single summons, 14561
citation, or complaint or as a separate charge on a single 14562
summons, citation, or complaint. "Criminal cause" does not include 14563

separate violations of the same statute or ordinance, or 14564
subsection of the same statute or ordinance, unless each charge is 14565
filed on a separate summons, citation, or complaint. 14566

(b) "Civil action or proceeding" means any civil litigation 14567
that must be determined by judgment entry. 14568

Sec. 2317.02. The following persons shall not testify in 14569
certain respects: 14570

(A) An attorney, concerning a communication made to the 14571
attorney by a client in that relation or the attorney's advice to 14572
a client, except that the attorney may testify by express consent 14573
of the client or, if the client is deceased, by the express 14574
consent of the surviving spouse or the executor or administrator 14575
of the estate of the deceased client and except that, if the 14576
client voluntarily testifies or is deemed by section 2151.421 of 14577
the Revised Code to have waived any testimonial privilege under 14578
this division, the attorney may be compelled to testify on the 14579
same subject; 14580

(B)(1) A physician or a dentist concerning a communication 14581
made to the physician or dentist by a patient in that relation or 14582
the physician's or dentist's advice to a patient, except as 14583
otherwise provided in this division, division (B)(2), and division 14584
(B)(3) of this section, and except that, if the patient is deemed 14585
by section 2151.421 of the Revised Code to have waived any 14586
testimonial privilege under this division, the physician may be 14587
compelled to testify on the same subject. 14588

The testimonial privilege established under this division 14589
does not apply, and a physician or dentist may testify or may be 14590
compelled to testify, in any of the following circumstances: 14591

(a) In any civil action, in accordance with the discovery 14592
provisions of the Rules of Civil Procedure in connection with a 14593

civil action, or in connection with a claim under Chapter 4123. of 14594
the Revised Code, under any of the following circumstances: 14595

(i) If the patient or the guardian or other legal 14596
representative of the patient gives express consent; 14597

(ii) If the patient is deceased, the spouse of the patient or 14598
the executor or administrator of the patient's estate gives 14599
express consent; 14600

(iii) If a medical claim, dental claim, chiropractic claim, 14601
or optometric claim, as defined in section 2305.11 of the Revised 14602
Code, an action for wrongful death, any other type of civil 14603
action, or a claim under Chapter 4123. of the Revised Code is 14604
filed by the patient, the personal representative of the estate of 14605
the patient if deceased, or the patient's guardian or other legal 14606
representative. 14607

(b) In any civil action concerning court-ordered treatment or 14608
services received by a patient, if the court-ordered treatment or 14609
services were ordered as part of a case plan journalized under 14610
section 2151.412 of the Revised Code or the court-ordered 14611
treatment or services are necessary or relevant to dependency, 14612
neglect, or abuse or temporary or permanent custody proceedings 14613
under Chapter 2151. of the Revised Code. 14614

(c) In any criminal action concerning any test or the results 14615
of any test that determines the presence or concentration of 14616
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 14617
patient's blood, breath, urine, or other bodily substance at any 14618
time relevant to the criminal offense in question. 14619

(d) In any criminal action against a physician or dentist. In 14620
such an action, the testimonial privilege established under this 14621
division does not prohibit the admission into evidence, in 14622
accordance with the Rules of Evidence, of a patient's medical or 14623
dental records or other communications between a patient and the 14624

physician or dentist that are related to the action and obtained 14625
by subpoena, search warrant, or other lawful means. A court that 14626
permits or compels a physician or dentist to testify in such an 14627
action or permits the introduction into evidence of patient 14628
records or other communications in such an action shall require 14629
that appropriate measures be taken to ensure that the 14630
confidentiality of any patient named or otherwise identified in 14631
the records is maintained. Measures to ensure confidentiality that 14632
may be taken by the court include sealing its records or deleting 14633
specific information from its records. 14634

(2)(a) If any law enforcement officer submits a written 14635
statement to a health care provider that states that an official 14636
criminal investigation has begun regarding a specified person or 14637
that a criminal action or proceeding has been commenced against a 14638
specified person, that requests the provider to supply to the 14639
officer copies of any records the provider possesses that pertain 14640
to any test or the results of any test administered to the 14641
specified person to determine the presence or concentration of 14642
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 14643
person's blood, breath, or urine at any time relevant to the 14644
criminal offense in question, and that conforms to section 14645
2317.022 of the Revised Code, the provider, except to the extent 14646
specifically prohibited by any law of this state or of the United 14647
States, shall supply to the officer a copy of any of the requested 14648
records the provider possesses. If the health care provider does 14649
not possess any of the requested records, the provider shall give 14650
the officer a written statement that indicates that the provider 14651
does not possess any of the requested records. 14652

(b) If a health care provider possesses any records of the 14653
type described in division (B)(2)(a) of this section regarding the 14654
person in question at any time relevant to the criminal offense in 14655
question, in lieu of personally testifying as to the results of 14656

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

the Revised Code does not apply to any certified copy of results 14689
submitted in accordance with this division. Nothing in this 14690
division shall be construed to limit the right of any party to 14691
call as a witness the person who administered the test in 14692
question, the person under whose supervision the test was 14693
administered, the custodian of the results of the test, the person 14694
who compiled the results, or the person under whose supervision 14695
the results were compiled. 14696

(4) The testimonial privilege described in division (B)(1) of 14697
this section is not waived when a communication is made by a 14698
physician to a pharmacist or when there is communication between a 14699
patient and a pharmacist in furtherance of the physician-patient 14700
relation. 14701

(5)(a) As used in divisions (B)(1) to (4) of this section, 14702
"communication" means acquiring, recording, or transmitting any 14703
information, in any manner, concerning any facts, opinions, or 14704
statements necessary to enable a physician or dentist to diagnose, 14705
treat, prescribe, or act for a patient. A "communication" may 14706
include, but is not limited to, any medical or dental, office, or 14707
hospital communication such as a record, chart, letter, 14708
memorandum, laboratory test and results, x-ray, photograph, 14709
financial statement, diagnosis, or prognosis. 14710

(b) As used in division (B)(2) of this section, "health care 14711
provider" ~~has the same meaning as in section 3729.01 of the~~ 14712
Revised Code means a hospital, ambulatory care facility, long-term 14713
care facility, pharmacy, emergency facility, or health care 14714
practitioner. 14715

(c) As used in division (B)(5)(b) of this section: 14716

(i) "Ambulatory care facility" means a facility that provides 14717
medical, diagnostic, or surgical treatment to patients who do not 14718
require hospitalization, including a dialysis center, ambulatory 14719

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.
"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.

(ii) "Emergency facility" means a hospital emergency
department or any other facility that provides emergency medical
services.

(iii) "Health care practitioner" has the same meaning as in
section 4769.01 of the Revised Code.

(iv) "Hospital" has the same meaning as in section 3727.01 of
the Revised Code.

(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.

(vi) "Pharmacy" has the same meaning as in section 4729.01 of
the Revised Code.

(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.

(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

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,

trustee, heir, devisee, or legatee, shall be restricted in the 14783
same manner in any action or proceeding concerning the property or 14784
thing. 14785

(G)(1) A school guidance counselor who holds a valid educator 14786
license from the state board of education as provided for in 14787
section 3319.22 of the Revised Code, a person licensed under 14788
Chapter 4757. of the Revised Code as a professional clinical 14789
counselor, professional counselor, social worker, or independent 14790
social worker, or registered under Chapter 4757. of the Revised 14791
Code as a social work assistant concerning a confidential 14792
communication received from a client in that relation or the 14793
person's advice to a client unless any of the following applies: 14794

(a) The communication or advice indicates clear and present 14795
danger to the client or other persons. For the purposes of this 14796
division, cases in which there are indications of present or past 14797
child abuse or neglect of the client constitute a clear and 14798
present danger. 14799

(b) The client gives express consent to the testimony. 14800

(c) If the client is deceased, the surviving spouse or the 14801
executor or administrator of the estate of the deceased client 14802
gives express consent. 14803

(d) The client voluntarily testifies, in which case the 14804
school guidance counselor or person licensed or registered under 14805
Chapter 4757. of the Revised Code may be compelled to testify on 14806
the same subject. 14807

(e) The court in camera determines that the information 14808
communicated by the client is not germane to the counselor-client 14809
or social worker-client relationship. 14810

(f) A court, in an action brought against a school, its 14811
administration, or any of its personnel by the client, rules after 14812
an in-camera inspection that the testimony of the school guidance 14813

counselor is relevant to that action. 14814

(g) The testimony is sought in a civil action and concerns 14815
court-ordered treatment or services received by a patient as part 14816
of a case plan journalized under section 2151.412 of the Revised 14817
Code or the court-ordered treatment or services are necessary or 14818
relevant to dependency, neglect, or abuse or temporary or 14819
permanent custody proceedings under ~~chapter~~ Chapter 2151. of the 14820
Revised Code. 14821

(2) Nothing in division (G)(1) of this section shall relieve 14822
a school guidance counselor or a person licensed or registered 14823
under Chapter 4757. of the Revised Code from the requirement to 14824
report information concerning child abuse or neglect under section 14825
2151.421 of the Revised Code. 14826

(H) A mediator acting under a mediation order issued under 14827
division (A) of section 3109.052 of the Revised Code or otherwise 14828
issued in any proceeding for divorce, dissolution, legal 14829
separation, annulment, or the allocation of parental rights and 14830
responsibilities for the care of children, in any action or 14831
proceeding, other than a criminal, delinquency, child abuse, child 14832
neglect, or dependent child action or proceeding, that is brought 14833
by or against either parent who takes part in mediation in 14834
accordance with the order and that pertains to the mediation 14835
process, to any information discussed or presented in the 14836
mediation process, to the allocation of parental rights and 14837
responsibilities for the care of the parents' children, or to the 14838
awarding of parenting time rights in relation to their children; 14839

(I) A communications assistant, acting within the scope of 14840
the communication assistant's authority, when providing 14841
telecommunications relay service pursuant to section 4931.35 of 14842
the Revised Code or Title II of the "Communications Act of 1934," 14843
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 14844
made through a telecommunications relay service. Nothing in this 14845

section shall limit the obligation of a communications assistant 14846
to divulge information or testify when mandated by federal law or 14847
regulation or pursuant to subpoena in a criminal proceeding. 14848

Nothing in this section shall limit any immunity or privilege 14849
granted under federal law or regulation. 14850

(J)(1) A chiropractor in a civil proceeding concerning a 14851
communication made to the chiropractor by a patient in that 14852
relation or the chiropractor's advice to a patient, except as 14853
otherwise provided in this division. The testimonial privilege 14854
established under this division does not apply, and a chiropractor 14855
may testify or may be compelled to testify, in any civil action, 14856
in accordance with the discovery provisions of the Rules of Civil 14857
Procedure in connection with a civil action, or in connection with 14858
a claim under Chapter 4123. of the Revised Code, under any of the 14859
following circumstances: 14860

(a) If the patient or the guardian or other legal 14861
representative of the patient gives express consent. 14862

(b) If the patient is deceased, the spouse of the patient or 14863
the executor or administrator of the patient's estate gives 14864
express consent. 14865

(c) If a medical claim, dental claim, chiropractic claim, or 14866
optometric claim, as defined in section 2305.11 of the Revised 14867
Code, an action for wrongful death, any other type of civil 14868
action, or a claim under Chapter 4123. of the Revised Code is 14869
filed by the patient, the personal representative of the estate of 14870
the patient if deceased, or the patient's guardian or other legal 14871
representative. 14872

(2) If the testimonial privilege described in division (J)(1) 14873
of this section does not apply as provided in division (J)(1)(c) 14874
of this section, a chiropractor may be compelled to testify or to 14875
submit to discovery under the Rules of Civil Procedure only as to 14876

a communication made to the chiropractor by the patient in 14877
question in that relation, or the chiropractor's advice to the 14878
patient in question, that related causally or historically to 14879
physical or mental injuries that are relevant to issues in the 14880
medical claim, dental claim, chiropractic claim, or optometric 14881
claim, action for wrongful death, other civil action, or claim 14882
under Chapter 4123. of the Revised Code. 14883

(3) The testimonial privilege established under this division 14884
does not apply, and a chiropractor may testify or be compelled to 14885
testify, in any criminal action or administrative proceeding. 14886
14887

(4) As used in this division, "communication" means 14888
acquiring, recording, or transmitting any information, in any 14889
manner, concerning any facts, opinions, or statements necessary to 14890
enable a chiropractor to diagnosis, treat, or act for a patient. A 14891
communication may include, but is not limited to, any 14892
chiropractic, office, or hospital communication such as a record, 14893
chart, letter, memorandum, laboratory test and results, x-ray, 14894
photograph, financial statement, diagnosis, or prognosis. 14895

Sec. 2317.022. (A) As used in this section, "health care 14896
provider" has the same meaning as in section ~~3729.01~~ 2317.02 of 14897
the Revised Code. 14898

(B) If an official criminal investigation has begun regarding 14899
a person or if a criminal action or proceeding is commenced 14900
against a person, any law enforcement officer who wishes to obtain 14901
from any health care provider a copy of any records the provider 14902
possesses that pertain to any test or the result of any test 14903
administered to the person to determine the presence or 14904
concentration of alcohol, a drug of abuse, or alcohol and a drug 14905
of abuse in the person's blood, breath, or urine at any time 14906
relevant to the criminal offense in question shall submit to the 14907

health care facility a written statement in the following form: 14908

"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS 14909

To: (insert name of the health care 14910
provider in question). 14911

I hereby state that an official criminal investigation has 14912
begun regarding, or a criminal action or proceeding has been 14913
commenced against, (insert the name of the 14914
person in question), and that I believe that one or more tests has 14915
been administered to ~~him~~ that person by this health care provider 14916
to determine the presence or concentration of alcohol, a drug of 14917
abuse, or alcohol and a drug of abuse in ~~his~~ that person's blood, 14918
breath, or urine at a time relevant to the criminal offense in 14919
question. Therefore, I hereby request that, pursuant to division 14920
(B)(2) of section 2317.02 of the Revised Code, this health care 14921
provider supply me with copies of any records the provider 14922
possesses that pertain to any test or the results of any test 14923
administered to the person specified above to determine the 14924
presence or concentration of alcohol, a drug of abuse, or alcohol 14925
and a drug of abuse in ~~his~~ that person's blood, breath, or urine 14926
at any time relevant to the criminal offense in question. 14927

..... 14928

(Name of officer) 14929

..... 14930

(Officer's title) 14931

..... 14932

(Officer's employing agency) 14933

..... 14934

(Officer's telephone number) 14935

..... 14936

.....	14937
.....	14938
(Agency's address)	14939
.....	14940
(Date written statement submitted)"	14941
(C) A health care provider that receives a written statement	14942
of the type described in division (B) of this section shall comply	14943
with division (B)(2) of section 2317.02 of the Revised Code	14944
relative to the written statement.	14945
Sec. 2329.66. (A) Every person who is domiciled in this state	14946
may hold property exempt from execution, garnishment, attachment,	14947
or sale to satisfy a judgment or order, as follows:	14948
(1)(a) In the case of a judgment or order regarding money	14949
owed for health care services rendered or health care supplies	14950
provided to the person or a dependent of the person, one parcel or	14951
item of real or personal property that the person or a dependent	14952
of the person uses as a residence. Division (A)(1)(a) of this	14953
section does not preclude, affect, or invalidate the creation	14954
under this chapter of a judgment lien upon the exempted property	14955
but only delays the enforcement of the lien until the property is	14956
sold or otherwise transferred by the owner or in accordance with	14957
other applicable laws to a person or entity other than the	14958
surviving spouse or surviving minor children of the judgment	14959
debtor. Every person who is domiciled in this state may hold	14960
exempt from a judgment lien created pursuant to division (A)(1)(a)	14961
of this section the person's interest, not to exceed five thousand	14962
dollars, in the exempted property.	14963
(b) In the case of all other judgments and orders, the	14964
person's interest, not to exceed five thousand dollars, in one	14965
parcel or item of real or personal property that the person or a	14966

dependent of the person uses as a residence.	14967
(2) The person's interest, not to exceed one thousand dollars, in one motor vehicle;	14968 14969
(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;	14970 14971 14972 14973 14974
(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.	14975 14976 14977 14978 14979 14980 14981 14982
(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;	14983 14984 14985 14986 14987 14988
(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;	14989 14990 14991 14992
(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.	14993 14994 14995
If the person does not claim an exemption under division (A)(1) of this section, the total exemption claimed under division	14996 14997

(A)(4)(b) of this section shall be added to the total exemption
claimed under division (A)(4)(c) of this section, and the total
shall not exceed two thousand dollars. If the person claims an
exemption under division (A)(1) of this section, the total
exemption claimed under division (A)(4)(b) of this section shall
be added to the total exemption claimed under division (A)(4)(c)
of this section, and the total shall not exceed one thousand five
hundred dollars.

(5) The person's interest, not to exceed an aggregate of
seven hundred fifty dollars, in all implements, professional
books, or tools of the person's profession, trade, or business,
including agriculture;

(6)(a) The person's interest in a beneficiary fund set apart,
appropriated, or paid by a benevolent association or society, as
exempted by section 2329.63 of the Revised Code;

(b) The person's interest in contracts of life or endowment
insurance or annuities, as exempted by section 3911.10 of the
Revised Code;

(c) The person's interest in a policy of group insurance or
the proceeds of a policy of group insurance, as exempted by
section 3917.05 of the Revised Code;

(d) The person's interest in money, benefits, charity,
relief, or aid to be paid, provided, or rendered by a fraternal
benefit society, as exempted by section 3921.18 of the Revised
Code;

(e) The person's interest in the portion of benefits under
policies of sickness and accident insurance and in ~~lump-sum~~ lump
sum payments for dismemberment and other losses insured under
those policies, as exempted by section 3923.19 of the Revised
Code.

(7) The person's professionally prescribed or medically

necessary health aids;	15029
(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;	15030 15031 15032
(9) The person's interest in the following:	15033
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	15034 15035
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	15036 15037
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	15038 15039
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	15040 15041
(e) <u>Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;</u>	15042 15043 15044
(f) <u>Disability assistance payments, as exempted by section 5115.07 of the Revised Code.</u>	15045 15046
(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	15047 15048 15049 15050 15051 15052 15053 15054 15055 15056 15057 15058

board, a government unit, or a municipal corporation, or the 15059
person's other accrued or accruing rights, as exempted by section 15060
145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of 15061
the Revised Code, and the person's right to benefits from the Ohio 15062
public safety officers death benefit fund; 15063

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 15064
3121.03, and 3123.06 of the Revised Code, the person's right to 15065
receive a payment under any pension, annuity, or similar plan or 15066
contract, not including a payment from a stock bonus or 15067
profit-sharing plan or a payment included in division (A)(6)(b) or 15068
(10)(a) of this section, on account of illness, disability, death, 15069
age, or length of service, to the extent reasonably necessary for 15070
the support of the person and any of the person's dependents, 15071
except if all the following apply: 15072

(i) The plan or contract was established by or under the 15073
auspices of an insider that employed the person at the time the 15074
person's rights under the plan or contract arose. 15075

(ii) The payment is on account of age or length of service. 15076

(iii) The plan or contract is not qualified under the 15077
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 15078
amended. 15079

(c) Except for any portion of the assets that were deposited 15080
for the purpose of evading the payment of any debt and except as 15081
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 15082
3123.06 of the Revised Code, the person's right in the assets held 15083
in, or to receive any payment under, any individual retirement 15084
account, individual retirement annuity, "Roth IRA," or education 15085
individual retirement account that provides benefits by reason of 15086
illness, disability, death, or age, to the extent that the assets, 15087
payments, or benefits described in division (A)(10)(c) of this 15088
section are attributable to any of the following: 15089

(i) Contributions of the person that were less than or equal 15090
to the applicable limits on deductible contributions to an 15091
individual retirement account or individual retirement annuity in 15092
the year that the contributions were made, whether or not the 15093
person was eligible to deduct the contributions on the person's 15094
federal tax return for the year in which the contributions were 15095
made; 15096

(ii) Contributions of the person that were less than or equal 15097
to the applicable limits on contributions to a Roth IRA or 15098
education individual retirement account in the year that the 15099
contributions were made; 15100

(iii) Contributions of the person that are within the 15101
applicable limits on rollover contributions under subsections 219, 15102
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 15103
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 15104
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 15105

(d) Except for any portion of the assets that were deposited 15106
for the purpose of evading the payment of any debt and except as 15107
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 15108
3123.06 of the Revised Code, the person's right in the assets held 15109
in, or to receive any payment under, any Keogh or "H.R. 10" plan 15110
that provides benefits by reason of illness, disability, death, or 15111
age, to the extent reasonably necessary for the support of the 15112
person and any of the person's dependents. 15113

(11) The person's right to receive spousal support, child 15114
support, an allowance, or other maintenance to the extent 15115
reasonably necessary for the support of the person and any of the 15116
person's dependents; 15117

(12) The person's right to receive, or moneys received during 15118
the preceding twelve calendar months from, any of the following: 15119
15120

(a) An award of reparations under sections 2743.51 to 2743.72 15121
of the Revised Code, to the extent exempted by division (D) of 15122
section 2743.66 of the Revised Code; 15123

(b) A payment on account of the wrongful death of an 15124
individual of whom the person was a dependent on the date of the 15125
individual's death, to the extent reasonably necessary for the 15126
support of the person and any of the person's dependents; 15127

(c) Except in cases in which the person who receives the 15128
payment is an inmate, as defined in section 2969.21 of the Revised 15129
Code, and in which the payment resulted from a civil action or 15130
appeal against a government entity or employee, as defined in 15131
section 2969.21 of the Revised Code, a payment, not to exceed five 15132
thousand dollars, on account of personal bodily injury, not 15133
including pain and suffering or compensation for actual pecuniary 15134
loss, of the person or an individual for whom the person is a 15135
dependent; 15136

(d) A payment in compensation for loss of future earnings of 15137
the person or an individual of whom the person is or was a 15138
dependent, to the extent reasonably necessary for the support of 15139
the debtor and any of the debtor's dependents. 15140

(13) Except as provided in sections 3119.80, 3119.81, 15141
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 15142
earnings of the person owed to the person for services in an 15143
amount equal to the greater of the following amounts: 15144

(a) If paid weekly, thirty times the current federal minimum 15145
hourly wage; if paid biweekly, sixty times the current federal 15146
minimum hourly wage; if paid semimonthly, sixty-five times the 15147
current federal minimum hourly wage; or if paid monthly, one 15148
hundred thirty times the current federal minimum hourly wage that 15149
is in effect at the time the earnings are payable, as prescribed 15150
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 15151

U.S.C. 206(a)(1), as amended;	15152
(b) Seventy-five per cent of the disposable earnings owed to the person.	15153 15154
(14) The person's right in specific partnership property, as exempted by division (B)(3) of section 1775.24 of the Revised Code;	15155 15156 15157
(15) A seal and official register of a notary public, as exempted by section 147.04 of the Revised Code;	15158 15159
(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;	15160 15161 15162 15163
(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;	15164 15165 15166 15167
(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.	15168 15169 15170
(B) As used in this section:	15171
(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.	15172 15173 15174 15175
(2) "Insider" means:	15176
(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;	15177 15178 15179 15180 15181

(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.	15213
(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;	15214 15215 15216 15217
(f) A managing agent of the person who claims an exemption.	15218
(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.	15219 15220
(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.	15221 15222
(C) For purposes of this section, "interest" shall be determined as follows:	15223 15224
(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;	15225 15226 15227
(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.	15228 15229 15230
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.	15231 15232 15233
Sec. 2715.041. (A) Upon the filing of a motion for an order of attachment pursuant to section 2715.03 of the Revised Code, the plaintiff shall file with the clerk of the court a praecipe instructing the clerk to issue to the defendant against whom the motion was filed a notice of the proceeding. Upon receipt of the praecipe, the clerk shall issue the notice which shall be in substantially the following form:	15234 15235 15236 15237 15238 15239 15240
(Name and Address of Court)	15241

e No.....	15242
(Case Caption)	15243
NOTICE	15244
You are hereby notified that (name and address of plaintiff),	15245
the plaintiff in this proceeding, has applied to this court for	15246
the attachment of property in your possession. The basis for this	15247
application is indicated in the documents that are enclosed with	15248
this notice.	15249
The law of Ohio and the United States provides that certain	15250
benefit payments cannot be taken from you to pay a debt. Typical	15251
among the benefits that cannot be attached or executed on by a	15252
creditor are:	15253
(1) Workers' compensation benefits;	15254
(2) Unemployment compensation payments;	15255
(3) Cash assistance payments under the Ohio works first	15256
program;	15257
(4) <u>Benefits and services under the prevention, retention,</u>	15258
<u>and contingency program;</u>	15259
(5) Disability assistance administered by the Ohio department	15260
of job and family services;	15261
(5) (6) Social security benefits;	15262
(6) (7) Supplemental security income (S.S.I.);	15263
(7) (8) Veteran's benefits;	15264
(8) (9) Black lung benefits;	15265
(9) (10) Certain pensions.	15266
Additionally, your wages never can be taken to pay a debt	15267
until a judgment has been obtained against you. There may be other	15268
benefits not included in this list that apply in your case.	15269

If you dispute the plaintiff's claim and believe that you are 15270
entitled to retain possession of the property because it is exempt 15271
or for any other reason, you may request a hearing before this 15272
court by disputing the claim in the request for hearing form 15273
appearing below, or in a substantially similar form, and 15274
delivering the request for the hearing to this court, at the 15275
office of the clerk of this court, not later than the end of the 15276
fifth business day after you receive this notice. You may state 15277
your reasons for disputing the claim in the space provided on the 15278
form, but you are not required to do so. If you do state your 15279
reasons for disputing the claim in the space provided on the form, 15280
you are not prohibited from stating any other reasons at the 15281
hearing, and if you do not state your reasons, it will not be held 15282
against you by the court and you can state your reasons at the 15283
hearing. 15284

If you request a hearing, it will be conducted in 15285
..... courtroom, (address of court), at 15286
.....m. on, 15287

You may avoid having a hearing but retain possession of the 15288
property until the entry of final judgment in the action by filing 15289
with the court, at the office of the clerk of this court, not 15290
later than the end of the fifth business day after you receive 15291
this notice, a bond executed by an acceptable surety in the amount 15292
of \$..... 15293

If you do not request a hearing or file a bond on or before 15294
the end of the fifth business day after you receive this notice, 15295
the court, without further notice to you, may order a law 15296
enforcement officer or bailiff to take possession of the property. 15297
Notice of the dates, times, places, and purposes of any subsequent 15298
hearings and of the date, time, and place of the trial of the 15299
action will be sent to you. 15300

..... 15301

Clerk of Court 15302

Date:....." 15303

(B) Along with the notice required by division (A) of this 15304
section, the clerk of the court also shall deliver to the 15305
defendant, in accordance with division (C) of this section, a 15306
request for hearing form together with a postage-paid, 15307
self-addressed envelope or a request for hearing form on a 15308
postage-paid, self-addressed postcard. The request for hearing 15309
shall be in substantially the following form: 15310

"(Name and Address of Court) 15311

Case Number Date 15312

REQUEST FOR HEARING 15313

I dispute the claim for the attachment of property in the 15314
above case and request that a hearing in this matter be held at 15315
the time and place set forth in the notice that I previously 15316
received. 15317

I dispute the claim for the following reasons: 15318

..... 15319

(Optional) 15320

..... 15321

..... 15322

..... 15323

(Name of Defendant) 15324

..... 15325

(Signature) 15326

..... 15327

(Date) 15328

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 15329
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 15330
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 15331
YOU WAIVE YOUR RIGHT TO A HEARING AT THIS TIME AND YOU MAY BE 15332

REQUIRED TO GIVE UP THE PROPERTY SOUGHT WITHOUT A HEARING." 15333

(C) The notice required by division (A) of this section shall 15334
be served on the defendant in duplicate not less than seven 15335
business days prior to the date on which the hearing is scheduled, 15336
together with a copy of the complaint and summons, if not 15337
previously served, and a copy of the motion for the attachment of 15338
property and the affidavit attached to the motion, in the same 15339
manner as provided in the Rules of Civil Procedure for the service 15340
of process. Service may be effected by publication as provided in 15341
the Rules of Civil Procedure except that the number of weeks for 15342
publication may be reduced by the court to the extent appropriate. 15343

Sec. 2715.045. (A) Upon the filing of a motion for 15344
attachment, a court may issue an order of attachment without 15345
issuing notice to the defendant against whom the motion was filed 15346
and without conducting a hearing if the court finds that there is 15347
probable cause to support the motion and that the plaintiff that 15348
filed the motion for attachment will suffer irreparable injury if 15349
the order is delayed until the defendant against whom the motion 15350
has been filed has been given the opportunity for a hearing. The 15351
court's findings shall be based upon the motion and affidavit 15352
filed pursuant to section 2715.03 of the Revised Code and any 15353
other relevant evidence that it may wish to consider. 15354

(B) A finding by the court that the plaintiff will suffer 15355
irreparable injury may be made only if the court finds the 15356
existence of either of the following circumstances: 15357

(1) There is present danger that the property will be 15358
immediately disposed of, concealed, or placed beyond the 15359
jurisdiction of the court. 15360

(2) The value of the property will be impaired substantially 15361
if the issuance of an order of attachment is delayed. 15362

(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;

(5) Disability assistance administered by the Ohio department of job and family services;	15394 15395
+5)+(6) Social security benefits;	15396
+6)+(7) Supplemental security income (S.S.I.);	15397
+7)+(8) Veteran's benefits;	15398
+8)+(9) Black lung benefits;	15399
+9)+(10) Certain pensions.	15400
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.	15401 15402 15403
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.	15404 15405 15406 15407 15408 15409 15410 15411 15412 15413 15414 15415 15416 15417 15418 15419 15420
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,	15421 15422 15423

not later than the end of the fifth business day after you receive 15424
this notice, a bond executed by an acceptable surety in the amount 15425
of \$..... 15426

If you do not request a hearing or file a bond before the end 15427
of the fifth business day after you receive this notice, 15428
possession of the property will be withheld from you during the 15429
pendency of the action. Notice of the dates, times, places, and 15430
purposes of any subsequent hearings and of the date, time, and 15431
place of the trial of the action will be sent to you. 15432

..... 15433
Clerk of the Court 15434
..... 15435
Date" 15436

(2) Along with the notice required by division (C)(1) of this 15437
section, the clerk of the court also shall deliver to the 15438
defendant a request for hearing form together with a postage-paid, 15439
self-addressed envelope or a request for hearing form on a 15440
postage-paid, self-addressed postcard. The request for hearing 15441
shall be in substantially the following form: 15442

"(Name and Address of Court) 15443
Case Number Date 15444
REQUEST FOR HEARING 15445

I dispute the claim for possession of property in the above 15446
case and request that a hearing in this matter be held within 15447
three business days after delivery of this request to the court. 15448

I dispute the claim for the following reasons: 15449
..... 15450
(Optional) 15451
..... 15452
..... 15453

..... 15454
(Name of Defendant) 15455
..... 15456
(Signature) 15457
..... 15458
(Date) 15459

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 15460
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 15461
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 15462
YOU WAIVE YOUR RIGHT TO A HEARING AND POSSESSION OF THE PROPERTY 15463
WILL BE WITHHELD FROM YOU DURING THE PENDENCY OF THE ACTION." 15464

(D) The defendant may receive a hearing in accordance with 15465
section 2715.043 of the Revised Code by delivering a written 15466
request for hearing to the court within five business days after 15467
receipt of the notice provided pursuant to division (C) of this 15468
section. The request may set forth the defendant's reasons for 15469
disputing the plaintiff's claim for possession of property. 15470
However, neither the defendant's inclusion of nor failure to 15471
include such reasons upon the request constitutes a waiver of any 15472
defense of the defendant or affects the defendant's right to 15473
produce evidence at any hearing or at the trial of the action. If 15474
the request is made by the defendant, the court shall schedule a 15475
hearing within three business days after the request is made, send 15476
notice to the parties of the date, time, and place of the hearing, 15477
and hold the hearing accordingly. 15478

(E) If, after hearing, the court finds that there is not 15479
probable cause to support the motion, it shall order that the 15480
property be redelivered to the defendant without the condition of 15481
bond. 15482

Sec. 2716.13. (A) Upon the filing of a proceeding in 15483
garnishment of property, other than personal earnings, under 15484

section 2716.11 of the Revised Code, the court shall cause the matter to be set for hearing within twelve days after that filing.

(B) Upon the scheduling of a hearing relative to a proceeding in garnishment of property, other than personal earnings, under division (A) of this section, the clerk of the court immediately shall issue to the garnishee three copies of the order of garnishment of property, other than personal earnings, and of a written notice that the garnishee answer as provided in section 2716.21 of the Revised Code and the garnishee's fee required by section 2716.12 of the Revised Code. The copies of the order and of the notice shall be served upon the garnishee in the same manner as a summons is served. The copies of the order and of the notice shall not be served later than seven days prior to the date on which the hearing is scheduled. The order shall bind the property, other than personal earnings, of the judgment debtor in the possession of the garnishee at the time of service.

The order of garnishment of property, other than personal earnings, and notice to answer shall be in substantially the following form:

"ORDER AND NOTICE OF GARNISHMENT
OF PROPERTY OTHER THAN PERSONAL EARNINGS
AND ANSWER OF GARNISHEE

Docket No.
Case No.
In the Court
....., Ohio

The State of Ohio
County of, ss
....., Judgment Creditor
vs.
....., Judgment Debtor

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT 15516

To:, Garnishee 15517

The judgment creditor in the above case has filed an 15518
affidavit, satisfactory to the undersigned, in this Court stating 15519
that you have money, property, or credits, other than personal 15520
earnings, in your hands or under your control that belong to the 15521
judgment debtor, and that some of the money, property, or credits 15522
may not be exempt from garnishment under the laws of the State of 15523
Ohio or the laws of the United States. 15524

You are therefore ordered to complete the "ANSWER OF 15525
GARNISHEE" in section (B) of this form. Return one completed and 15526
signed copy of this form to the clerk of this court together with 15527
the amount determined in accordance with the "ANSWER OF GARNISHEE" 15528
by the following date on which a hearing is tentatively scheduled 15529
relative to this order of garnishment: Deliver one 15530
completed and signed copy of this form to the judgment debtor 15531
prior to that date. Keep the other completed and signed copy of 15532
this form for your files. 15533

The total probable amount now due on this judgment is 15534
\$..... The total probable amount now due includes the unpaid 15535
portion of the judgment in favor of the judgment creditor, which 15536
is \$.....; interest on that judgment and, if applicable, 15537
prejudgment interest relative to that judgment at the rate of 15538
.....% per annum payable until that judgment is satisfied in full; 15539
and court costs in the amount of \$..... 15540

You also are ordered to hold safely anything of value that 15541
belongs to the judgment debtor and that has to be paid to the 15542
court, as determined under the "ANSWER OF GARNISHEE" in section 15543
(B) of this form, but that is of such a nature that it cannot be 15544
so delivered, until further order of the court. 15545

Witness my hand and the seal of this court this 15546
day of, 15547

.....	15548
Judge	15549
SECTION B. ANSWER OF GARNISHEE	15550
Now comes the garnishee, who says:	15551
1. That the garnishee has money, property, or credits, other	15552
than personal earnings, of the judgment debtor under the	15553
garnishee's control and in the garnishee's possession.	15554
.....	15555
yes no if yes, amount	15556
2. That property is described as:	15557
3. If the answer to line 1 is "yes" and the amount is less	15558
than the probable amount now due on the judgment, as indicated in	15559
section (A) of this form, sign and return this form and pay the	15560
amount of line 1 to the clerk of this court.	15561
4. If the answer to line 1 is "yes" and the amount is greater	15562
than that probable amount now due on the judgment, as indicated in	15563
section (A) of this form, sign and return this form and pay that	15564
probable amount now due to the clerk of this court.	15565
5. If the answer to line 1 is "yes" but the money, property,	15566
or credits are of such a nature that they cannot be delivered to	15567
the clerk of the court, indicate that by placing an "X" in this	15568
space: Do not dispose of that money, property, or credits	15569
or give them to anyone else until further order of the court.	15570
6. If the answer to line 1 is "no," sign and return this form	15571
to the clerk of this court.	15572
I certify that the statements above are true.	15573
.....	15574
(Print Name of Garnishee)	15575
.....	15576
(Print Name and Title of	15577
Person Who Completed Form)	15578

Signed.....	15579
(Signature of Person Completing Form)	15580
Dated this day of,"	15581
Section A of the form described in this division shall be	15582
completed before service. Section B of the form shall be completed	15583
by the garnishee, and the garnishee shall file one completed and	15584
signed copy of the form with the clerk of the court as the	15585
garnishee's answer. The garnishee may keep one completed and	15586
signed copy of the form and shall deliver the other completed and	15587
signed copy of the form to the judgment debtor.	15588
If several affidavits seeking orders of garnishment of	15589
property, other than personal earnings, are filed against the same	15590
judgment debtor in accordance with section 2716.11 of the Revised	15591
Code, the court involved shall issue the requested orders in the	15592
same order in which the clerk received the associated affidavits.	15593
(C)(1) At the time of the filing of a proceeding in	15594
garnishment of property, other than personal earnings, under	15595
section 2716.11 of the Revised Code, the judgment creditor also	15596
shall file with the clerk of the court a praecipe instructing the	15597
clerk to issue to the judgment debtor a notice to the judgment	15598
debtor form and a request for hearing form. Upon receipt of the	15599
praecipe and the scheduling of a hearing relative to an action in	15600
garnishment of property, other than personal earnings, under	15601
division (A) of this section, the clerk of the court immediately	15602
shall serve upon the judgment debtor, in accordance with division	15603
(D) of this section, two copies of the notice to the judgment	15604
debtor form and of the request for hearing form. The copies of the	15605
notice to the judgment debtor form and of the request for hearing	15606
form shall not be served later than seven days prior to the date	15607
on which the hearing is scheduled.	15608
(a) The notice to the judgment debtor that must be served	15609

upon the judgment debtor shall be in substantially the following form: 15610
15611

"(Name and Address of the Court) 15612

(Case Caption) Case No. 15613

NOTICE TO THE JUDGMENT DEBTOR 15614

You are hereby notified that this court has issued an order 15615
in the above case in favor of (name and address of judgment 15616
creditor), the judgment creditor in this proceeding, directing 15617
that some of your money, property, or credits, other than personal 15618
earnings, now in the possession of (name and address of 15619
garnishee), the garnishee in this proceeding, be used to satisfy 15620
your debt to the judgment creditor. This order was issued on the 15621
basis of the judgment creditor's judgment against you that was 15622
obtained in (name of court) in (case number) on (date). Upon your 15623
receipt of this notice, you are prohibited from removing or 15624
attempting to remove the money, property, or credits until 15625
expressly permitted by the court. Any violation of this 15626
prohibition subjects you to punishment for contempt of court. 15627

The law of Ohio and the United States provides that certain 15628
benefit payments cannot be taken from you to pay a debt. Typical 15629
among the benefits that cannot be attached or executed upon by a 15630
creditor are the following: 15631

(1) Workers' compensation benefits; 15632

(2) Unemployment compensation payments; 15633

(3) Cash assistance payments under the Ohio works first 15634
program; 15635

(4) Benefits and services under the prevention, retention, 15636
and contingency program; 15637

(5) Disability assistance administered by the Ohio department 15638
of job and family services; 15639

- +5)+(6) Social security benefits; 15640
- +6)+(7) Supplemental security income (S.S.I.); 15641
- +7)+(8) Veteran's benefits; 15642
- +8)+(9) Black lung benefits; 15643
- +9)+(10) Certain pensions. 15644

There may be other benefits not included in the above list 15645
that apply in your case. 15646

If you dispute the judgment creditor's right to garnish your 15647
property and believe that the judgment creditor should not be 15648
given your money, property, or credits, other than personal 15649
earnings, now in the possession of the garnishee because they are 15650
exempt or if you feel that this order is improper for any other 15651
reason, you may request a hearing before this court by disputing 15652
the claim in the request for hearing form, appearing below, or in 15653
a substantially similar form, and delivering the request for 15654
hearing to this court at the above address, at the office of the 15655
clerk of this court no later than the end of the fifth business 15656
day after you receive this notice. You may state your reasons for 15657
disputing the judgment creditor's right to garnish your property 15658
in the space provided on the form; however, you are not required 15659
to do so. If you do state your reasons for disputing the judgment 15660
creditor's right, you are not prohibited from stating any other 15661
reason at the hearing. If you do not state your reasons, it will 15662
not be held against you by the court, and you can state your 15663
reasons at the hearing. NO OBJECTIONS TO THE JUDGMENT ITSELF WILL 15664
BE HEARD OR CONSIDERED AT THE HEARING. If you request a hearing, 15665
the hearing will be limited to a consideration of the amount of 15666
your money, property, or credits, other than personal earnings, in 15667
the possession or control of the garnishee, if any, that can be 15668
used to satisfy all or part of the judgment you owe to the 15669
judgment creditor. 15670

If you request a hearing by delivering your request for 15671
hearing no later than the end of the fifth business day after you 15672
receive this notice, it will be conducted in courtroom 15673
....., (address of court), at m. on, 15674
..... You may request the court to conduct the hearing before 15675
this date by indicating your request in the space provided on the 15676
form; the court then will send you notice of any change in the 15677
date, time, or place of the hearing. If you do not request a 15678
hearing by delivering your request for a hearing no later than the 15679
end of the fifth business day after you receive this notice, some 15680
of your money, property, or credits, other than personal earnings, 15681
will be paid to the judgment creditor. 15682

If you have any questions concerning this matter, you may 15683
contact the office of the clerk of this court. If you want legal 15684
representation, you should contact your lawyer immediately. If you 15685
need the name of a lawyer, contact the local bar association. 15686

..... 15687
Clerk of the Court 15688
..... 15689
Date" 15690

(b) The request for hearing form that must be served upon the 15691
judgment debtor shall have attached to it a postage-paid, 15692
self-addressed envelope or shall be on a postage-paid 15693
self-addressed postcard, and shall be in substantially the 15694
following form: 15695

"(Name and Address of Court) 15696

Case Number Date 15697

REQUEST FOR HEARING 15699

I dispute the judgment creditor's right to garnish my money, 15700
property, or credits, other than personal earnings, in the above 15701
case and request that a hearing in this matter be held 15702

.....	15703
(Insert "on" or "earlier than")	15704
the date and time set forth in the document entitled "NOTICE TO	15705
THE JUDGMENT DEBTOR" that I received with this request form.	15706
I dispute the judgment creditor's right to garnish my	15707
property for the following reasons:	15708
.....	15709
(Optional)	15710
.....	15711
.....	15712
I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL	15713
BE HEARD OR CONSIDERED AT THE HEARING.	15714
.....	15715
(Name of Judgment Debtor)	15716
.....	15717
(Signature)	15718
.....	15719
(Date)	15720
WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A	15721
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK	15722
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT,	15723
YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY,	15724
PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE	15725
POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT	15726
CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT	15727
CREDITOR'S NAME)."	15728
(2) The judgment debtor may receive a hearing in accordance	15729
with this division by delivering a written request for hearing to	15730
the court within five business days after receipt of the notice	15731
provided pursuant to division (C)(1) of this section. The request	15732

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

section, upon the request of the judgment debtor. The parties 15765
shall be sent notice, by the clerk of the court, by regular mail, 15766
of any change in the date, time, or place of the hearing. 15767

(5) If the scheduled hearing is canceled and no continuance 15768
is granted, the court shall issue an order to the garnishee to pay 15769
all or some of the money, property, or credits, other than 15770
personal earnings, of the judgment debtor in the possession of the 15771
garnishee at the time of service of the notice and order into 15772
court if they have not already been paid to the court. This order 15773
shall be based on the answer of the garnishee filed pursuant to 15774
this section. If the scheduled hearing is conducted or if it is 15775
continued and conducted, the court shall determine at the hearing 15776
the amount of the money, property, or credits, other than personal 15777
earnings, of the judgment debtor in the possession of the 15778
garnishee at the time of service of the notice and order, if any, 15779
that can be used to satisfy all or part of the debt owed by the 15780
judgment debtor to the judgment creditor, and issue an order, 15781
accordingly, to the garnishee to pay that amount into court if it 15782
has not already been paid to the court. 15783

(D) The notice to the judgment debtor form and the request 15784
for hearing form described in division (C) of this section shall 15785
be sent by the clerk by ordinary or regular mail service unless 15786
the judgment creditor requests that service be made in accordance 15787
with the Rules of Civil Procedure, in which case the forms shall 15788
be served in accordance with the Rules of Civil Procedure. Any 15789
court of common pleas that issues an order of garnishment of 15790
property, other than personal earnings, under this section has 15791
jurisdiction to serve process pursuant to this section upon a 15792
garnishee who does not reside within the jurisdiction of the 15793
court. Any county court or municipal court that issues an order of 15794
garnishment of property, other than personal earnings, under this 15795
section has jurisdiction to serve process pursuant to this section 15796

upon a garnishee who does not reside within the jurisdiction of 15797
the court. 15798

Sec. 2919.271. (A)(1)(a) If a defendant is charged with a 15799
violation of section 2919.27 of the Revised Code or of a municipal 15800
ordinance that is substantially similar to that section, the court 15801
may order an evaluation of the mental condition of the defendant 15802
if the court determines that either of the following criteria 15803
apply: 15804

(i) If the alleged violation is a violation of a protection 15805
order issued or consent agreement approved pursuant to section 15806
2919.26 or 3113.31 of the Revised Code, that the violation 15807
allegedly involves conduct by the defendant that caused physical 15808
harm to the person or property of a family or household member 15809
covered by the order or agreement, or conduct by the defendant 15810
that caused a family or household member to believe that the 15811
defendant would cause physical harm to that member or that 15812
member's property. 15813

(ii) If the alleged violation is a violation of a protection 15814
order issued pursuant to section 2903.213 or 2903.214 of the 15815
Revised Code or a protection order issued by a court of another 15816
state, that the violation allegedly involves conduct by the 15817
defendant that caused physical harm to the person or property of 15818
the person covered by the order, or conduct by the defendant that 15819
caused the person covered by the order to believe that the 15820
defendant would cause physical harm to that person or that 15821
person's property. 15822

(b) If a defendant is charged with a violation of section 15823
2903.211 of the Revised Code or of a municipal ordinance that is 15824
substantially similar to that section, the court may order an 15825
evaluation of the mental condition of the defendant. 15826

(2) An evaluation ordered under division (A)(1) of this 15827

section shall be completed no later than thirty days from the date 15828
the order is entered pursuant to that division. In that order, the 15829
court shall do either of the following: 15830

(a) Order that the evaluation of the mental condition of the 15831
defendant be preceded by an examination conducted either by a 15832
forensic center that is designated by the department of mental 15833
health to conduct examinations and make evaluations of defendants 15834
charged with violations of section 2903.211 or 2919.27 of the 15835
Revised Code or of substantially similar municipal ordinances in 15836
the area in which the court is located, or by any other program or 15837
facility that is designated by the department of mental health or 15838
the department of mental retardation and developmental 15839
disabilities to conduct examinations and make evaluations of 15840
defendants charged with violations of section 2903.211 or 2919.27 15841
of the Revised Code or of substantially similar municipal 15842
ordinances, and that is operated by either department or is 15843
certified by either department as being in compliance with the 15844
standards established under division ~~(F)~~(I) of section 5119.01 of 15845
the Revised Code or division (C) of section 5123.04 of the Revised 15846
Code. 15847

(b) Designate a center, program, or facility other than one 15848
designated by the department of mental health or the department of 15849
mental retardation and developmental disabilities, as described in 15850
division (A)(2)(a) of this section, to conduct the evaluation and 15851
preceding examination of the mental condition of the defendant. 15852

Whether the court acts pursuant to division (A)(2)(a) or (b) 15853
of this section, the court may designate examiners other than the 15854
personnel of the center, program, facility, or department involved 15855
to make the evaluation and preceding examination of the mental 15856
condition of the defendant. 15857

(B) If the court considers that additional evaluations of the 15858
mental condition of a defendant are necessary following the 15859

evaluation authorized by division (A) of this section, the court 15860
may order up to two additional similar evaluations. These 15861
evaluations shall be completed no later than thirty days from the 15862
date the applicable court order is entered. If more than one 15863
evaluation of the mental condition of the defendant is ordered 15864
under this division, the prosecutor and the defendant may 15865
recommend to the court an examiner whom each prefers to perform 15866
one of the evaluations and preceding examinations. 15867

(C)(1) The court may order a defendant who has been released 15868
on bail to submit to an examination under division (A) or (B) of 15869
this section. The examination shall be conducted either at the 15870
detention facility in which the defendant would have been confined 15871
if the defendant had not been released on bail, or, if so 15872
specified by the center, program, facility, or examiners involved, 15873
at the premises of the center, program, or facility. Additionally, 15874
the examination shall be conducted at the times established by the 15875
examiners involved. If such a defendant refuses to submit to an 15876
examination or a complete examination as required by the court or 15877
the center, program, facility, or examiners involved, the court 15878
may amend the conditions of the bail of the defendant and order 15879
the sheriff to take the defendant into custody and deliver the 15880
defendant to the detention facility in which the defendant would 15881
have been confined if the defendant had not been released on bail, 15882
or, if so specified by the center, program, facility, or examiners 15883
involved, to the premises of the center, program, or facility, for 15884
purposes of the examination. 15885

(2) A defendant who has not been released on bail shall be 15886
examined at the detention facility in which the defendant is 15887
confined or, if so specified by the center, program, facility, or 15888
examiners involved, at the premises of the center, program, or 15889
facility. 15890

(D) The examiner of the mental condition of a defendant under 15891

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

section 5123.04 of the Revised Code, a licensed professional 15923
clinical counselor who is employed at a forensic center that is 15924
certified as being in compliance with such standards, or a 15925
licensed clinical psychologist, except that in order to be an 15926
examiner, a licensed clinical psychologist shall meet the criteria 15927
of division (I)(1) of section 5122.01 of the Revised Code or be 15928
employed to conduct examinations by the department of mental 15929
health or by a forensic center certified as being in compliance 15930
with the standards established under division ~~(J)~~(I) of section 15931
5119.01 or division (C) of section 5123.04 of the Revised Code 15932
that is designated by the department of mental health. 15933

(3) "Family or household member" has the same meaning as in 15934
section 2919.25 of the Revised Code. 15935

(4) "Prosecutor" has the same meaning as in section 2935.01 15936
of the Revised Code. 15937

(5) "Psychiatrist" and "licensed clinical psychologist" have 15938
the same meanings as in section 5122.01 of the Revised Code. 15939

(6) "Protection order issued by a court of another state" has 15940
the same meaning as in section 2919.27 of the Revised Code. 15941

Sec. 2921.13. (A) No person shall knowingly make a false 15942
statement, or knowingly swear or affirm the truth of a false 15943
statement previously made, when any of the following applies: 15944

(1) The statement is made in any official proceeding. 15945

(2) The statement is made with purpose to incriminate 15946
another. 15947

(3) The statement is made with purpose to mislead a public 15948
official in performing the public official's official function. 15949

(4) The statement is made with purpose to secure the payment 15950
of unemployment compensation; Ohio works first; prevention, 15951
retention, and contingency ~~assistance~~ benefits and services; 15952

disability assistance; retirement benefits; economic development 15953
assistance, as defined in section 9.66 of the Revised Code; or 15954
other benefits administered by a governmental agency or paid out 15955
of a public treasury. 15956

(5) The statement is made with purpose to secure the issuance 15957
by a governmental agency of a license, permit, authorization, 15958
certificate, registration, release, or provider agreement. 15959
15960

(6) The statement is sworn or affirmed before a notary public 15961
or another person empowered to administer oaths. 15962

(7) The statement is in writing on or in connection with a 15963
report or return that is required or authorized by law. 15964

(8) The statement is in writing and is made with purpose to 15965
induce another to extend credit to or employ the offender, to 15966
confer any degree, diploma, certificate of attainment, award of 15967
excellence, or honor on the offender, or to extend to or bestow 15968
upon the offender any other valuable benefit or distinction, when 15969
the person to whom the statement is directed relies upon it to 15970
that person's detriment. 15971

(9) The statement is made with purpose to commit or 15972
facilitate the commission of a theft offense. 15973

(10) The statement is knowingly made to a probate court in 15974
connection with any action, proceeding, or other matter within its 15975
jurisdiction, either orally or in a written document, including, 15976
but not limited to, an application, petition, complaint, or other 15977
pleading, or an inventory, account, or report. 15978

(11) The statement is made on an account, form, record, 15979
stamp, label, or other writing that is required by law. 15980

(12) The statement is made in connection with the purchase of 15981
a firearm, as defined in section 2923.11 of the Revised Code, and 15982
in conjunction with the furnishing to the seller of the firearm of 15983

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. 15984
15985
15986
15987

(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. 15988
15989
15990
15991

(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. 15992
15993
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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. 15998
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16000

(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. 16001
16002
16003
16004
16005

(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. 16006
16007
16008

(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 16009
16010
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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.

(B) The clerk of the court in which the petition is filed 16078
shall docket the petition and bring it promptly to the attention 16079
of the court. The petitioner need not serve a copy of the petition 16080
on the prosecuting attorney. The clerk of the court in which the 16081
petition is filed immediately shall forward a copy of the petition 16082
to the prosecuting attorney of that county. 16083

(C) The court shall consider a petition that is timely filed 16084
under division (A)(2) of this section even if a direct appeal of 16085
the judgment is pending. Before granting a hearing on a petition 16086
filed under division (A) of this section, the court shall 16087
determine whether there are substantive grounds for relief. In 16088
making such a determination, the court shall consider, in addition 16089
to the petition, the supporting affidavits, and the documentary 16090
evidence, all the files and records pertaining to the proceedings 16091
against the petitioner, including, but not limited to, the 16092
indictment, the court's journal entries, the journalized records 16093
of the clerk of the court, and the court reporter's transcript. 16094
The court reporter's transcript, if ordered and certified by the 16095
court, shall be taxed as court costs. If the court dismisses the 16096
petition, it shall make and file findings of fact and conclusions 16097
of law with respect to such dismissal. 16098

(D) Within ten days after the docketing of the petition, or 16099
within any further time that the court may fix for good cause 16100
shown, the prosecuting attorney shall respond by answer or motion. 16101
Within twenty days from the date the issues are made up, either 16102
party may move for summary judgment. The right to summary judgment 16103
shall appear on the face of the record. 16104

(E) Unless the petition and the files and records of the case 16105
show the petitioner is not entitled to relief, the court shall 16106
proceed to a prompt hearing on the issues even if a direct appeal 16107
of the case is pending. If the court notifies the parties that it 16108
has found grounds for granting relief, either party may request an 16109

appellate court in which a direct appeal of the judgment is 16110
pending to remand the pending case to the court. 16111

(F) At any time before the answer or motion is filed, the 16112
petitioner may amend the petition with or without leave or 16113
prejudice to the proceedings. The petitioner may amend the 16114
petition with leave of court at any time thereafter. 16115

(G) If the court does not find grounds for granting relief, 16116
it shall make and file findings of fact and conclusions of law and 16117
shall enter judgment denying relief on the petition. If no direct 16118
appeal of the case is pending and the court finds grounds for 16119
relief or if a pending direct appeal of the case has been remanded 16120
to the court pursuant to a request made pursuant to division (E) 16121
of this section and the court finds grounds for granting relief, 16122
it shall make and file findings of fact and conclusions of law and 16123
shall enter a judgment that vacates and sets aside the judgment in 16124
question, and, in the case of a petitioner who is a prisoner in 16125
custody, shall discharge or resentence the petitioner or grant a 16126
new trial as the court determines appropriate. The court also may 16127
make supplementary orders to the relief granted, concerning such 16128
matters as rearraignment, retrial, custody, and bail. If the trial 16129
court's order granting the petition is reversed on appeal and if 16130
the direct appeal of the case has been remanded from an appellate 16131
court pursuant to a request under division (E) of this section, 16132
the appellate court reversing the order granting the petition 16133
shall notify the appellate court in which the direct appeal of the 16134
case was pending at the time of the remand of the reversal and 16135
remand of the trial court's order. Upon the reversal and remand of 16136
the trial court's order granting the petition, regardless of 16137
whether notice is sent or received, the direct appeal of the case 16138
that was remanded is reinstated. 16139

(H) Upon the filing of a petition pursuant to division (A) of 16140
this section by a prisoner in a state correctional institution who 16141

has received the death penalty, the court may stay execution of 16142
the judgment challenged by the petition. 16143

(I)(1) If a person who has received the death penalty intends 16144
to file a petition under this section, the court shall appoint 16145
counsel to represent the person upon a finding that the person is 16146
indigent and that the person either accepts the appointment of 16147
counsel or is unable to make a competent decision whether to 16148
accept or reject the appointment of counsel. The court may decline 16149
to appoint counsel for the person only upon a finding, after a 16150
hearing if necessary, that the person rejects the appointment of 16151
counsel and understands the legal consequences of that decision or 16152
upon a finding that the person is not indigent. 16153

(2) The court shall not appoint as counsel under division 16154
(I)(1) of this section an attorney who represented the petitioner 16155
at trial in the case to which the petition relates unless the 16156
person and the attorney expressly request the appointment. The 16157
court shall appoint as counsel under division (I)(1) of this 16158
section only an attorney who is certified under Rule 65 20 of the 16159
Rules of Superintendence for the Courts of ~~Common Pleas~~ Ohio to 16160
represent indigent defendants charged with or convicted of an 16161
offense for which the death penalty can be or has been imposed. 16162
The ineffectiveness or incompetence of counsel during proceedings 16163
under this section does not constitute grounds for relief in a 16164
proceeding under this section, in an appeal of any action under 16165
this section, or in an application to reopen a direct appeal. 16166

(3) Division (I) of this section does not preclude attorneys 16167
who represent the state of Ohio from invoking the provisions of 28 16168
U.S.C. 154 with respect to capital cases that were pending in 16169
federal habeas corpus proceedings prior to the effective date of 16170
this amendment insofar as the petitioners in those cases were 16171
represented in proceedings under this section by one or more 16172
counsel appointed by the court under this section or section 16173

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

fee of ten dollars. Until October 1, 2001, the fee shall be ten 16205
dollars. On and after October 1, 2001, the fee shall be eleven 16206
dollars. The fee is in addition to any other court costs or fees. 16207
The county clerk of courts may retain an amount of each additional 16208
fee collected, not to exceed three per cent of the amount of the 16209
additional fee, to be used for costs directly related to the 16210
collection of the fee and the forwarding of the fee to the 16211
treasurer of state. 16212

(C) The additional fees collected, but not retained, under 16213
this section during each month shall be forwarded not later than 16214
the tenth day of the immediately following month to the treasurer 16215
of state, who shall deposit the fees in the state treasury to the 16216
credit of the children's trust fund, which is hereby created. A 16217
person or government entity that fails to forward the fees in a 16218
timely manner, as determined by the treasurer of state, shall 16219
forward to the treasurer of state, in addition to the fees, a 16220
penalty equal to ten per cent of the fees. 16221

The treasurer of state shall invest the moneys in the fund, 16222
and all earnings resulting from investment of the fund shall be 16223
credited to the fund, except that actual administrative costs 16224
incurred by the treasurer of state in administering the fund may 16225
be deducted from the earnings resulting from investments. The 16226
amount that may be deducted shall not exceed three per cent of the 16227
total amount of fees credited to the fund in each fiscal year, 16228
except that the children's trust fund board may approve an amount 16229
for actual administrative costs exceeding three per cent but not 16230
exceeding four per cent of such amount. The balance of the 16231
investment earnings shall be credited to the fund. Moneys credited 16232
to the fund shall be used only for the purposes described in 16233
sections 3109.13 to 3109.18 of the Revised Code. 16234

Sec. 3109.17. (A) For each fiscal biennium, the children's 16235

trust fund board shall establish a biennial state plan for 16236
comprehensive child abuse and child neglect prevention. The plan 16237
shall be transmitted to the governor, the president and minority 16238
leader of the senate, and the speaker and minority leader of the 16239
house of representatives and shall be made available to the 16240
general public. 16241

(B) In developing and carrying out the state plan, the 16242
children's trust fund board shall, in accordance with Chapter 119. 16243
of the Revised Code, do all of the following: 16244

(1) Ensure that an opportunity exists for assistance through 16245
child abuse and child neglect prevention programs to persons 16246
throughout the state of various social and economic backgrounds; 16247

(2) Before the thirtieth day of October of each year, notify 16248
each child abuse and child neglect prevention advisory board of 16249
the amount estimated to be block granted to that advisory board 16250
for the following fiscal year. 16251

(3) Develop criteria for county or district comprehensive 16252
allocation plans, including criteria for determining the plans' 16253
effectiveness; 16254

(4) Review county or district comprehensive allocation plans; 16255
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(5) Make a block grant to each child abuse and child neglect 16257
prevention advisory board for the purpose of funding child abuse 16258
and child neglect prevention programs. The block grants shall be 16259
allocated among advisory boards according to a formula based on 16260
the ratio of the number of children under age eighteen in the 16261
county or multicounty district to the number of children under age 16262
eighteen in the state, as shown in the most recent federal 16263
decennial census of population. Subject to the availability of 16264
funds, each advisory board shall receive a minimum of ten thousand 16265
dollars per fiscal year. In the case of an advisory board that 16266

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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 16298
copy of the report with the governor, the president and minority 16299
leader of the senate, and the speaker and minority leader of the 16300
house of representatives. 16301

~~(D) In addition to the duties described in this section and 16302
in section 3109.16 of the Revised Code, the children's trust fund 16303
board shall perform the duties described in section 121.371 of the 16304
Revised Code with regard to the wellness block grant program. 16305~~

Sec. 3119.022. When a court or child support enforcement 16306
agency calculates the amount of child support to be paid pursuant 16307
to a child support order in a proceeding in which one parent is 16308
the residential parent and legal custodian of all of the children 16309
who are the subject of the child support order or in which the 16310
court issues a shared parenting order, the court or agency shall 16311
use a worksheet identical in content and form to the following: 16312

CHILD SUPPORT COMPUTATION WORKSHEET 16313

SOLE RESIDENTIAL PARENT OR SHARED PARENTING ORDER 16314

Name of parties 16315

Case No. 16316

Number of minor children 16317

The following parent was designated as residential parent and 16318
legal custodian: mother father shared 16319

Column I Column II Column III 16320

Father Mother Combined 16321

INCOME 16322

1.a. Annual gross income from 16323

employment or, when 16324

determined appropriate 16325

by the court or agency, 16326

average annual gross income 16327

from employment over a	16328
reasonable period of years.	16329
(Exclude overtime, bonuses,	16330
self-employment income, or	16331
commissions)..... \$..... \$.....	16332
b. Amount of overtime,	16333
bonuses, and commissions	16334
(year 1 representing the	16335
most recent year)	16336
Father	16337
Yr. 3 \$.....	16338
(Three years ago)	16339
Yr. 2 \$.....	16340
(Two years ago)	16341
Yr. 1 \$.....	16342
(Last calendar year)	16343
Average \$.....	16344
Mother	16345
Yr. 3 \$.....	16346
(Three years ago)	16347
Yr. 2 \$.....	16348
(Two years ago)	16349
Yr. 1 \$.....	16350
(Last calendar year)	16351
Average \$.....	16352
(Include in Col. I and/or	16353
Col. II the average of the	16354
three years or the year 1	16355
amount, whichever is less,	16356
if there exists a reasonable	16357
expectation that the total	16358
earnings from overtime and/or	16359
bonuses during the current	16360
calendar year will meet or	
exceed the amount that is	
the lower of the average	
of the three years or the	
year 1 amount. If, however,	
there exists a reasonable	
expectation that the total	
earnings from overtime/	

bonuses during the current			16361
calendar year will be less			16362
than the lower of the average			16363
of the 3 years or the year 1			16364
amount, include only the			16365
amount reasonably expected			16366
to be earned this year.)... \$..... \$.....			16367
			16368
2. For self-employment income:			16369
a. Gross receipts from			16370
business..... \$..... \$.....			16371
b. Ordinary and necessary			16372
business expenses..... \$..... \$.....			16373
c. 5.6% of adjusted gross			16374
income or the actual			16375
marginal difference between			16376
the actual rate paid by the			16377
self-employed individual			16378
and the F.I.C.A. rate \$..... \$.....			16379
d. Adjusted gross income from			16380
self-employment (subtract			16381
the sum of 2b and 2c from			16382
2a)..... \$..... \$.....			16383
			16384
3. Annual income from interest			16385
and dividends (whether or			16386
not taxable)..... \$..... \$.....			16387
			16388
4. Annual income from			16389
unemployment compensation... \$..... \$.....			16390
			16391
5. Annual income from workers'			16392
compensation, disability			16393

insurance benefits, or social			16394
security disability/			16395
retirement benefits.....	\$.....	\$.....	16396
			16397
6. Other annual income			16398
(identify).....	\$.....	\$.....	16399
			16400
7. Total annual gross income			16401
(add lines 1a, 1b, 2d, and			16402
3-6).....	\$.....	\$.....	16403
			16404
ADJUSTMENTS TO INCOME			16405
8. Adjustment for minor children			16406
born to or adopted by either			16407
parent and another parent who			16408
are living with this parent;			16409
adjustment does not apply			16410
to stepchildren (number of			16411
children times federal income			16412
tax exemption less child			16413
support received, not to			16414
exceed the federal tax			16415
exemption).....	\$.....	\$.....	16416
			16417
9. Annual court-ordered support			16418
paid for other children....	\$.....	\$.....	16419
			16420
10. Annual court-ordered spousal			16421
support paid to any spouse			16422
or former spouse.....	\$.....	\$.....	16423
			16424
11. Amount of local income taxes			16425
actually paid or estimated			16426

	to be paid.....	\$.....	\$.....	16427
				16428
12.	Mandatory work-related			16429
	deductions such as union			16430
	dues, uniform fees, etc.			16431
	(not including taxes, social			16432
	security, or retirement)...	\$.....	\$.....	16433
				16434
13.	Total gross income			16435
	adjustments (add lines			16436
	8 through 12).....	\$.....	\$.....	16437
				16438
14.	Adjusted annual gross			16439
	income (subtract line 13			16440
	from line 7).....	\$.....	\$.....	16441
				16442
15.	Combined annual income that			16443
	is basis for child support			16444
	order (add line 14, Col. I			16445
	and Col. II).....		\$.....	16446
				16447
16.	Percentage of parent's			16448
	income to total income			16449
a.	Father (divide line 14,			16450
	Col. I, by line 15, Col.			16451
	III).....%			16452
b.	Mother (divide line 14,			16453
	Col. II, by line 15, Col.			16454
	III).....%			16455
				16456
17.	Basic combined child			16457
	support obligation (refer			16458
	to schedule, first column,			16459

locate the amount nearest	16460
to the amount on line 15,	16461
Col. III, then refer to	16462
column for number of	16463
children in this family.	16464
If the income of the	16465
parents is more than one	16466
sum but less than another,	16467
you may calculate the	16468
difference.).....	\$..... 16469
	16470
18. Annual support obligation per parent	16471
a. Father (multiply line 17,	16472
Col. III, by line 16a).....	\$..... 16473
b. Mother (multiply line 17,	16474
Col. III, by line 16b).....	\$..... 16475
	16476
19. Annual child care expenses	16477
for children who are the	16478
subject of this order that	16479
are work-, employment	16480
training-, or education-	16481
related, as approved by	16482
the court or agency	16483
(deduct tax credit from	16484
annual cost, whether or	16485
not claimed).....	\$..... \$..... 16486
	16487
20. Marginal, out-of-pocket	16488
costs, necessary to provide	16489
for health insurance for	16490
the children who are the	16491
subject of this order.....	\$..... \$..... 16492

	16493
21. ADJUSTMENTS TO CHILD SUPPORT	16494
Father (only if obligor or shared parenting)	16495 16496
Mother (only if obligor or shared parenting)	16495 16496
a. Additions: line 16a times sum of amounts shown on line 19, Col. II and line 20, Col. II \$.	16497 16498 16499 16500 16501
b. Additions: line 16b times sum of amounts shown on line 19, Col. I and line 20, Col. I \$.	16497 16498 16499 16500 16501
c. Subtractions: line 16b times sum of amounts shown on line 19, Col. I and line 20, Col. I \$.	16502 16503 16504 16505 16506
d. Subtractions: line 16a times sum of amounts shown on line 19, Col. II and line 20, Col. II \$.	16502 16503 16504 16505 16506
	16507
22. OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT:	16508
a. Father: line 18a plus <u>or minus</u> <u>the difference between</u> line 21a minus line 21c (if the amount on line 21c is greater than or equal to the amount on line 21a or if 21a and 21c are not applicable —enter the number on line 18a in Col. I).	16509 16510 16511 16512 16513 16514 16515 16516 16517
b. Mother: line 18b plus <u>or minus</u> <u>the difference between</u> line 21b minus line 21d (if the amount on line 21d is greater than or equal to the amount on line 21b or if 21b and 21d are not	16518 16519 16520 16521 16522 16523

applicable enter the	16524
number on line 18b in	16525
Col. II) \$.....	16526
	16527
23. ACTUAL ANNUAL OBLIGATION:	16528
a. (Line 22a or <u>22b</u> , whichever	16529
line corresponds to the	16530
parent who is the obligor). \$.....	16531
b. Any non-means-tested	16532
benefits, including social	16533
security and veterans'	16534
benefits, paid to and	16535
received by a child or a	16536
person on behalf of the	16537
child due to death,	16538
disability, or retirement	16539
of the parent..... \$.....	16540
c. Actual annual obligation	16541
(subtract line 23b from	16542
line 23a)..... \$.....	16543
	16544
24.a. Deviation from sole residential parent support amount shown	16545
on line 23c if amount would be unjust or inappropriate: (see	16546
section 3119.23 of the Revised Code.) (Specific facts and	16547
monetary value must be stated.)	16548
.....	16549
.....	16550
.....	16551
.....	16552
b. Deviation from shared parenting order: (see sections 3119.23	16553
and 3119.24 of the Revised Code.) (Specific facts including	16554
amount of time children spend with each parent, ability of	16555
each parent to maintain adequate housing for children, and	16556

each parent's expenses for children must be stated to justify deviation.)	16557
.....	16558
.....	16559
.....	16560
.....	16561
.....	16562
.....	16563
25. FINAL FIGURE (This amount reflects final annual child support obligation; line 23c plus or minus any amounts indicated in line 24a or 24b	16564
.....	16565
.....	16566
.....	16567
.....	16568
..... \$..... Father/Mother, OBLIGOR	16569
.....	16570
26. FOR DECREE: Child support per month (divide obligor's annual share, line 25, by 12) plus any processing charge.....	16571
..... \$.....	16572
.....	16573
.....	16574
.....	16575
Prepared by:	16576
Counsel:	16577
Pro se:	16577
For mother/father)	16578
CSEA:	16579
Other:	16579
Worksheet Has Been Reviewed and Agreed To:	16580
.....	16581
Mother	16582
Date	16582
.....	16583
Father	16584
Date	16584
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	16585
.....	16586
.....	16587

vocational school districts and all educational service centers. 16588
Such rules shall include provisions for the establishment of an 16589
Ohio education computer network under procedures, guidelines, and 16590
specifications of the department of education. 16591

16592

The department shall administer funds appropriated for the 16593
Ohio education computer network to ensure its efficient and 16594
economical operation and shall approve no more than twenty-seven 16595
data acquisition sites to operate concurrently. Such sites shall 16596
be approved for funding in accordance with rules of the state 16597
board adopted under this section that shall provide for the 16598
superintendent of public instruction to require the membership of 16599
each data acquisition site to be composed of combinations of 16600
school districts and educational service centers ~~from contiguous~~ 16601
~~counties~~ having sufficient students to support an efficient, 16602
economical comprehensive program of computer services to member 16603
districts and educational service centers. Each data acquisition 16604
site, ~~other than sites organized under Chapter 167. of the Revised~~ 16605
~~Code prior to the effective date of this section,~~ shall be 16606
organized in accordance with section 3313.92 or Chapter 167. of 16607
the Revised Code. 16608

The department of education may contract with an independent 16609
for profit or nonprofit entity to provide current and historical 16610
information on Ohio government through the Ohio education computer 16611
network to school district libraries operating in accordance with 16612
section 3375.14 of the Revised Code in order to assist school 16613
teachers in social studies course instruction and support student 16614
research projects. Any such contract shall be awarded in 16615
accordance with Chapter 125. of the Revised Code. 16616

Sec. 3301.70. (A) The state board of education is the 16617
designated state agency responsible for the coordination and 16618
administration of sections 110 to 118 of the "National and 16619

Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C. 16620
12401 to 12431, ~~and amendments thereto as amended~~. With the 16621
assistance of the ~~state Ohio community service advisory committee~~ 16622
council created in section 121.40 of the Revised Code, the state 16623
board shall coordinate with other state agencies to apply for 16624
funding under the act when appropriate. 16625

(B) With the assistance of the ~~state Ohio community service~~ 16626
~~advisory committee~~ council, the state board of education shall 16627
develop a plan to assist school districts in the implementation of 16628
section 3313.605 of the Revised Code and other community service 16629
activities of school districts. The state board shall encourage 16630
the development of school district programs meeting the 16631
requirements for funding under the "National and Community Service 16632
Act of 1990." The plan shall include the investigation of funding 16633
from all available sources for school community service education 16634
programs, including funds available under the "National and 16635
Community Service Act of 1990," and the provision of technical 16636
assistance to school districts for the implementation of community 16637
service education programs. The plan shall also provide for 16638
technical assistance to be given to school boards to assist in 16639
obtaining funds for community service education programs from any 16640
source. 16641

(C) With the assistance of the ~~state Ohio community service~~ 16642
~~advisory committee~~ council, the state board of education shall do 16643
all of the following: 16644

(1) Disseminate information about school district community 16645
service education programs to other school districts and to 16646
statewide organizations involved with or promoting volunteerism; 16647

(2) Recruit additional school districts to develop community 16648
service education programs; 16649

(3) Identify or develop model community service programs, 16650
teacher training courses, and community service curricula and 16651

teaching materials for possible use by school districts in their 16652
programs. 16653

Sec. 3301.80. (A) There is hereby created the Ohio SchoolNet 16654
commission as an independent agency. The commission shall 16655
administer programs to provide financial and other assistance to 16656
school districts and other educational institutions for the 16657
acquisition and utilization of educational technology. 16658

The commission is a body corporate and politic, an agency of 16659
the state performing essential governmental functions of the 16660
state. 16661

(B)(1) The commission shall consist of eleven members, seven 16662
of whom are voting members. Of the voting members, one shall be 16663
appointed by the speaker of the house of representatives and one 16664
shall be appointed by the president of the senate. The members 16665
appointed by the speaker of the house and the president of the 16666
senate shall not be members of the general assembly. The state 16667
superintendent of public instruction or a designee of the 16668
superintendent, the director of budget and management or a 16669
designee of the director, the director of administrative services 16670
or a designee of the director, the chairperson of the public 16671
utilities commission or a designee of the chairperson, and the 16672
director of the Ohio educational telecommunications network 16673
commission or a designee of the director shall serve on the 16674
commission as ex officio voting members. Of the nonvoting members, 16675
two shall be members of the house of representatives appointed by 16676
the speaker of the house and two shall be members of the senate 16677
appointed by the president of the senate. The members appointed 16678
from each house shall not be members of the same political party. 16679
The commission shall appoint officers from among its members. 16680

(2) The members shall serve without compensation. The voting 16682

members appointed by the speaker of the house of representatives 16683
and the president of the senate shall be reimbursed, pursuant to 16684
office of budget and management guidelines, for necessary expenses 16685
incurred in the performance of official duties. 16686
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(3) The terms of office for the members appointed by the 16688
speaker of the house and the president of the senate shall be for 16689
two years, with each term ending on the same day of the same month 16690
as did the term that it succeeds. The members appointed by the 16691
speaker of the house and the president of the senate may be 16692
reappointed. Any member appointed from the house of 16693
representatives or senate who ceases to be a member of the 16694
legislative house from which the member was appointed shall cease 16695
to be a member of the commission. Vacancies among appointed 16696
members shall be filled in the manner provided for original 16697
appointments. Any member appointed to fill a vacancy occurring 16698
prior to the expiration date of the term for which a predecessor 16699
was appointed shall hold office as a member for the remainder of 16700
that term. The members appointed by the speaker of the house and 16701
the president of the senate shall continue in office subsequent to 16702
the expiration date of that member's term until a successor takes 16703
office or until a period of sixty days has elapsed, whichever 16704
occurs first. 16705

(C)(1) The commission shall be under the supervision of an 16706
executive director who shall be appointed by the commission. The 16707
executive director shall serve at the pleasure of the commission 16708
and shall direct commission employees in the administration of all 16709
programs for the provision of financial and other assistance to 16710
school districts and other educational institutions for the 16711
acquisition and utilization of educational technology. 16712

(2) The employees of the Ohio SchoolNet commission shall be 16713
placed in the unclassified service. The commission shall fix the 16714

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

utilized, the results or outcome of this utilization, and other
information as may be required by the commission;

(4) Establish necessary guidelines governing purchasing and
procurement by participants in programs administered by the
commission that facilitate the timely and effective implementation
of such programs;

(5) Take into consideration the efficiency and cost savings
of statewide procurement prior to allocating and releasing funds
for any programs under its administration.

(E)(1) The executive director shall implement policies and
directives issued by the Ohio SchoolNet commission.

(2) The Ohio SchoolNet commission may establish a systems
support network to facilitate the timely implementation of the
programs, projects, or activities for which it provides
assistance.

(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.

Sec. 3301.85. (A) The OhioReads office is hereby established
within the department of education. The office shall be under the
supervision of an executive ~~director~~ administrator, who shall be
appointed by the superintendent of public instruction, with the
advice and consent of the OhioReads council. The executive
~~director~~ administrator shall serve at the pleasure of and report
to the superintendent, but shall discharge the position according
to guidelines issued by the council and shall perform any task
designated by the council. The executive ~~director~~ administrator
shall devote full time to the duties of that position and shall
hold no other position within the department. The superintendent

may hire additional staff for the office and shall fix the 16776
compensation of such employees as necessary to facilitate the 16777
activities and purposes of the office. All such employee positions 16778
shall be administrative staff positions, and all persons employed 16779
in those positions shall serve at the pleasure of the 16780
superintendent and shall not be subject to the provisions of 16781
Chapter 4117. of the Revised Code. The department shall provide 16782
the executive ~~director~~ administrator and any additional staff 16783
hired by the superintendent with offices within the department's 16784
office space. 16785

(B) Any employee of the OhioReads office who is a member of a 16786
bargaining unit on the effective date of this amendment shall 16787
retain that status. However, when any position encumbered by such 16788
employee is vacated for any reason, the position shall cease to be 16789
subject to any provision of Chapter 4117. of the Revised Code, and 16790
any person hired to fill such position after the effective date of 16791
this amendment shall be hired in accordance with division (A) of 16792
this section as that division exists after the effective date of 16793
this amendment. 16794

Sec. 3302.041. (A) Each school district that in 1999 was 16795
declared to be in a state of academic emergency, under an academic 16796
watch, or in need of continuous improvement under section 3302.03 16797
of the Revised Code and that is projected to receive any parity 16798
aid payments under section 3317.0217 of the Revised Code for 16799
either of the two fiscal years beginning July 1, 2001, or July 1, 16800
2002, shall amend its continuous improvement plan required under 16801
section 3302.04 of the Revised Code to include a budget for 16802
expending the parity aid for either of those two fiscal years that 16803
the district is projected to receive such aid. For each year 16804
included in the budget, the district shall allocate the full 16805
amount of projected parity aid among one or more of the following: 16806

(1) Upgrading, or purchasing additional classroom equipment, 16807

<u>materials, textbooks, or technology;</u>	16808
<u>(2) Lowering the teacher/student ratios in additional classrooms;</u>	16809
<u>(3) Providing additional advanced curriculum opportunities;</u>	16811
<u>(4) Providing additional electives or required courses for graduation;</u>	16812
<u>(5) Increasing the number of days of professional development;</u>	16814
<u>(6) Providing all-day kindergarten to more students;</u>	16815
<u>(7) Providing preschool to more students;</u>	16816
<u>(8) Providing additional programming and services for special student populations such as gifted, disadvantaged, or disabled students;</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>(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>	16819
<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>	16820
<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>	16821
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education under rules adopted pursuant to section 3302.04 of the 16837
Revised Code. 16838

(C) A copy of each amended continuous improvement plan 16839
required to contain a budget under this section shall be submitted 16840
to the department by September 1, 2001. The department, beginning 16841
July 1, 2002, shall assess a random sampling of the districts in 16842
each of fiscal years 2003 and 2004 to determine whether the 16843
district did in fact make the expenditures included in its 16844
proposed parity aid budget during the preceding fiscal year. 16845

(D) If in either year, the department finds that a district 16846
did not spend its preceding year's parity aid funds in the manner 16847
specified in the budget for that year, it shall notify the state 16848
board of education of its findings and shall subtract the amount 16849
of any parity aid funds not spent in the manner specified in the 16850
budget from any parity aid otherwise due to the district under 16851
section 3317.0217 of the Revised Code in the current fiscal year. 16852
If payments are reduced to any district under this division, the 16853
department shall continue to assess the expenditures of such 16854
district in each ensuing year and shall continue to make 16855
deductions in accordance with this section until such year as the 16856
district is found to be in compliance with this section. 16857

(E) Whenever the department reexamines the status of school 16858
districts under division (A) of section 3302.03 of the Revised 16859
Code, it shall require all districts expected to receive parity 16860
aid payments and determined either to need continuous improvement, 16861
be under an academic watch, or be in a state of academic emergency 16862
to submit their three-year continuous improvement plans to the 16863
department and to include as an integral part of such plans, 16864
budgets meeting the requirements of divisions (A) and (B) of this 16865
section. The department shall annually assess a random sampling of 16866
all such districts and withhold parity aid payments from 16867
noncomplying districts in the same manner as required under 16868

divisions (C) and (D) of this section. 16869

(F) At any time, for good cause and with the approval of the department, a school district may amend a budget adopted under this section. Any such amendment, however, shall provide that any parity aid payments the district proposes not to spend on one of the items listed in division (A) of this section are instead reallocated to other items listed in such division. 16870
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(G) The superintendent of public instruction may authorize a school district to spend parity aid payments for a purpose not listed in division (A) of this section upon request of the district if the superintendent considers it appropriate. 16876
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Sec. 3303.01. Except when utilized in Chapter 3311. of the Revised Code, whenever the term vocational education occurs anywhere in the Revised Code, it shall be deemed to refer to career-technical education, except that joint vocational school districts shall continue to be styled as and shall maintain their legal existence as either joint vocational school districts or vocational school districts pursuant to section 3311.01. 16880
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Sec. 3305.061. Notwithstanding section 171.07 and division (D) of section 3305.06 of the Revised Code, the percentage of an electing employee's compensation contributed by a public institution of higher education under division (D) of section 3305.06 of the Revised Code shall not exceed the percentage of compensation transferred under section 145.87, 3307.84, or 3309.88 of the Revised Code, as appropriate, by the state retirement system that otherwise applies to the electing employee's position. A change in the percentage of compensation contributed under division (D) of section 3305.06 of the Revised Code, as required by this section, shall take effect on the same day a change in the percentage of compensation takes effect under section 145.87, 16887
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3307.84, or 3309.88 of the Revised Code, as appropriate. 16899

Sec. 3307.05. The state teachers retirement board shall 16900
consist of the following nine members: 16901

(A) The superintendent of public instruction; 16902

(B) The auditor of state; 16903

(C) The attorney general; 16904

(D) Five members, known as teacher members, who shall be 16905
members of the state teachers retirement system; 16906

(E) A former member of the system, known as the retired 16907
teacher member, who shall be a superannuate and who is not 16908
otherwise employed in a position requiring the retired teacher 16909
member to make contributions to the system. 16910

Sec. 3311.057. (A) Any educational service center that is 16911
formed by merging two or more educational service centers or 16912
former county school districts after July 1, 1995, but prior to 16913
July 1, ~~1999~~ 2003, may determine the number of members of its 16914
governing board ~~of education~~ and whether the members are to be 16915
elected at large or by subdistrict, provided each board shall have 16916
an odd number of members. 16917

(B) If an educational service center described in division 16918
(A) of this section is formed on or after the effective date of 16919
this section, the governing board ~~of education~~ of each service 16920
center that is merging to form the new service center shall 16921
include identical provisions for electing the new service center's 16922
governing board in its resolution adopted pursuant to division (A) 16923
of section 3311.053 of the Revised Code. If there is any 16924
transition period between the effective date of the merger of the 16925
service centers and the assumption of control of the new service 16926

center by the new board, the resolutions shall include provisions 16927
for an interim governing board which shall be appointed to govern 16928
the service center until the time the new board is elected and 16929
assumes control of the service center. 16930

(C) If an educational service center described in division 16931
(A) of this section was formed prior to the effective date of this 16932
section, the governing board of the service center may adopt at 16933
any time prior to July 1, ~~1999~~ 2003, a resolution setting forth 16934
provisions for changing the number of members and the manner of 16935
electing its board and provisions for any transitional period 16936
between the abolition of the existing board and the assumption of 16937
control by the new board. 16938

(D) Any provisions for electing a governing board adopted 16939
pursuant to division (B) or (C) of this section may provide for 16940
the election of members at large, may provide for the 16941
establishment of subdistricts within the district, or may require 16942
some members to be elected at large and some to be elected from 16943
subdistricts. If subdistricts are included, the resolutions shall 16944
specify the manner in which their boundaries are to be drawn. The 16945
provisions shall attempt to ensure that each elected member of the 16946
board represents an equal number of residents of the service 16947
center. To accomplish this, any subdistrict containing a multiple 16948
of the number of electors in another subdistrict, may elect 16949
at-large within that subdistrict, a number of board members equal 16950
to the multiple that its population is of the population of the 16951
other subdistrict. 16952

(E) The provisions for selecting board members set forth in 16953
the latest resolution adopted pursuant to division (B) or (C) of 16954
this section prior to July 1, ~~1999~~ 2003, shall remain the method 16955
of electing ~~school~~ board members within that educational service 16956
center. 16957

Sec. 3311.058. Notwithstanding anything to the contrary in 16958
Section 45.32 of Am. Sub. H.B. 117 of the 121st General Assembly, 16959
146 Ohio Laws 900, 1805, as subsequently amended, or in Chapter 16960
3311. of the Revised Code, no educational service center shall be 16961
required to merge in order to achieve any prescribed minimum 16962
average daily membership if such a merger will cause the territory 16963
of the resultant joint educational service center to comprise more 16964
than eight hundred square miles. 16965

Sec. 3311.062. Notwithstanding anything prohibiting the 16966
existence of school districts with noncontiguous territory in 16967
section 3311.06 or 3311.37 of the Revised Code or in any other 16968
section of this chapter, a new school district may be formed under 16969
this chapter after the effective date of this section from the 16970
territory of noncontiguous school districts, provided that the 16971
board of education of any school district containing territory 16972
lying between the noncontiguous portions of such a new school 16973
district adopts a resolution approving the establishment of the 16974
new district. 16975

Sec. 3313.37. (A)(1) The board of education of any city, 16976
local, or exempted village school district may build, enlarge, 16977
repair, and furnish the necessary schoolhouses, purchase or lease 16978
sites therefor, or rights-of-way thereto, or purchase or lease 16979
real estate to be used as playgrounds for children or rent 16980
suitable schoolrooms, either within or without the district, and 16981
provide the necessary apparatus and make all other necessary 16982
provisions for the schools under its control. ~~The governing board~~ 16983
~~of any educational service center may build, enlarge, repair, and~~ 16984
~~furnish the necessary facilities for conducting special education~~ 16985
~~programs and driver education courses, purchase or lease sites~~ 16986
~~therefor, or rights-of-way thereto, or purchase or lease real~~ 16987

~~estate or rent suitable facilities to be used for such purposes 16988~~
~~and provide the necessary apparatus and make all other necessary 16989~~
~~provisions for such facilities as are under its control. 16990~~

(2) A governing board of an educational service center may 16991
acquire, lease, or enter into a contract to purchase, lease, or 16992
sell real and personal property and may construct, enlarge, 16993
repair, renovate, furnish, or equip facilities, buildings, or 16994
structures for the educational service center's purposes. The 16995
board may enter into loan agreements, including mortgages, for the 16996
acquisition of such property. If a governing board exercises any 16997
of these powers to acquire office or classroom space, the board of 16998
county commissioners has no obligation to provide and equip 16999
offices and to provide heat, light, water, and janitorial services 17000
for the use of the service center pursuant to section 3319.19 of 17001
the Revised Code, unless there is a contract as provided by 17002
division (D) of that section. 17003

(3) A board of county commissioners may issue securities of 17004
the county pursuant to Chapter 133. of the Revised Code for the 17005
acquisition of real and personal property or for the construction, 17006
enlargement, repair, or renovation of facilities, buildings, or 17007
structures by an educational service center, but only if the 17008
county has a contract under division (D) of section 3319.19 of the 17009
Revised Code with the educational service center whereby the 17010
educational service center agrees to pay the county an amount 17011
equal to the debt charges on the issued securities on or before 17012
the date those charges fall due. For the purposes of this section, 17013
"debt charges" and "securities" have the same meanings as in 17014
section 133.01 of the Revised Code. 17015

(B)(1) Boards of education of city, local, and exempted 17016
village school districts may acquire land by gift or devise, by 17017
purchase, or by appropriation. Lands purchased may be purchased 17018
for cash, by installment payments, with or without a mortgage, by 17019

entering into lease-purchase agreements, or by lease with an 17020
option to purchase, provided that if the purchase price is to be 17021
paid over a period of time, such payments shall not extend for a 17022
period of more than five years. A special tax levy may be 17023
authorized by the voters of the school district in accordance with 17024
section 5705.21 of the Revised Code to provide a special fund to 17025
meet the future time payments. 17026

(2) For the purposes of section 5705.21 of the Revised Code, 17027
acquisition of land under the provisions of this division shall be 17028
considered a necessary requirement of the school district. 17029

(3) Boards of education of city, local, and exempted village 17030
school districts may acquire federal land at a discount by a 17031
lease-purchase agreement for use as a site for the construction of 17032
educational facilities or for other related purposes. External 17033
administrative and other costs pertaining to the acquisition of 17034
federal land at a discount may be paid from funds available to the 17035
school district for operating purposes. Such boards of education 17036
may also acquire federal land by lease-purchase agreements, by 17037
negotiation, or otherwise. 17038

(4) As used in this division: 17039

(a) "Office equipment" includes but is not limited to 17040
typewriters, copying and duplicating equipment, and computer and 17041
data processing equipment. 17042

(b) "Software for instructional purposes" includes computer 17043
programs usable for computer assisted instruction, computer 17044
managed instruction, drill and practice, and problem simulations. 17045

A board of education or governing board of an educational 17046
service center may acquire the necessary office equipment, and 17047
computer hardware and software for instructional purposes, for the 17048
schools under its control by purchase, by lease, by installment 17049
payments, by entering into lease-purchase agreements, or by lease 17050

with an option to purchase. In the case of a city, exempted
village, or local school district, if the purchase price is to be
paid over a period of time, the contract setting forth the terms
of such purchase shall be considered a continuing contract
pursuant to section 5705.41 of the Revised Code. Payments shall
not extend for a period of more than five years. Costs relating to
the acquisition of necessary apparatus may be paid from funds
available to the school district or educational service center for
operating purposes.

(5) A board of education or governing board of an educational
service center may acquire the necessary equipment for the
maintenance or physical upkeep of facilities and land under its
control by entering into lease-purchase agreements. If payments
under the lease-purchase agreement are to be made over a period of
time, the agreement shall be considered a continuing contract
pursuant to section 5705.41 of the Revised Code, and such payments
shall not extend for a period of more than five years.

Sec. 3313.41. (A) Except as provided in divisions (C), (D),
~~and (F)~~, and (G) of this section, when a board of education
decides to dispose of real or personal property that it owns in
its corporate capacity, and that exceeds in value ten thousand
dollars, it shall sell the property at public auction, after
giving at least thirty days' notice of the auction by publication
in a newspaper of general circulation or by posting notices in
five of the most public places in the school district in which the
property, if it is real property, is situated, or, if it is
personal property, in the school district of the board of
education that owns the property. The board may offer real
property for sale as an entire tract or in parcels.

(B) When the board of education has offered real or personal
property for sale at public auction at least once pursuant to

division (A) of this section, and the property has not been sold, 17082
the board may sell it at a private sale. Regardless of how it was 17083
offered at public auction, at a private sale, the board shall, as 17084
it considers best, sell real property as an entire tract or in 17085
parcels, and personal property in a single lot or in several lots. 17086

(C) If a board of education decides to dispose of real or 17087
personal property that it owns in its corporate capacity and that 17088
exceeds in value ten thousand dollars, it may sell the property to 17089
the adjutant general; to any subdivision or taxing authority as 17090
respectively defined in divisions (A) and (C) of section 5705.01 17091
of the Revised Code, township park district, board of park 17092
commissioners established under Chapter 755. of the Revised Code, 17093
or park district established under Chapter 1545. of the Revised 17094
Code; to a wholly or partially tax-supported university, 17095
university branch, or college; or to the board of trustees of a 17096
school district library, upon such terms as are agreed upon. The 17097
sale of real or personal property to the board of trustees of a 17098
school district library is limited, in the case of real property, 17099
to a school district library within whose boundaries the real 17100
property is situated, or, in the case of personal property, to a 17101
school district library whose boundaries lie in whole or in part 17102
within the school district of the selling board of education. 17103

(D) When a board of education decides to trade as a part or 17104
an entire consideration, an item of personal property on the 17105
purchase price of an item of similar personal property, it may 17106
trade the same upon such terms as are agreed upon by the parties 17107
to the trade. 17108

(E) The president and the treasurer of the board of education 17109
shall execute and deliver deeds or other necessary instruments of 17110
conveyance to complete any sale or trade under this section. 17111

(F) When a board of education has identified a parcel of real 17112
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property that it determines is needed for school purposes, the 17114
board may, upon a majority vote of the members of the board, 17115
acquire that property by exchanging real property that the board 17116
owns in its corporate capacity for the identified real property or 17117
by using real property that the board owns in its corporate 17118
capacity as part or an entire consideration for the purchase price 17119
of the identified real property. Any exchange or acquisition made 17120
pursuant to this division shall be made by a conveyance executed 17121
by the president and the treasurer of the board. 17122

(G) When a school district board of education decides to 17123
dispose of real property suitable for use as classroom space, 17124
prior to disposing of such property under division (A) through (F) 17125
of this section, it shall first offer that property for sale to 17126
the governing authorities of the start-up community schools, 17127
established under Chapter 3314. of the Revised Code and located 17128
within the territory of the school district, and to the governing 17129
board of any educational service center providing services to the 17130
district, at a price that is not higher than the appraised fair 17131
market value of that property. If more than one community school 17132
governing authority accepts the offer made by the school district 17133
board or if at least one community school governing authority and 17134
the educational service center governing board accept that offer, 17135
the board shall sell the property to the governing authority or 17136
governing board that accepted the offer first in time. If no 17137
community school governing authority or governing board accepts 17138
the offer within sixty days after the offer is made by the school 17139
district board, the board may dispose of the property in the 17140
applicable manner prescribed under divisions (A) to (F) of this 17141
section. 17142

Sec. 3313.603. (A) As used in this section: 17143

(1) "One unit" means a minimum of one hundred twenty hours of 17144

course instruction, except that for a laboratory course, "one
unit" means a minimum of one hundred fifty hours of course
instruction.

(2) "One-half unit" means a minimum of sixty hours of course
instruction, except that for physical education courses, "one-half
unit" means a minimum of one hundred twenty hours of course
instruction.

(B) Beginning September 15, 2001, the requirements for
graduation from every high school shall include ~~twenty-one~~ twenty
units earned in grades nine through twelve and shall be
distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit;

(3) Mathematics, three units;

(4) Physical education, one-half unit;

(5) Science, two units until September 15, 2003, and three
units thereafter, which at all times shall include both of the
following:

(a) Biological sciences, one unit;

(b) Physical sciences, one unit.

(6) Social studies, three units, which shall include both of
the following:

(a) American history, one-half unit;

(b) American government, one-half unit.

(7) Elective units, ~~eight~~ seven units until September 15,
2003, and ~~seven~~ six units thereafter.

Each student's electives shall include at least one unit, or
two half units, chosen from among the areas of

business/technology, fine arts, and/or foreign language. 17173

(C) Every high school may permit students below the ninth 17174
grade to take advanced work for credit. A high school shall count 17175
such advanced work toward the graduation requirements of division 17176
(B) of this section if the advanced work was both: 17177

(1) Taught by a person who possesses a license or certificate 17178
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 17179
Code that is valid for teaching high school; 17180

(2) Designated by the board of education of the city, local, 17181
or exempted village school district, the board of the cooperative 17182
education school district, or the governing authority of the 17183
chartered nonpublic school as meeting the high school curriculum 17184
requirements. 17185

(D) Units earned in English language arts, mathematics, 17186
science, and social studies that are delivered through integrated 17187
academic and technical instruction are eligible to meet the 17188
graduation requirements of division (B) of this section. 17189

Sec. 3313.64. (A) As used in this section and in section 17190
3313.65 of the Revised Code: 17191

(1) "Parent" means either parent, unless the parents are 17192
separated or divorced or their marriage has been dissolved or 17193
annulled, in which case "parent" means the parent who is the 17194
residential parent and legal custodian of the child. When a child 17195
is in the legal custody of a government agency or a person other 17196
than the child's natural or adoptive parent, "parent" means the 17197
parent with residual parental rights, privileges, and 17198
responsibilities. When a child is in the permanent custody of a 17199
government agency or a person other than the child's natural or 17200
adoptive parent, "parent" means the parent who was divested of 17201
parental rights and responsibilities for the care of the child and 17202

the right to have the child live with the parent and be the legal
custodian of the child and all residual parental rights,
privileges, and responsibilities. 17203
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(2) "Legal custody," "permanent custody," and "residual
parental rights, privileges, and responsibilities" have the same
meanings as in section 2151.011 of the Revised Code. 17206
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(3) "School district" or "district" means a city, local, or
exempted village school district and excludes any school operated
in an institution maintained by the department of youth services. 17209
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(4) Except as used in division (C)(2) of this section, "home"
means a home, institution, foster home, group home, or other
residential facility in this state that receives and cares for
children, to which any of the following applies: 17212
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(a) The home is licensed, certified, or approved for such
purpose by the state or is maintained by the department of youth
services. 17216
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(b) The home is operated by a person who is licensed,
certified, or approved by the state to operate the home for such
purpose. 17219
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(c) The home accepted the child through a placement by a
person licensed, certified, or approved to place a child in such a
home by the state. 17222
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(d) The home is a children's home created under section
5153.21 or 5153.36 of the Revised Code. 17225
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(5) "Agency" means all of the following: 17227

(a) A public children services agency; 17228

(b) An organization that holds a certificate issued by the
Ohio department of job and family services in accordance with the
requirements of section 5103.03 of the Revised Code and assumes
temporary or permanent custody of children through commitment, 17229
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agreement, or surrender, and places children in family homes for 17233
the purpose of adoption; 17234

(c) Comparable agencies of other states or countries that 17235
have complied with applicable requirements of section 2151.39, or 17236
sections 5103.20 to 5103.28 of the Revised Code. 17237

(6) A child is placed for adoption if either of the following 17238
occurs: 17239

(a) An agency to which the child has been permanently 17240
committed or surrendered enters into an agreement with a person 17241
pursuant to section 5103.16 of the Revised Code for the care and 17242
adoption of the child. 17243

(b) The child's natural parent places the child pursuant to 17244
section 5103.16 of the Revised Code with a person who will care 17245
for and adopt the child. 17246

(7) "Handicapped preschool child" means a handicapped child, 17247
as defined by division (A) of section 3323.01 of the Revised Code, 17248
who is at least three years of age but is not of compulsory school 17249
age, as defined in section 3321.01 of the Revised Code, and who is 17250
not currently enrolled in kindergarten. 17251

(8) "Child," unless otherwise indicated, includes handicapped 17252
preschool children. 17253

(B) Except as otherwise provided in section 3321.01 of the 17254
Revised Code for admittance to kindergarten and first grade, a 17255
child who is at least five but under twenty-two years of age and 17256
any handicapped preschool child shall be admitted to school as 17257
provided in this division. 17258

(1) A child shall be admitted to the schools of the school 17259
district in which the child's parent resides. 17260

(2) A child who does not reside in the district where the 17261
child's parent resides shall be admitted to the schools of the 17262

district in which the child resides if any of the following	17263
applies:	17264
(a) The child is in the legal or permanent custody of a	17265
government agency or a person other than the child's natural or	17266
adoptive parent.	17267
(b) The child resides in a home.	17268
(c) The child requires special education.	17269
(3) A child who is not entitled under division (B)(2) of this	17270
section to be admitted to the schools of the district where the	17271
child resides and who is residing with a resident of this state	17272
with whom the child has been placed for adoption shall be admitted	17273
to the schools of the district where the child resides unless	17274
either of the following applies:	17275
(a) The placement for adoption has been terminated.	17276
(b) Another school district is required to admit the child	17277
under division (B)(1) of this section.	17278
Division (B) of this section does not prohibit the board of	17279
education of a school district from placing a handicapped child	17280
who resides in the district in a special education program outside	17281
of the district or its schools in compliance with Chapter 3323. of	17282
the Revised Code.	17283
(C) A district shall not charge tuition for children admitted	17284
under division (B)(1) or (3) of this section. If the district	17285
admits a child under division (B)(2) of this section, tuition	17286
shall be paid to the district that admits the child as follows:	17287
	17288
(1) If the child receives special education in accordance	17289
with Chapter 3323. of the Revised Code, tuition shall be paid in	17290
accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of	17291
the Revised Code regardless of who has custody of the child or	17292

whether the child resides in a home. 17293

(2) Except as otherwise provided in division (C)(2)(d) of 17294
this section, if the child is in the permanent or legal custody of 17295
a government agency or person other than the child's parent, 17296
tuition shall be paid by: 17297

(a) The district in which the child's parent resided at the 17298
time the court removed the child from home or at the time the 17299
court vested legal or permanent custody of the child in the person 17300
or government agency, whichever occurred first; 17301

(b) If the parent's residence at the time the court removed 17302
the child from home or placed the child in the legal or permanent 17303
custody of the person or government agency is unknown, tuition 17304
shall be paid by the district in which the child resided at the 17305
time the child was removed from home or placed in legal or 17306
permanent custody, whichever occurred first; 17307

(c) If a school district cannot be established under division 17308
(C)(2)(a) or (b) of this section, tuition shall be paid by the 17309
district determined as required by section 2151.357 of the Revised 17310
Code by the court at the time it vests custody of the child in the 17311
person or government agency; 17312

(d) If at the time the court removed the child from home or 17313
vested legal or permanent custody of the child in the person or 17314
government agency, whichever occurred first, one parent was in a 17315
residential or correctional facility or a juvenile residential 17316
placement and the other parent, if living and not in such a 17317
facility or placement, was not known to reside in this state, 17318
tuition shall be paid by the district determined under division 17319
(D) of section 3313.65 of the Revised Code as the district 17320
required to pay any tuition while the parent was in such facility 17321
or placement. 17322

(3) If the child is not in the permanent or legal custody of 17323

a government agency or person other than the child's parent and 17324
the child resides in a home, tuition shall be paid by one of the 17325
following: 17326

(a) The school district in which the child's parent resides; 17327

(b) If the child's parent is not a resident of this state, 17328
the home in which the child resides. 17329

(D) Tuition required to be paid under divisions (C)(2) and 17330
(3)(a) of this section shall be computed in accordance with 17331
section 3317.08 of the Revised Code. Tuition required to be paid 17332
under division (C)(3)(b) of this section shall be computed in 17333
accordance with section 3317.081 of the Revised Code. If a home 17334
fails to pay the tuition required by division (C)(3)(b) of this 17335
section, the board of education providing the education may 17336
recover in a civil action the tuition and the expenses incurred in 17337
prosecuting the action, including court costs and reasonable 17338
attorney's fees. If the prosecuting attorney or city director of 17339
law represents the board in such action, costs and reasonable 17340
attorney's fees awarded by the court, based upon the prosecuting 17341
attorney's, director's, or one of their designee's time spent 17342
preparing and presenting the case, shall be deposited in the 17343
county or city general fund. 17344

(E) A board of education may enroll a child free of any 17345
tuition obligation for a period not to exceed sixty days, on the 17346
sworn statement of an adult resident of the district that the 17347
resident has initiated legal proceedings for custody of the child. 17348

(F) In the case of any individual entitled to attend school 17349
under this division, no tuition shall be charged by the school 17350
district of attendance and no other school district shall be 17351
required to pay tuition for the individual's attendance. 17352
Notwithstanding division (B), (C), or (E) of this section: 17353

(1) All persons at least eighteen but under twenty-two years 17354

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

district in which the child attended school at the time of the 17386
parent's death is entitled to continue to attend school in the 17387
district in which the child attended school at the time of the 17388
parent's death for the remainder of the school year, subject to 17389
approval of that district board. 17390

(6) A child under the age of twenty-two years who resides 17391
with a parent who is having a new house built in a school district 17392
outside the district where the parent is residing is entitled to 17393
attend school for a period of time in the district where the new 17394
house is being built. In order to be entitled to such attendance, 17395
the parent shall provide the district superintendent with the 17396
following: 17397

(a) A sworn statement explaining the situation, revealing the 17398
location of the house being built, and stating the parent's 17399
intention to reside there upon its completion; 17400

(b) A statement from the builder confirming that a new house 17401
is being built for the parent and that the house is at the 17402
location indicated in the parent's statement. 17403

(7) A child under the age of twenty-two years residing with a 17404
parent who has a contract to purchase a house in a school district 17405
outside the district where the parent is residing and who is 17406
waiting upon the date of closing of the mortgage loan for the 17407
purchase of such house is entitled to attend school for a period 17408
of time in the district where the house is being purchased. In 17409
order to be entitled to such attendance, the parent shall provide 17410
the district superintendent with the following: 17411

(a) A sworn statement explaining the situation, revealing the 17412
location of the house being purchased, and stating the parent's 17413
intent to reside there; 17414

(b) A statement from a real estate broker or bank officer 17415
confirming that the parent has a contract to purchase the house, 17416

that the parent is waiting upon the date of closing of the
mortgage loan, and that the house is at the location indicated in
the parent's statement.

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The district superintendent shall establish a period of time
not to exceed ninety days during which the child entitled to
attend school under division (F)(6) or (7) of this section may
attend without tuition obligation. A student attending a school
under division (F)(6) or (7) of this section shall be eligible to
participate in interscholastic athletics under the auspices of
that school, provided the board of education of the school
district where the student's parent resides, by a formal action,
releases the student to participate in interscholastic athletics
at the school where the student is attending, and provided the
student receives any authorization required by a public agency or
private organization of which the school district is a member
exercising authority over interscholastic sports.

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(8) A child whose parent is a full-time employee of a city,
local, or exempted village school district, or of an educational
service center, may be admitted to the schools of the district
where the child's parent is employed, or in the case of a child
whose parent is employed by an educational service center, in the
district that serves the location where the parent's job is
primarily located, provided the district board of education
establishes such an admission policy by resolution adopted by a
majority of its members. Any such policy shall take effect on the
first day of the school year and the effective date of any
amendment or repeal may not be prior to the first day of the
subsequent school year. The policy shall be uniformly applied to
all such children and shall provide for the admission of any such
child upon request of the parent. No child may be admitted under
this policy after the first day of classes of any school year.

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(9) A child who is with the child's parent under the care of

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a shelter for victims of domestic violence, as defined in section 17449
3113.33 of the Revised Code, is entitled to attend school free in 17450
the district in which the child is with the child's parent, and no 17451
other school district shall be required to pay tuition for the 17452
child's attendance in that school district. 17453

The enrollment of a child in a school district under this 17454
division shall not be denied due to a delay in the school 17455
district's receipt of any records required under section 3313.672 17456
of the Revised Code or any other records required for enrollment. 17457
Any days of attendance and any credits earned by a child while 17458
enrolled in a school district under this division shall be 17459
transferred to and accepted by any school district in which the 17460
child subsequently enrolls. The state board of education shall 17461
adopt rules to ensure compliance with this division. 17462

(10) Any child under the age of twenty-two years whose parent 17463
has moved out of the school district after the commencement of 17464
classes in the child's senior year of high school is entitled, 17465
subject to the approval of that district board, to attend school 17466
in the district in which the child attended school at the time of 17467
the parental move for the remainder of the school year and for one 17468
additional semester or equivalent term. A district board may also 17469
adopt a policy specifying extenuating circumstances under which a 17470
student may continue to attend school under division (F)(10) of 17471
this section for an additional period of time in order to 17472
successfully complete the high school curriculum for the 17473
individualized education program developed for the student by the 17474
high school pursuant to section 3323.08 of the Revised Code. 17475

(11) As used in this division, "grandparent" means a parent 17476
of a parent of a child. A child under the age of twenty-two years 17477
who is in the custody of the child's parent, resides with a 17478
grandparent, and does not require special education is entitled to 17479
attend the schools of the district in which the child's 17480

grandparent resides, provided that, prior to such attendance in 17481
any school year, the board of education of the school district in 17482
which the child's grandparent resides and the board of education 17483
of the school district in which the child's parent resides enter 17484
into a written agreement specifying that good cause exists for 17485
such attendance, describing the nature of this good cause, and 17486
consenting to such attendance. 17487

In lieu of a consent form signed by a parent, a board of 17488
education may request the grandparent of a child attending school 17489
in the district in which the grandparent resides pursuant to 17490
division (F)(11) of this section to complete any consent form 17491
required by the district, including any authorization required by 17492
sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 17493
Upon request, the grandparent shall complete any consent form 17494
required by the district. A school district shall not incur any 17495
liability solely because of its receipt of a consent form from a 17496
grandparent in lieu of a parent. 17497

Division (F)(11) of this section does not create, and shall 17498
not be construed as creating, a new cause of action or substantive 17499
legal right against a school district, a member of a board of 17500
education, or an employee of a school district. This section does 17501
not affect, and shall not be construed as affecting, any 17502
immunities from defenses to tort liability created or recognized 17503
by Chapter 2744. of the Revised Code for a school district, 17504
member, or employee. 17505

(12) A child under the age of twenty-two years is entitled to 17506
attend school in a school district other than the district in 17507
which the child is entitled to attend school under division (B), 17508
(C), or (E) of this section provided that, prior to such 17509
attendance in any school year, both of the following occur: 17510

(a) The superintendent of the district in which the child is 17511
entitled to attend school under division (B), (C), or (E) of this 17512

section contacts the superintendent of another district for 17513
purposes of this division; 17514

(b) The superintendents of both districts enter into a 17515
written agreement that consents to the attendance and specifies 17516
that the purpose of such attendance is to protect the student's 17517
physical or mental well-being or to deal with other extenuating 17518
circumstances deemed appropriate by the superintendents. 17519

While an agreement is in effect under this division for a 17520
student who is not receiving special education under Chapter 3323. 17521
of the Revised Code and notwithstanding Chapter 3327. of the 17522
Revised Code, the board of education of neither school district 17523
involved in the agreement is required to provide transportation 17524
for the student to and from the school where the student attends. 17525

A student attending a school of a district pursuant to this 17526
division shall be allowed to participate in all student 17527
activities, including interscholastic athletics, at the school 17528
where the student is attending on the same basis as any student 17529
who has always attended the schools of that district while of 17530
compulsory school age. 17531

(13) All school districts shall comply with the 17532
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 17533
seq., for the education of homeless children. Each city, local, 17534
and exempted village school district shall comply with the 17535
requirements of that act governing the provision of a free, 17536
appropriate public education, including public preschool, to each 17537
homeless child. 17538

When a child loses permanent housing and becomes a homeless 17539
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 17540
such a homeless person changes temporary living arrangements, the 17541
child's parent or guardian shall have the option of enrolling the 17542
child in either of the following: 17543

(a) The child's school of origin, as defined in 42 U.S.C.A. 11432(g)(3)(C); 17544
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(b) The school that is operated by the school district in which the shelter where the child currently resides is located and that serves the geographic area in which the shelter is located. 17546
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(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the district and who are either of the following: 17549
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(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students; 17552
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(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization. 17554
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(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section. 17557
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(I) This division does not apply to a child receiving special education. 17562
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A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to 17564
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pay tuition, the department of education shall pay the district of 17575
attendance the difference from amounts deducted from all 17576
districts' payments under division (F) of section 3317.023 of the 17577
Revised Code but not credited to other school districts under such 17578
division and from appropriations made for such purpose. The 17579
treasurer of each school district shall, by the fifteenth day of 17580
January and July, furnish the superintendent of public instruction 17581
a report of the names of each child who attended the district's 17582
schools under divisions (C)(2) and (3) of this section or section 17583
3313.65 of the Revised Code during the preceding six calendar 17584
months, the duration of the attendance of those children, the 17585
school district responsible for tuition on behalf of the child, 17586
and any other information that the superintendent requires. 17587

Upon receipt of the report the superintendent, pursuant to 17588
division (F) of section 3317.023 of the Revised Code, shall deduct 17589
each district's tuition obligations under divisions (C)(2) and (3) 17590
of this section or section 3313.65 of the Revised Code and pay to 17591
the district of attendance that amount plus any amount required to 17592
be paid by the state. 17593

(J) In the event of a disagreement, the superintendent of 17594
public instruction shall determine the school district in which 17595
the parent resides. 17596

(K) Nothing in this section requires or authorizes, or shall 17597
be construed to require or authorize, the admission to a public 17598
school in this state of a pupil who has been permanently excluded 17599
from public school attendance by the superintendent of public 17600
instruction pursuant to sections 3301.121 and 3313.662 of the 17601
Revised Code. 17602

Sec. 3314.07. (A) The expiration of the contract for a 17603
community school between a sponsor and a school shall be the date 17604
provided in the contract. A successor contract may be entered into 17605

unless the contract is terminated or not renewed pursuant to this section. 17606
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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: 17608
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(a) Failure to meet student performance requirements stated in the contract; 17611
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(b) Failure to meet generally accepted standards of fiscal management; 17613
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(c) Violation of any provision of the contract or applicable state or federal law; 17615
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(d) Other good cause. 17617

~~A termination shall be effective only at the conclusion of a school year.~~ 17618
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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. 17620
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(3) At least one hundred eighty ninety days prior to the termination or nonrenewal of a contract, the sponsor shall notify the school of the proposed action in writing. The notice shall include the reasons for the proposed action in detail, the effective date of the termination or nonrenewal, and a statement that the school may, within fourteen days of receiving the notice, request an informal hearing before the sponsor. Such request must be in writing. The informal hearing shall be held within seventy days of the receipt of a request for the hearing. Promptly following the informal hearing, the sponsor shall issue a written decision either affirming or rescinding the decision to terminate or not renew the contract. 17623
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+3+(4) A decision by the sponsor to terminate a contract may 17635

be appealed to the state board of education. The decision by the 17636
state board pertaining to an appeal under this division is final. 17637
If the sponsor is the state board, its decision to terminate a 17638
contract under division (B)(4) of this section shall be final. 17639

(5) The termination of a contract under this section shall be 17640
effective upon the occurrence of the later of the following 17641
events: 17642

(a) Ninety days following the date the sponsor notifies the 17643
school of its decision to terminate the contract as prescribed in 17644
division (B)(3) of this section; 17645

(b) If an informal hearing is requested under division (B)(3) 17646
of this section and as a result of that hearing the sponsor 17647
affirms its decision to terminate the contract, the effective date 17648
of the termination specified in the notice issued under division 17649
(B)(3) of this section, or if that decision is appealed to the 17650
state board under division (B)(4) of this section and the state 17651
board affirms that decision, the date established in the 17652
resolution of the state board affirming the sponsor's decision. 17653

(C) A child attending a community school whose contract has 17654
been terminated ~~or~~, nonrenewed, or suspended or that closes for 17655
any reason shall be admitted to the schools of the district in 17656
which the child is entitled to attend under section 3313.64 or 17657
3313.65 of the Revised Code. Any deadlines established for the 17658
purpose of admitting students under section 3313.97 or 3313.98 17659
shall be waived for students to whom this division pertains. 17660

(D) A sponsor of a community school and the officers, 17661
directors, or employees of such a sponsor are not liable in 17662
damages in a tort or other civil action for harm allegedly arising 17663
from either of the following: 17664

(1) A failure of the community school or any of its officers, 17665
directors, or employees to perform any statutory or common law 17666

duty or responsibility or any other legal obligation; 17667

(2) An action or omission of the community school or any of 17668
its officers, directors, or employees that results in harm. 17669

(E) As used in this section: 17670

(1) "Harm" means injury, death, or loss to person or 17671
property. 17672

(2) "Tort action" means a civil action for damages for 17673
injury, death, or loss to person or property other than a civil 17674
action for damages for a breach of contract or another agreement 17675
between persons. 17676

Sec. 3314.072. The provisions of this section are enacted to 17677
promote the public health, safety, and welfare by establishing 17678
procedures under which the governing authorities of community 17679
schools established under this chapter will be held accountable 17680
for their compliance with the terms of the contracts they enter 17681
into with their school's sponsors and the law relating to the 17682
school's operation. Suspension of the operation of a school 17683
imposed under this section is intended to encourage the governing 17684
authority's compliance with the terms of the school's contract and 17685
the law and is not intended to be an alteration of the terms of 17686
that contract. 17687

(A) If a sponsor of a community school established under this 17688
chapter suspends the operation of that school pursuant to 17689
procedures set forth in this section, the governing authority 17690
shall not operate that school while the suspension is in effect. 17691
Any such suspension shall remain in effect until the sponsor 17692
notifies the governing authority that it is no longer in effect. 17693
The contract of a school of which operation is suspended under 17694
this section also may be subject to termination or nonrenewal 17695
under section 3314.07 of the Revised Code. 17696

(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. 17697
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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. 17703
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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. 17713
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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 17722
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that the governing authority has five business days to submit a 17729
proposed remedy to the conditions cited as reasons for the 17730
suspension or face potential contract termination. 17731

(2) Upon receipt of the notice of suspension prescribed under 17732
division (D)(1) of this section, the governing authority shall 17733
immediately notify the employees of the school and the parents of 17734
the students enrolled in the school of the suspension and the 17735
reasons therefore, and shall cease all school operations on the 17736
next business day. 17737

Sec. 3314.08. (A) As used in this section: 17738

(1) "Base formula amount" means the amount specified as such 17739
in a community school's financial plan for a school year pursuant 17740
to division (A)(15) of section 3314.03 of the Revised Code. 17741

(2) "Cost-of-doing-business factor" has the same meaning as 17742
in section 3317.02 of the Revised Code. 17743

(3) "IEP" means an individualized education program as 17744
defined in section 3323.01 of the Revised Code. 17745

(4) "Applicable special education weight" means: 17746

(a) For a student receiving special education and related 17747
services pursuant to an IEP for a handicap described in division 17748
(A) of section 3317.013 of the Revised Code, the multiple 17749
specified in that division; 17750

(b) For a student receiving special education and related 17751
services pursuant to an IEP for a handicap described in division 17752
(B) of section 3317.013 or division (F)(3) of section 3317.02 of 17753
the Revised Code, the multiple specified in division (B) of 17754
section 3317.013 of the Revised Code. 17755

(5) ~~"Total special education weight" means the sum of the~~ 17756
~~following:~~ 17757

~~(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~~

<u>"Applicable vocational education weight" means:</u>	17790
<u>(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division:</u>	17791
	17792
	17793
<u>(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division.</u>	17794
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(6) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.	17797
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(7) <u>A community school student is "included in the DPIA student count" of a school district if the student is entitled to attend school in the district and:</u>	17800
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<u>(a) For school years prior to fiscal year 2004, the student's family receives assistance under the Ohio works first program.</u>	17803
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<u>(b) For school years in and after fiscal year 2004, the student's family income does not exceed the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, and the student's family receives family assistance, as defined in section 3317.029 of the Revised Code.</u>	17806
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<u>(8) "DPIA reduction factor" means the percentage figure, if any, for reducing the per pupil amount of disadvantaged pupil impact aid a community school is entitled to receive pursuant to divisions (D)(4)(5) and (5)(6) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.</u>	17811
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(8) (9) "All-day kindergarten" has the same meaning as in section 3317.029 of the Revised Code.	17817
	17818
(B) The state board of education shall adopt rules requiring	17819

both of the following: 17820

(1) The board of education of each city, exempted village, 17821
and local school district to annually report the number of 17822
students entitled to attend school in the district who are 17823
enrolled in grades one through twelve in a community school 17824
established under this chapter, the number of students entitled to 17825
attend school in the district who are enrolled in kindergarten in 17826
a community school, the number of those kindergartners who are 17827
enrolled in all-day kindergarten in their community school, and 17828
for each child, the community school in which the child is 17829
enrolled. 17830

(2) The governing authority of each community school 17831
established under this chapter to annually report all of the 17832
following: 17833

(a) The number of students enrolled in grades one through 17834
twelve and the number of students enrolled in kindergarten in the 17835
school who are not receiving special education and related 17836
services pursuant to an IEP; 17837

(b) The number of enrolled students in grades one through 17838
twelve and the number of enrolled students in kindergarten, who 17839
are receiving special education and related services pursuant to 17840
an IEP; 17841

(c) The number of students reported under division (B)(2)(b) 17842
of this section receiving special education and related services 17843
pursuant to an IEP for a handicap described in each of divisions 17844
(A) and (B) of section 3317.013 and division (F)(3) of section 17845
3317.02 of the Revised Code; 17846

(d) The full-time equivalent number of students reported 17847
under divisions (B)(2)(a) and (b) of this section who are enrolled 17848
in vocational education programs or classes described in each of 17849
divisions (A) and (B) of section 3317.014 of the Revised Code that 17850

are provided by the community school; 17851

(e) The number of enrolled preschool handicapped students 17852
receiving special education services in a state-funded unit; 17853

~~(e)~~(f) The community school's base formula amount; 17854

~~(f)~~(g) For each student, the city, exempted village, or local 17855
school district in which the student is entitled to attend school; 17856
17857

~~(g)~~(h) Any DPIA reduction factor that applies to a school 17858
year. 17859

(C) From the payments made to a city, exempted village, or 17860
local school district under Chapter 3317. of the Revised Code and, 17861
if necessary, sections 321.14 and 323.156 of the Revised Code, the 17862
department of education shall annually subtract all of the 17863
following: 17864

(1) An amount equal to the sum of the amounts obtained when, 17865
for each community school where the district's students are 17866
enrolled, the number of the district's students reported under 17867
divisions (B)(2)(a) and (b) of this section who are enrolled in 17868
grades one through twelve, and one-half the number of students 17869
reported under those divisions who are enrolled in kindergarten, 17870
in that community school is multiplied by the base formula amount 17871
of that community school as adjusted by the school district's 17872
cost-of-doing-business factor. 17873

(2) ~~The product of the number of district students reported 17874
under division (B)(2)(c) of this section as enrolled in grades one 17875
through twelve, and one-half of the number of district students 17876
reported under that division as enrolled in kindergarten, who are 17877
receiving special education and related services pursuant to an 17878
IEP in their respective community schools for a handicap described 17879
in division (A) or (B) of section 3317.013 or division (F)(3) of 17880
section 3317.02 of the Revised Code, multiplied by the total 17881~~

~~special education weight times the community school's base formula~~ 17882
~~amount;~~ sum of the amounts calculated under divisions (C)(2)(a) 17883
and (b) of this section: 17884

(a) For each of the district's students reported under 17885
division (B)(2)(c) of this section as enrolled in a community 17886
school in grades one through twelve and receiving special 17887
education and related services pursuant to an IEP for a handicap 17888
described in section 3317.013 or division (F)(3) of section 17889
3317.02 of the Revised Code, the product of the applicable weight 17890
times the community school's base formula amount; 17891

(b) For each of the district's students reported under 17892
division (B)(2)(c) of this section as enrolled in kindergarten in 17893
a community school and receiving special education and related 17894
services pursuant to an IEP for a handicap described in section 17895
3317.013 or division (F)(3) of section 3317.02 of the Revised 17896
Code, one-half of the amount calculated as prescribed in division 17897
(C)(2)(a) of this section. 17898

(3) For each of the district's students reported under 17899
division (B)(2)(d) of this section for whom payment is made under 17900
division (D)(4) of this section, the amount of that payment; 17901

(4) An amount equal to the sum of the amounts obtained when, 17902
for each community school where the district's students are 17903
enrolled, the number of the district's students enrolled in that 17904
community school ~~and residing in the district in a family~~ 17905
~~participating in Ohio works first under Chapter 5107. of the~~ 17906
~~Revised Code~~ who are included in the district's DPIA student count 17907
is multiplied by the per pupil amount of disadvantaged pupil 17908
impact aid the school district receives that year pursuant to 17909
division (B) or (C) of section 3317.029 of the Revised Code, as 17910
adjusted by any DPIA reduction factor of that community school. If 17911
the district receives disadvantaged pupil impact aid under 17912
division (B) of that section, the per pupil amount of that aid is 17913

the quotient of the amount the district received under that 17914
division divided by the ~~number of children ages five through~~ 17915
~~seventeen residing in the district and living in a family~~ 17916
~~participating in Ohio works first, as most recently reported under~~ 17917
~~section 3317.10 of the Revised Code~~ district's DPIA student count, 17918
as defined in that section. If the district receives disadvantaged 17919
pupil impact aid under division (C) of section 3317.029 of the 17920
Revised Code, the per pupil amount of that aid is the per pupil 17921
dollar amount prescribed for the district in division (C)(1) or 17922
(2) of that section. 17923

~~(4)~~(5) An amount equal to the sum of the amounts obtained 17924
when, for each community school where the district's students are 17925
enrolled, the district's per pupil amount of aid received under 17926
division (E) of section 3317.029 of the Revised Code, as adjusted 17927
by any DPIA reduction factor of the community school, is 17928
multiplied by the sum of the following: 17929

(a) The number of the district's students reported under 17930
division (B)(2)(a) of this section who are enrolled in grades one 17931
to three in that community school and who are not receiving 17932
special education and related services pursuant to an IEP; 17933

(b) One-half of the district's students who are enrolled in 17934
all-day or any other kindergarten class in that community school 17935
and who are not receiving special education and related services 17936
pursuant to an IEP; 17937

(c) One-half of the district's students who are enrolled in 17938
all-day kindergarten in that community school and who are not 17939
receiving special education and related services pursuant to an 17940
IEP. 17941

The district's per pupil amount of aid under division (E) of 17942
section 3317.029 of the Revised Code is the quotient of the amount 17943
the district received under that division divided by the 17944
district's kindergarten through third grade ADM, as defined in 17945

that section. 17946

(D) The department shall annually pay to a community school 17947
established under this chapter all of the following: 17948

(1) An amount equal to the sum of the amounts obtained when 17949
the number of students enrolled in grades one through twelve, plus 17950
one-half of the kindergarten students in the school, reported 17951
under divisions (B)(2)(a) and (b) of this section who are not 17952
receiving special education and related services pursuant to an 17953
IEP for a handicap described in division (A) or (B) of section 17954
3317.013 or division (F)(3) of section 3317.02 of the Revised Code 17955
is multiplied by the community school's base formula amount, as 17956
adjusted by the cost-of-doing-business factor of the school 17957
district in which the student is entitled to attend school; 17958

(2) The greater of the following: 17959

(a) The aggregate amount that the department paid to the 17960
community school in fiscal year 1999 for students receiving 17961
special education and related services pursuant to IEPs, excluding 17962
federal funds and state disadvantaged pupil impact aid funds; 17963

(b) The sum of the amounts calculated under divisions 17964
(D)(2)(b)(i) and (ii) of this section: 17965

(i) For each student reported under division (B)(2)(c) of 17966
this section as enrolled in the school in grades one through 17967
twelve and receiving special education and related services 17968
pursuant to an IEP for a handicap described in division (A) or (B) 17969
of section 3317.013 or division (F)(3) of section 3317.02 of the 17970
Revised Code, the following amount: 17971

(the community school's base formula amount X the 17972
cost-of-doing-business factor of the district where the student 17973
is entitled to attend school) + (the applicable special education 17974
weight 17975

X the community school's base formula amount); 17976

(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.

~~(5)~~(6) An amount equal to the sum of the amounts obtained 18009
when, for each school district where the community school's 18010
students are entitled to attend school, the district's per pupil 18011
amount of aid received under division (E) of section 3317.029 of 18012
the Revised Code, as adjusted by any DPIA reduction factor of the 18013
community school, is multiplied by the sum of the following: 18014

(a) The number of the district's students reported under 18015
division (B)(2)(a) of this section who are enrolled in grades one 18016
to three in that community school and who are not receiving 18017
special education and related services pursuant to an IEP; 18018

(b) One-half of the district's students who are enrolled in 18019
all-day or any other kindergarten class in that community school 18020
and who are not receiving special education and related services 18021
pursuant to an IEP; 18022

(c) One-half of the district's students who are enrolled in 18023
all-day kindergarten in that community school and who are not 18024
receiving special education and related services pursuant to an 18025
IEP. 18026

The district's per pupil amount of aid under division (E) of 18027
section 3317.029 of the Revised Code shall be determined as 18028
described in division ~~(C)~~(4)~~(5)~~ of this section. 18029

(E)(1) If a community school's costs for a fiscal year for a 18030
student receiving special education and related services pursuant 18031
to an IEP for a handicap described in ~~division (F)(3)~~ of section 18032
~~3317.02~~ 3317.013 of the Revised Code are twenty-five thousand 18033
dollars or more, the school may submit to the superintendent of 18034
public instruction documentation, as prescribed by the 18035
superintendent, of all its costs for that student. Upon submission 18036
of documentation for a student of the type and in the manner 18037
prescribed, the department shall pay to the community school an 18038
amount equal to the school's costs for the student in excess of 18039

twenty-five thousand dollars. 18040

(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. 18041
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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. 18052
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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. 18063
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(F) A community school may apply to the department of education for preschool handicapped or gifted unit funding the 18070
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school would receive if it were a school district. Upon request of 18072
its governing authority, a community school that received unit 18073
funding as a school district-operated school before it became a 18074
community school shall retain any units awarded to it as a school 18075
district-operated school provided the school continues to meet 18076
eligibility standards for the unit. 18077

A community school shall be considered a school district and 18078
its governing authority shall be considered a board of education 18079
for the purpose of applying to any state or federal agency for 18080
grants that a school district may receive under federal or state 18081
law or any appropriations act of the general assembly. The 18082
governing authority of a community school may apply to any private 18083
entity for additional funds. 18084

(G) A board of education sponsoring a community school may 18085
utilize local funds to make enhancement grants to the school or 18086
may agree, either as part of the contract or separately, to 18087
provide any specific services to the community school at no cost 18088
to the school. 18089

(H) A community school may not levy taxes or issue bonds 18090
secured by tax revenues. 18091

(I) No community school shall charge tuition for the 18092
enrollment of any student. 18093

(J) A community school may borrow money to pay any necessary 18094
and actual expenses of the school in anticipation of the receipt 18095
of any portion of the payments to be received by the school 18096
pursuant to division (D) of this section. The school may issue 18097
notes to evidence such borrowing to mature no later than the end 18098
of the fiscal year in which such money was borrowed. The proceeds 18099
of the notes shall be used only for the purposes for which the 18100
anticipated receipts may be lawfully expended by the school. 18101

(K) For purposes of determining the number of students for 18102

which divisions (D)~~(4)~~(5) and ~~(5)~~(6) of this section applies in 18103
any school year, a community school may submit to the department 18104
of job and family services, no later than the first day of March, 18105
a list of the students enrolled in the school. For each student on 18106
the list, the community school shall indicate the student's name, 18107
address, and date of birth and the school district where the 18108
student is entitled to attend school. Upon receipt of a list under 18109
this division, the department of job and family services shall 18110
determine, for each school district where one or more students on 18111
the list is entitled to attend school, the number of students 18112
residing in that school district who were included in the 18113
department's report under section 3317.10 of the Revised Code. The 18114
department shall make this determination on the basis of 18115
information readily available to it. Upon making this 18116
determination and no later than ninety days after submission of 18117
the list by the community school, the department shall report to 18118
the state department of education the number of students on the 18119
list who reside in each school district who were included in the 18120
department's report under section 3317.10 of the Revised Code. In 18121
complying with this division, the department of job and family 18122
services shall not report to the state department of education any 18123
personally identifiable information on any student. 18124

(L) The department of education shall adjust the amounts 18125
subtracted and paid under divisions (C) and (D) of this section to 18126
reflect any enrollment of students in community schools for less 18127
than the equivalent of a full school year. For purposes of this 18128
section, a student shall be considered enrolled in the community 18129
school for any portion of the school year the student is 18130
participating at a college under Chapter 3365. of the Revised 18131
Code. 18132

(M) The department of education shall reduce the amounts paid 18133
under division (D) of this section to reflect payments made to 18134

colleges under division (B) of section 3365.07 of the Revised Code. 18135
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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. 18137
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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. 18153
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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 18163
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3313.64 or 3313.65 of the Revised Code. 18166

The (B) Except as provided in section 3314.091 of the Revised 18167
Code, the board of education of each city, local, and exempted 18168
village school district shall provide transportation to and from 18169
school for its district's native students enrolled in a community 18170
school located in that district or another district on the same 18171
basis that it provides transportation for its native students 18172
enrolled in schools to which they are assigned by the board of 18173
education at the same grade level and who live the same distance 18174
from school except when, in the judgment of the board, confirmed 18175
by the state board of education, the transportation is unnecessary 18176
or unreasonable. A board shall not be required to transport 18177
nonhandicapped students to and from a community school located in 18178
another school district if the transportation would require more 18179
than thirty minutes of direct travel time as measured by school 18180
bus from the collection point designated by the district's 18181
coordinator of school transportation. 18182

(C) Where it is impractical to transport a pupil to and from 18183
a community school by school conveyance, a board may, in lieu of 18184
providing the transportation, pay a parent, guardian, or other 18185
person in charge of the child. The amount paid per pupil shall in 18186
no event exceed the average transportation cost per pupil, which 18187
shall be based on the cost of transportation of children by all 18188
boards of education in this state during the next preceding year. 18189

(D) The daily and annual instructional schedules of a 18190
community school are the sole responsibility of the community 18191
school's governing authority, and are subject only to the 18192
requirements of this chapter and the governing authority's 18193
contract with its sponsor. Each school district board of education 18194
that is required to provide transportation for community school 18195
students under this section shall provide the transportation in 18196
accordance with those schedules so that students may be present on 18197

time and at all times that the community school is open for 18198
instruction. 18199

Sec. 3314.091. (A) A school district is not required to 18200
provide transportation for any native student enrolled in a 18201
community school if the district board of education has entered 18202
into an agreement with the community school's governing authority 18203
that designates the community school as responsible for providing 18204
or arranging for the transportation of the district's native 18205
students to and from the community school. For any such agreement 18206
to be effective, it must be certified by the superintendent of 18207
public instruction as having met both of the following 18208
requirements: 18209

(1) It is submitted to the department of education by a 18210
deadline which shall be established by the department. 18211

(2) It specifies qualifications, such as residing a minimum 18212
distance from the school, for students to have their 18213
transportation provided or arranged. 18214

(B)(1) A community school governing board that enters into an 18215
agreement to provide transportation under this section shall 18216
provide or arrange transportation free of any charge for each of 18217
its enrolled students in grades kindergarten through eight who 18218
live more than two miles from the school, except that the 18219
governing board may make a payment in lieu of providing 18220
transportation to the parent, guardian, or person in charge of the 18221
student at the same rate as specified for a school district board 18222
in division (C) of section 3314.09 of the Revised Code if the 18223
drive time measured by the vehicle specified by the school for 18224
transporting the students from the student's residence to the 18225
school is more than thirty minutes. The governing board may 18226
provide or arrange transportation for any other enrolled student 18227
and may charge a fee for such service. The governing board may 18228

request the payment specified under division (C) of this section 18229
for any student it transports, for whom it arranges 18230
transportation, or for whom it makes a payment in lieu of 18231
providing transportation if the student lives more than one mile 18232
from the community school. 18233

(2) Notwithstanding anything to the contrary in division 18234
(B)(1) of this section, a community school governing board shall 18235
provide or arrange transportation free of any charge for any 18236
disabled student enrolled in the school for whom the student's 18237
individualized education program developed under Chapter 3323. of 18238
the Revised Code specifies transportation. 18239

(C)(1) If a school district board and a community school 18240
governing authority elect to enter into an agreement under this 18241
section, the department of education annually shall pay the 18242
community school the amount specified in division (C)(2) of this 18243
section for each of the enrolled students for whom the school's 18244
governing authority provides or arranges transportation to and 18245
from school. The department shall deduct the payment from the 18246
state payment under Chapter 3317. and, if necessary, sections 18247
321.14 and 323.156 of the Revised Code that is otherwise paid to 18248
the school district in which the student enrolled in the community 18249
school resides. The department shall include the number of the 18250
district's native students for whom payment is made to a community 18251
school under this division in the calculation of the district's 18252
transportation payment under division (D) of section 3317.022 of 18253
the Revised Code. 18254

A community school shall be paid under this division only for 18255
students who live more than one mile from the school and whose 18256
transportation to and from school is actually provided or arranged 18257
or for whom a payment in lieu of transportation is made by the 18258
community school's governing authority. To qualify for the 18259
payments, the community school shall report to the department, in 18260

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. 18261
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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. 18265
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(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: 18270
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(a) In fiscal year 2002, four-hundred fifty dollars per student; 18277
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(b) In fiscal year 2003 and every fiscal year thereafter, the amount specified in division (C)(2)(a) of this section multiplied by the negative or positive percentage of change reported in the consumer price index (all urban consumers, transportation) by the bureau of labor statistics of the United States department of labor from the beginning of the calendar year that ended just prior to the beginning of the fiscal year to the end of that calendar year. 18279
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(D) Except when arranged through payment to a parent, guardian, or person in charge of a child, transportation provided or arranged for by a community school pursuant to an agreement under this section is subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to 18287
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the construction, design, equipment, and operation of school buses 18292
and other vehicles transporting students to and from school. The 18293
drivers and mechanics of the vehicles are subject to all 18294
provisions of the Revised Code, and all rules adopted under the 18295
Revised Code, pertaining to drivers and mechanics of such 18296
vehicles. The community school also shall comply with sections 18297
3313.201, 3327.09, and 3327.10 and division (B) of section 3327.16 18298
of the Revised Code as if it were a school district. For purposes 18299
of complying with section 3327.10 of the Revised Code, the 18300
educational service center that serves the county in which the 18301
community school is located shall be the certifying agency, unless 18302
the agreement designates the school district as the certifying 18303
agency. 18304

Sec. 3316.20. (A)(1) The school district solvency assistance 18305
fund is hereby created in the state treasury, to consist of such 18306
amounts designated for the purposes of the fund by the general 18307
assembly. The fund shall be used to provide assistance and grants 18308
to school districts to enable them to remain solvent and to pay 18309
unforseeable expenses of a temporary or emergency nature that they 18310
are unable to pay from existing resources. 18311

(2) There is hereby created within the fund an account known 18312
as the school district shared resource account, which shall 18313
consist of money appropriated to it by the general assembly. The 18314
money in the account shall be used solely for solvency assistance 18315
to school districts that have been declared under division (B)~~(1)~~ 18316
~~or (5)~~ of section 3316.03 of the Revised Code to be in a state of 18317
fiscal emergency ~~because of a certified operating deficit~~ 18318
~~exceeding ten per cent.~~ 18319
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(3) There is hereby created within the fund an account known 18321
as the catastrophic expenditures account, which shall consist of 18322

money appropriated to the account by the general assembly plus all 18323
investment earnings of the fund. Money in the account shall be 18324
used solely for the following: 18325

(a) Solvency assistance to school districts that have been 18326
declared under division (B)~~(1) or (5)~~ of section 3316.03 of the 18327
Revised Code to be in a state of fiscal emergency ~~because of a~~ 18328
~~certified operating deficit exceeding ten per cent~~, in the event 18329
that all money in the shared resource account is utilized for 18330
solvency assistance; 18331

(b) Grants to school districts under division (C) of this 18332
section. 18333

(B) Solvency assistance payments under division (A)(2) or 18334
(3)(a) of this section shall be made from the fund by the 18335
superintendent of public instruction in accordance with rules 18336
adopted by the director of budget and management, after consulting 18337
with the superintendent, specifying approval criteria and 18338
procedures necessary for administering the fund. 18339

The fund shall be reimbursed for any solvency assistance 18340
amounts paid under division (A)(2) or (3)(a) of this section not 18341
later than the end of the second fiscal year following the fiscal 18342
year in which the solvency assistance payment was made. If not 18343
made directly by the school district, such reimbursement shall be 18344
made by the director of budget and management from the amounts the 18345
school district would otherwise receive pursuant to sections 18346
3317.022 to 3317.025 of the Revised Code, or from any other funds 18347
appropriated for the district by the general assembly. 18348
Reimbursements shall be credited to the respective account from 18349
which the solvency assistance paid to the district was deducted. 18350

(C) The superintendent of public instruction may make 18351
recommendations, and the controlling board may grant money from 18352
the catastrophic expenditures account to any school district that 18353

suffers an unforeseen catastrophic event that severely depletes 18354
the district's financial resources. The superintendent shall make 18355
recommendations for the grants in accordance with rules adopted by 18356
the director of budget and management after consulting with the 18357
superintendent. A school district shall not be required to repay 18358
any grant awarded to the district under this division unless the 18359
district receives money from a third party, including an agency of 18360
the government of the United States, specifically for the purpose 18361
of compensating the district for expenses incurred as a result of 18362
the unforeseen catastrophic event. 18363

Sec. 3317.012. (A)(1) The general assembly, having analyzed 18364
school district expenditure and cost data for fiscal year ~~1996~~ 18365
1999, performed the calculation described in division (B) of this 18366
section, ~~and~~ adjusted the results for inflation, and added the 18367
amounts described in division (A)(2) of this section, hereby 18368
determines that the base cost of an adequate education per pupil 18369
for the fiscal year beginning July 1, ~~1998~~ 2001, is ~~\$4,063~~ \$4,814. 18370
For the five following fiscal years, the base cost per pupil for 18371
each of those years, reflecting an annual rate of inflation of two 18372
and eight-tenths per cent, is ~~\$4,177~~ \$4,949 for fiscal year ~~2000~~ 18373
2003, ~~\$4,294~~ \$5,088 for fiscal year ~~2001~~ 2004, ~~\$4,414~~ \$5,230 for 18374
fiscal year ~~2002~~ 2005, ~~\$4,538~~ \$5,376 for fiscal year ~~2003~~ 2006, 18375
and ~~\$4,665~~ \$5,527 for fiscal year ~~2004~~ 2007. 18376

(2) The base cost per pupil amounts specified in division 18377
(A)(1) of this section include amounts to reflect the cost to 18378
school districts of increasing the minimum number of high school 18379
academic units required for graduation beginning September 15, 18380
2001, under section 3313.603 of the Revised Code. Analysis of 18381
fiscal year 1999 data revealed that the school districts meeting 18382
the requirements of division (B) of this section on average 18383
required high school students to complete a minimum of nineteen 18384
and eight-tenths units to graduate. The general assembly 18385

determines that the cost of funding the additional two-tenths unit 18386
required by section 3313.603 of the Revised Code is \$12 per pupil 18387
in fiscal year 2002. This amount was added after the calculation 18388
described in division (B) of this section and the adjustment for 18389
inflation from fiscal year 1999 to fiscal year 2002. It is this 18390
total amount, the calculated base cost plus the supplement to pay 18391
for the additional partial unit, that constitutes the base cost 18392
amount specified in division (A)(1) of this section for fiscal 18393
year 2002 and that is inflated to produce the base cost amounts 18394
for fiscal years 2003 through 2007. 18395

(B) In determining the base cost stated in division (A) of 18396
this section, capital and debt costs, costs paid for by federal 18397
funds, and costs covered by funds provided ~~pursuant to sections~~ 18398
~~3317.023 and 3317.024 of the Revised Code as they existed prior to~~ 18399
~~July 1, 1998,~~ for disadvantaged pupil impact aid and 18400
transportation were excluded, as were the effects on the 18401
districts' state funds of the application of the 18402
cost-of-doing-business factors, assuming ~~an eighteen~~ a seven and 18403
one-half per cent variance. 18404

The base cost for fiscal year ~~1996~~ 1999 was calculated as the 18405
unweighted average cost per student, on a school district basis, 18406
of educating students who were not receiving vocational education 18407
or services pursuant to Chapter 3323. of the Revised Code and who 18408
were enrolled in a city, exempted village, or local school 18409
district that in fiscal year ~~1994~~ 1999 met all of the following 18410
criteria: 18411

(1) The district met at least ~~all but one~~ twenty of the 18412
following twenty-seven performance standards: 18413

(a) A three ninety per cent or ~~lower dropout~~ higher 18414
graduation rate; 18415

(b) At least seventy-five per cent of fourth graders 18416

proficient on the mathematics test prescribed under division	18417
(A)(1) of section 3301.0710 of the Revised Code;	18418
(c) At least seventy-five per cent of fourth graders	18419
proficient on the reading test prescribed under division (A)(1) of	18420
section 3301.0710 of the Revised Code;	18421
(d) At least seventy-five per cent of fourth graders	18422
proficient on the writing test prescribed under division (A)(1) of	18423
section 3301.0710 of the Revised Code;	18424
(e) At least seventy-five per cent of fourth graders	18425
proficient on the citizenship test prescribed under division	18426
(A)(1) of section 3301.0710 of the Revised Code;	18427
(f) <u>At least seventy-five per cent of fourth graders</u>	18428
<u>proficient on the science test prescribed under division (A)(1) of</u>	18429
<u>section 3301.0710 of the Revised Code;</u>	18430
(g) <u>At least seventy-five per cent of sixth graders</u>	18431
<u>proficient on the mathematics test prescribed under division</u>	18432
<u>(A)(2) of section 3301.0710 of the Revised Code;</u>	18433
(h) <u>At least seventy-five per cent of sixth graders</u>	18434
<u>proficient on the reading test prescribed under division (A)(2) of</u>	18435
<u>section 3301.0710 of the Revised Code;</u>	18436
(i) <u>At least seventy-five per cent of sixth graders</u>	18437
<u>proficient on the writing test prescribed under division (A)(2) of</u>	18438
<u>section 3301.0710 of the Revised Code;</u>	18439
(j) <u>At least seventy-five per cent of sixth graders</u>	18440
<u>proficient on the citizenship test prescribed under division</u>	18441
<u>(A)(2) of section 3301.0710 of the Revised Code;</u>	18442
(k) <u>At least seventy-five per cent of sixth graders</u>	18443
<u>proficient on the science test prescribed under division (A)(2) of</u>	18444
<u>section 3301.0710 of the Revised Code;</u>	18445
(l) At least seventy-five per cent of ninth graders	18446

proficient on the mathematics test prescribed under former	18447
division (B) of section 3301.0710 of the Revised Code <u>Section 4 of</u>	18448
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	18449
(g)(m) At least seventy-five per cent of ninth graders	18450
proficient on the reading test prescribed under former division	18451
(B) of section 3301.0710 of the Revised Code <u>Section 4 of Am. Sub.</u>	18452
<u>S.B. 55 of the 122nd general assembly;</u>	18453
(h)(n) At least seventy-five per cent of ninth graders	18454
proficient on the writing test prescribed under former division	18455
(B) of section 3301.0710 of the Revised Code <u>Section 4 of Am. Sub.</u>	18456
<u>S.B. 55 of the 122nd general assembly;</u>	18457
(i)(o) At least seventy-five per cent of ninth graders	18458
proficient on the citizenship test prescribed under former	18459
division (B) of section 3301.0710 of the Revised Code <u>Section 4 of</u>	18460
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	18461
(j)(p) At least seventy-five per cent of ninth graders	18462
<u>proficient on the science test prescribed under Section 4 of Am.</u>	18463
<u>Sub. S.B. 55 of the 122nd general assembly;</u>	18464
(q) At least eighty-five per cent of tenth graders proficient	18465
on the mathematics test prescribed under former division (B) of	18466
section 3301.0710 of the Revised Code <u>Section 4 of Am. Sub. S.B.</u>	18467
<u>55 of the 122nd general assembly;</u>	18468
(k)(r) At least eighty-five per cent of tenth graders	18469
proficient on the reading test prescribed under former division	18470
(B) of section 3301.0710 of the Revised Code <u>Section 4 of Am. Sub.</u>	18471
<u>S.B. 55 of the 122nd general assembly;</u>	18472
(l)(s) At least eighty-five per cent of tenth graders	18473
proficient on the writing test prescribed under former division	18474
(B) of section 3301.0710 of the Revised Code <u>Section 4 of Am. Sub.</u>	18475
<u>S.B. 55 of the 122nd general assembly;</u>	18476
(m)(t) At least eighty-five per cent of tenth graders	18477

proficient on the citizenship test prescribed under former 18478
division (B) of section 3301.0710 of the Revised Code Section 4 of 18479
Am. Sub. S.B. 55 of the 122nd general assembly; 18480

(n)(u) At least eighty-five per cent of tenth graders 18481
proficient on the science test prescribed under Section 4 of Am. 18482
Sub. S.B. 55 of the 122nd general assembly; 18483

(v) At least sixty per cent of twelfth graders proficient on 18484
the mathematics test prescribed under division (A)(3) of section 18485
3301.0710 of the Revised Code; 18486

(o)(w) At least sixty per cent of twelfth graders proficient 18487
on the reading test prescribed under division (A)(3) of section 18488
3301.0710 of the Revised Code; 18489

(p)(x) At least sixty per cent of twelfth graders proficient 18490
on the writing test prescribed under division (A)(3) of section 18491
3301.0710 of the Revised Code; 18492

(q)(y) At least sixty per cent of twelfth graders proficient 18493
on the citizenship test prescribed under division (A)(3) of 18494
section 3301.0710 of the Revised Code; 18495

(r)(z) At least sixty per cent of twelfth graders proficient 18496
on the science test prescribed under division (A)(3) of section 18497
3301.0710 of the Revised Code; 18498

(aa) An attendance rate for the year of at least ninety-three 18499
per cent as defined in section 3302.01 of the Revised Code. 18500
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In determining whether a school district met any of the 18502
performance standards specified in divisions (B)(1)(a) to (aa) of 18503
this section, the general assembly used a rounding procedure 18504
previously recommended by the department of education. It is the 18505
same rounding procedure the general assembly used in 1998 to 18506
determine whether a district had met the standards of former 18507
divisions (B)(1)(a) to (r) of this section for purposes of 18508

constructing the previous model based on fiscal year 1996 data. 18509

(2) The district was not among the ~~ten~~ five per cent of all 18510
districts with the highest income factors, ~~as defined in section~~ 18511
~~3317.02 of the Revised Code~~, nor among the ~~ten~~ five per cent of 18512
all districts with the lowest income factors. 18513

(3) The district was not among the five per cent of all 18514
districts with the highest valuation per pupil ~~in ADM, as reported~~ 18515
~~under division (A) of section 3317.03 of the Revised Code as it~~ 18516
~~existed prior to July 1, 1998~~, nor among the five per cent of all 18517
districts with the lowest valuation per pupil. 18518

This model for calculating the base cost of an adequate 18519
education is expenditure-based. The general assembly recognizes 18520
that increases in state funding to school districts since fiscal 18521
year 1996, the fiscal year upon which the general assembly based 18522
its model for calculating state funding to school districts for 18523
fiscal years 1999 through 2001, has increased school district base 18524
cost expenditures for fiscal year 1999, the fiscal year upon which 18525
the general assembly based its model for calculating state funding 18526
for fiscal years 2002 through 2007. In the case of school 18527
districts included in the fiscal year 1999 model that also had met 18528
the fiscal year 1996 performance criteria of former division 18529
(B)(1) of this section, the increased state funding may have 18530
driven the districts' expenditures beyond the expenditures that 18531
were actually needed to maintain their educational programs at the 18532
level necessary to maintain their ability to meet the fiscal year 18533
1999 performance criteria of current division (B)(1) of this 18534
section. The general assembly has determined to control for this 18535
effect by stipulating in the later model that the fiscal year 1999 18536
base cost expenditures of the districts that also met the 18537
performance criteria of former division (B)(1) of this section 18538
equals their base cost expenditures per pupil for fiscal year 18539
1996, inflated to fiscal year 1999 using an annual rate of 18540

inflation of two and eight-tenths per cent. However, if this
inflated amount exceeded the district's actual fiscal year 1999
base cost expenditures per pupil, the district's actual fiscal
year 1999 base cost expenditures per pupil were used in the
calculation. For districts in the 1999 model that did not also
meet the performance criteria of former division (B)(1) of this
section, the actual 1999 base cost per pupil expenditures were
used in the calculation of the average district per pupil costs of
the model districts.

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(C) In July of ~~2000~~ 2005, and in July of every six years
thereafter, the speaker of the house of representatives and the
president of the senate shall each appoint three members to a
committee to reexamine the cost of an adequate education. No more
than two members from any political party shall represent each
house. The director of budget and management and the
superintendent of public instruction shall serve as nonvoting ex
officio members of the committee.

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The committee shall select a rational methodology for
calculating the costs of an adequate education system for the
ensuing six-year period, and shall report the methodology and the
resulting costs to the general assembly. In performing its
function, the committee is not bound by any method used by
previous general assemblies to examine and calculate costs and
instead may utilize any rational method it deems suitable and
reasonable given the educational needs and requirements of the
state at that time.

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The methodology for determining the cost of an adequate
education system shall take into account the basic educational
costs that all districts incur in educating regular students, the
unique needs of special categories of students, and significant
special conditions encountered by certain classifications of
school districts.

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The committee also shall redetermine, for purposes of 18573
updating the parity aid calculation under section 3317.0217 of the 18574
Revised Code, the average number of effective operating mills that 18575
school districts in the seventieth to ninetieth percentiles of 18576
valuations per pupil collect above the revenues required to 18577
finance their attributed local shares of the calculated cost of an 18578
adequate education. 18579

Any committee appointed pursuant to this section shall make 18580
its report to the office of budget and management and the general 18581
assembly within ~~six months~~ one year of its appointment so that the 18582
information is available for use by the office and the general 18583
assembly in preparing the next biennial appropriations act. 18584

(D)(1) For purposes of this division, an "update year" is the 18585
first fiscal year for which the per pupil base cost of an adequate 18586
education is in effect after being recalculated by the general 18587
assembly. The first update year is fiscal year 2002. The second 18588
update year is fiscal year 2008. 18589

(2) The general assembly shall recalculate the per pupil base 18590
cost of an adequate education every six years after considering 18591
the recommendations of the committee appointed under division (C) 18592
of this section. At the time of the recalculation, for each of the 18593
five fiscal years following the update year, the general assembly 18594
shall adjust the base cost recalculated for the update year using 18595
an annual rate of inflation that the general assembly determines 18596
appropriate. 18597

(3) The general assembly shall include, in the act 18598
appropriating state funds for education programs for a fiscal 18599
biennium that begins with an update year, a statement of its 18600
determination of the total state share percentage of base cost and 18601
parity aid funding for the update year. 18602

(4) During its biennial budget deliberations, the general 18603

assembly shall determine the total state share percentage of base
cost and parity aid funding for each fiscal year of the upcoming
biennium. This determination shall be based on the latest
projections and data provided by the department of education under
division (D)(6) of this section prior to the enactment of
education appropriations for the upcoming biennium. If, based on
those latest projections and data, the general assembly determines
that the total state share percentage for either or both nonupdate
fiscal years varies more than two and one-half percentage points
more or less than the total state share percentage for the most
recent update year, as previously stated by the general assembly
under division (D)(3) of this section, the general assembly shall
determine and enact a method that it considers appropriate to
restrict the estimated variance for each year to within two and
one-half percentage points. The general assembly's methods may
include, but are not required to include and need not be limited
to, reexamining the rate of millage charged off as the local share
of base cost funding under divisions (A)(1) and (2) of section
3317.022 of the Revised Code. Regardless of any changes in
charge-off millage rates in years between update years, however,
the charge-off millage rate for update years shall be twenty-three
mills, unless the general assembly determines that a different
millage rate is more appropriate to share the total calculated
base cost between the state and school districts.

(5) The total state share percentage of base cost and parity
aid funding for any fiscal year is calculated as follows:

$$\frac{[(\text{Total state base cost} + \text{total state parity aid funding}) - \text{statewide charge-off amount}]}{(\text{Total state base cost} + \text{total state parity aid funding})}$$

Where:

(a) The total state base cost equals the sum of the base
costs for all school districts for the fiscal year.

(b) The base cost for each school district equals: 18636
formula amount X cost-of-doing-business factor X 18637
the greater of formula ADM or 18638
three-year average formula ADM 18639

(c) The total state parity aid funding equals the sum of the 18640
amounts paid to all school districts for the fiscal year under 18641
section 3317.0217 of the Revised Code. 18642

(d) The statewide charge-off amount equals the sum of the 18643
charge-off amounts for all school districts. 18644

(e) The charge-off amount for each school district is the 18645
amount calculated as its local share of base cost funding and 18646
deducted from the total calculated base cost to determine the 18647
amount of its state payment under divisions (A)(1) and (2) of 18648
section 3317.022 of the Revised Code. The charge-off amount for 18649
each school district in fiscal year 2002 is the product of 18650
twenty-three mills multiplied by the district's recognized 18651
valuation. If however, in any fiscal year, including fiscal year 18652
2002, a school district's calculated charge-off amount exceeds its 18653
base cost calculated as described in division (D)(2) of this 18654
section, the district's charge-off amount shall be deemed to equal 18655
its calculated base cost. 18656

(6) Whenever requested by the chairperson of the standing 18657
committee of the house or representatives or the senate having 18658
primary jurisdiction over appropriations, the legislative budget 18659
officer, or the director of budget and management, the department 18660
of education shall report its latest projections for total base 18661
cost, total parity aid funding, and the statewide charge-off 18662
amount, as those terms are defined in division (D)(5) of this 18663
section, for each year of the upcoming fiscal biennium, and all 18664
data it used to make the projections. 18665

Sec. 3317.013. This section does not apply to handicapped 18666

preschool students. 18667

Analysis of special education cost data has resulted in a 18668
finding that the average special education additional cost per 18669
pupil, including the costs of related services, can be expressed 18670
as a multiple of the base cost per pupil calculated under section 18671
3317.012 of the Revised Code. The multiples for the following 18672
categories of special education programs, as these programs are 18673
defined for purposes of Chapter 3323. of the Revised Code, are as 18674
follows: 18675

(A) A multiple of ~~0.22~~ 0.21 for students identified as 18676
specific learning disabled, other health handicapped, or 18677
developmentally handicapped, as these terms are defined pursuant 18678
to Chapter 3323. of the Revised Code; 18679

(B) A multiple of ~~3.01~~ 2.85 for students identified as 18680
hearing handicapped, orthopedically handicapped, vision impaired, 18681
multihandicapped, and severe behavior handicapped, as these terms 18682
are defined pursuant to Chapter 3323. of the Revised Code. 18683

Further analysis indicates that approximately one-eighth of 18684
the total costs of serving special education students consists of 18685
the furnishing of the related services specified in division 18686
(B)(3) of section 3317.022 of the Revised Code. 18687

The general assembly has adjusted the multiples specified in 18688
this section for calculating payments beginning in fiscal year 18689
2002 in recognition that its policy change regarding the 18690
application of the cost-of-doing-business factor produces a higher 18691
base cost amount than would exist if no change were made to its 18692
application. The adjustment maintains the same weighted costs as 18693
would exist if no change were made to the application of the 18694
cost-of-doing-business factor. 18695

Sec. 3317.014. The average vocational education additional 18696
cost per pupil can be expressed as a multiple of the base cost per 18697

pupil calculated under section 3317.012 of the Revised Code. the 18698
multiples for the following categories of vocational education 18699
programs are as follows: 18700

(A) A multiple of ~~0.60~~ 0.57 for students enrolled in 18701
vocational education job-training and workforce development 18702
programs approved by the department of education in accordance 18703
with rules adopted under section 3313.90 of the Revised Code. 18704

The rules adopted under this division may provide for 18705
programs that include instructional time beyond the normal periods 18706
of instruction, including summers, for areas of study such as 18707
agriculture. For any such program, the multiple of 0.57 may be 18708
apportioned so that the multiple for the normal school year is 18709
less than the multiple for the additional instructional time but 18710
that a school district may receive the entire value of the weight 18711
for the program if the program extends beyond the normal periods 18712
of instruction. 18713

(B) A multiple of ~~0.30~~ 0.28 for students enrolled in 18714
vocational education classes other than job-training and workforce 18715
development programs. 18716

Vocational education associated services costs can be 18717
expressed as a multiple of 0.05 of the base cost per pupil 18718
calculated under section 3317.012 of the Revised Code. 18719

The general assembly has adjusted the multiples specified in 18720
this section for calculating payments beginning in fiscal year 18721
2002 in recognition that its policy change regarding the 18722
application of the cost-of-doing-business factor produces a higher 18723
base cost amount than would exist if no change were made to its 18724
application. The adjustment maintains the same weighted costs as 18725
would exist if no change were made to the application of the 18726
cost-of-doing-business factor. 18727

Sec. 3317.02. As used in this chapter: 18728

(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. 18761

(E) "FY 1997 ADM" or "FY 1998 ADM" means the school 18762
district's average daily membership reported for the applicable 18763
fiscal year under the version of division (A) of section 3317.03 18764
of the Revised Code in effect during that fiscal year, adjusted as 18765
follows: 18766

(1) Minus the average daily membership of handicapped 18767
preschool children; 18768

(2) Minus one-half of the average daily membership attending 18769
kindergarten; 18770

(3) Minus three-fourths of the average daily membership 18771
attending a joint vocational school district; 18772

(4) Plus the average daily membership entitled under section 18773
3313.64 or 3313.65 of the Revised Code to attend school in the 18774
district but receiving educational services in approved units from 18775
an educational service center or another school district under a 18776
compact or a cooperative education agreement, as determined by the 18777
department; 18778

(5) Minus the average daily membership receiving educational 18779
services from the district in approved units but entitled under 18780
section 3313.64 or 3313.65 of the Revised Code to attend school in 18781
another school district, as determined by the department. 18782

(F)(1) "Category one special education ADM" means the average 18783
daily membership of handicapped children receiving special 18784
education services for those handicaps specified in division (A) 18785
of section 3317.013 of the Revised Code and reported under 18786
division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised 18787
Code. 18788

(2) "Category two special education ADM" means the average 18789
daily membership of handicapped children receiving special 18790

education services for those handicaps specified in division (B) 18791
of section 3317.013 of the Revised Code and reported under 18792
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 18793
Code. 18794

(3) "Category three special education ADM" means the average 18795
daily membership of students receiving special education services 18796
for students identified as autistic, having traumatic brain 18797
injuries, or as both visually and hearing disabled as these terms 18798
are defined pursuant to Chapter 3323. of the Revised Code, and 18799
reported under division (B)(7) or (D)(2)(d) of section 3317.03 of 18800
the Revised Code. 18801

(4) "Category one vocational education ADM" means the average 18802
daily membership of students receiving vocational education 18803
services described in division (A) of section 3317.014 of the 18804
Revised Code and reported under division (B)(8) or (D)(2)(e) of 18805
section 3317.03 of the Revised Code. 18806

(5) "Category two vocational education ADM" means the average 18807
daily membership of students receiving vocational education 18808
services described in division (B) of section 3317.014 of the 18809
Revised Code and reported under division (B)(9) or (D)(2)(f) of 18810
section 3317.03 of the Revised Code. 18811

(G) "Handicapped preschool child" means a handicapped child, 18812
as defined in section 3323.01 of the Revised Code, who is at least 18813
age three but is not of compulsory school age, as defined in 18814
section 3321.01 of the Revised Code, and who is not currently 18815
enrolled in kindergarten. 18816

(H) "County MR/DD board" means a county board of mental 18817
retardation and developmental disabilities. 18818

(I) "Recognized valuation" means the amount calculated for a 18819
school district pursuant to section 3317.015 of the Revised Code. 18820

(J) "Transportation ADM" means the number of children 18821

reported under division (B)(10) of section 3317.03 of the Revised Code. 18822
18823

(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. 18824
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(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. 18828
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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. 18832
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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. 18836
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COST-OF-DOING-BUSINESS 18847

COUNTY	FACTOR	AMOUNT	
Adams	1.0074	<u>1.0061</u>	18849
Allen	1.0217	<u>1.0236</u>	18850
Ashland	1.0322	<u>1.0331</u>	18851
Ashtabula	1.0480	<u>1.0431</u>	18852
Athens	1.0046	<u>1.0038</u>	18853

Auglaize	1.0255 <u>1.0272</u>	18854
Belmont	1.0078 <u>1.0043</u>	18855
Brown	1.0194 <u>1.0207</u>	18856
Butler	1.0650 <u>1.0663</u>	18857
Carroll	1.0166 <u>1.0148</u>	18858
Champaign	1.0292 <u>1.0413</u>	18859
Clark	1.0462 <u>1.0443</u>	18860
Clermont	1.0510 <u>1.0532</u>	18861
Clinton	1.0293 <u>1.0296</u>	18862
Columbiana	1.0300 <u>1.0262</u>	18863
Coshocton	1.0205 <u>1.0200</u>	18864
Crawford	1.0152 <u>1.0140</u>	18865
Cuyahoga	1.0697 <u>1.0672</u>	18866
Darke	1.0340 <u>1.0343</u>	18867
Defiance	1.0177 <u>1.0165</u>	18868
Delaware	1.0339 <u>1.0479</u>	18869
Erie	1.0391 <u>1.0372</u>	18870
Fairfield	1.0358 <u>1.0354</u>	18871
Fayette	1.0266 <u>1.0258</u>	18872
Franklin	1.0389 <u>1.0519</u>	18873
Fulton	1.0355 <u>1.0361</u>	18874
Gallia	1.0000	18875
Geauga	1.0568 <u>1.0528</u>	18876
Greene	1.0406 <u>1.0407</u>	18877
Guernsey	1.0072 <u>1.0064</u>	18878
Hamilton	1.0750	18879
Hancock	1.0224 <u>1.0215</u>	18880
Hardin	1.0219 <u>1.0348</u>	18881
Harrison	1.0098 <u>1.0081</u>	18882
Henry	1.0347 <u>1.0338</u>	18883
Highland	1.0139 <u>1.0129</u>	18884
Hocking	1.0149 <u>1.0151</u>	18885
Holmes	1.0237 <u>1.0238</u>	18886

Huron	1.0317 <u>1.0305</u>	18887
Jackson	1.0132 <u>1.0118</u>	18888
Jefferson	1.0084 <u>1.0067</u>	18889
Knox	1.0251 <u>1.0258</u>	18890
Lake	1.0596 <u>1.0556</u>	18891
Lawrence	1.0128 <u>1.0122</u>	18892
Licking	1.0381 <u>1.0375</u>	18893
Logan	1.0188 <u>1.0362</u>	18894
Lorain	1.0535 <u>1.0521</u>	18895
Lucas	1.0413 <u>1.0406</u>	18896
Madison	1.0342 <u>1.0437</u>	18897
Mahoning	1.0426 <u>1.0384</u>	18898
Marion	1.0121 <u>1.0263</u>	18899
Medina	1.0608 <u>1.0595</u>	18900
Meigs	1.0031 <u>1.0018</u>	18901
Mercer	1.0177 <u>1.0199</u>	18902
Miami	1.0425 <u>1.0415</u>	18903
Monroe	1.0118 <u>1.0097</u>	18904
Montgomery	1.0482 <u>1.0476</u>	18905
Morgan	1.0140 <u>1.0128</u>	18906
Morrow	1.0268 <u>1.0276</u>	18907
Muskingum	1.0167 <u>1.0145</u>	18908
Noble	1.0129 <u>1.0103</u>	18909
Ottawa	1.0510 <u>1.0468</u>	18910
Paulding	1.0156 <u>1.0140</u>	18911
Perry	1.0175 <u>1.0154</u>	18912
Pickaway	1.0338 <u>1.0326</u>	18913
Pike	1.0103 <u>1.0094</u>	18914
Portage	1.0556 <u>1.0516</u>	18915
Preble	1.0486 <u>1.0476</u>	18916
Putnam	1.0253 <u>1.0243</u>	18917
Richland	1.0205 <u>1.0213</u>	18918
Ross	1.0089 <u>1.0085</u>	18919

Sandusky	1.0336 <u>1.0307</u>	18920
Scioto	1.0044 <u>1.0029</u>	18921
Seneca	1.0240 <u>1.0223</u>	18922
Shelby	1.0257 <u>1.0263</u>	18923
Stark	1.0313 <u>1.0300</u>	18924
Summit	1.0616 <u>1.0598</u>	18925
Trumbull	1.0425 <u>1.0381</u>	18926
Tuscarawas	1.0099 <u>1.0097</u>	18927
Union	1.0330 <u>1.0446</u>	18928
Van Wert	1.0126 <u>1.0133</u>	18929
Vinton	1.0068 <u>1.0070</u>	18930
Warren	1.0651 <u>1.0659</u>	18931
Washington	1.0110 <u>1.0075</u>	18932
Wayne	1.0406 <u>1.0404</u>	18933
Williams	1.0268 <u>1.0284</u>	18934
Wood	1.0405 <u>1.0382</u>	18935
Wyandot	1.0191 <u>1.0188</u>	18936

~~(2) As used in this division, "multiplier" means the number for the corresponding fiscal year as follows:~~ 18937
18938

FISCAL YEAR OF THE		18939
COMPUTATION	MULTIPLIER	18940
1998	9.6/7.5	18941
1999	11.0/7.5	18942
2000	12.4/7.5	18943
2001	13.8/7.5	18944
2002	15.2/7.5	18945
2003	16.6/7.5	18946
2004 and thereafter	18.0/7.5	18947

~~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:~~ 18948
18949
18950

~~{(The cost of doing business factor specified under~~ 18951

~~division (N)(1) of this section - 1) X (the multiplier~~ 18952
~~for the fiscal year of the calculation)] + 1~~ 18953

~~The result of such formula shall be the adjusted~~ 18954
~~cost of doing business factor for that fiscal year.~~ 18955

(O) "Tax exempt value" of a school district means the amount 18956
certified for a school district under division (A)(4) of section 18957
3317.021 of the Revised Code. 18958

(P) "Potential value" of a school district means the ~~adjusted~~ 18959
~~total taxable value~~ recognized valuation of a school district plus 18960
the tax exempt value of the district. 18961

(Q) "District median income" means the median Ohio adjusted 18962
gross income certified for a school district. On or before the 18963
first day of July of each year, the tax commissioner shall certify 18964
to the department of education for each city, exempted village, 18965
and local school district the median Ohio adjusted gross income of 18966
the residents of the school district determined on the basis of 18967
tax returns filed for the second preceding tax year by the 18968
residents of the district. 18969

(R) "Statewide median income" means the median district 18970
median income of all city, exempted village, and local school 18971
districts in the state. 18972

(S) "Income factor" for a city, exempted village, or local 18973
school district means the quotient obtained by dividing that 18974
district's median income by the statewide median income. 18975

~~(T) Except as provided in division (B)(3) of section 3317.012~~ 18976
~~of the Revised Code, "valuation per pupil" for a city, exempted~~ 18977
~~village, or local school district means the district's recognized~~ 18978
~~valuation divided by the greater of the district's formula ADM or~~ 18979
~~three-year average formula ADM.~~ 18980

~~(U) Except as provided in section 3317.0213 of the Revised~~ 18981
~~Code, "adjusted valuation per pupil" means the amount calculated~~ 18982

in accordance with the following formula: 18983

~~District valuation per pupil -- [\$60,000 X~~ 18984
~~(1 -- district income factor)]~~ 18985

If the result of such formula is negative, the adjusted 18986
valuation per pupil shall be zero. 18987

(V) "Income adjusted valuation" means the product obtained by 18988
multiplying the school district's adjusted valuation per pupil by 18989
the greater of the district's formula ADM or three-year average 18990
formula ADM. 18991

(W) Except as provided in division (A)(2) of section 3317.022 18992
of the Revised Code, "adjusted total taxable value" means one of 18993
the following: 18994

(1) In any fiscal year that a school district's income factor 18995
is less than or equal to one, the amount calculated under the 18996
following formula: 18997

~~(Income adjusted valuation X multiple) +~~ 18998
~~{recognized valuation X (1 - multiple)}~~ 18999

Where "multiple" means the number for the corresponding 19000
fiscal year as follows: 19001

FISCAL YEAR OF THE		MULTIPLE	
COMPUTATION			
2000		1/5	19004
2001 and thereafter		4/15	19005

(2) In fiscal year 1999, if a school district's income factor 19006
is greater than one, the amount calculated under the following 19007
formula: 19008

~~(Income adjusted valuation X 1/15)~~ 19009
~~+ (recognized valuation X 14/15)~~ 19010

Thereafter, the adjusted total taxable value of a district 19011
with an income factor greater than one shall be its recognized 19012
valuation. 19013

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

exclusively for a public purpose; 19044

(b) The value of real and public utility real property in the 19045
district exempted from taxation under Chapter 725. or 1728. or 19046
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 19047
5709.73, or 5709.78 of the Revised Code. 19048

(5) ~~The total effective operating tax rate for the district~~ 19049
~~in the tax year for which the most recent data are available~~ 19050
federal adjusted gross income of the residents of the school 19051
district, based on tax returns filed by the residents of the 19052
district, for the most recent year for which this information is 19053
available. 19054

(B) On or before the first day of May each year, the tax 19055
commissioner shall certify to the department of education the 19056
total taxable real property value of railroads and, separately, 19057
the total taxable tangible personal property value of all public 19058
utilities for the preceding tax year, by school district and by 19059
county of location. 19060

(C) If a public utility has properly and timely filed a 19061
petition for reassessment under section 5727.47 of the Revised 19062
Code with respect to an assessment issued under section 5727.23 of 19063
the Revised Code affecting taxable property apportioned by the tax 19064
commissioner to a school district, the taxable value of public 19065
utility tangible personal property included in the certification 19066
under divisions (A)(2) and (B) of this section for the school 19067
district shall include only the amount of taxable value on the 19068
basis of which the public utility paid tax for the preceding year 19069
as provided in division (B)(1) or (2) of section 5727.47 of the 19070
Revised Code. 19071

(D) If on the basis of the information certified under 19072
division (A) of this section, the department determines that any 19073
district fails in any year to meet the qualification requirement 19074

specified in division (A) of section 3317.01 of the Revised Code, 19075
the department shall immediately request the tax commissioner to 19076
determine the extent to which any school district income tax 19077
levied by the district under Chapter 5748. of the Revised Code 19078
shall be included in meeting that requirement. Within five days of 19079
receiving such a request from the department, the tax commissioner 19080
shall make the determination required by this division and report 19081
the quotient obtained under division (D)(3) of this section to the 19082
department. This quotient represents the number of mills that the 19083
department shall include in determining whether the district meets 19084
the qualification requirement of division (A) of section 3317.01 19085
of the Revised Code. 19086

The tax commissioner shall make the determination required by 19087
this division as follows: 19088

(1) Multiply one mill times the total taxable value of the 19089
district as determined in divisions (A)(1) and (2) of this 19090
section; 19091

(2) Estimate the total amount of tax liability for the 19092
current tax year under taxes levied by Chapter 5748. of the 19093
Revised Code that are apportioned to current operating expenses of 19094
the district; 19095

(3) Divide the amount estimated under division (D)(2) of this 19096
section by the product obtained under division (D)(1) of this 19097
section. 19098

~~(E) As used in this section:~~ 19099

~~(1) "Class I taxes charged and payable for current expenses" 19100
means taxes charged and payable for current expenses on land and 19101
improvements classified as residential/agricultural real property 19102
under section 5713.041 of the Revised Code. 19103~~

~~(2) "Class I taxable value" means the taxable value of land 19104
and improvements classified as residential/agricultural real 19105~~

~~property under section 5713.041 of the Revised Code.~~ 19106

~~(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.~~ 19107
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~~(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.~~ 19111
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~~(5) "Total effective operating tax rate" means the sum of the Class I effective operating tax rate and the income tax equivalent tax rate.~~ 19117
19118
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Sec. 3317.022. (A)(1) The department of education shall 19120
compute and distribute state base cost funding to each school 19121
district for the fiscal year in accordance with the following 19122
formula, ~~using adjusted total taxable value as defined in section~~ 19123
~~3317.02 of the Revised Code or making any adjustment required by~~ 19124
division (A)(2) of this section and using the information obtained 19125
under section 3317.021 of the Revised Code in the calendar year in 19126
which the fiscal year begins. 19127

Compute the following for each eligible district: 19128

[cost-of-doing-business factor X 19129

the formula amount X (the greater of formula ADM 19130

or three-year average formula ADM)] - 19131

(.023 X ~~adjusted total taxable value~~ recognized valuation) 19132

If the difference obtained is a negative number, the 19133
district's computation shall be zero. 19134

(2)(a) For each school district for which the tax exempt 19135

value of the district equals or exceeds twenty-five per cent of 19136
the potential value of the district, the department of education 19137
shall calculate the difference between the district's tax exempt 19138
value and twenty-five per cent of the district's potential value. 19139

(b) For each school district to which division (A)(2)(a) of 19140
this section applies, the ~~adjusted total taxable value~~ department 19141
shall adjust the recognized valuation used in the calculation 19142
under division (A)(1) of this section ~~shall be the adjusted total~~ 19143
~~taxable value~~ modified by subtracting from it the amount 19144
calculated under division (A)(2)(a) of this section. 19145

(B) As used in this section: 19146

(1) The "total special education weight" for a district means 19147
the sum of the following amounts: 19148

(a) The district's category one special education ADM 19149
multiplied by the multiple specified ~~under~~ in division (A) of 19150
section 3317.013 of the Revised Code; 19151

(b) The sum of the district's category two and category three 19152
special education ADMs multiplied by the multiple specified ~~under~~ 19153
in division (B) of section 3317.013 of the Revised Code. 19154

(2) "State share percentage" means the percentage calculated 19155
for a district as follows: 19156

(a) Calculate the state base cost funding amount for the 19157
district for the fiscal year under division (A) of this section. 19158
If the district would not receive any state base cost funding for 19159
that year under that division, the district's state share 19160
percentage is zero. 19161

(b) If the district would receive state base cost funding 19162
under that division, divide that amount by an amount equal to the 19163
following: 19164

Cost-of-doing-business factor X 19165

the formula amount X (the greater of formula	19166
ADM or three-year average formula ADM)	19167
The resultant number is the district's state share	19168
percentage.	19169
(3) "Related services" includes:	19170
(a) Child study, special education supervisors and	19171
coordinators, speech and hearing services, adaptive physical	19172
development services, occupational or physical therapy, teacher	19173
assistants for handicapped children whose handicaps are described	19174
in division (B) of section 3317.013 or division (F)(3) of section	19175
3317.02 of the Revised Code, behavioral intervention, interpreter	19176
services, work study, nursing services, and specialized	19177
integrative services as those terms are defined by the department;	19178
(b) Speech and language services provided to any student with	19179
a handicap, including any student whose primary or only handicap	19180
is a speech and language handicap;	19181
(c) Any related service not specifically covered by other	19182
state funds but specified in federal law, including but not	19183
limited to, audiology and school psychological services;	19184
(d) Any service included in units funded under former	19185
division (O)(1) of section 3317.023 of the Revised Code;	19186
(e) Any other related service needed by handicapped children	19187
in accordance with their individualized education plans.	19188
(4) The "total vocational education weight" for a district	19189
means the sum of the following amounts:	19190
(a) The district's category one vocational education ADM	19191
multiplied by the multiple specified in division (A) of section	19192
3317.014 of the Revised Code;	19193
(b) The district's category two vocational education ADM	19194
multiplied by the multiple specified in division (B) of section	19195

3317.014 of the Revised Code. 19196

(C)(1) The department shall compute and distribute state 19197
special education and related services additional weighted costs 19198
funds to each school district in accordance with the following 19199
formula: 19200

The district's state share percentage 19201
X the formula amount for the year 19202
for which the aid is calculated 19203
X the district's total special education weight 19204

(2) In any fiscal year, a school district receiving funds 19205
under division (C)(1) of this section shall spend on related 19206
services the lesser of the following: 19207

(a) The amount the district spent on related services in the 19208
preceding fiscal year; 19209

(b) $\frac{1}{8} \times \{[\text{cost-of-doing-business factor} \times \text{the formula amount} \times (\text{the category one special education ADM} + \text{category two special education ADM} + \text{category three special education ADM})] + \text{the amount calculated for the fiscal year under division (C)(1) of this section} + \text{the local share of special education and related services additional weighted costs}\}$. 19210
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(3) The attributed local share of special education and 19216
related services additional weighted costs equals: 19217

(1 - the district's state share percentage) X 19218
the district's total special education weight X 19219
the formula amount 19220

(4)(a) The department shall compute and pay in accordance 19221
with this division additional state aid to school districts for 19222
students in ~~category three~~ categories one and two special 19223
education ADM. If a district's costs for the fiscal year for a 19224
student in its ~~category three~~ categories one and two special 19225
education ADM are twenty-five thousand dollars or more, the 19226

district may submit to the superintendent of public instruction 19227
documentation, as prescribed by the superintendent, of all its 19228
costs for that student. Upon submission of documentation for a 19229
student of the type and in the manner prescribed, the department 19230
shall pay to the district an amount equal to the sum of the 19231
following: 19232

(i) One-half of the district's costs for the student in 19233
excess of twenty-five thousand dollars; 19234

(ii) The product of one-half of the district's costs for the 19235
student in excess of twenty-five thousand dollars multiplied by 19236
the district's state share percentage. 19237

(b) In fiscal year 2002, if a district's costs for a student 19238
in its category three special education ADM are twenty-five 19239
thousand dollars or more, the district may submit to the 19240
superintendent of public instruction documentation, as prescribed 19241
by the superintendent, of all its costs for that student. Upon 19242
submission of documentation for a student of the type and in the 19243
manner prescribed, the department shall pay to the district an 19244
amount equal to the sum of the following: 19245

(i) One-half of the district's costs for the student in 19246
excess of twenty-five thousand dollars; 19247

(ii) The product of one-half of the district's costs for the 19248
student in excess of twenty-five thousand dollars multiplied by 19249
the district's state share percentage. 19250

(c) In any fiscal year after fiscal year 2002, if a 19251
district's costs for a student in its category three special 19252
education ADM are twenty thousand dollars or more, the district 19253
may submit to the superintendent of public instruction 19254
documentation, as prescribed by the superintendent, of all its 19255
costs for that student. Upon submission of documentation for a 19256
student of the type and in the manner prescribed, the department 19257

shall pay to the district an amount equal to the sum of the 19258
following: 19259

(i) One-half of the district's costs for the student in 19260
excess of twenty thousand dollars; 19261

(ii) The product of one-half of the district's costs for the 19262
student in excess of twenty thousand dollars multiplied by the 19263
district's state share percentage. 19264

(d) The district shall only report under divisions (C)(4)(a) 19265
to (c) of this section, and the department shall only pay for, the 19266
costs of educational expenses and the related services provided to 19267
the student in accordance with the student's individualized 19268
education program. Any legal fees, court costs, or other costs 19269
associated with any cause of action relating to the student may 19270
not be included in the amount. 19271

(5)(a) As used in this division, the "personnel allowance" 19272
means ~~twenty-five thousand dollars in fiscal year 2000 and thirty~~ 19273
thousand dollars in fiscal year ~~2001~~ 2002 and fifty-five thousand 19274
six hundred fifty-two dollars in fiscal year 2003. 19275

(b) For the provision of speech services to students and for 19276
no other purpose, the department of education shall pay each 19277
school district an amount calculated under the following formula: 19278

(formula ADM divided by 2000) X 19279

the personnel allowance X the state share percentage 19280

(6) In any fiscal year, a school district receiving funds 19281
under division (C)(1) of this section shall spend those funds only 19282
for the purposes that the department designates as approved for 19283
special education expenses. 19284

(D)(1) As used in this division: 19285

(a) "Daily bus miles per student" equals the number of bus 19286
miles traveled per day, divided by transportation base. 19287

(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. 19320

(3) In addition to funds paid under divisions (A), (C), and 19321
(E) of this section, each district with a transported student 19322
percentage greater than zero shall receive a payment equal to a 19323
percentage of the product of the district's transportation base 19324
from the prior fiscal year times the annually updated average 19325
efficient transportation use cost per student, times an inflation 19326
factor of two and eight tenths per cent to account for the 19327
one-year difference between the data used in updating the formula 19328
and calculating the payment and the year in which the payment is 19329
made. The percentage shall be the following percentage of that 19330
product specified for the corresponding fiscal year: 19331

FISCAL YEAR	PERCENTAGE	
2000	52.5%	19332
2001	55%	19333
2002	57.5%	19334
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>	19335 19336

The payments made under division (D)(3) of this section each 19337
year shall be calculated based on all of the same prior year's 19338
data used to update the formula. 19339

(4) In addition to funds paid under divisions (D)(2) and (3) 19340
of this section, a school district shall receive a rough road 19341
subsidy if both of the following apply: 19342

(a) Its county rough road percentage is higher than the 19343
statewide rough road percentage, as those terms are defined in 19344
division (D)(5) of this section; 19345

(b) Its district student density is lower than the statewide student density, as those terms are defined in that division. 19346
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(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be calculated in accordance with the following formula: 19348
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(per rough mile subsidy X total rough road miles) X
density multiplier 19351
19352

where: 19353

(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula: 19354
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$0.75 - \{0.75 \times [(\text{maximum rough road percentage} - \text{county rough road percentage}) / (\text{maximum rough road percentage} - \text{statewide rough road percentage})]\}$ 19356
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(i) "Maximum rough road percentage" means the highest county rough road percentage in the state. 19360
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(ii) "County rough road percentage" equals the percentage of the mileage of state, municipal, county, and township roads that is rated by the department of transportation as type A, B, C, E2, or F in the county in which the school district is located or, if the district is located in more than one county, the county to which it is assigned for purposes of determining its cost-of-doing-business factor. 19362
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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. 19369
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(b) "Total rough road miles" means a school district's total bus miles traveled in one year times its county rough road percentage. 19373
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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 19407
school district in accordance with the following formula: 19408

state share percentage X 19409

the formula amount X 19410

total vocational education weight 19411

In any fiscal year, a school district receiving funds under 19412
division (E)(1) of this section shall spend those funds only for 19413
the purposes that the department designates as approved for 19414
vocational education expenses. 19415

(2) The department shall compute for each school district 19416
state funds for vocational education associated services in 19417
accordance with the following formula: 19418

state share percentage X .05 X 19419

the formula amount X the sum of categories one and two 19420

vocational education ADM 19421

In any fiscal year, a school district receiving funds under 19422
division (E)(2) of this section, or through a transfer of funds 19423
pursuant to division (L) of section 3317.023 of the Revised Code, 19424
shall spend those funds only for the purposes that the department 19425
designates as approved for vocational education associated 19426
services expenses, which may include such purposes as 19427
apprenticeship coordinators, coordinators for other vocational 19428
education services, vocational evaluation, and other purposes 19429
designated by the department. The department may deny payment 19430
under division (E)(2) of this section to any district that the 19431
department determines is not operating those services or is using 19432
funds paid under division (E)(2) of this section, or through a 19433
transfer of funds pursuant to division (L) of section 3317.023 of 19434
the Revised Code, for other purposes. 19435

~~In fiscal years 2000 and 2001, each school district shall 19436
continue to offer the same number of the vocational education 19437
programs that the district offered in fiscal year 1999, unless the 19438~~

~~department of education expressly agrees that the district may
offer fewer programs in either fiscal year 2000 or 2001 or both.~~

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(F) Beginning in fiscal year 2003, the actual local share in
any fiscal year for the combination of special education and
related services additional weighted costs funding calculated
under division (C)(1) of this section, transportation funding
calculated under divisions (D)(2) and (3) of this section, and
vocational education and associated services additional weighted
costs funding calculated under divisions (E)(1) and (2) of this
section shall not exceed for any school district the product of
three mills times the district's recognized valuation. Beginning
in fiscal year 2003, the department annually shall pay each school
district as an excess cost supplement any amount by which the sum
of the district's attributed local shares for that funding exceeds
that product. For purposes of calculating the excess cost
supplement:

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(1) The attributed local share for special education and
related services additional weighted costs funding is the amount
specified in division (C)(3) of this section.

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(2) The attributed local share of transportation funding
equals the difference of the total amount calculated for the
district using the formula developed under division (D)(2) of this
section minus the actual amount paid to the district after
applying the percentage specified in division (D)(3) of this
section.

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(3) The attributed local share of vocational education and
associated services additional weighted costs funding is the
amount determined as follows:

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(1 - state share percentage) X
[(total vocational education weight X the formula amount) +
the payment under division (E)(2) of this section]

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Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 19470
Revised Code, the amounts required to be paid to a district under 19471
this chapter shall be adjusted by the amount of the computations 19472
made under divisions (B) to ~~(K)~~(L) of this section. 19473

As used in this section: 19474

(1) "Classroom teacher" means a licensed employee who 19475
provides direct instruction to pupils, excluding teachers funded 19476
from money paid to the district from federal sources; educational 19477
service personnel; and vocational and special education teachers. 19478

(2) "Educational service personnel" shall not include such 19479
specialists funded from money paid to the district from federal 19480
sources or assigned full-time to vocational or special education 19481
students and classes and may only include those persons employed 19482
in the eight specialist areas in a pattern approved by the 19483
department of education under guidelines established by the state 19484
board of education. 19485

(3) "Annual salary" means the annual base salary stated in 19486
the state minimum salary schedule for the performance of the 19487
teacher's regular teaching duties that the teacher earns for 19488
services rendered for the first full week of October of the fiscal 19489
year for which the adjustment is made under division (C) of this 19490
section. It shall not include any salary payments for supplemental 19491
teachers contracts. 19492

(4) "Regular student population" means the formula ADM plus 19493
the number of students reported as enrolled in the district 19494
pursuant to division (A)(1) of section 3313.981 of the Revised 19495
Code; minus the number of students reported under division (A)(2) 19496
of section 3317.03 of the Revised Code; minus the FTE of students 19497
reported under division (B)(5), (6), (7), (8), or (9) of that 19498
section who are enrolled in a vocational education class or 19499
receiving special education; and minus one-fourth of the students 19500

enrolled concurrently in a joint vocational school district. 19501

(5) "State share percentage" has the same meaning as in 19502
section 3317.022 of the Revised Code. 19503

(6) "VEPD" means a school district or group of school 19504
districts designated by the department of education as being 19505
responsible for the planning for and provision of vocational 19506
education services to students within the district or group. 19507

(7) "Lead district" means a school district, including a 19508
joint vocational school district, designated by the department as 19509
a VEPD, or designated to provide primary vocational education 19510
leadership within a VEPD composed of a group of districts. 19511

(B) If the district employs less than one full-time 19512
equivalent classroom teacher for each twenty-five pupils in the 19513
regular student population in any school district, deduct the sum 19514
of the amounts obtained from the following computations: 19515

(1) Divide the number of the district's full-time equivalent 19516
classroom teachers employed by one twenty-fifth; 19517

(2) Subtract the quotient in (1) from the district's regular 19518
student population; 19519

(3) Multiply the difference in (2) by seven hundred fifty-two 19520
dollars. 19521

(C) If a positive amount, add one-half of the amount obtained 19522
by multiplying the number of full-time equivalent classroom 19523
teachers by: 19524

(1) The mean annual salary of all full-time equivalent 19525
classroom teachers employed by the district at their respective 19526
training and experience levels minus; 19527

(2) The mean annual salary of all such teachers at their 19528
respective levels in all school districts receiving payments under 19529
this section. 19530

The number of full-time equivalent classroom teachers used in 19531
this computation shall not exceed one twenty-fifth of the 19532
district's regular student population. In calculating the 19533
district's mean salary under this division, those full-time 19534
equivalent classroom teachers with the highest training level 19535
shall be counted first, those with the next highest training level 19536
second, and so on, in descending order. Within the respective 19537
training levels, teachers with the highest years of service shall 19538
be counted first, the next highest years of service second, and so 19539
on, in descending order. 19540

(D) This division does not apply to a school district that 19541
has entered into an agreement under division (A) of section 19542
3313.42 of the Revised Code. Deduct the amount obtained from the 19543
following computations if the district employs fewer than five 19544
full-time equivalent educational service personnel, including 19545
elementary school art, music, and physical education teachers, 19546
counselors, librarians, visiting teachers, school social workers, 19547
and school nurses for each one thousand pupils in the regular 19548
student population: 19549

(1) Divide the number of full-time equivalent educational 19550
service personnel employed by the district by five 19551
one-thousandths; 19552

(2) Subtract the quotient in (1) from the district's regular 19553
student population; 19554

(3) Multiply the difference in (2) by ninety-four dollars. 19555

(E) If a local school district, or a city or exempted village 19556
school district to which a governing board of an educational 19557
service center provides services pursuant to section 3313.843 of 19558
the Revised Code, deduct the amount of the payment required for 19559
the reimbursement of the governing board under section 3317.11 of 19560
the Revised Code. 19561

(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 19593
such payments. 19594

(J) If the district is required to pay an amount of funds to 19595
a cooperative education district pursuant to a provision described 19596
by division (B)(4) of section 3311.52 or division (B)(8) of 19597
section 3311.521 of the Revised Code, deduct such amounts as 19598
provided under that provision and credit those amounts to the 19599
cooperative education district for payment to the district under 19600
division (B)(1) of section 3317.19 of the Revised Code. 19601

(K)(1) If a district is educating a student entitled to 19602
attend school in another district pursuant to a shared education 19603
contract, compact, or cooperative education agreement other than 19604
an agreement entered into pursuant to section 3313.842 of the 19605
Revised Code, credit to that educating district on an FTE basis 19606
both of the following: 19607

(a) An amount equal to the formula amount times the cost of 19608
doing business factor of the school district where the student is 19609
entitled to attend school pursuant to section 3313.64 or 3313.65 19610
of the Revised Code; 19611

(b) An amount equal to the formula amount times the state 19612
share percentage times any multiple applicable to the student 19613
pursuant to section 3317.013 or 3317.014 of the Revised Code. 19614

(2) Deduct any amount credited pursuant to division (K)(1) of 19615
this section from amounts paid to the school district in which the 19616
student is entitled to attend school pursuant to section 3313.64 19617
or 3313.65 of the Revised Code. 19618

(3) If the district is required by a shared education 19619
contract, compact, or cooperative education agreement to make 19620
payments to an educational service center, deduct the amounts from 19621
payments to the district and add them to the amounts paid to the 19622
service center pursuant to section 3317.11 of the Revised Code. 19623

(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

each elementary school maintained within such district and for 19655
capital improvements for such schools. Such amounts shall be 19656
determined on the basis of standards adopted by the state board of 19657
education. 19658

(C) An amount for each school district operating classes for 19659
children of migrant workers who are unable to be in attendance in 19660
an Ohio school during the entire regular school year. The amounts 19661
shall be determined on the basis of standards adopted by the state 19662
board of education, except that payment shall be made only for 19663
subjects regularly offered by the school district providing the 19664
classes. 19665

(D) An amount for each school district with guidance, 19666
testing, and counseling programs approved by the state board of 19667
education. The amount shall be determined on the basis of 19668
standards adopted by the state board of education. 19669

(E) An amount for the emergency purchase of school buses as 19670
provided for in section 3317.07 of the Revised Code; 19671

(F) An amount for each school district required to pay 19672
tuition for a child in an institution maintained by the department 19673
of youth services pursuant to section 3317.082 of the Revised 19674
Code, provided the child was not included in the calculation of 19675
the district's average daily membership for the preceding school 19676
year. 19677

(G) In fiscal year 2000 only, an amount to each school 19678
district for supplemental salary allowances for each licensed 19679
employee except those licensees serving as superintendents, 19680
assistant superintendents, principals, or assistant principals, 19681
whose term of service in any year is extended beyond the term of 19682
service of regular classroom teachers, as described in section 19683
3301.0725 of the Revised Code; 19684

(H) An amount for adult basic literacy education for each 19685

district participating in programs approved by the state board of 19686
education. The amount shall be determined on the basis of 19687
standards adopted by the state board of education. 19688

(I) Notwithstanding section 3317.01 of the Revised Code, but 19689
only until June 30, 1999, to each city, local, and exempted 19690
village school district, an amount for conducting driver education 19691
courses at high schools for which the state board of education 19692
prescribes minimum standards and to joint vocational and 19693
cooperative education school districts and educational service 19694
centers, an amount for conducting driver education courses to 19695
pupils enrolled in a high school for which the state board 19696
prescribes minimum standards. No payments shall be made under this 19697
division after June 30, 1999. 19698

(J) An amount for the approved cost of transporting 19699
developmentally handicapped pupils whom it is impossible or 19700
impractical to transport by regular school bus in the course of 19701
regular route transportation provided by the district or service 19702
center. No district or service center is eligible to receive a 19703
payment under this division for the cost of transporting any pupil 19704
whom it transports by regular school bus and who is included in 19705
the district's transportation ADM. The state board of education 19706
shall establish standards and guidelines for use by the department 19707
of education in determining the approved cost of such 19708
transportation for each district or service center. 19709

(K) An amount to each school district, including each 19710
cooperative education school district, pursuant to section 3313.81 19711
of the Revised Code to assist in providing free lunches to needy 19712
children and an amount to assist needy school districts in 19713
purchasing necessary equipment for food preparation. The amounts 19714
shall be determined on the basis of rules adopted by the state 19715
board of education. 19716

(L) An amount to each school district, for each pupil 19717

attending a chartered nonpublic elementary or high school within 19718
the district. The amount shall equal the amount appropriated for 19719
the implementation of section 3317.06 of the Revised Code divided 19720
by the average daily membership in grades kindergarten through 19721
twelve in nonpublic elementary and high schools within the state 19722
as determined during the first full week in October of each school 19723
year. 19724

(M) An amount for each county MR/DD board, distributed on the 19725
basis of standards adopted by the state board of education, for 19726
the approved cost of transportation required for children 19727
attending special education programs operated by the county MR/DD 19728
board under section 3323.09 of the Revised Code; 19729

(N) An amount for each county MR/DD board, distributed on the 19730
basis of standards adopted by the state board of education, for 19731
supportive home services for preschool children; 19732

(O) An amount for each school district that establishes a 19733
mentor teacher program that complies with rules of the state board 19734
of education. No school district shall be required to establish or 19735
maintain such a program in any year unless sufficient funds are 19736
appropriated to cover the district's total costs for the program. 19737

(P) An amount to each school district or educational service 19738
center for the total number of gifted units approved pursuant to 19739
section 3317.05 of the Revised Code. The amount for each such unit 19740
shall be the sum of the minimum salary for the teacher of the 19741
unit, calculated on the basis of the teacher's training level and 19742
years of experience pursuant to the salary schedule prescribed in 19743
the version of section 3317.13 of the Revised Code in effect prior 19744
to the effective date of this amendment, plus fifteen per cent of 19745
that minimum salary amount, plus two thousand six hundred 19746
seventy-eight dollars. 19747

(Q) An amount to each institution defined under section 19748

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

certified or adjusted under section 3317.10 of the Revised Code, 19780
by the district's three-year average formula ADM. 19781

(b) Beginning in fiscal year 2004, the five-year average, 19782
unduplicated number of children ages five to seventeen residing in 19783
the school district and living in a family that has family income 19784
not exceeding the federal poverty guidelines and that receives 19785
family assistance, as certified or adjusted under section 3317.10 19786
of the Revised Code, divided by the district's three-year average 19787
formula ADM. 19788

(2) "Family assistance" means assistance received under one 19789
of the following: 19790

(a) The Ohio works first program or, for the purpose of 19791
determining the five-year average number of recipients of family 19792
assistance in fiscal years 1999 through 2002, assistance received 19793
under an antecedent program known as TANF or ADC; 19794

(b) The food stamp program; 19795

(c) The medical assistance program, including the healthy 19796
start program, established under Chapter 5111. of the Revised 19797
Code; 19798

(d) The children's health insurance program part I 19799
established under section 5101.50 of the Revised Code or, prior to 19800
fiscal year 2000, an executive order issued under section 107.17 19801
of the Revised Code; 19802

(e) The disability assistance program established under 19803
Chapter 5115. of the Revised Code. 19804

(3) "Statewide DPIA percentage" means: 19805

(a) In fiscal years prior to fiscal year 2004, the five-year 19806
average of the total number of children ages five to seventeen 19807
years residing in the state and receiving family assistance under 19808
the Ohio works first program or an antecedent program known as 19809

TANF or ADC, divided by the sum of the three-year average formula
ADMs for all school districts in the state. 19810
19811

(b) Beginning in fiscal year 2004, the five-year average of 19812
the total, unduplicated number of children ages five to seventeen 19813
residing in the state and living in a family that has family 19814
income not exceeding the federal poverty guidelines and that 19815
receives family assistance, divided by the sum of the three-year 19816
average formula ADMs for all school districts in the state. 19817

(4) "DPIA index" means the quotient obtained by dividing the 19818
school district's DPIA percentage by the statewide DPIA 19819
percentage. 19820

(5) "Federal poverty guidelines" has the same meaning as in 19821
section 5101.46 of the Revised Code. 19822

(6) "DPIA student count" means: 19823

(a) In fiscal years prior to fiscal year 2004, the five-year 19824
average number of children ages five to seventeen residing in the 19825
school district and living in a family receiving assistance under 19826
the Ohio works first program or an antecedent program known as 19827
TANF or ADC, as certified under section 3317.10 of the Revised 19828
Code; 19829

(b) Beginning in fiscal year 2004, the five-year average, 19830
unduplicated number of children ages five to seventeen residing in 19831
the school district and living in a family that has family income 19832
not exceeding the federal poverty guidelines and that receives 19833
family assistance, as certified or adjusted under section 3317.10 19834
of the Revised Code. 19835

(7) "Kindergarten ADM" means the number of students reported 19836
under section 3317.03 of the Revised Code as enrolled in 19837
kindergarten. 19838

~~(6)~~(8) "Kindergarten through third grade ADM" means the 19839
amount calculated as follows: 19840

(a) Multiply the kindergarten ADM by the sum of one plus the all-day kindergarten percentage; 19841
19842

(b) Add the number of students in grades one through three; 19843

(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. 19844
19845
19846

~~(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. 19847
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~~(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. 19853
19854
19855
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~~(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. 19857
19858
19859

~~(10)~~(12) "Buildings with the highest concentration of need" means: 19860
19861

(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 19862
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19864
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(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 19868
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district-wide percentage of students receiving family assistance. 19871

(c) If, in any fiscal year, the information provided by the 19872
department of job and family services under section 3317.10 of the 19873
Revised Code is insufficient to determine the Ohio works first or 19874
family assistance percentage in each building, "buildings with the 19875
highest concentration of need" has the meaning given in rules that 19876
the department of education shall adopt. The rules shall base the 19877
definition of "buildings with the highest concentration of need" 19878
on family income of students in grades kindergarten through three 19879
in a manner that, to the extent possible with available data, 19880
approximates the intent of this division and division (G) of this 19881
section to designate buildings where the Ohio works first or 19882
family assistance percentage in those grades equals or exceeds the 19883
district-wide Ohio works first or family assistance percentage. 19884

(B) In addition to the amounts required to be paid to a 19885
school district under section 3317.022 of the Revised Code, a 19886
school district shall receive the greater of the amount the 19887
district received in fiscal year 1998 pursuant to division (B) of 19888
section 3317.023 of the Revised Code as it existed at that time or 19889
the sum of the computations made under divisions (C) to (E) of 19890
this section. 19891

(C) A supplemental payment that may be utilized for measures 19892
related to safety and security and for remediation or similar 19893
programs, calculated as follows: 19894

(1) If the DPIA index of the school district is greater than 19895
or equal to thirty-five-hundredths, but less than one, an amount 19896
obtained by multiplying the ~~five-year average number of pupils in~~ 19897
~~a district receiving family assistance~~ district's DPIA student 19898
count by two hundred thirty dollars; 19899

(2) If the DPIA index of the school district is greater than 19900
or equal to one, an amount obtained by multiplying the DPIA index 19901

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.

(2) Up to an amount equal to the district's DPIA index 19963
multiplied by ~~the five-year average number of pupils in a district~~ 19964
~~receiving family assistance~~ its DPIA student count multiplied by 19965
two hundred thirty dollars of the money distributed under this 19966
section may be utilized for one or both of the following: 19967

(a) Programs designed to ensure that schools are free of 19968
drugs and violence and have a disciplined environment conducive to 19969
learning; 19970

(b) Remediation for students who have failed or are in danger 19971
of failing any of the proficiency tests administered pursuant to 19972
section 3301.0710 of the Revised Code. 19973

Beginning with the school year that starts on July 1, 2002, 19974
each school district shall use at least twenty per cent of the 19975
funds set aside for the purposes of divisions (F)(2)(a) and (b) of 19976
this section to provide intervention services required by section 19977
3313.608 of the Revised Code. 19978

(3) Except as otherwise required by division (G) or permitted 19979
under division (K) of this section, all other funds distributed 19980
under this section to districts subject to this division shall be 19981
utilized for the purpose of the third grade guarantee. The third 19982
grade guarantee consists of increasing the amount of instructional 19983
attention received per pupil in kindergarten through third grade, 19984
either by reducing the ratio of students to instructional 19985
personnel or by increasing the amount of instruction and 19986
curriculum-related activities by extending the length of the 19987
school day or the school year. 19988

School districts may implement a reduction of the ratio of 19989
students to instructional personnel through any or all of the 19990
following methods: 19991

(a) Reducing the number of students in a classroom taught by 19992
a single teacher; 19993

(b) Employing full-time educational aides or educational paraprofessionals issued a permit or license under section 3319.088 of the Revised Code; 19994
19995
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(c) Instituting a team-teaching method that will result in a lower student-teacher ratio in a classroom. 19997
19998

Districts may extend the school day either by increasing the amount of time allocated for each class, increasing the number of classes provided per day, offering optional academic-related after-school programs, providing curriculum-related extra curricular activities, or establishing tutoring or remedial services for students who have demonstrated an educational need. In accordance with section 3319.089 of the Revised Code, a district extending the school day pursuant to this division may utilize a participant of the work experience program who has a child enrolled in a public school in that district and who is fulfilling the work requirements of that program by volunteering or working in that public school. If the work experience program participant is compensated, the school district may use the funds distributed under this section for all or part of the compensation. 19999
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Districts may extend the school year either through adding regular days of instruction to the school calendar or by providing summer programs. 20014
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(G) Each district subject to division (F) of this section shall not expend any funds received under division (E) of this section in any school buildings that are not buildings with the highest concentration of need, unless there is a ratio of instructional personnel to students of no more than fifteen to one in each kindergarten and first grade class in all buildings with the highest concentration of need. This division does not require that the funds used in buildings with the highest concentration of need be spent solely to reduce the ratio of instructional 20017
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personnel to students in kindergarten and first grade. A school 20026
district may spend the funds in those buildings in any manner 20027
permitted by division (F)(3) of this section, but may not spend 20028
the money in other buildings unless the fifteen-to-one ratio 20029
required by this division is attained. 20030

(H)(1) By the first day of August of each fiscal year, each 20031
school district wishing to receive any funds under division (D) of 20032
this section shall submit to the department of education an 20033
estimate of its all-day kindergarten percentage. Each district 20034
shall update its estimate throughout the fiscal year in the form 20035
and manner required by the department, and the department shall 20036
adjust payments under this section to reflect the updates. 20037

(2) Annually by the end of December, the department of 20038
education, utilizing data from the information system established 20039
under section 3301.0714 of the Revised Code and after consultation 20040
with the legislative office of education oversight, shall 20041
determine for each school district subject to division (F) of this 20042
section whether in the preceding fiscal year the district's ratio 20043
of instructional personnel to students and its number of 20044
kindergarten students receiving all-day kindergarten appear 20045
reasonable, given the amounts of money the district received for 20046
that fiscal year pursuant to divisions (D) and (E) of this 20047
section. If the department is unable to verify from the data 20048
available that students are receiving reasonable amounts of 20049
instructional attention and all-day kindergarten, given the funds 20050
the district has received under this section and that class-size 20051
reduction funds are being used in school buildings with the 20052
highest concentration of need as required by division (G) of this 20053
section, the department shall conduct a more intensive 20054
investigation to ensure that funds have been expended as required 20055
by this section. The department shall file an annual report of its 20056
findings under this division with the chairpersons of the 20057

committees in each house of the general assembly dealing with	20058
finance and education.	20059
(I) Any school district with a DPIA index less than one and a	20060
three-year average formula ADM exceeding seventeen thousand five	20061
hundred shall first utilize funds received under this section so	20062
that, when combined with other funds of the district, sufficient	20063
funds exist to provide all-day kindergarten to at least the number	20064
of children in the district's all-day kindergarten percentage.	20065
Such a district shall expend at least seventy per cent of the	20066
remaining funds received under this section, and any other	20067
district with a DPIA index less than one shall expend at least	20068
seventy per cent of all funds received under this section, for any	20069
of the following purposes:	20070
(1) The purchase of technology for instructional purposes;	20071
(2) All-day kindergarten;	20072
(3) Reduction of class sizes;	20073
(4) Summer school remediation;	20074
(5) Dropout prevention programs;	20075
(6) Guaranteeing that all third graders are ready to progress	20076
to more advanced work;	20077
(7) Summer education and work programs;	20078
(8) Adolescent pregnancy programs;	20079
(9) Head start or preschool programs;	20080
(10) Reading improvement programs described by the department	20081
of education;	20082
(11) Programs designed to ensure that schools are free of	20083
drugs and violence and have a disciplined environment conducive to	20084
learning;	20085
(12) Furnishing, free of charge, materials used in courses of	20086

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.

(2) A district may use a portion of the funds described in 20118
division (F)(3) of this section to modify or purchase classroom 20119
space to enable it to further reduce class size in grades 20120
kindergarten through two with a goal of attaining class sizes of 20121
fifteen students per licensed teacher. To do so, the district must 20122
certify its need for additional space to the department, in a 20123
manner satisfactory to the department. 20124

Sec. 3317.0210. (A) As used in this section: 20125

(1) "Bankruptcy Reform Act" means the "Bankruptcy Reform Act 20126
of 1978," 92 Stat. 2558, 11 U.S.C. 301, as amended. 20127

(2) "Chapter 11 corporation" means a corporation, company, or 20128
other business organization that has filed a petition for 20129
reorganization under Chapter 11 of the "Bankruptcy Reform Act," 92 20130
Stat. 2626, 11 U.S.C. 1101, as amended. 20131

(3) "Real property" includes public utility real property and 20132
"personal property" includes public utility personal property. 20133

(4) "Uncollectable taxes" means property taxes owed by a 20134
Chapter 11 corporation on its property for a tax year that a 20135
school district is precluded from collecting by virtue of 20136
proceedings under the Bankruptcy Reform Act. 20137

(5) "Basic state aid" means the state aid calculated for a 20138
school district under section 3317.022 of the Revised Code. 20139

(6) "Effective value" means the sum of the 20140
residential/agricultural real property value, the effective 20141
nonresidential/agricultural real property value, and the effective 20142
personal value. 20143

(7) "Effective nonresidential/agricultural real property 20144
value" means, for a tax year, the amount obtained by multiplying 20145
the value for that year of nonresidential/agricultural real 20146
property subject to taxation in the district by a fraction, the 20147

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

taxes from one Chapter 11 corporation for the ~~second~~ preceding tax 20179
year whose total taxes charged and payable represent at least 20180
one-half of one per cent of the district's total taxes charged and 20181
payable for that tax year. 20182

(2) The department shall verify whether the district has such 20183
uncollectable taxes from such a corporation ~~by the first day of~~ 20184
~~September~~, and if the district does, shall immediately request the 20185
~~county auditor of each county in which the school district has~~ 20186
~~territory~~ tax commissioner to certify the following information 20187
concerning the district's property values and taxes for the ~~second~~ 20188
preceding tax year, and ~~each such auditor~~ the tax commissioner 20189
shall certify that information to the department within thirty 20190
days ~~of~~ after receiving the request: 20191

(a) The value of the property subject to taxation in the 20192
district that was classified as nonresidential/agricultural real 20193
property pursuant to section 5713.041 of the Revised Code, and the 20194
taxes charged and payable on that property; and 20195

(b) The value of the property subject to taxation in the 20196
district that was classified as residential/agricultural real 20197
property under section 5713.041 of the Revised Code. 20198

(C) ~~By the fifteenth day of November~~ Upon receiving the 20199
certification from the tax commissioner, the department shall 20200
compute the district's effective nonresidential/agricultural real 20201
property value, residential/agricultural real property value, 20202
effective personal value, and effective value, and shall determine 20203
whether the school district's effective value for the ~~second~~ 20204
preceding tax year is at least one per cent less than its total 20205
taxable value for ~~that~~ the second preceding tax year as certified 20206
under divisions (A)(1) and (2) of section 3317.021 of the Revised 20207
Code. If it is, the department shall recompute the basic state aid 20208
payable to the district for the ~~immediately preceding~~ current 20209
fiscal year using the effective value in lieu of the ~~amounts~~ 20210

~~previously certified under section 3317.021 of the Revised Code~~ 20211
~~total taxable value used to compute the basic state aid for the~~ 20212
~~current fiscal year.~~ The difference between the ~~original~~ basic 20213
state aid amount originally computed for the district for the 20214
~~preceding~~ current fiscal year and the recomputed amount shall be 20215
paid to the district from the lottery profits education fund 20216
before the end of the current fiscal year. 20217

(D) Not later than August 1, 2001, a school district shall 20218
notify the department of education if it has uncollectable taxes 20219
from one Chapter 11 corporation for tax year 1999 or, separately, 20220
tax year 2000, whose total taxes charged and payable for the tax 20221
year represent at least one-half of one per cent of the district's 20222
total taxes charged and payable for that tax year. The department 20223
shall verify whether the district has such uncollectable taxes 20224
from such a corporation and, if it does, shall immediately request 20225
the tax commissioner to certify the information enumerated in 20226
divisions (B)(2)(a) and (b) of this section for the tax year. The 20227
tax commissioner shall certify that information to the department 20228
within thirty days after receiving the request. 20229

Upon receiving the certification from the tax commissioner, 20230
the department shall compute the district's effective value for 20231
the tax year for which the certification was made and shall 20232
determine whether the effective value for the tax year is at least 20233
one per cent less than its total taxable value for that tax year. 20234
If it is, the department shall recompute the basic state aid 20235
payable to the district as follows: 20236

(1) For such uncollectable taxes for tax year 1999, recompute 20237
the basic state aid for fiscal year 2001 using the effective value 20238
for tax year 1999 in lieu of the total taxable value for that tax 20239
year as certified under divisions (A)(1) and (2) of section 20240
3317.021 of the Revised Code; 20241

(2) For such uncollectable taxes for tax year 2000, recompute 20242

the basic state aid for fiscal year 2002 using the effective value 20243
for tax year 2000 in lieu of the total taxable value for that tax 20244
year certified under those divisions. 20245

The difference between the basic state aid amount originally 20246
computed for the district for fiscal year 2001 or fiscal year 2002 20247
and the amount recomputed for that year under division (C)(1) or 20248
(2) of this section shall be paid to the district from the lottery 20249
profits education fund before the end of fiscal year 2002. 20250

(E) Amounts received by a school district under division (C) 20251
and (D) of this section shall be repaid to the department of 20252
education in any future year to the extent the district receives 20253
payments of uncollectable taxes in such future year. The 20254
department shall notify a district of any amount owed under this 20255
division. 20256

Sec. 3317.0212. Divisions (B) and (C) of this section do not 20257
apply to a school district with a formula ADM of one hundred fifty 20258
or less. 20259

(A) As used in this section: 20260

(1) "Fundamental FY 1997 state aid" or "fundamental FY 1998 20261
state aid" for a district means the total amount of state money 20262
received by the district for the applicable fiscal year as 20263
reported on the department of education's form "SF-12," adjusted 20264
as follows: 20265

(a) Minus the amount for transportation; 20266

(b) Minus any amounts for approved preschool handicapped 20267
units; 20268

(c) Minus any additional amount attributable to the 20269
reappraisal guarantee of division (C) of section 3317.04 of the 20270
Revised Code; 20271

(d) Plus the amount deducted for payments to an educational service center;	20272 20273
(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;	20274 20275 20276 20277 20278 20279
(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;	20280 20281 20282 20283 20284 20285
(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;	20286 20287 20288 20289 20290
(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;	20291 20292 20293
(i) Plus any amount paid for equity aid in the applicable fiscal year under section 3317.0213 of the Revised Code;	20294 20295
(j) Plus any amount received for the applicable fiscal year pursuant to section 3317.027 of the Revised Code;	20296 20297
(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.	20298 20299 20300 20301

(2) "State basic aid" for a district for any fiscal year after fiscal year 1999 means the sum of the following:

(a) The amount computed for the district for base cost funding, special education funding, and vocational education funding under divisions (A), (C)(1) and (5), and (E) of section 3317.022 and sections 3317.025 and 3317.027 of the Revised Code and DPIA aid under section 3317.029 of the Revised Code in the current fiscal year before any deduction or credit required by division (B), (D), (E), (F), (G), (H), (I), (J), (K), or (L) of section 3317.023 or division (J) of section 3317.029 of the Revised Code;

(b) Any amounts for which the district is eligible pursuant to division (C) of section 3317.023, divisions (G), (P), and (R) of section 3317.024, and the supplemental unit allowance paid for gifted units under division (B) of section ~~3317.162~~ 3317.053 of the Revised Code;

(c) Any equity aid for which the district is eligible under section 3317.0213 of the Revised Code.

~~(3) "Adjusted FY 1999 actual aid" has the same meaning as in Section 18 of Am. Sub. H.B. 650 of the 122nd general assembly, as amended.~~

~~(4) "Vocational education set aside" means the up to \$24,193,118 earmarked for additional school district vocational education grants under appropriation item 200-545, vocational education enhancements, in Am. Sub. H.B. 770 of the 122nd general assembly.~~

(B) Upon request of the department of education, the treasurer of any school district or educational service center shall furnish data needed to calculate the amounts specified in divisions (A)(1)(e) and (f) of this section. The department shall compute and pay the state basic aid guarantee for each school

district for the fiscal year as follows:

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(1) Subtract the amount of state basic aid from the amount of fundamental FY 1998 state aid. If a negative number, this computation shall be deemed to be zero.

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(2) Pay the district any positive amount calculated under division (B)(1) of this section.

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~~(C) In fiscal year 2000, the department shall calculate for each district the sum of the district's state basic aid for that fiscal year, plus any amount calculated under division (B)(1) of this section, plus the transportation portion of state aid computed for the district for that fiscal year under division (D) of the version of section 3317.022 of the Revised Code in effect that fiscal year. If a district's adjusted FY 1999 actual aid is greater than that sum, then the department shall pay the district in that fiscal year one hundred per cent of the difference 2002, if a school district's composite state funding for that fiscal year is less than its composite state funding for fiscal year 2001, the department shall pay the district the difference as transitional aid. For purposes of this division:~~

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(1) A district's composite state funding for fiscal year 2001 equals its state basic aid for that year plus the amounts calculated for the district that year under this section, division (D) of section 3317.022, sections 3317.0215 and 3317.0216, and division (C) of section 3317.04 of the Revised Code, after any adjustment made pursuant to Section 18 of Am. Sub. H.B. 650 of the 122nd General Assembly, as subsequently amended.

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(2) A district's composite state funding for fiscal year 2002 equals its state basic aid for that year plus the amounts calculated for the district that year under this section, division (D) of section 3317.022, sections 3317.0216 and 3317.0217, and division (C) of section 3317.04 of the Revised Code.

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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:

- (a) The district's state basic aid for the fiscal year;
- (b) The district's fundamental FY 1998 state aid;
- (c) The district's fundamental FY 1997 state aid.

(2) If in any fiscal year the state basic aid for a school district with a formula ADM of one hundred fifty or less is less than the guarantee amount determined for the district under division (D)(1) of this section, the department of education shall pay the district the amount of the difference.

Sec. 3317.0213. No money shall be distributed under this section after fiscal year ~~2002~~ 2005.

(A) As used in this section:

(1) "ADM" for any school district means:

- (a) In fiscal year 1999, the FY 1998 ADM;
- (b) In fiscal years 2000 through ~~2002~~ 2005, the formula ADM reported for the previous fiscal year.

(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.

(3) "Valuation per pupil" for a district means:

- (a) In fiscal year 1999, the district's average taxable value, divided by the district's FY 1998 ADM;
- (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.

- (4) "Threshold valuation" means: 20392
- (a) In fiscal year 1999, the adjusted valuation per pupil of 20393
the school district with the two hundred twenty-ninth lowest 20394
adjusted valuation per pupil in the state, according to data 20395
available at the time of the computation under division (B) of 20396
this section; 20397
- (b) In fiscal year 2000, the adjusted valuation per pupil of 20398
the district with the one hundred ninety-sixth lowest such 20399
valuation in the state; 20400
- (c) In fiscal year 2001, the adjusted valuation per pupil of 20401
the district with the one hundred sixty-third lowest such 20402
valuation in the state; 20403
- (d) In fiscal ~~year~~ years 2002 through 2005, the adjusted 20404
valuation per pupil of the district with the 20405
one-hundred-eighteenth lowest such valuation in the state. 20406
- (5) "Adjusted valuation per pupil" for a district means an 20407
amount calculated in accordance with the following formula: 20408
- The district's valuation per pupil - 20409
- (\$30,000 X (one minus the 20410
district's income factor)) 20411
- (6) "Millage rate" means .012 in fiscal year 1999, .011 in 20412
fiscal year 2000, .010 in fiscal year 2001, and .009 in fiscal 20413
~~year~~ years 2002 through 2005. 20414
- (7) "Payment percentage" equals 100% prior to fiscal year 20415
2003, 75% in fiscal year 2003, 50% in fiscal year 2004, 25% in 20416
fiscal year 2005, and zero after fiscal year 2005. 20417
- (B) Beginning in fiscal year 1993, during August of each 20418
fiscal year, the department of education shall distribute to each 20419
school district meeting the requirements of section 3317.01 of the 20420
Revised Code whose adjusted valuation per pupil is less than the 20421

threshold valuation, an amount calculated in accordance with the 20422
following formula: 20423

(The threshold valuation - 20424
the district's adjusted valuation per pupil) X 20425
millage rate X ADM X the payment percentage 20426

Sec. 3317.0216. (A) As used in this section: 20427

(1) "Total taxes charged and payable for current expenses" 20428
means the sum of the taxes charged and payable as certified under 20429
division (A)(3)(a) of section 3317.021 of the Revised Code less 20430
any amounts reported under division (A)(3)(b) of that section, and 20431
the tax distribution for the preceding year under any school 20432
district income tax levied by the district pursuant to Chapter 20433
5748. of the Revised Code to the extent the revenue from the 20434
income tax is allocated or apportioned to current expenses. 20435

~~(2) "State equalization enhancement payments" means any 20436
payment made to a school district pursuant to section 3317.0215 of 20437
the Revised Code for the preceding fiscal year. 20438~~

~~(3) "Charge-off amount" means the product obtained by 20439
multiplying two and three-tenths per cent by adjusted total 20440
taxable value recognized valuation. 20441~~

~~(4) "Total receipts available for current expenses" of a 20442
school district means the sum of total taxes charged and payable 20443
for current expenses and the district's state equalization 20444
enhancement payments. 20445~~

~~(5) "Local share of special education and related services 20446
additional weighted costs" has the same meaning as in division 20447
(C)(3) of section 3317.022 of the Revised Code. 20448~~

~~(6) "Local share of vocational education and associated 20449
services additional weighted costs" for each school district means 20450
the amount determined as follows: 20451~~

~~(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]~~ 20452
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(3) Until fiscal year 2003, the "actual local share of special education, transportation, and vocational education funding" for any school district means the sum of the district's attributed local shares described in divisions (F)(1) to (3) of section 3317.022 of the Revised Code. Beginning in fiscal year 2003, the "actual local share of special education, transportation, and vocational education funding" means that sum minus the amount of any excess cost supplement payment calculated for the district under division (F) of section 3317.022 of the Revised Code. 20457
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(B) Upon receiving the certifications under section 3317.021 of the Revised Code, the department of education shall determine for each city, local, and exempted village school district whether the district's charge-off amount is greater than the district's total ~~receipts available~~ taxes charged and payable for current expenses, and if it is, shall pay the district the amount of the 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. 20467
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(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~~ 20476
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funding. 20484

(2) If a district's charge-off amount is less than its total 20485
~~receipts available~~ taxes charged and payable for current expenses, 20486
the department shall pay the district any amount by which ~~the sum~~ 20487
~~of its actual~~ local share of special education ~~and related~~ 20488
~~services additional weighted costs plus its local share of,~~ 20489
transportation, and vocational education ~~and associated services~~ 20490
~~additional weighted costs~~ funding exceeds its total ~~receipts~~ 20491
~~available~~ taxes charged and payable for current expenses minus its 20492
charge-off amount. 20493

Sec. 3317.0217. The department of education shall annually 20494
compute and pay state parity aid to school districts, as follows: 20495

(A) Calculate the local wealth per pupil of each school 20496
district, which equals the following sum: 20497

(1) Two-thirds times the quotient of (a) the district's 20498
recognized valuation divided by (b) its formula ADM; plus 20499

(2) One-third times the quotient of (a) the average of the 20500
total federal adjusted gross income of the school district's 20501
residents for the three years most recently reported under section 20502
3317.021 of the Revised Code divided by (b) its formula ADM. 20503

(B) Rank all school districts in order of local wealth per 20504
pupil, from the district with the lowest local wealth per pupil to 20505
the district with the highest local wealth per pupil. 20506

(C) Compute the per pupil state parity aid funding for each 20507
school district in accordance with the following formula: 20508

Payment percentage X (threshold local wealth 20509
per pupil - the district's local 20510
wealth per pupil) X 0.0095 20511

Where: 20512

(1) "Payment percentage," for purposes of division (C) of 20513

this section, equals 20% in fiscal year 2002, 40% in fiscal year 20514
2003, 60% in fiscal year 2004, 80% in fiscal year 2005, and 100% 20515
after fiscal year 2005. 20516

(2) Nine and one-half mills (0.0095) is the general 20517
assembly's determination of the average number of effective 20518
operating mills that districts in the seventieth to ninetieth 20519
percentiles of valuations per pupil collected in fiscal year 2001 20520
above the revenues required to finance their attributed local 20521
shares of the calculated cost of an adequate education. This was 20522
determined by (a) adding the district revenues from operating 20523
property tax levies and income tax levies, (b) subtracting from 20524
that total the sum of (i) twenty-three mills times adjusted 20525
recognized valuation plus (ii) the attributed local shares of 20526
special education, transportation, and vocational education 20527
funding as described in divisions (F)(1) to (3) of section 20528
3317.022 of the Revised Code, and (c) converting the result to an 20529
effective operating property tax rate. 20530

(3) The "threshold local wealth per pupil" is the local 20531
wealth per pupil of the school district with the 20532
four-hundred-ninetieth lowest local wealth per pupil. 20533

If the result of the calculation for a school district under 20534
division (C) of this section is less than zero, the district's per 20535
pupil parity aid shall be zero. 20536

(D) Compute the per pupil alternative parity aid for each 20537
school district that has a combination of an income factor of 1.0 20538
or less, a DPIA index of 1.0 or greater, and a 20539
cost-of-doing-business factor of 1.0375 or greater, in accordance 20540
with the following formula: 20541

$$\frac{\text{Payment percentage} \times \$60,000 \times (1 - \text{income factor}) \times 4/15 \times 0.023}{1}$$
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Where: 20544

(1) "DPIA index" has the same meaning as in section 3317.029 20545
of the Revised Code. 20546

(2) "Payment percentage," for purposes of division (D) of 20547
this section, equals 50% in fiscal year 2002 and 100% after fiscal 20548
year 2002. 20549

(E) Pay each district that has a combination of an income 20550
factor 1.0 or less, a DPIA index of 1.0 or greater, and a 20551
cost-of-doing-business factor of 1.0375 or greater, the greater of 20552
the following: 20553

(1) The product of the district's per pupil parity aid 20554
calculated under division (C) of this section times its formula 20555
ADM; 20556

(2) The product of its per pupil alternative parity aid 20557
calculated under division (D) of this section times its formula 20558
ADM. 20559

(F) Pay every other district the product of its per pupil 20560
parity aid calculated under division (C) of this section times its 20561
formula ADM. 20562

Every six years, the general assembly shall redetermine, 20563
after considering the report of the committee appointed under 20564
section 3317.012 of the Revised Code, the average number of 20565
effective operating mills that districts in the seventieth to 20566
ninetieth percentiles of valuations per pupil collect above the 20567
revenues required to finance their attributed local shares of the 20568
cost of an adequate education. 20569

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 20570
(C) of this section, any student enrolled in kindergarten more 20571
than half time shall be reported as one-half student under this 20572
section. 20573

(A) The superintendent of each city and exempted village 20574

school district and of each educational service center shall, for 20575
the schools under the superintendent's supervision, certify to the 20576
state board of education on or before the fifteenth day of October 20577
in each year for the first full school week in October the formula 20578
ADM, which shall consist of the average daily membership during 20579
such week of the sum of the following: 20580

(1) On an FTE basis, the number of students in grades 20581
kindergarten through twelve receiving any educational services 20582
from the district, except that the following categories of 20583
students shall not be included in the determination: 20584

(a) Students enrolled in adult education classes; 20585

(b) Adjacent or other district students enrolled in the 20586
district under an open enrollment policy pursuant to section 20587
3313.98 of the Revised Code; 20588

(c) Students receiving services in the district pursuant to a 20589
compact, cooperative education agreement, or a contract, but who 20590
are entitled to attend school in another district pursuant to 20591
section 3313.64 or 3313.65 of the Revised Code; 20592

(d) Students for whom tuition is payable pursuant to sections 20593
3317.081 and 3323.141 of the Revised Code. 20594

(2) On an FTE basis, the number of students entitled to 20595
attend school in the district pursuant to section 3313.64 or 20596
3313.65 of the Revised Code, but receiving educational services in 20597
grades kindergarten through twelve from one or more of the 20598
following entities: 20599

(a) A community school pursuant to Chapter 3314. of the 20600
Revised Code, including any participation in a college pursuant to 20601
Chapter 3365. of the Revised Code while enrolled in such community 20602
school; 20603

(b) An alternative school pursuant to sections 3313.974 to 20604

3313.979 of the Revised Code as described in division (I)(2)(a) or 20605
(b) of this section; 20606

(c) A college pursuant to Chapter 3365. of the Revised Code, 20607
except when the student is enrolled in the college while also 20608
enrolled in a community school pursuant to Chapter 3314. of the 20609
Revised Code; 20610

(d) An adjacent or other school district under an open 20611
enrollment policy adopted pursuant to section 3313.98 of the 20612
Revised Code; 20613

(e) An educational service center or cooperative education 20614
district; 20615

(f) Another school district under a cooperative education 20616
agreement, compact, or contract. 20617

(3) One-fourth of the number of students enrolled in a joint 20618
vocational school district or under a vocational education 20619
compact, excluding any students entitled to attend school in the 20620
district under section 3313.64 or 3313.65 of the Revised Code who 20621
are enrolled in another school district through an open enrollment 20622
policy as reported under division (A)(2)(d) of this section and 20623
then enroll in a joint vocational school district or under a 20624
vocational education compact; 20625

(4) The number of handicapped children, other than 20626
handicapped preschool children, entitled to attend school in the 20627
district pursuant to section 3313.64 or 3313.65 of the Revised 20628
Code who are placed with a county MR/DD board, minus the number of 20629
such children placed with a county MR/DD board in fiscal year 20630
1998. If this calculation produces a negative number, the number 20631
reported under division (A)(4) of this section shall be zero. 20632

(B) To enable the department of education to obtain the data 20633
needed to complete the calculation of payments pursuant to this 20634
chapter, in addition to the formula ADM, each superintendent shall 20635

report separately the following student counts: 20636

(1) The total average daily membership in regular day classes 20637
included in the report under division (A)(1) or (2) of this 20638
section for kindergarten, and each of grades one through twelve in 20639
schools under the superintendent's supervision; 20640

(2) The number of all handicapped preschool children enrolled 20641
as of the first day of December in classes in the district that 20642
are eligible for approval by the state board of education under 20643
division (B) of section 3317.05 of the Revised Code and the number 20644
of those classes, which shall be reported not later than the 20645
fifteenth day of December, in accordance with rules adopted under 20646
that section; 20647

(3) The number of children entitled to attend school in the 20648
district pursuant to section 3313.64 or 3313.65 of the Revised 20649
Code who are participating in a pilot project scholarship program 20650
established under sections 3313.974 to 3313.979 of the Revised 20651
Code as described in division (I)(2)(a) or (b) of this section, 20652
are enrolled in a college under Chapter 3365. of the Revised Code, 20653
except when the student is enrolled in the college while also 20654
enrolled in a community school pursuant to Chapter 3314. of the 20655
Revised Code, are enrolled in an adjacent or other school district 20656
under section 3313.98 of the Revised Code, are enrolled in a 20657
community school established under Chapter 3314. of the Revised 20658
Code, including any participation in a college pursuant to Chapter 20659
3365. of the Revised Code while enrolled in such community school, 20660
or are participating in a program operated by a county MR/DD board 20661
or a state institution; 20662

(4) The number of pupils enrolled in joint vocational 20663
schools; 20664

(5) The average daily membership of handicapped children 20665
reported under division (A)(1) or (2) of this section receiving 20666

category one special education services, described in division (A) 20667
of section 3317.013 of the Revised Code; 20668

(6) The average daily membership of handicapped children 20669
reported under division (A)(1) or (2) of this section receiving 20670
category two special education services, described in division (B) 20671
of section 3317.013 of the Revised Code; 20672

(7) The average daily membership of handicapped children 20673
reported under division (A)(1) or (2) of this section identified 20674
as having any of the handicaps specified in division (F)(3) of 20675
section 3317.02 of the Revised Code; 20676

(8) The average daily membership of pupils reported under 20677
division (A)(1) or (2) of this section enrolled in category one 20678
vocational education programs or classes, described in division 20679
(A) of section 3317.014 of the Revised Code, operated by the 20680
school district or by another district, other than a joint 20681
vocational school district, or by an educational service center; 20682

(9) The average daily membership of pupils reported under 20683
division (A)(1) or (2) of this section enrolled in category two 20684
vocational education programs or services, described in division 20685
(B) of section 3317.014 of the Revised Code, operated by the 20686
school district or another school district, other than a joint 20687
vocational school district, or by an educational service center; 20688

(10) The average number of children transported by the school 20689
district on board-owned or contractor-owned and -operated buses, 20690
reported in accordance with rules adopted by the department of 20691
education; 20692

(11)(a) The number of children, other than handicapped 20693
preschool children, the district placed with a county MR/DD board 20694
in fiscal year 1998; 20695

(b) The number of handicapped children, other than 20696
handicapped preschool children, placed with a county MR/DD board 20697

in the current fiscal year to receive category one special 20698
education services, described in division (A) of section 3317.013 20699
of the Revised Code; 20700

(c) The number of handicapped children, other than 20701
handicapped preschool children, placed with a county MR/DD board 20702
in the current fiscal year to receive category two special 20703
education services, described in division (B) of section 3317.013 20704
of the Revised Code; 20705

(d) The number of handicapped children, other than 20706
handicapped preschool children, placed with a county MR/DD board 20707
in the current fiscal year to receive category three special 20708
education services, described in division (F)(3) of section 20709
3317.02 of the Revised Code. 20710

(C) Except as otherwise provided in this section for 20711
kindergarten students, the average daily membership in divisions 20712
(B)(1) to (9) of this section shall be based upon the number of 20713
full-time equivalent students. The state board of education shall 20714
adopt rules defining full-time equivalent students and for 20715
determining the average daily membership therefrom for the 20716
purposes of divisions (A), (B), and (D) of this section. No child 20717
shall be counted as more than a total of one child in the sum of 20718
the average daily memberships of a school district under division 20719
(A), divisions (B)(1) to (9), or division (D) of this section, 20720
except as follows: 20721

(1) A child with a handicap described in section 3317.013 or 20722
division (F)(3) of section 3317.02 of the Revised Code may be 20723
counted both in formula ADM and in category one, two, or three 20724
special education ADM and, if applicable, in category one or two 20725
vocational education ADM. As provided in division (C) of section 20726
3317.02 of the Revised Code, such a child shall be counted in 20727
category one, two, or three special education ADM in the same 20728
proportion that the child is counted in formula ADM. 20729

(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.

(2) To enable the department of education to obtain the data 20761
needed to complete the calculation of payments pursuant to this 20762
chapter, in addition to the formula ADM, each superintendent shall 20763
report separately the average daily membership included in the 20764
report under division (D)(1) of this section for each of the 20765
following categories of students: 20766

(a) Students enrolled in each grade included in the joint 20767
vocational district schools; 20768

(b) Handicapped children receiving category one special 20769
education services, described in division (A) of section 3317.013 20770
of the Revised Code; 20771

(c) Handicapped children receiving category two special 20772
education services, described in division (B) of section 3317.013 20773
of the Revised Code; 20774

(d) Handicapped children identified as having any of the 20775
handicaps specified in division (F)(3) of section 3317.02 of the 20776
Revised Code; 20777

(e) Students receiving category one vocational education 20778
services, described in division (A) of section 3317.014 of the 20779
Revised Code; 20780

(f) Students receiving category two vocational education 20781
services, described in division (B) of section 3317.014 of the 20782
Revised Code. 20783

The superintendent of each joint vocational school district 20784
shall also indicate the city, local, or exempted village school 20785
district in which each joint vocational district pupil is entitled 20786
to attend school pursuant to section 3313.64 or 3313.65 of the 20787
Revised Code. 20788

(E) In each school of each city, local, exempted village, 20789
joint vocational, and cooperative education school district there 20790

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

laws, or otherwise, that veteran shall not be included in average 20822
daily membership. 20823

Notwithstanding division (E)(3) of this section, the 20824
membership of any school may include a pupil who did not take a 20825
test required by section 3301.0711 of the Revised Code if the 20826
superintendent of public instruction grants a waiver from the 20827
requirement to take the test to the specific pupil. The 20828
superintendent may grant such a waiver only for good cause in 20829
accordance with rules adopted by the state board of education. 20830

Except as provided in division (B)(2) of this section, the 20831
average daily membership figure of any local, city, exempted 20832
village, or joint vocational school district shall be determined 20833
by dividing the figure representing the sum of the number of 20834
pupils enrolled during each day the school of attendance is 20835
actually open for instruction during the first full school week in 20836
October by the total number of days the school was actually open 20837
for instruction during that week. For purposes of state funding, 20838
"enrolled" persons are only those pupils who are attending school, 20839
those who have attended school during the current school year and 20840
are absent for authorized reasons, and those handicapped children 20841
currently receiving home instruction. 20842

The average daily membership figure of any cooperative 20843
education school district shall be determined in accordance with 20844
rules adopted by the state board of education. 20845

(F)(1) If the formula ADM for the first full school week in 20846
February is at least three per cent greater than that certified 20847
for the first full school week in the preceding October, the 20848
superintendent of schools of any city, exempted village, or joint 20849
vocational school district or educational service center shall 20850
certify such increase to the superintendent of public instruction. 20851
Such certification shall be submitted no later than the fifteenth 20852
day of February. For the balance of the fiscal year, beginning 20853

with the February payments, the superintendent of public 20854
instruction shall use the increased formula ADM in calculating or 20855
recalculating the amounts to be allocated in accordance with 20856
section 3317.022 or 3317.16 of the Revised Code. In no event shall 20857
the superintendent use an increased membership certified to the 20858
superintendent after the fifteenth day of February. 20859

(2) If on the first school day of April the total number of 20860
classes or units for handicapped preschool children that are 20861
eligible for approval under division (B) of section 3317.05 of the 20862
Revised Code exceeds the number of units that have been approved 20863
for the year under that division, the superintendent of schools of 20864
any city, exempted village, or cooperative education school 20865
district or educational service center shall make the 20866
certifications required by this section for that day. If the state 20867
board of education determines additional units can be approved for 20868
the fiscal year within any limitations set forth in the acts 20869
appropriating moneys for the funding of such units, the board 20870
shall approve additional units for the fiscal year on the basis of 20871
such average daily membership. For each unit so approved, the 20872
department of education shall pay an amount computed in the manner 20873
prescribed in section ~~3317.161~~ 3317.052 or 3317.19 and section 20874
~~3317.162~~ 3317.053 of the Revised Code. 20875

(G)(1)(a) The superintendent of an institution operating a 20876
special education program pursuant to section 3323.091 of the 20877
Revised Code shall, for the programs under such superintendent's 20878
supervision, certify to the state board of education the average 20879
daily membership of all handicapped children in classes or 20880
programs approved annually by the state board of education, in the 20881
manner prescribed by the superintendent of public instruction. 20882

(b) The superintendent of an institution with vocational 20883
education units approved under division (A) of section 3317.05 of 20884
the Revised Code shall, for the units under the superintendent's 20885

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. 20917

~~(c)~~(b) If the state board determines that additional classes 20918
or units can be approved for the fiscal year within any 20919
limitations set forth in the acts appropriating moneys for the 20920
funding of the classes and units described in division (G)(3)(a) 20921
~~or (b)~~ of this section, the board shall approve and fund 20922
additional units for the fiscal year on the basis of such average 20923
daily membership. For each unit so approved, the department of 20924
education shall pay an amount computed in the manner prescribed in 20925
sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the Revised 20926
Code. 20927

(H) Except as provided in division (I) of this section, when 20928
any city, local, or exempted village school district provides 20929
instruction for a nonresident pupil whose attendance is 20930
unauthorized attendance as defined in section 3327.06 of the 20931
Revised Code, that pupil's membership shall not be included in 20932
that district's membership figure used in the calculation of that 20933
district's formula ADM or included in the determination of any 20934
unit approved for the district under section 3317.05 of the 20935
Revised Code. The reporting official shall report separately the 20936
average daily membership of all pupils whose attendance in the 20937
district is unauthorized attendance, and the membership of each 20938
such pupil shall be credited to the school district in which the 20939
pupil is entitled to attend school under division (B) of section 20940
3313.64 or section 3313.65 of the Revised Code as determined by 20941
the department of education. 20942

(I)(1) A city, local, exempted village, or joint vocational 20943
school district admitting a scholarship student of a pilot project 20944
district pursuant to division (C) of section 3313.976 of the 20945
Revised Code may count such student in its average daily 20946
membership. 20947

(2) In any year for which funds are appropriated for pilot 20948

project scholarship programs, a school district implementing a 20949
state-sponsored pilot project scholarship program that year 20950
pursuant to sections 3313.974 through 3313.979 of the Revised Code 20951
may count in average daily membership: 20952

(a) All children residing in the district and utilizing a 20953
scholarship to attend kindergarten in any alternative school, as 20954
defined in section 3313.974 of the Revised Code; 20955

(b) All children who were enrolled in the district in the 20956
preceding year who are utilizing a scholarship to attend any such 20957
alternative school. 20958

(J) The superintendent of each cooperative education school 20959
district shall certify to the superintendent of public 20960
instruction, in a manner prescribed by the state board of 20961
education, the applicable average daily memberships for all 20962
students in the cooperative education district, also indicating 20963
the city, local, or exempted village district where each pupil is 20964
entitled to attend school under section 3313.64 or 3313.65 of the 20965
Revised Code. 20966

Sec. 3317.05. (A) For the purpose of calculating payments 20967
under sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the 20968
Revised Code, the state board of education shall determine for 20969
each institution, by the last day of January of each year and 20970
based on information certified under section 3317.03 of the 20971
Revised Code, the number of vocational education units or 20972
fractions of units approved by the state board on the basis of 20973
standards and rules adopted by the state board. As used in this 20974
division, "institution" means an institution operated by a 20975
department specified in section 3323.091 of the Revised Code and 20976
that provides vocational education programs under the supervision 20977
of the division of vocational education of the department of 20978
education that meet the standards and rules for these programs, 20979

including licensure of professional staff involved in the 20980
programs, as established by the state board of education. 20981

(B) For the purpose of calculating payments under sections 20982
3317.052, 3317.053, 3317.11, 3317.161, 3317.162, and 3317.19 of 20983
the Revised Code, the state board shall determine, based on 20984
information certified under section 3317.03 of the Revised Code, 20985
the following by the last day of January of each year for each 20986
educational service center, for each school district, including 20987
each cooperative education school district, for each institution 20988
eligible for payment under section 3323.091 of the Revised Code, 20989
and for each county MR/DD board: the number of classes operated by 20990
the school district, service center, institution, or county MR/DD 20991
board for handicapped preschool children, or fraction thereof, 20992
including in the case of a district or service center that is a 20993
funding agent, classes taught by a licensed teacher employed by 20994
that district or service center under section 3313.841 of the 20995
Revised Code, approved annually by the state board on the basis of 20996
standards and rules adopted by the state board. 20997

(C) For the purpose of calculating payments under sections 20998
3317.052, 3317.053, 3317.11, 3317.161, 3317.162, and 3317.19 of 20999
the Revised Code, the state board shall determine, based on 21000
information certified under section 3317.03 of the Revised Code, 21001
the following by the last day of January of each year for each 21002
school district, including each cooperative education school 21003
district, for each institution eligible for payment under section 21004
3323.091 of the Revised Code, and for each county MR/DD board: the 21005
number of preschool handicapped related services units for child 21006
study, occupational, physical, or speech and hearing therapy, 21007
special education supervisors, and special education coordinators 21008
approved annually by the state board on the basis of standards and 21009
rules adopted by the state board. 21010

(D) For the purpose of calculating payments under sections 21011

~~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

such children have been admitted to the unit pursuant to rules of 21044
the state board. In the case of handicapped preschool units 21045
described in division (B) of this section operated by county MR/DD 21046
boards and institutions eligible for payment under section 21047
3323.091 of the Revised Code, the state board shall approve only 21048
preschool units for children who are under age six but not less 21049
than age three on the thirtieth day of September of the academic 21050
year, except that such a unit may include one or more children who 21051
are under age three or are age six or over on the thirtieth day of 21052
September if such children have been admitted to the unit pursuant 21053
to rules of the state board of education. The number of units for 21054
county MR/DD boards and institutions eligible for payment under 21055
section 3323.091 of the Revised Code approved by the state board 21056
under this section shall not exceed the number that can be funded 21057
with appropriations made for such purposes by the general 21058
assembly. 21059

No unit shall be approved under divisions (B) to (D) of this 21060
section unless a plan has been submitted and approved under 21061
Chapter 3323. of the Revised Code. 21062

(F) The department shall approve units or fractions thereof 21063
for gifted children on the basis of standards and rules adopted by 21064
the board. 21065

Sec. 3317.051. (A)(1) Notwithstanding sections 3317.05 and 21066
3317.11 of the Revised Code, a unit funded pursuant to division 21067
(P) of section 3317.024 or division (A)(2) of section ~~3317.161~~ 21068
3317.052 of the Revised Code shall not be approved for state 21069
funding in one school district, including any cooperative 21070
education school district or any educational service center, to 21071
the extent that such unit provides programs in or services to 21072
another district which receives payment pursuant to section 21073
3317.04 of the Revised Code. 21074

(2) Any city, local, exempted village, or cooperative education school district or any educational service center may combine partial unit eligibility for handicapped preschool programs pursuant to section 3317.05 of the Revised Code, and such combined partial units may be approved for state funding in one school district or service center.

(B) After units have been initially approved for any fiscal year under section 3317.05 of the Revised Code, no unit shall be subsequently transferred from a school district or educational service center to another city, exempted village, local, or cooperative education school district or educational service center or to an institution or county MR/DD board solely for the purpose of reducing the financial obligations of the school district in a fiscal year it receives payment pursuant to section 3317.04 of the Revised Code.

Sec. ~~3317.161~~ 3317.052. As used in this section, "institution" means an institution operated by a department specified in section 3323.091 of the Revised Code.

(A)(1) The department of education shall pay each school district, educational service center, institution eligible for payment under section 3323.091 of the Revised Code, or county MR/DD board an amount for the total of all classroom units for handicapped preschool children approved under division (B) of section 3317.05 of the Revised Code. For each unit, the amount shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to the effective date of this amendment, plus fifteen per cent of that minimum salary amount, and eight thousand twenty-three dollars.

(2) The department shall pay each school district, 21106
educational service center, institution eligible for payment under 21107
section 3323.091 of the Revised Code, or county MR/DD board an 21108
amount for the total of all related services units for handicapped 21109
preschool children approved under division (C) of section 3317.05 21110
of the Revised Code. For each such unit, the amount shall be the 21111
sum of the minimum salary for the teacher of the unit calculated 21112
on the basis of the teacher's training level and years of 21113
experience pursuant to the salary schedule prescribed in the 21114
version of section 3317.13 of the Revised Code in effect prior to 21115
the effective date of this amendment, fifteen per cent of that 21116
minimum salary amount, and two thousand one hundred thirty-two 21117
dollars. 21118

(B) If a school district ~~or~~, educational service center ~~has~~ 21119
~~had additional handicapped preschool units approved for the year~~ 21120
~~under division (F)(2) of section 3317.03 of the Revised Code~~, or 21121
~~if a~~ county MR/DD board has had additional handicapped preschool 21122
units approved for the year under division (F)(2) or (G)(3) of 21123
section 3317.03 of the Revised Code, the district, educational 21124
service center, or board shall receive an additional amount during 21125
the last half of the fiscal year. For each district, center, or 21126
board, the additional amount for each unit shall equal fifty per 21127
cent of the amounts computed for the unit in the manner prescribed 21128
by division (A) of this section and division (C) of section 21129
~~3317.162~~ 3317.053 of the Revised Code. 21130

(C)(1) The department shall pay each institution eligible for 21131
payment under section 3323.091 of the Revised Code or county MR/DD 21132
board an amount for the total of all special education units 21133
approved under division (D)(1) of section 3317.05 of the Revised 21134
Code. The amount for each unit shall be the sum of the minimum 21135
salary for the teacher of the unit, calculated on the basis of the 21136
teacher's training level and years of experience pursuant to the 21137

salary schedule prescribed in the version of section 3317.13 of 21138
the Revised Code in effect prior to the effective date of this 21139
amendment, plus fifteen per cent of that minimum salary amount, 21140
and eight thousand twenty-three dollars. 21141

(2) The department shall pay each institution eligible for 21142
payment under section 3323.091 of the Revised Code ~~or county MR/DD~~ 21143
~~board~~ an amount for the total of all related services units 21144
approved under division (D)(2) of section 3317.05 of the Revised 21145
Code. The amount for each unit shall be the sum of the minimum 21146
salary for the teacher of the unit, calculated on the basis of the 21147
teacher's training level and years of experience pursuant to the 21148
salary schedule prescribed in the version of section 3317.13 of 21149
the Revised Code in effect prior to the effective date of this 21150
amendment, plus fifteen per cent of that minimum salary amount, 21151
and two thousand one hundred thirty-two dollars. 21152

~~(3) If a county MR/DD board has had additional units for~~ 21153
~~handicapped children other than handicapped preschool children~~ 21154
~~approved under division (G)(3) of section 3317.03 of the Revised~~ 21155
~~Code, the board shall receive an additional amount during the last~~ 21156
~~half of the fiscal year. For each board, the additional amount for~~ 21157
~~each unit shall equal fifty per cent of the amount computed for~~ 21158
~~the unit in the manner prescribed by division (C)(1) of this~~ 21159
~~section and division (C) of section 3317.162 of the Revised Code.~~ 21160

(D) The department shall pay each institution approved for 21161
vocational education units under division (A) of section 3317.05 21162
of the Revised Code an amount for the total of all the units 21163
approved under that division. The amount for each unit shall be 21164
the sum of the minimum salary for the teacher of the unit, 21165
calculated on the basis of the teacher's training level and years 21166
of experience pursuant to the salary schedule prescribed in the 21167
version of section 3317.13 of the Revised Code in effect prior to 21168
the effective date of this amendment, plus fifteen per cent of 21169

that minimum salary amount, and nine thousand five hundred ten 21170
dollars. 21171

Sec. ~~3317.162~~ 3317.053. (A) As used in this section: 21172

(1) "State share percentage" has the same meaning as in 21173
section 3317.022 of the Revised Code. 21174

(2) "Dollar amount" means the amount shown in the following 21175
table for the corresponding type of unit ~~and the appropriate~~ 21176
~~fiscal year:~~ 21177

TYPE OF UNIT	DOLLAR AMOUNT		
	FY 2000	FY 2001	
Division (B) of section 3317.05	\$8,334	\$8,334	21178
of the Revised Code			21179
Division (C) of that section	\$3,234	\$3,234	21180
Division (F) of that section	\$4,550	\$5,550	21181

(3) "Average unit amount" means the amount shown in the 21184
following table for the corresponding type of unit: 21185

TYPE OF UNIT	AVERAGE UNIT AMOUNT		
	FY 2000	FY 2001	
Division (B) of section 3317.05 of	\$7,799	\$7,799	21186
the Revised Code			21187
Division (C) of that section	\$2,966	\$2,966	21188
Division (F) of that section	\$4,251	\$5,251	21189

(B) In the case of each unit described in division (B), (C), 21192
or (F) of section 3317.05 of the Revised Code and allocated to a 21193
city, local, or exempted village school district, the department 21194
of education, in addition to the amounts specified in division (P) 21195
of section 3317.024 and sections ~~3317.161~~ 3317.052 and 3317.19 of 21196
the Revised Code, shall pay a supplemental unit allowance equal to 21197
the sum of the following amounts: 21198

(1) An amount equal to 50% of the average unit amount for the unit; 21199
21200

(2) An amount equal to the percentage of the dollar amount for the unit that equals the district's state share percentage. 21201
21202

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. 21203
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(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 ~~3317.161~~ 3317.052 of the Revised Code, shall pay a supplemental unit allowance of \$7,227. 21215
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(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 ~~3317.161~~ 3317.052 of the Revised Code, shall pay a supplemental unit allowance of \$7,799. 21220
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(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 21226
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section ~~3317.161~~ 3317.052 of the Revised Code, shall pay a supplemental unit allowance of \$2,966. 21230
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(4) In the case of each unit described in division (F) of section 3317.05 of the Revised Code and allocated to an educational service center, the department, in addition to the amounts specified in division (P) of section 3317.024 of the Revised Code, shall pay a supplemental unit allowance of ~~\$4,251 in fiscal year 2000~~ and \$5,251 in ~~fiscal year 2001~~. 21232
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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: 21238
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(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: 21241
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(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. 21256
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(2) "Electronic textbook" means computer software, 21260

interactive videodisc, magnetic media, CD-ROM, computer 21261
courseware, local and remote computer assisted instruction, 21262
on-line service, electronic medium, or other means of conveying 21263
information to the student or otherwise contributing to the 21264
learning process through electronic means. 21265

(B) To provide speech and hearing diagnostic services to 21266
pupils attending nonpublic schools within the district. Such 21267
service shall be provided in the nonpublic school attended by the 21268
pupil receiving the service. 21269

(C) To provide physician, nursing, dental, and optometric 21270
services to pupils attending nonpublic schools within the 21271
district. Such services shall be provided in the school attended 21272
by the nonpublic school pupil receiving the service. 21273

(D) To provide diagnostic psychological services to pupils 21274
attending nonpublic schools within the district. Such services 21275
shall be provided in the school attended by the pupil receiving 21276
the service. 21277

(E) To provide therapeutic psychological and speech and 21278
hearing services to pupils attending nonpublic schools within the 21279
district. Such services shall be provided in the public school, in 21280
nonpublic schools, in public centers, or in mobile units located 21281
on or off of the nonpublic premises. If such services are provided 21282
in the public school or in public centers, transportation to and 21283
from such facilities shall be provided by the school district in 21284
which the nonpublic school is located. 21285

(F) To provide guidance and counseling services to pupils 21286
attending nonpublic schools within the district. Such services 21287
shall be provided in the public school, in nonpublic schools, in 21288
public centers, or in mobile units located on or off of the 21289
nonpublic premises. If such services are provided in the public 21290
school or in public centers, transportation to and from such 21291

facilities shall be provided by the school district in which the 21292
nonpublic school is located. 21293

(G) To provide remedial services to pupils attending 21294
nonpublic schools within the district. Such services shall be 21295
provided in the public school, in nonpublic schools, in public 21296
centers, or in mobile units located on or off of the nonpublic 21297
premises. If such services are provided in the public school or in 21298
public centers, transportation to and from such facilities shall 21299
be provided by the school district in which the nonpublic school 21300
is located. 21301

(H) To supply for use by pupils attending nonpublic schools 21302
within the district such standardized tests and scoring services 21303
as are in use in the public schools of the state; 21304

(I) To provide programs for children who attend nonpublic 21305
schools within the district and are handicapped children as 21306
defined in division (A) of section 3323.01 of the Revised Code or 21307
gifted children. Such programs shall be provided in the public 21308
school, in nonpublic schools, in public centers, or in mobile 21309
units located on or off of the nonpublic premises. If such 21310
programs are provided in the public school or in public centers, 21311
transportation to and from such facilities shall be provided by 21312
the school district in which the nonpublic school is located. 21313

(J) To hire clerical personnel to assist in the 21314
administration of programs pursuant to divisions (B), (C), (D), 21315
(E), (F), (G), and (I) of this section and to hire supervisory 21316
personnel to supervise the providing of services and textbooks 21317
pursuant to this section. 21318

(K) To purchase or lease any secular, neutral, and 21319
nonideological computer software (including site-licensing), 21320
prerecorded video laserdiscs, digital video on demand (DVD), 21321
compact discs, and video cassette cartridges, wide area 21322

connectivity and related technology as it relates to internet 21323
access, mathematics or science equipment and materials, 21324
instructional materials, and school library materials that are in 21325
general use in the public schools of the state and loan such items 21326
to pupils attending nonpublic schools within the district or to 21327
their parents, and to hire clerical personnel to administer the 21328
lending program. Only such items that are incapable of diversion 21329
to religious use and that are susceptible of loan to individual 21330
pupils and are furnished for the use of individual pupils shall be 21331
purchased and loaned under this division. As used in this section, 21332
"instructional materials" means prepared learning materials that 21333
are secular, neutral, and nonideological in character and are of 21334
benefit to the instruction of school children, and may include 21335
educational resources and services developed by the Ohio schoolnet 21336
commission. 21337

(L) To purchase or lease instructional equipment, including 21338
computer hardware and related equipment in general use in the 21339
public schools of the state, for use by pupils attending nonpublic 21340
schools within the district and to loan such items to pupils 21341
attending nonpublic schools within the district or to their 21342
parents, and to hire clerical personnel to administer the lending 21343
program. 21344

(M) To purchase mobile units to be used for the provision of 21345
services pursuant to divisions (E), (F), (G), and (I) of this 21346
section and to pay for necessary repairs and operating costs 21347
associated with these units. 21348

Clerical and supervisory personnel hired pursuant to division 21349
(J) of this section shall perform their services in the public 21350
schools, in nonpublic schools, public centers, or mobile units 21351
where the services are provided to the nonpublic school pupil, 21352
except that such personnel may accompany pupils to and from the 21353
service sites when necessary to ensure the safety of the children 21354

receiving the services. 21355

All services provided pursuant to this section may be 21356
provided under contract with educational service centers, the 21357
department of health, city or general health districts, or private 21358
agencies whose personnel are properly licensed by an appropriate 21359
state board or agency. 21360

Transportation of pupils provided pursuant to divisions (E), 21361
(F), (G), and (I) of this section shall be provided by the school 21362
district from its general funds and not from moneys paid to it 21363
under division (L) of section 3317.024 of the Revised Code unless 21364
a special transportation request is submitted by the parent of the 21365
child receiving service pursuant to such divisions. If such an 21366
application is presented to the school district, it may pay for 21367
the transportation from moneys paid to it under division (L) of 21368
section 3317.024 of the Revised Code. 21369

No school district shall provide health or remedial services 21370
to nonpublic school pupils as authorized by this section unless 21371
such services are available to pupils attending the public schools 21372
within the district. 21373

Materials, equipment, computer hardware or software, 21374
textbooks, electronic textbooks, and health and remedial services 21375
provided for the benefit of nonpublic school pupils pursuant to 21376
this section and the admission of pupils to such nonpublic schools 21377
shall be provided without distinction as to race, creed, color, or 21378
national origin of such pupils or of their teachers. 21379

No school district shall provide services, materials, or 21380
equipment that contain religious content for use in religious 21381
courses, devotional exercises, religious training, or any other 21382
religious activity. 21383

As used in this section, "parent" includes a person standing 21384
in loco parentis to a child. 21385

Notwithstanding section 3317.01 of the Revised Code, payments 21386
shall be made under this section to any city, local, or exempted 21387
village school district within which is located one or more 21388
nonpublic elementary or high schools and any payments made to 21389
school districts under division (L) of section 3317.024 of the 21390
Revised Code for purposes of this section may be disbursed without 21391
submission to and approval of the controlling board. 21392

The allocation of payments for materials, equipment, 21393
textbooks, electronic textbooks, health services, and remedial 21394
services to city, local, and exempted village school districts 21395
shall be on the basis of the state board of education's estimated 21396
annual average daily membership in nonpublic elementary and high 21397
schools located in the district. 21398

Payments made to city, local, and exempted village school 21399
districts under this section shall be equal to specific 21400
appropriations made for the purpose. All interest earned by a 21401
school district on such payments shall be used by the district for 21402
the same purposes and in the same manner as the payments may be 21403
used. 21404

The department of education shall adopt guidelines and 21405
procedures under which such programs and services shall be 21406
provided, under which districts shall be reimbursed for 21407
administrative costs incurred in providing such programs and 21408
services, and under which any unexpended balance of the amounts 21409
appropriated by the general assembly to implement this section may 21410
be transferred to the auxiliary services personnel unemployment 21411
compensation fund established pursuant to section 4141.47 of the 21412
Revised Code. The department shall also adopt guidelines and 21413
procedures limiting the purchase and loan of the items described 21414
in division (K) of this section to items that are in general use 21415
in the public schools of the state, that are incapable of 21416
diversion to religious use, and that are susceptible to individual 21417

use rather than classroom use. Within thirty days after the end of 21418
each biennium, each board of education shall remit to the 21419
department all moneys paid to it under division (L) of section 21420
3317.024 of the Revised Code and any interest earned on those 21421
moneys that are not required to pay expenses incurred under this 21422
section during the biennium for which the money was appropriated 21423
and during which the interest was earned. If a board of education 21424
subsequently determines that the remittal of moneys leaves the 21425
board with insufficient money to pay all valid expenses incurred 21426
under this section during the biennium for which the remitted 21427
money was appropriated, the board may apply to the department of 21428
education for a refund of money, not to exceed the amount of the 21429
insufficiency. If the department determines the expenses were 21430
lawfully incurred and would have been lawful expenditures of the 21431
refunded money, it shall certify its determination and the amount 21432
of the refund to be made to the director of job and family 21433
services who shall make a refund as provided in section 4141.47 of 21434
the Revised Code. 21435

Sec. 3317.064. (A) There is hereby established in the state 21436
treasury the auxiliary services mobile unit replacement and repair 21437
fund. By the thirtieth day of January of each odd-numbered year, 21438
the director of job and family services and the superintendent of 21439
public instruction shall determine the amount of any excess moneys 21440
in the auxiliary services personnel unemployment compensation fund 21441
not reasonably necessary for the purposes of section 4141.47 of 21442
the Revised Code, and shall certify such amount to the director of 21443
budget and management for transfer to the auxiliary services 21444
mobile unit replacement and repair fund. If the director of ~~jobs~~ 21445
job and family services and the superintendent disagree on such 21446
amount, the director of budget and management shall determine the 21447
amount to be transferred. 21448

(B) Moneys in the auxiliary services mobile unit replacement 21449

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;

(3) The medical assistance program, including the healthy start program, established under Chapter 5111. of the Revised Code; 21481
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(4) The children's health insurance program part I established under section 5101.50 of the Revised Code; 21484
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(5) The disability assistance program established under Chapter 5115. of the Revised Code. 21486
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The department of job and family services shall certify this information according to the school district of residence for each child. Except as provided under division (B) of this section, the number of children so certified in any year shall be used by the department of education in calculating the distribution of moneys for the ensuing fiscal year as provided in section 3317.029 of the Revised Code. 21488
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(B) Upon the transfer of part of the territory of one school district to the territory of one or more other school districts, the department of education may adjust the number of children certified under division (A) of this section for any district gaining or losing territory in such a transfer in order to take into account the effect of the transfer on the number of such children ~~ages five through seventeen~~ who reside in the district ~~and live in a family that participates in Ohio works first~~. Within sixty days of receipt of a request for information from the department of education, the department of job and family services shall provide any information the department of education determines is necessary to make such adjustments. The department of education may use the adjusted number for any district for the applicable fiscal year, in lieu of the number certified for the district for that fiscal year under division (A) of this section, in the calculation of the distribution of moneys provided in section 3317.029 of the Revised Code. 21495
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Sec. 3317.11. (A) Annually, on or before a date designated by 21512
the state board of education, each educational service center 21513
governing board shall prepare a budget of operating expenses for 21514
the ensuing year for the service center on forms prepared and 21515
furnished by the state board of education and shall certify the 21516
budget to the state board of education, together with such other 21517
information as the board may require. Such budget shall consist of 21518
two parts. Part (A) shall include the cost of the salaries, 21519
employers retirement contributions, and travel expenses of 21520
supervisory teachers approved by the state board of education. The 21521
amount derived from the calculation for such units in part (A) of 21522
the governing board budget shall be the sum of: 21523

(1) The sum of the minimum salaries calculated, pursuant to 21524
section 3317.13 of the Revised Code, for each approved licensed 21525
employee of the governing board; 21526

(2) An additional salary allowance proportional to the length 21527
of the extended term of service not to exceed three months for 21528
each supervisory and child study teacher whose term of service in 21529
any year is extended beyond the terms of service of regular 21530
classroom teachers; 21531

(3) An allowance equal to fifteen per cent of the amount 21532
computed under division (A)(1) of this section; 21533

(4) An allowance for necessary travel expenses, for each of 21534
the personnel approved in part (A) of the budget, limited to two 21535
hundred twenty-three dollars and sixteen cents per month, or two 21536
thousand six hundred seventy-eight dollars per year per person 21537
employed, whichever is the lesser. 21538

Part (B) shall include the cost of all other lawful 21539
expenditures of the governing board. The state board of education 21540
shall review such budget and may approve, increase, or decrease 21541
such budget. 21542

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.

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

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

a copy of the applicable contract, compact, or agreement clearly 21639
indicating the amounts of the payments, or a written statement of 21640
the payments owed signed by the superintendent or treasurer of the 21641
responsible school district. 21642

The amounts paid to service centers under division (B)(2) of 21643
this section shall be deducted from payments to school districts 21644
pursuant to division (K)(2) of section 3317.023 of the Revised 21645
Code. 21646

(C) Each multicounty service center shall receive a payment 21647
each fiscal year equal to forty dollars and fifty-two cents times 21648
the sum of the service center ADM and the client ADMs of all its 21649
client districts. 21650

(D) Each city, exempted village, local, joint vocational, or 21651
cooperative education school district shall pay to the governing 21652
board of an educational service center any amounts agreed to for 21653
each child enrolled in the district who receives special education 21654
and related services or vocational education from the educational 21655
service center. 21656

(E) As used in this section: 21657

(1) "Service center ADM" means the total of each of the 21658
following for all local school districts within the limits of an 21659
educational service center's territory: 21660

(a) The formula ADM; 21661

(b) The kindergarten average daily membership included in the 21662
formula ADM; 21663

(c) Three-quarters of the number of students reported under 21664
division (B)(4) of section 3317.03 of the Revised Code; 21665

(d) The average daily membership of handicapped preschool 21666
children reported under division (B)(2) of section 3317.03 of the 21667
Revised Code; 21668

(e) The number of preschool students certified under division 21669
(B) of section 3317.032 of the Revised Code. 21670

(2) "Client ADM" means the total of each number described 21671
under divisions (E)(1)(a) to (e) of this section for a client 21672
district. 21673

(3) "Client district" means a city or exempted village school 21674
district that has entered into an agreement to receive services 21675
from a service center pursuant to section 3313.843 of the Revised 21676
Code. 21677

(4) "Multicounty service center" means a service center that 21678
includes territory that formerly was included in the territory of 21679
at least three former service centers or county school districts, 21680
which former centers or districts engaged in one or more mergers 21681
pursuant to section 3311.053 of the Revised Code to form the 21682
present center. 21683

Sec. 3317.13. (A) As used in this section and section 3317.14 21684
of the Revised Code: 21685

(1) "Years of service" includes the following: 21686

(a) All years of teaching service in the same school district 21687
or educational service center, regardless of training level, with 21688
each year consisting of at least one hundred twenty days under a 21689
teacher's contract; 21690

(b) All years of teaching service in a chartered, nonpublic 21691
school located in Ohio as a teacher licensed pursuant to section 21692
3319.22 of the Revised Code or in another public school, 21693
regardless of training level, with each year consisting of at 21694
least one hundred twenty days under a teacher's contract; 21695

(c) All years of teaching service in a chartered school or 21696
institution or a school or institution that subsequently became 21697
chartered or a chartered special education program or a special 21698

education program that subsequently became chartered operated by 21699
the state or by a subdivision or other local governmental unit of 21700
this state as a teacher licensed pursuant to section 3319.22 of 21701
the Revised Code, regardless of training level, with each year 21702
consisting of at least one hundred twenty days; and 21703

(d) All years of active military service in the armed forces 21704
of the United States, as defined in section 3307.75 of the Revised 21705
Code, to a maximum of five years. For purposes of this 21706
calculation, a partial year of active military service of eight 21707
continuous months or more in the armed forces shall be counted as 21708
a full year. 21709

(2) "Teacher" means all teachers employed by the board of 21710
education of any school district, including any cooperative 21711
education or joint vocational school district and all teachers 21712
employed by any educational service center governing board. 21713

(B) No teacher shall be paid a salary less than that provided 21714
in the schedule set forth in division (C) of this section. In 21715
calculating the minimum salary any teacher shall be paid pursuant 21716
to this section, years of service shall include the sum of all 21717
years of the teacher's teaching service included in divisions 21718
(A)(1)(a), (b), (c), and (d) of this section; except that any 21719
school district or educational service center employing a teacher 21720
new to the district or educational service center shall grant such 21721
teacher a total of not more than ten years of service pursuant to 21722
divisions (A)(1)(b), (c), and (d) of this section. 21723

Upon written complaint to the superintendent of public 21724
instruction that the board of education of a district or the 21725
governing board of an educational service center governing board 21726
has failed or refused to annually adopt a salary schedule or to 21727
pay salaries in accordance with the salary schedule set forth in 21728
division (C) of this section, the superintendent of public 21729
instruction shall cause to be made an immediate investigation of 21730

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 <u>17,300</u>	100.0	\$17,000 <u>20,000</u>	103.8	\$17,646 <u>20,760</u>	109.5	\$18,615 <u>21,900</u>
1	90.0	15,300 <u>18,000</u>	103.8	17,646 <u>20,760</u>	108.1	18,377 <u>21,620</u>	114.3	19,431 <u>22,860</u>
2	93.5	15,895 <u>18,700</u>	107.6	18,292 <u>21,520</u>	112.4	19,108 <u>22,480</u>	119.1	20,247 <u>23,820</u>
3	97.0	16,490	111.4	18,938	116.7	19,839	123.9	21,063

		<u>19,400</u>		<u>22,280</u>		<u>23,340</u>		<u>24,780</u>	21763
4	100.5	17,085	115.2	19,584	121.0	20,570	128.7	21,879	21764
		<u>20,100</u>		<u>23,040</u>		<u>24,200</u>		<u>25,740</u>	21765
5	104.0	17,680	119.0	20,230	125.3	21,301	133.5	22,695	21766
		<u>20,800</u>		<u>23,800</u>		<u>25,060</u>		<u>26,700</u>	21767
6	104.0	17,680	122.8	20,876	129.6	22,032	138.3	23,511	21768
		<u>20,800</u>		<u>24,560</u>		<u>25,920</u>		<u>27,660</u>	21769
7	104.0	17,680	126.6	21,522	133.9	22,763	143.1	24,327	21770
		<u>20,800</u>		<u>25,320</u>		<u>26,780</u>		<u>28,620</u>	21771
8	104.0	17,680	130.4	22,168	138.2	23,494	147.9	25,143	21772
		<u>20,800</u>		<u>26,080</u>		<u>27,640</u>		<u>29,580</u>	21773
9	104.0	17,680	134.2	22,814	142.5	24,225	152.7	25,959	21774
		<u>20,800</u>		<u>26,840</u>		<u>28,500</u>		<u>30,540</u>	21775
10	104.0	17,680	138.0	23,460	146.8	24,956	157.5	26,775	21776
		<u>20,800</u>		<u>27,600</u>		<u>29,360</u>		<u>31,500</u>	21777
11	104.0	17,680	141.8	24,106	151.1	25,687	162.3	27,591	21778
		<u>20,800</u>		<u>28,360</u>		<u>30,220</u>		<u>32,460</u>	21779

* Percentages represent the percentage which each salary is of the base amount. 21780
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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. 21782
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As used in this division: 21791

(1) "Base amount" means ~~seventeen~~ twenty thousand dollars. 21792

(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a 21793
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recognized college or university. 21795

(D) For purposes of this section, all credited training shall 21796
be from a recognized college or university. 21797

Sec. 3317.16. (A) As used in this section: 21798

(1) "State share percentage" means the percentage calculated 21799
for a joint vocational school district as follows: 21800

(a) Calculate the state base cost funding amount for the 21801
district under division (B) of this section. If the district would 21802
not receive any base cost funding for that year under that 21803
division, the district's state share percentage is zero. 21804

(b) If the district would receive base cost funding under 21805
that division, divide that base cost amount by an amount equal to 21806
the following: 21807

cost-of-doing-business factor X 21808
the formula amount X 21809
the greater of formula ADM or 21810
three-year average formula ADM 21811

The resultant number is the district's state share 21812
percentage. 21813

(2) The "total special education weight" for a joint 21814
vocational school district shall be calculated in the same manner 21815
as prescribed in division (B)(1) of section 3317.022 of the 21816
Revised Code. 21817

(3) The "total vocational education weight" for a joint 21818
vocational school district shall be calculated in the same manner 21819
as prescribed in division (B)(4) of section 3317.022 of the 21820
Revised Code. 21821

(4) The "~~adjusted total taxable value~~ recognized valuation" 21822
of a joint vocational school district shall be determined by 21823

adding the ~~adjusted total taxable values~~ recognized valuations of 21824
all its constituent school districts for the applicable fiscal 21825
year. 21826

(B) The department of education shall compute and distribute 21827
state base cost funding to each joint vocational school district 21828
for the fiscal year in accordance with the following formula: 21829

(cost-of-doing-business factor X 21830
formula amount X the greater of formula 21831
ADM or three-year average formula ADM) - 21832
(.0005 X ~~adjusted total taxable value~~ recognized valuation) 21833

If the difference obtained under this division is a negative 21834
number, the district's computation shall be zero. 21835

(C)(1) The department shall compute and distribute state 21836
vocational education additional weighted costs funds to each joint 21837
vocational school district in accordance with the following 21838
formula: 21839

state share percentage X formula amount X 21840
total vocational education weight 21841

(2) The department shall compute for each joint vocational 21842
school district state funds for vocational education associated 21843
services costs in accordance with the following formula: 21844

state share percentage X .05 X 21845
the formula amount X the sum of 21846
categories one and two vocational 21847
education ADM 21848

In any fiscal year, a joint vocational school district 21849
receiving funds under division (C)(2) of this section, or through 21850
a transfer of funds pursuant to division (L) of section 3317.023 21851
of the Revised Code, shall spend those funds only for the purposes 21852
that the department designates as approved for vocational 21853
education associated services expenses, which may include such 21854
purposes as apprenticeship coordinators, coordinators for other 21855

vocational education services, vocational evaluation, and other 21856
purposes designated by the department. The department may deny 21857
payment under division (C)(2) of this section to any district that 21858
the department determines is not operating those services or is 21859
using funds paid under division (C)(2) of this section, or through 21860
a transfer of funds pursuant to division (L) of section 3317.023 21861
of the Revised Code, for other purposes. 21862

(D)(1) The department shall compute and distribute state 21863
special education and related services additional weighted costs 21864
funds to each joint vocational school district in accordance with 21865
the following formula: 21866

state share percentage X formula amount X 21867
total special education weight 21868

(2)(a) As used in this division, the "personnel allowance" 21869
means ~~twenty-five thousand dollars in fiscal year 2000 and thirty~~ 21870
~~thousand dollars in fiscal year 2001~~ 2002 and fifty-five thousand 21871
six hundred fifty-two dollars in fiscal year 2003. 21872

(b) For the provision of speech services to students and for 21873
no other purpose, the department shall pay each joint vocational 21874
school district an amount calculated under the following formula: 21875

(formula ADM divided by 2000) X the personnel 21876
allowance X state share percentage 21877

(E)(1) If a joint vocational school district's costs for a 21878
fiscal year for a student in its ~~category three~~ categories one and 21879
two special education ADM are twenty-five thousand dollars or 21880
more, the district may submit to the superintendent of public 21881
instruction documentation, as prescribed by the superintendent, of 21882
all of its costs for that student. Upon submission of 21883
documentation for a student of the type and in the manner 21884
prescribed, the department shall pay to the district an amount 21885
equal to the sum of the following: 21886

(a) One-half of the district's costs for the student in excess of twenty-five thousand dollars; 21887
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(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. 21889
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(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: 21892
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(a) One-half of the district's costs for the student in excess of twenty-five thousand dollars; 21901
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(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. 21903
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(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: 21906
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(a) One-half of the district's costs for the student in excess of twenty thousand dollars; 21915
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(b) The product of one-half of the district's costs for the 21917

student in excess of twenty thousand dollars multiplied by the 21918
district's state share percentage. 21919

(4) The district shall only report under divisions (E)(1) to 21920
(3) of this section, and the department shall only pay for, the 21921
costs of educational expenses and the related services provided to 21922
the student in accordance with the student's individualized 21923
education program. Any legal fees, court costs, or other costs 21924
associated with any cause of action relating to the student may 21925
not be included in the amount. 21926

(F) Each fiscal year, the department shall pay each joint 21927
vocational school district an amount for adult technical and 21928
vocational education and specialized consultants. 21929

(G)(1) In any fiscal year, a joint vocational school district 21930
receiving funds under division (D) of this section shall spend on 21931
the related services specified in division (B)(3) of section 21932
3317.022 of the Revised Code at least the lesser of the following: 21933
21934

(a) The amount the district spent on those related services 21935
in the preceding fiscal year; 21936

(b) $1/8 \times \{[\text{cost-of-doing-business factor} \times \text{the formula}$ 21937
amount $\times (\text{the category one special education ADM} + \text{category two}$ 21938
special education ADM + category three special education ADM)] + 21939
the amount calculated for the fiscal year under division (D)(1) of 21940
this section + the local share of special education and related 21941
services additional weighted costs}. 21942

(2) A joint vocational school district's local share of 21943
special education and related services additional weighted costs 21944
equals: 21945

(1 - state share percentage) X 21946

Total special education weight X 21947

the formula amount 21948

(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:	21980
(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;	21981 21982 21983
(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.	21984 21985 21986
(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:	21987 21988 21989
(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;	21990 21991 21992
(2) The total unit allowance;	21993
(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.	21994 21995 21996 21997
(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.	21998 21999 22000 22001 22002 22003 22004 22005
Sec. 3317.20. This section does not apply to handicapped preschool children.	22006 22007
(A) As used in this section:	22008

(1) "Applicable weight" means: 22009

(a) For a handicapped child receiving special education 22010
services for a handicap specified in division (A) of section 22011
3317.013 of the Revised Code, the multiple specified in that 22012
division; 22013

(b) For a handicapped child receiving special education 22014
services for a handicap specified in division (B) of section 22015
3317.013 or division (F)(3) of section 3317.02 of the Revised 22016
Code, the multiple specified in division (B) of section 3317.013 22017
of the Revised Code. 22018

(2) "Child's school district" means the school district in 22019
which a child is entitled to attend school pursuant to section 22020
3313.64 or 3313.65 of the Revised Code. 22021

(3) "State share percentage" means the state share percentage 22022
of the child's school district as defined in section 3317.022 of 22023
the Revised Code. 22024

~~(B) Notwithstanding sections 3317.03, 3317.05, 3317.161, and 22025
3317.162 of the Revised Code, the department of education shall 22026
not approve special education and related services units, other 22027
than for handicapped preschool children, in county MR/DD boards in 22028
fiscal years 1999, 2000, and 2001. During those fiscal years, 22029
state funding for special education and related services provided 22030
to school-age children by county MR/DD boards shall be provided 22031
under divisions (C) to (E) of this section. 22032~~

~~(C)~~ Except as provided in division ~~(D)~~(C) of this section, 22033
the department shall annually pay each county MR/DD board an 22034
amount calculated under the following formula for each handicapped 22035
child, other than a handicapped preschool child, for whom the 22036
county MR/DD board provides special education and related 22037
services: 22038

(formula amount X the cost-of-doing-business factor 22039

for the child's school district) + 22040
(state share percentage X formula amount X 22041
the applicable weight) 22042

~~(D)~~(C) If any school district places with a county MR/DD 22043
board more handicapped children than it had placed with a county 22044
MR/DD board in fiscal year 1998, the department shall not make a 22045
payment under division ~~(C)~~(B) of this section for the number of 22046
children exceeding the number placed in fiscal year 1998. The 22047
department instead shall deduct from the district's payments under 22048
this chapter, and pay to the county MR/DD board, an amount 22049
calculated in accordance with the formula prescribed in division 22050
~~(C)~~(B) of this section for each child over the number of children 22051
placed in fiscal year 1998. 22052

~~(E)~~(D) The department shall calculate for each county MR/DD 22053
board receiving payments under divisions ~~(C)~~(B) and ~~(D)~~(C) of this 22054
section the following amounts: 22055

(1) The amount received by the county MR/DD board for 22056
approved special education and related services units, other than 22057
preschool handicapped units, in fiscal year 1998, divided by the 22058
total number of children served in the units that year; 22059

(2) The product of the quotient calculated under division 22060
~~(E)~~(D)(1) of this section times the number of children for whom 22061
payments are made under divisions ~~(C)~~(B) and ~~(D)~~(C) of this 22062
section. 22063

If the amount calculated under division ~~(E)~~(D)(2) of this 22064
section is greater than the total amount calculated under 22065
divisions ~~(C)~~(B) and ~~(D)~~(C) of this section, the department shall 22066
pay the county MR/DD board one hundred per cent of the difference 22067
in addition to the payments under divisions ~~(C)~~(B) and ~~(D)~~(C) of 22068
this section. 22069

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 22070

Revised Code:	22071
(A) "Ohio school facilities commission" means the commission created pursuant to section 3318.30 of the Revised Code.	22072 22073
(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.	22074 22075 22076 22077 22078 22079 22080 22081 22082 22083
(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.	22084 22085 22086 22087
(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.	22088 22089 22090 22091 22092 22093
(E) "School district board" means the board of education of a school district.	22094 22095
(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	22096 22097 22098 22099 22100 22101

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 22133
one per cent of the basic project costs times the percentile in 22134
which the district ranks. 22135

(L) "Basic project cost" means a cost amount determined in 22136
accordance with rules adopted under section 111.15 of the Revised 22137
Code by the Ohio school facilities commission. The basic project 22138
cost calculation shall take into consideration the square footage 22139
and cost per square foot necessary for the grade levels to be 22140
housed in the classroom facilities, the variation across the state 22141
in construction and related costs, the cost of the installation of 22142
site utilities and site preparation, the cost of insuring the 22143
project until it is completed, any contingency reserve amount 22144
prescribed by the commission under section 3318.086 of the Revised 22145
Code, and the professional planning, administration, and design 22146
fees that a district may have to pay to undertake a classroom 22147
facilities project. 22148

"Basic project cost" also includes the value of classroom 22149
facilities authorized in a pre-existing bond issue as described in 22150
section 3318.033 of the Revised Code. 22151

(M) A "school district's portion of the basic project cost" 22152
means the amount determined under section 3318.032 of the Revised 22153
Code. 22154

(N) "Child day-care facility" means space within a classroom 22155
facility in which the needs of infants, toddlers, preschool 22156
children, and school children are provided for by persons other 22157
than the parent or guardian of such children for any part of the 22158
day, including persons not employed by the school district 22159
operating such classroom facility. 22160

(O) "Community resource center" means space within a 22161
classroom facility in which comprehensive services that support 22162
the needs of families and children are provided by community-based 22163

social service providers. 22164

(P) "Valuation" means the total value of all property in the 22165
district as listed and assessed for taxation on the tax 22166
duplicates. 22167

(Q) "Percentile" means the percentile in which the district 22168
is ranked pursuant to division (D) of section 3318.011 of the 22169
Revised Code. 22170

(R) "Installation of site utilities" means the installation 22171
of a site domestic water system, site fire protection system, site 22172
gas distribution system, site sanitary system, site storm drainage 22173
system, and site telephone and data system. 22174

(S) "Site preparation" means the earthwork necessary for 22175
preparation of the building foundation system, the paved 22176
pedestrian and vehicular circulation system, playgrounds on the 22177
project site, and lawn and planting on the project site. 22178

Sec. 3318.04. (A) If the Ohio school facilities commission 22179
makes a determination under section 3318.03 of the Revised Code in 22180
favor of constructing, acquiring, reconstructing, or making 22181
additions to a classroom facility, the project shall be 22182
conditionally approved. Such conditional approval shall be 22183
submitted to the controlling board for approval thereof. The 22184
controlling board shall forthwith approve or reject the 22185
commission's determination, conditional approval, the amount of 22186
the state's portion of the basic project cost, and, if the state's 22187
portion exceeds twenty-five million dollars, the amount of the 22188
state's portion to be encumbered in the current fiscal biennium. 22189
In the event of approval thereof by the controlling board, the 22190
commission shall certify such conditional approval to the school 22191
district board and shall encumber from the total funds 22192
appropriated for the purpose of sections 3318.01 to 3318.20 of the 22193
Revised Code the amount of the state's portion of the basic 22194

project cost or, if the state's portion exceeds twenty-five 22195
million dollars, the amount approved under this section to be 22196
encumbered in the current fiscal biennium. 22197

The basic project cost for a project approved under this 22198
section shall not exceed the cost that would otherwise have to be 22199
incurred if the classroom facilities to be constructed, acquired, 22200
or reconstructed, or the additions to be made to classroom 22201
facilities, under such project meet, but do not exceed, the 22202
specifications for plans and materials for classroom facilities 22203
adopted by the commission. 22204

(B)(1) No school district shall have a project conditionally 22205
approved pursuant to this section if the school district has 22206
already received any assistance for a project funded under any 22207
version of sections 3318.01 to 3318.20 of the Revised Code, and 22208
the prior project was one for which the electors of such district 22209
approved a levy within the last twenty years pursuant to any 22210
version of section 3318.06 of the Revised Code for purposes of 22211
qualifying for the funding of that project, unless the district 22212
demonstrates to the satisfaction of the commission that the 22213
district has experienced since approval of its prior project an 22214
exceptional increase in enrollment significantly above the 22215
district's design capacity under that prior project as determined 22216
by rule of the commission. 22217

(2) Notwithstanding division (B)(1) of this section, any 22218
school district that received assistance under sections 3318.01 to 22219
3318.20 of the Revised Code, as those sections existed prior to 22220
May 20, 1997, may receive additional assistance under those 22221
sections, as they exist on and after May 20, 1997, prior to the 22222
expiration of the period of time required under division (B)(1) of 22223
this section, if the percentile in which the school district is 22224
located, as determined under section 3318.011 of the Revised Code, 22225
is eligible for assistance as prescribed in section 3318.02 of the 22226

Revised Code.

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The commission may provide assistance under sections 3318.01 to 3318.20 of the Revised Code pursuant to this division to no more than five school districts per fiscal year until all eligible school districts have received the additional assistance authorized under this division. The commission shall establish application procedures, deadlines, and priorities for funding projects under this division.

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The commission at its discretion may waive current design specifications it has adopted for projects under sections 3318.01 to 3318.20 of the Revised Code when assessing an application for additional assistance under this division for the renovation of classroom facilities constructed or renovated under a school district's previous project. If the commission finds that a school district's existing classroom facilities are adequate to meet all of the school district's needs, the commission may determine that no additional state assistance be awarded to a school district under this division.

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In order for a school district to be eligible to receive any additional assistance under this division, the school district electors shall extend the school district's existing levy dedicated for maintenance of classroom facilities under Chapter 3318. of the Revised Code, pursuant to section 3318.061 of the Revised Code or shall provide equivalent alternative maintenance funds as specified in division (B) of section 3318.06 of the Revised Code.

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(3) Notwithstanding division (B)(1) of this section, any school district that has received assistance under sections 3318.01 to 3318.20 of the Revised Code after May 20, 1997, may receive additional assistance if the commission decides in favor of providing such assistance pursuant to section 3318.042 of the Revised Code.

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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.

(B) Consideration of additional assistance to a school district under this section is warranted in either of the following circumstances:

(1) Additional work is needed to correct an oversight or deficiency not identified or included in the district's initial assessment.

(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.

(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

making a financial evaluation of the school district, the 22290
commission determines that the school district is unable without 22291
undue hardship, according to the guidelines adopted by the 22292
commission, to fund the school district portion of the increase, 22293
then the state and the school district shall enter into an 22294
agreement whereby the state shall pay the portion of the cost 22295
increase attributable to the school district which is determined 22296
to be in excess of any local resources available to the district 22297
and the district shall thereafter reimburse the state. The 22298
commission shall establish the district's schedule for reimbursing 22299
the state, which shall not extend beyond five years. Debt incurred 22300
under this section shall not be included in the calculation of the 22301
net indebtedness of the school district under section 133.06 of 22302
the Revised Code. 22303

Sec. 3318.052. (A) At any time after the electors of a school 22304
district have approved either or both a property tax levied under 22305
section 5705.21 or 5705.218 of the Revised Code for the purpose of 22306
general ongoing permanent improvements or a school district income 22307
tax levied under Chapter 5748. of the Revised Code, the board of 22308
education of the school district may do all of the following: 22309

(1) Within one year following the date of the certification 22311
of the conditional approval of the school district's classroom 22312
facilities project by the Ohio school facilities commission, enter 22313
into a written agreement with the commission, which may be part of 22314
an agreement entered into under section 3318.08 of the Revised 22315
Code, under which the school district board covenants and agrees 22316
to apply a specified amount of the proceeds of that property tax 22317
levy, of that school district income tax, or of securities issued 22318
under this section, or of proceeds from any two or more of those 22319
sources, to pay all or part of the district's portion of the basic 22320
project cost of its classroom facilities project. 22321

(2) Receive as a credit against the amount of bonds required 22322
under sections 3318.05 and 3318.06 of the Revised Code, to be 22323
approved by the electors of the district and issued by the 22324
district board for the district's portion of the basic project 22325
cost of its classroom facilities project in order for the district 22326
to receive state assistance for the project, an amount equal to 22327
the specified amount that the district board covenants and agrees 22328
with the commission to apply as set forth in division (A) (1) of 22329
this section. 22330

(3) Apply the proceeds of either or both such taxes to the 22331
payment of debt charges on and financing costs related to 22332
securities issued under this section and to make any necessary 22333
transfers of funds arising from such a tax to the bond retirement 22334
fund established for those securities from the fund to which the 22335
proceeds of the tax are credited. 22336

(4) Issue securities to provide moneys to pay all or part of 22337
the district's portion of the basic project cost of its classroom 22338
facilities project in accordance with an agreement entered into 22339
under division (A) (1) of this section. 22340

(B) Securities issued under this section shall be Chapter 22341
133. securities and may be issued as general obligation securities 22342
or issued in anticipation of a school district income tax or as 22343
property tax anticipation notes under section 133.24 of the 22344
Revised Code. The district board's resolution authorizing the 22345
issuance and sale of general obligation securities under this 22346
section shall conform to the applicable requirements of section 22347
133.22 or 133.23 of the Revised Code. Securities issued under this 22348
section shall have principal payments during each year after the 22349
year of issuance over a period of not more than twenty-three years 22350
and, if so determined by the district board, during the year of 22351
issuance. Securities issued under this section shall not be 22352
included in the calculation of net indebtedness of the district 22353

under section 133.06 of the Revised Code if the resolution of the district board authorizing their issuance and sale includes covenants to appropriate annually from the proceeds of the property tax levied or of the school district income tax referred to in division (A) of this section and to continue to levy and collect the tax in amounts necessary to pay the debt charges on and financing costs related to the securities as they become due. No such tax the proceeds of which are pledged, or that the school district board has covenanted to levy, collect, and appropriate annually, to pay the debt charges on and financing costs related to securities issued under this section shall be repealed while those securities are outstanding. If such a tax is reduced by the electors of the district or by the district board while those securities are outstanding, the school district board shall continue to levy and collect the tax under the authority of the original election authorizing the tax at a rate in each year that the board reasonably estimates will produce an amount in that year equal to the debt charges on the securities in that year.

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No state moneys shall be released for a project to which this section applies until the proceeds of the tax securities issued under this section that are dedicated for the payment of the district portion of the basic project cost of its classroom facilities project are first deposited into the district's project construction fund.

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Sec. 3318.08. If the requisite favorable vote on the election is obtained, or if the school district board has resolved to apply the proceeds of a property tax levy or the proceeds of an income tax, or a combination of proceeds from such taxes, as authorized in section 3318.052 of the Revised Code, the Ohio school facilities commission, upon certification to it of either the results of the election or the resolution under section 3318.052 of the Revised Code, shall enter into a written agreement with the

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school district board for the construction and sale of the 22386
project, which agreement shall include, but need not be limited 22387
to, the following provisions: 22388

(A) The sale and issuance of bonds or notes in anticipation 22389
thereof, as soon as practicable after the execution of the 22390
agreement, in an amount equal to the school district's portion of 22391
the basic project cost, including any bonds previously authorized 22392
by the district's electors as described in section 3318.033 of the 22393
Revised Code; provided, that if at that time the county treasurer 22394
of each county in which the school district is located has not 22395
commenced the collection of taxes on the general duplicate of real 22396
and public utility property for the year in which the controlling 22397
board approved the project, the school district board shall 22398
authorize the issuance of a first installment of bond anticipation 22399
notes in an amount specified by the agreement, which amount shall 22400
not exceed an amount necessary to raise the net bonded 22401
indebtedness of the school district as of the date of the 22402
controlling board's approval to within five thousand dollars of 22403
the required level of indebtedness for the preceding year. In the 22404
event that a first installment of bond anticipation notes is 22405
issued, the school district board shall, as soon as practicable 22406
after the county treasurer of each county in which the school 22407
district is located has commenced the collection of taxes on the 22408
general duplicate of real and public utility property for the year 22409
in which the controlling board approved the project, authorize the 22410
issuance of a second and final installment of bond anticipation 22411
notes or a first and final issue of bonds. 22412

The combined value of the first and second installment of 22413
bond anticipation notes or the value of the first and final issue 22414
of bonds shall be equal to the school district's portion of the 22415
basic project cost. The proceeds of any such bonds shall be used 22416
first to retire any bond anticipation notes. Otherwise, the 22417

proceeds of such bonds and of any bond anticipation notes, except 22418
the premium and accrued interest thereon, shall be deposited in 22419
the school district's project construction fund. In determining 22420
the amount of net bonded indebtedness for the purpose of fixing 22421
the amount of an issue of either bonds or bond anticipation notes, 22422
gross indebtedness shall be reduced by moneys in the bond 22423
retirement fund only to the extent of the moneys therein on the 22424
first day of the year preceding the year in which the controlling 22425
board approved the project. Should there be a decrease in the tax 22426
valuation of the school district so that the amount of 22427
indebtedness that can be incurred on the tax duplicates for the 22428
year in which the controlling board approved the project is less 22429
than the amount of the first installment of bond anticipation 22430
notes, there shall be paid from the school district's project 22431
construction fund to the school district's bond retirement fund to 22432
be applied against such notes an amount sufficient to cause the 22433
net bonded indebtedness of the school district, as of the first 22434
day of the year following the year in which the controlling board 22435
approved the project, to be within five thousand dollars of the 22436
required level of indebtedness for the year in which the 22437
controlling board approved the project. The maximum amount of 22438
indebtedness to be incurred by any school district board as its 22439
share of the cost of the project is either an amount that will 22440
cause its net bonded indebtedness, as of the first day of the year 22441
following the year in which the controlling board approved the 22442
project, to be within five thousand dollars of the required level 22443
of indebtedness, or an amount equal to the required percentage of 22444
the basic project costs, whichever is greater. All bonds and bond 22445
anticipation notes shall be issued in accordance with Chapter 133. 22446
of the Revised Code, and notes may be renewed as provided in 22447
section 133.22 of the Revised Code. 22448

(B)(1) The transfer of such funds of the school district 22449

board available for the project, together with the proceeds of the 22450
sale of the bonds or notes, except premium, accrued interest, and 22451
interest included in the amount of the issue, to the school 22452
district's project construction fund; 22453

(2) If section 3318.052 of the Revised Code applies, the 22454
earmarking of the proceeds of a tax levied under section 5705.21 22455
of the Revised Code for general ongoing permanent improvements or 22456
the proceeds of a school district income tax levied under Chapter 22457
5748. of the Revised Code, or the proceeds from a combination of 22458
those two taxes, in an amount to pay all or part of the service 22459
charges on bonds issued to pay the school district portion of the 22460
project and an amount equivalent to all or part of the tax 22461
required under division (B) of section 3318.05 of the Revised 22462
Code. 22463

(C) If section 3318.052 of the Revised Code does not apply, 22464
either of the following: 22465

(1) The levy of the tax authorized at the election for the 22466
payment of maintenance costs, as specified in division (B) of 22467
section 3318.05 of the Revised Code; 22468

(2) If the school district electors have approved a 22469
continuing tax of at least two mills for each dollar of valuation 22470
for general ongoing permanent improvements under section 5705.21 22471
of the Revised Code and that tax can be used for maintenance, the 22472
earmarking of an amount of the proceeds from such tax for 22473
maintenance of classroom facilities as specified in division (B) 22474
of section 3318.05 of the Revised Code. 22475

(D) Ownership of or interest in the project during the period 22476
of construction, which shall be divided between the commission and 22477
the school district board in proportion to their respective 22478
contributions to the school district's project construction fund; 22479
22480

(E) Maintenance of the state's interest in the project until 22481
any obligations issued for the project under section 3318.26 of 22482
the Revised Code are no longer outstanding; 22483

(F) The insurance of the project by the school district from 22484
the time there is an insurable interest therein and so long as the 22485
state retains any ownership or interest in the project pursuant to 22486
division (D) of this section, in such amounts and against such 22487
risks as the commission shall require; provided, that the cost of 22488
any required insurance until the project is completed shall be a 22489
part of the basic project cost; 22490

(G) The certification by the director of budget and 22491
management that funds are available and have been set aside to 22492
meet the state's share of the basic project cost as approved by 22493
the controlling board pursuant to section 3318.04 of the Revised 22494
Code; 22495

(H) Authorization of the school district board to advertise 22496
for and receive construction bids for the project, for and on 22497
behalf of the commission, and to award contracts in the name of 22498
the state subject to approval by the commission; 22499

(I) Provisions for the disbursement of moneys from the school 22500
district's project account upon issuance by the commission or the 22501
commission's designated representative of vouchers for work done 22502
to be certified to the commission by the treasurer of the school 22503
district board; 22504

(J) Disposal of any balance left in the school district's 22505
project construction fund upon completion of the project; 22506

(K) Limitations upon use of the project or any part of it so 22507
long as any obligations issued to finance the project under 22508
section 3318.26 of the Revised Code are outstanding; 22509

(L) Provision for vesting the state's interest in the project 22510
to the school district board when the obligations issued to 22511

finance the project under section 3318.26 of the Revised Code are	22512
outstanding;	22513
(M) Provision for deposit of an executed copy of the	22514
agreement in the office of the commission;	22515
(N) Provision for termination of the contract and release of	22516
the funds encumbered at the time of the conditional approval, if	22517
the proceeds of the sale of the bonds of the school district board	22518
are not paid into the school district's project construction fund	22519
and if bids for the construction of the project have not been	22520
taken within such period after the execution of the agreement as	22521
may be fixed by the commission;	22522
(O) Provision for the school district to maintain the project	22523
in accordance with a plan approved by the commission;	22524
(P) Provision that all state funds reserved and encumbered to	22525
pay the state share of the cost of the project pursuant to section	22526
3318.03 of the Revised Code be spent on the construction or	22527
acquisition of the project prior to the expenditure of any funds	22528
provided by the school district to pay for its share of the	22529
project cost, unless the school district certifies to the	22530
commission that expenditure by the school district is necessary to	22531
maintain the tax-exempt status of notes or bonds issued by the	22532
school district to pay for its share of the project cost in which	22533
case, the school district may commit to spend, or spend, a portion	22534
of the funds it provides;	22535
(Q) A provision stipulating that the commission may prohibit	22536
the district from proceeding with any project if the commission	22537
determines that the site is not suitable for construction	22538
purposes. The commission may perform soil tests in its	22539
determination of whether a site is appropriate for construction	22540
purposes.	22541
<u>(R) A provision stipulating that, unless otherwise authorized</u>	22542

by the commission, any contingency reserve portion of the 22543
construction budget prescribed by the commission shall be used 22544
only to pay costs resulting from unforeseen job conditions, to 22545
comply with rulings regarding building and other codes, to pay 22546
costs related to design clarifications or corrections to contract 22547
documents, and to pay the costs of settlements or judgments 22548
related to the project as provided under section 3318.086 of the 22549
Revised Code. 22550

Sec. 3318.084. (A) Notwithstanding anything to the contrary 22551
in Chapter 3318. of the Revised Code, a school district board may 22552
apply any local donated contribution toward ~~the~~ either or both of 22553
the following: 22554

(1) The district's portion of the basic project cost of a 22555
project under sections 3318.01 to 3318.20 of the Revised Code ~~and~~ 22556
~~may use such local donated contribution~~ to reduce the amount of 22557
bonds the district otherwise must issue in order to receive state 22558
assistance under those sections; 22559

(2) An offset of all or part of a district's obligation to 22560
levy the tax described in division (B) of section 3318.05 of the 22561
Revised Code, which shall be applied only in the manner prescribed 22562
in division (B) of this section. 22563

(B) No school district board shall apply any local donated 22564
contribution under division (A)(2) of this section unless the Ohio 22565
school facilities commission first approves that application. 22566

Upon the request of the school district board to apply local 22567
donated contribution under division (A)(2) of this section, the 22568
commission in consultation with the department of taxation shall 22569
determine the amount of total revenue that likely would be 22570
generated by one-half mill of the tax described in division (B) of 22571
section 3318.05 of the Revised Code over the entire 22572
twenty-three-year period required under that section and shall 22573

deduct from that amount any amount of local donated contribution 22574
that the board has committed to apply under division (A)(2) of 22575
this section. The commission then shall determine in consultation 22576
with the department of taxation the rate of tax over twenty-three 22577
years necessary to generate the amount of a one-half mill tax not 22578
offset by the local donated contribution. Notwithstanding anything 22579
to the contrary in section 3318.06, 3318.061, or 3318.361 of the 22580
Revised Code, the rate determined by the commission shall be the 22581
rate for which the district board shall seek elector approval 22582
under those sections to meet its obligation under division (B) of 22583
section 3318.05 of the Revised Code. In the case of a complete 22584
offset of the district's obligation under division (B) of section 22585
3318.05 of the Revised Code, the district shall not be required to 22586
levy the tax otherwise required under that section. At the end of 22587
the twenty-three-year period of the tax required under division 22588
(B) of section 3318.05 of the Revised Code, whether or not the tax 22589
is actually levied, the commission in consultation of the 22590
department of taxation shall recalculate the amount that would 22591
have been generated by the tax if it had been levied at one-half 22592
mill. If the total amount actually generated over that period from 22593
both the tax that was actually levied and any local donated 22594
contribution applied under division (A)(2) of this section is less 22595
than the amount that would have been raised by a one-half mill 22596
tax, the district shall pay any difference. If the total amount 22597
actually raised in such manner is greater than the amount that 22598
would have been raised by a one-half mill tax the difference shall 22599
be zero and no payments shall be made by either the district or 22600
the commission. 22601

(C) As used in this section, "local donated contribution" 22602
means either of the following: 22603

(A)(1) Any moneys irrevocably donated or granted to a school 22604
district board by a source other than the state which the board 22605

has the authority to apply to the school district's project under 22606
sections 3318.01 to 3318.20 of the Revised Code and which the 22607
board has pledged for that purpose by resolution adopted by a 22608
majority of its members; 22609

~~(B)(2)~~ Any irrevocable letter of credit issued on behalf of a 22610
school district or any cash a school district has on hand, 22611
including any year-end operating fund balances, that can be spent 22612
for classroom facilities, either of which the school district 22613
board has encumbered for payment of the school district's share of 22614
its project under sections 3318.01 to 3318.20 of the Revised Code 22615
and either of which has been approved by the ~~Ohio school~~ 22616
~~facilities~~ commission in consultation with the department of 22617
education. 22618

(D) No state moneys shall be released for a project to which 22619
this section applies until any local donated ~~local~~ contribution 22620
authorized under this section is first deposited into the school 22621
district's project construction fund, if applied under division 22622
(A)(1) of this section, or into the district's capital and 22623
maintenance fund if applied under division (A)(2) of this section. 22624

Sec. 3318.086. The construction budget for any project under 22625
sections 3318.01 to 3318.20 of the Revised Code shall contain a 22626
contingency reserve in an amount prescribed by the Ohio school 22627
facilities commission, which unless otherwise authorized by the 22628
commission, shall be used only to pay costs resulting from 22629
unforeseen job conditions, to comply with rulings regarding 22630
building and other codes, to pay costs related to design 22631
clarifications or corrections to contract documents, and to pay 22632
the costs of settlements or judgments related to the project. 22633

Sec. 3318.10. When such working drawings, specifications, and 22634
estimates of cost have been approved by the school district board 22635
and the Ohio school facilities commission, the treasurer of the 22636

school district board shall advertise for construction bids for 22637
~~the project once a week for three consecutive weeks in a newspaper~~ 22638
~~published in and of general circulation in the county in which the~~ 22639
~~project is located~~ in accordance with section 3313.46 of the 22640
Revised Code. Such notices shall state that plans and 22641
specifications for the project are on file in the office of the 22642
commission and such other place as may be designated in such 22643
notice, and the time and place when and where bids therefor will 22644
be received. 22645

The form of proposal to be submitted by bidders shall be 22646
supplied by the commission. Bidders may be permitted to bid upon 22647
all the branches of work and materials to be furnished and 22648
supplied, upon any branch thereof, or upon all or any thereof. 22649

~~A proposal shall be invalid and not considered unless it~~ 22650
~~meets the requirements of section 153.54 of the Revised Code.~~ 22651

When the construction bids for all branches of work and 22652
materials have been tabulated, the commission shall cause to be 22653
prepared a revised estimate of the basic project cost based upon 22654
the lowest responsible bids received. If such revised estimate 22655
exceeds the estimated basic project cost as approved by the 22656
controlling board pursuant to section 3318.04 of the Revised Code, 22657
no contracts may be entered into pursuant to this section unless 22658
such revised estimate is approved by the commission and by the 22659
controlling board referred to in section 3318.04 of the Revised 22660
Code. When such revised estimate has been prepared, and after such 22661
approvals are given, if necessary, and if the school district 22662
board has caused to be transferred to the project construction 22663
fund the proceeds from the sale of the first or first and final 22664
installment of its bonds or bond anticipation notes pursuant to 22665
the provision of written agreement required by division (B) of 22666
section 3318.08 of the Revised Code, and when the director of 22667
budget and management has certified that there is a balance in the 22668

appropriation, not otherwise obligated to pay precedent 22669
obligations, pursuant to which the state's share of such revised 22670
estimate is required to be paid, the contract for all branches of 22671
work and materials to be furnished and supplied, or for any branch 22672
thereof as determined by the school district board, shall be 22673
awarded by the school district board to the lowest responsible 22674
bidder subject to the approval of the commission. Such award shall 22675
be made within sixty days after the date on which the bids are 22676
opened, and the successful bidder shall enter into a contract 22677
within ten days after the successful bidder is notified of the 22678
award of the contract. 22679

Subject to the approval of the commission, the school 22680
district board may reject all bids and readvertise. Any contract 22681
made under this section shall be made in the name of the state and 22682
executed on its behalf by the president and treasurer of the 22683
school district board. 22684

The provisions of sections ~~153.50 to 153.99~~ 9.312 and 3313.46 22685
of the Revised Code, which are applicable to construction 22686
contracts of boards of education ~~and which permit bids to be made~~ 22687
~~for two or more trades or kinds of work~~, shall apply to 22688
construction contracts for the project ~~to the exclusion of~~ 22689
~~sections 153.01 to 153.20 of the Revised Code applicable to state~~ 22690
~~construction contracts.~~ 22691

The remedies afforded to any subcontractor, materials 22692
supplier, laborer, mechanic, or persons furnishing material or 22693
machinery for the project under sections 1311.26 to 1311.32 of the 22694
Revised Code, shall apply to contracts entered into under this 22695
section and the itemized statement required by section 1311.26 of 22696
the Revised Code shall be filed with the school district board. 22697

Sec. 3318.31. (A) The Ohio school facilities commission may 22698
perform any act and ensure the performance of any function 22699

necessary or appropriate to carry out the purposes of, and 22700
exercise the powers granted under, Chapter 3318. of the Revised 22701
Code, including any of the following: 22702

~~(1) Employ and fix the compensation of such employees as will 22703
facilitate the activities and purposes of the commission, and who 22704
shall serve at the pleasure of the commission. 22705~~

~~(2)~~ Adopt, amend, and rescind, pursuant to section 111.15 of 22706
the Revised Code, rules for the administration of programs 22707
authorized under Chapter 3318. of the Revised Code. 22708

~~(3)~~(2) Contract with, retain the services of, or designate, 22709
and fix the compensation of, such agents, accountants, 22710
consultants, advisers, and other independent contractors as may be 22711
necessary or desirable to carry out the programs authorized under 22712
Chapter 3318. of the Revised Code. 22713

~~(4)~~(3) Receive and accept any gifts, grants, donations, and 22714
pledges, and receipts therefrom, to be used for the programs 22715
authorized under Chapter 3318. of the Revised Code. 22716

~~(5)~~(4) Make and enter into all contracts, commitments, and 22717
agreements, and execute all instruments, necessary or incidental 22718
to the performance of its duties and the execution of its rights 22719
and powers under Chapter 3318. of the Revised Code. 22720

(B) The commission shall appoint and fix the compensation of 22721
an executive director who shall serve at the pleasure of the 22722
commission. The executive director shall supervise the operations 22723
of the commission. The executive director also shall employ and 22724
fix the compensation of such employees as will facilitate the 22725
activities and purposes of the commission, who shall serve at the 22726
pleasure of the executive director. 22727

(C) The attorney general shall serve as the legal 22728
representative for the commission and may appoint other counsel as 22729
necessary for that purpose in accordance with section 109.07 of 22730

the Revised Code.	22731
Sec. 3318.36. (A) As used in this section:	22732
(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.	22733 22734 22735 22736 22737
(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)].	22738 22739 22740 22741 22742 22743 22744
(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.	22745 22746 22747 22748
(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	22749 22750 22751 22752 22753 22754 22755 22756 22757 22758 22759 22760 22761

sections 3318.01 to 3318.20 of the Revised Code and as 22762
recalculated under division (E) of this section, that are eligible 22763
for state assistance under sections 3318.01 to 3318.20 of the 22764
Revised Code when the school district becomes eligible for such 22765
state assistance. Any school district that is reasonably expected 22766
to receive assistance under sections 3318.01 to 3318.20 of the 22767
Revised Code within two fiscal years from the date the school 22768
district adopts its resolution under division (B) of this section 22769
shall not be eligible to participate in the program. 22770

(2) To participate in the program, a school district board 22771
shall first adopt a resolution certifying to the commission the 22772
board's intent to participate in the program. 22773

The resolution shall specify the approximate date that the 22774
board intends to seek elector approval of any bond or tax measures 22775
or to apply other local resources to use to pay the cost of 22776
classroom facilities to be constructed under this section. ~~The~~ 22777
~~resolution shall not specify an election sooner than twelve months~~ 22778
~~after the date the resolution is adopted by the board~~ The 22779
resolution may specify the application of local resources or 22780
elector-approved bond or tax measures after the resolution is 22781
adopted by the board, and in such case the board may proceed with 22782
a discrete portion of its project under this section as soon as 22783
the commission and the controlling board have approved the basic 22784
project cost of the district's classroom facilities needs as 22785
specified in division (D) of this section. The board shall submit 22786
its resolution to the commission not later than ten days after the 22787
date the resolution is adopted by the board. 22788

The commission shall not consider any resolution that is 22789
submitted pursuant to division (B)(2) of this section, as amended 22790
by this amendment, sooner than ~~the effective date of this~~ 22791
~~amendment~~ September 14, 2000. 22792

(3) Any project under this section shall comply with section 22793

3318.03 of the Revised Code and with any specifications for plans 22794
and materials for classroom facilities adopted by the commission 22795
under section 3318.04 of the Revised Code. 22796

(4) If a school district that enters into an agreement under 22797
this section has not begun a project applying local resources as 22798
provided for under that agreement at the time the district is 22799
notified by the commission that it is eligible to receive state 22800
assistance under sections 3318.01 to 3318.20 of the Revised Code, 22801
all assessment and agreement documents entered into under this 22802
section are void. 22803

(5) Only construction of or repairs to classroom facilities 22804
that have been approved by the commission and have been therefore 22805
included as part of a district's basic project cost qualify for 22806
application of local resources under this section. 22807

(C) Based on the results of the on-site visits and assessment 22808
conducted under division (B)(2) of this section, the commission 22809
shall determine the basic project cost of the school district's 22810
classroom facilities needs. The commission shall determine the 22811
school district's portion of such basic project cost, which shall 22812
be the greater of: 22813

(1) The required percentage of the basic project costs, 22814
determined based on the school district's percentile ranking in 22815
the fiscal year the commission and the school district enter into 22816
the agreement under division (B) of this section; 22817

(2) An amount necessary to raise the school district's net 22818
bonded indebtedness, as of the fiscal year the commission and the 22819
school district enter into the agreement under division (B) of 22820
this section, to within five thousand dollars of the required 22821
level of indebtedness. 22822

(D)(1) When the commission determines the basic project cost 22823
of the classroom facilities needs of a school district and the 22824

school district's portion of that basic project cost under 22825
division (C) of this section, the project shall be conditionally 22826
approved. Such conditional approval shall be submitted to the 22827
controlling board for approval thereof. The controlling board 22828
shall forthwith approve or reject the commission's determination, 22829
conditional approval, and the amount of the state's portion of the 22830
basic project cost; however, no state funds shall be encumbered 22831
under this section. Upon approval by the controlling board, the 22832
school district board may identify a discrete part of its 22833
classroom facilities needs, which shall include only new 22834
construction of or additions or major repairs to a particular 22835
building, to address with local resources. Upon identifying a part 22836
of the school district's basic project cost to address with local 22837
resources, the school district board may allocate any available 22838
school district moneys to pay the cost of that identified part, 22839
including the proceeds of an issuance of bonds if approved by the 22840
electors of the school district. 22841

All local resources utilized under this division shall first 22842
be deposited in the project construction account required under 22843
section 3318.08 of the Revised Code. 22844

(2) Unless the school district board exercises its option 22845
under division (D)(3) of this section, for a school district to 22846
qualify for participation in the program authorized under this 22847
section, either: 22848

(a) The electors of the school district by a majority vote 22849
shall approve the levy of taxes outside the ten-mill limitation 22850
for a period of twenty-three years at the rate of not less than 22851
one-half mill for each dollar of valuation to be used to pay the 22852
cost of maintaining the classroom facilities included in the basic 22853
project cost as determined by the commission. The form of the 22854
ballot to be used to submit the question whether to approve the 22855
tax required under this division to the electors of the school 22856

district shall be the form for an additional levy of taxes 22857
prescribed in section 3318.361 of the Revised Code. 22858

(b) As authorized under division (C) of section 3318.05 of 22859
the Revised Code, the school district board shall earmark from the 22860
proceeds of a permanent improvement tax levied under section 22861
5705.21 of the Revised Code, an amount equivalent to the 22862
additional tax otherwise required under division (D)(2)(a) of this 22863
section for the maintenance of the classroom facilities included 22864
in the basic project cost as determined by the commission. 22865

(3) A school district board may opt to delay levying the 22866
additional tax required under division (D)(2)(a) of this section 22867
or earmarking of the proceeds of a permanent improvement tax 22868
alternatively required under division (D)(2)(b) of this section 22869
until such time as the school district becomes eligible for state 22870
assistance under sections 3318.01 to 3318.20 of the Revised Code. 22871
In order to exercise its option under this division, the board 22872
shall certify to the commission a resolution indicating the 22873
board's intent to do so prior to entering into an agreement under 22874
division (B) of this section. 22875

(4) If pursuant to division (D)(3) of this section a district 22876
board opts to delay levying an additional tax until the district 22877
becomes eligible for state assistance, it shall submit the 22878
question of levying that tax to the district electors as follows: 22879

(a) In accordance with section 3318.06 of the Revised Code if 22881
it will also be necessary pursuant to division (E) of this section 22882
to submit a proposal for approval of a bond issue; 22883

(b) In accordance with section 3318.361 of the Revised Code 22884
if it is not necessary to also submit a proposal for approval of a 22885
bond issue pursuant to division (E) of this section. 22886

(5) No state assistance under sections 3318.01 to 3318.20 of 22887

the Revised Code shall be released until a school district board 22888
that adopts and certifies a resolution under this division either 22889
has levied the additional tax or has earmarked the proceeds of a 22890
tax as specified in division (D) of this section. 22891

Any amount required for maintenance under division (D)(2) of 22892
this section shall be deposited into a separate fund as specified 22893
in division (B) of section 3318.05 of the Revised Code. 22894

(E)(1) If the school district becomes eligible for state 22895
assistance under sections 3318.01 to 3318.20 of the Revised Code 22896
based on its percentile ranking as determined under division (B) 22897
of this section, the commission shall conduct a new assessment of 22898
the school district's classroom facilities needs and shall 22899
recalculate the basic project cost based on this new assessment. 22900
The basic project cost recalculated under this division shall 22901
include the amount of expenditures made by the school district 22902
board under division (D)(1) of this section. The commission shall 22903
then recalculate the school district's portion of the new basic 22904
project cost, which shall be the percentage of the original basic 22905
project cost assigned to the school district as its portion under 22906
division (C) of this section. The commission shall deduct the 22907
expenditure of school district moneys made under division (D)(1) 22908
of this section from the school district's portion of the basic 22909
project cost as recalculated under this division. If the amount of 22910
school district resources applied by the school district board to 22911
the school district's portion of the basic project cost under this 22912
section is less than the total amount of such portion as 22913
recalculated under this division, the school district board by a 22914
majority vote of all of its members shall, if it desires to seek 22915
state assistance under sections 3318.01 to 3318.20 of the Revised 22916
Code, adopt a resolution as specified in section 3318.06 of the 22917
Revised Code to submit to the electors of the school district the 22918
question of approval of a bond issue in order to pay any 22919

additional amount of school district portion required for state 22920
assistance. Any tax levy approved under division (D) of this 22921
section satisfies the requirements to levy the additional tax 22922
under section 3318.06 of the Revised Code. 22923

(2) If the amount of school district resources applied by the 22924
school district board to the school district's portion of the 22925
basic project cost under this section is more than the total 22926
amount of such portion as recalculated under this division, within 22927
one year after the school district's portion is recalculated under 22928
division (E)(1) of this section the commission may grant to the 22929
school district the difference between the two calculated 22930
portions, but at no time shall the commission expend any state 22931
funds on a project in an amount greater than the state's portion 22932
of the basic project cost as recalculated under this division. 22933

Any reimbursement under this division shall be only for local 22934
resources the school district has applied toward construction cost 22935
expenditures for the classroom facilities approved by the 22936
commission, which shall not include any financing costs associated 22937
with that construction. 22938

The school district board shall use any moneys reimbursed to 22939
the district under this division to pay off any debt service the 22940
district owes for classroom facilities constructed under its 22941
project under this section before such moneys are applied to any 22942
other purpose. 22943

Sec. 3318.363. (A) This section applies only to a school 22944
district participating in the school building assistance expedited 22945
local partnership program under section 3318.36 of the Revised 22946
Code. 22947

(B) If there is a decrease in the tax valuation of a school 22948
district to which this section applies by ten per cent or greater 22949
from one tax year to the next due to a decrease in the assessment 22950

rate of the taxable property of an electric company that owns 22951
property in the district, as provided for in section 5727.111 of 22952
the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd 22953
General Assembly, the Ohio school facilities commission shall 22954
calculate or recalculate the state and school district portions of 22955
the basic project cost of the school district's project by 22956
determining the percentile rank in which the district would be 22957
located if such ranking were made using the current year adjusted 22958
valuation per pupil, as calculated and reported to the commission 22959
by the department of education under division (A) of section 22960
3318.011 of the Revised Code, rather than the three-year average 22961
adjusted valuation per pupil, calculated under division (B) of 22962
that section. For such district, the required percentage of the 22963
basic project cost used to determine the state and school district 22964
shares of that cost under division (C) of section 3318.36 of the 22965
Revised Code shall be based on the percentile rank as calculated 22966
under this section rather than as otherwise provided in division 22967
(C)(1) of section 3318.36 of the Revised Code. If the commission 22968
has determined the state and school district portion of the basic 22969
project cost of such a district's project under section 3318.36 of 22970
the Revised Code prior to that decrease in tax valuation, the 22971
commission shall adjust the state and school district shares of 22972
the basic project cost of such project in accordance with this 22973
section. 22974

Sec. 3318.50. (A) As used in this section and in section 22975
3318.52 of the Revised Code: 22976

(1) "Start-up community school" means a "new start-up school" 22977
as that term is defined in division (A) of section 3314.02 of the 22978
Revised Code. 22979

(2) "Classroom facilities" has the same meaning as in section 22980
3318.01 of the Revised Code. 22981

(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.

(C) At no time shall the commission exceed an aggregate liability of ten million dollars to repay loans guaranteed under this section. 23014
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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. 23017
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(E) The commission may assess a fee of up to five hundred dollars for each loan guaranteed under this section. 23021
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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. 23023
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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. 23030
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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 23036
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and shall be used by the governing board of the service center 23043
when it is in session. Except as provided in division (B) of this 23044
section, such offices shall be located in the county seat or, upon 23045
the approval of the governing board, may be located outside of the 23046
county seat. 23047

(B) In the case of a service center formed under section 23048
3311.053 of the Revised Code, the governing board shall designate 23049
the site of its offices. ~~The Except as provided in division (D) of~~ 23050
~~this section or division (A)(2) of section 3313.37 of the Revised~~ 23051
~~Code, the~~ board of county commissioners of the county in which the 23052
designated site is located shall provide and equip the offices as 23053
under division (A) of this section, but the costs of such offices 23054
and equipment ~~not covered by funds received under section 307.031~~ 23055
~~of the Revised Code~~ shall be apportioned among the boards of 23056
county commissioners of all counties having any territory in the 23057
area under the control of the governing board, according to the 23058
proportion of local school district pupils under the supervision 23059
of such board residing in the respective counties. Where there is 23060
a dispute as to the amount any board of county commissioners is 23061
required to pay, the probate judge of the county in which the 23062
greatest number of pupils under the supervision of the governing 23063
board reside shall apportion such costs among the boards of county 23064
commissioners and notify each such board of its share of the 23065
costs. 23066

(C) ~~By the first day of March of each year, the~~ 23067
~~superintendent of public instruction shall certify to the tax~~ 23068
~~commissioner the ADM and the number of full-time licensed~~ 23069
~~employees of each educational service center for the purposes of~~ 23070
~~the distribution of funds to boards of county commissioners~~ 23071
~~required under division (B) of section 307.031 of the Revised~~ 23072
~~Code. As used in this section, "ADM" means the formula ADMs of all~~ 23073
~~the local districts having territory in the service center, as~~ 23074

~~certified in October of the previous year by the service center 23075
superintendent to the state board of education under section 23076
3317.03 of the Revised Code. As used in this division, "licensed 23077
employee" has the same meaning as in section 307.031 of the 23078
Revised Code. 23079~~

~~(D) The superintendent of a service center may annually 23080
submit a proposal approved by the board of county commissioners to 23081
the state superintendent of public instruction, in such manner and 23082
by such date as specified by the state board of education, for a 23083
grant for the board of county commissioners to do one of the 23084
following: 23085~~

~~(1) To improve or enhance the offices and equipment provided 23086
under division (A) or (B) of this section or section 3301.0712 of 23087
the Revised Code; 23088~~

~~(2) If funds received under division (B) of section 307.031 23089
of the Revised Code are insufficient to provide for the actual 23090
cost of meeting the requirements of division (A) or (B) of section 23091
3319.19 and division (A)(2) of section 3301.0712 of the Revised 23092
Code, to provide funds to meet such costs. 23093~~

~~Any service center superintendent intending to submit a 23094
proposal shall submit it to the board of county commissioners that 23095
provides and equips the office of the superintendent for approval 23096
at least twenty days before the date of submission to the 23097
superintendent of public instruction. The superintendent of public 23098
instruction shall evaluate the proposals and select those that 23099
will most benefit the local districts supervised by the governing 23100
boards under standards adopted by the state board. For each 23101
proposal selected for a grant, the superintendent of public 23102
instruction shall determine the grant amount and, with the 23103
approval of the superintendent and the board of county 23104
commissioners, may modify a grant proposal to reflect the amount 23105
of money available for the grant. The superintendent of public 23106~~

~~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;~~

23137

(6) The estimated cost of providing janitorial services 23138
including an explanation of the methodology used to determine this 23139
cost; 23140

(7) Any other estimated costs that the board anticipates it 23141
will occur and a detailed explanation of the costs and the 23142
rationale used to determine such costs. 23143

A copy of the total estimate of costs under this division 23144
shall be sent to the superintendent of the educational service 23145
center not later than the fifth day of April. The superintendent 23146
shall review the total estimate and shall notify the board of 23147
county commissioners not later than twenty days after receipt of 23148
the estimate of either agreement with the estimate or any specific 23149
objections to the estimates and the reasons for the objections. If 23150
the superintendent agrees with the estimate, it shall become the 23151
final total estimate of cost. Failure of the superintendent to 23152
make objections to the estimate by the twentieth day after receipt 23153
of it shall be deemed to mean that the superintendent is in 23154
agreement with the estimate. 23155

If the superintendent provides specific objections to the 23156
board of county commissioners, the board shall review the 23157
objections and may modify the original estimate and shall send a 23158
revised total estimate to the superintendent within ten days after 23159
the receipt of the superintendent's objections. The superintendent 23160
shall respond to the revised estimate within ten days after its 23161
receipt. If the superintendent agrees with it, it shall become the 23162
final total estimated cost. If the superintendent fails to respond 23163
within the required time, the superintendent shall be deemed to 23164
have agreed with the revised estimate. If the superintendent 23165
disagrees with the revised estimate, the superintendent shall send 23166
specific objections to the county commissioners. 23167

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If a superintendent has sent specific objections to the 23169

revised estimate within the required time, the probate judge of 23170
the county which has the greatest number of resident local school 23171
district pupils under the supervision of the educational service 23172
center shall determine the final estimated cost and certify this 23173
amount to the superintendent and the board of county commissioners 23174
prior to the first day of July. 23175

(D)(1) A board of county commissioners shall be responsible 23176
for the following percentages of the final total estimated cost 23177
established by division (C) of this section: 23178

(a) Eighty per cent for fiscal year 2003; 23179

(b) Sixty per cent for fiscal year 2004; 23180

(c) Forty per cent for fiscal year 2005; 23181

(d) Twenty per cent for fiscal year 2006. 23182

In fiscal years 2003, 2004, 2005, and 2006 the educational 23183
service center shall be responsible for the remainder of any costs 23184
in excess of the amounts specified in division (D)(1)(a), (b), or 23185
(c) of this section, as applicable, associated with the provision 23186
and equipment of offices for the educational service center and 23187
for provision of heat, light, water, and janitorial services for 23188
such offices, including any unanticipated or unexpected increases 23189
in the costs beyond the final estimated cost amount. 23190

Beginning in fiscal year 2007, no board of county 23191
commissioners shall have any obligation to provide and equip 23192
offices for an educational service center or to provide heat, 23193
light, water, or janitorial services for such offices. 23194

(2) Nothing in this section shall prohibit the board of 23195
county commissioners and the governing board of an educational 23196
service center from entering into a contract for providing and 23197
equipping offices for the use of an educational service center and 23198
for providing heat, light, water, and janitorial services for such 23199

offices. The term of any such contract shall not exceed a period 23200
of four years and may be renewed for additional periods not to 23201
exceed four years. Any such contract shall supersede the 23202
provisions of division (D)(1) of this section and no educational 23203
service center may be charged, at any time, any additional amount 23204
for the county's provision of an office and equipment, heat, 23205
light, water, and janitorial services beyond the amount specified 23206
in such contract. 23207

(3) No contract entered into under division (D)(2) of this 23208
section in any year prior to fiscal year 2007 between an 23209
educational service center formed under section 3311.053 of the 23210
Revised Code and the board of county commissioners required to 23211
provide and equip its office pursuant to division (B) of this 23212
section shall take effect unless the boards of county 23213
commissioners of all other counties required to participate in the 23214
funding for such offices pursuant to division (B) of this section 23215
adopt resolutions approving the contract. 23216

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 23217
"guardian," or "other person having charge or care of a child" 23218
means either parent unless the parents are separated or divorced 23219
or their marriage has been dissolved or annulled, in which case 23220
"parent" means the parent who is the residential parent and legal 23221
custodian of the child. If the child is in the legal or permanent 23222
custody of a person or government agency, "parent" means that 23223
person or government agency. When a child is a resident of a home, 23224
as defined in section 3313.64 of the Revised Code, and the child's 23225
parent is not a resident of this state, "parent," "guardian," or 23226
"other person having charge or care of a child" means the head of 23227
the home. 23228

A child between six and eighteen years of age is "of 23229
compulsory school age" for the purpose of sections 3321.01 to 23230

3321.13 of the Revised Code. A child under six years of age who 23231
has been enrolled in kindergarten also shall be considered "of 23232
compulsory school age" for the purpose of sections 3321.01 to 23233
3321.13 of the Revised Code unless at any time the child's parent 23234
or guardian, at the parent's or guardian's discretion and in 23235
consultation with the child's teacher and principal, formally 23236
withdraws the child from kindergarten. The compulsory school age 23237
of a child shall not commence until the beginning of the term of 23238
such schools, or other time in the school year fixed by the rules 23239
of the board of the district in which the child resides. 23240

(2) No child shall be admitted to a kindergarten or a first 23241
grade of a public school in a district in which all children are 23242
admitted to kindergarten and the first grade in August or 23243
September unless the child is five or six years of age, 23244
respectively, by the thirtieth day of September of the year of 23245
admittance, or by the first day of a term or semester other than 23246
one beginning in August or September in school districts granting 23247
admittance at the beginning of such term or semester, except that 23248
in those school districts using or obtaining educationally 23249
accepted standardized testing programs for determining entrance, 23250
as approved by the board of education of such districts, the board 23251
shall admit a child to kindergarten or the first grade who fails 23252
to meet the age requirement, provided the child meets necessary 23253
standards as determined by such standardized testing programs. If 23254
the board of education has not established a standardized testing 23255
program, the board shall designate the necessary standards and a 23256
testing program it will accept for the purpose of admitting a 23257
child to kindergarten or first grade who fails to meet the age 23258
requirement. Each child who will be the proper age for entrance to 23259
kindergarten or first grade by the first day of January of the 23260
school year for which admission is requested shall be so tested 23261
upon the request of the child's parent. 23262

(3) Notwithstanding divisions (A)(2) and (D) of this section, 23263
beginning with the school year that starts in 2001 and continuing 23264
thereafter the board of education of any district may adopt a 23265
resolution establishing the first day of August in lieu of the 23266
thirtieth day of September as the required date by which students 23267
must have attained the age specified in those divisions. 23268

(B) As used in divisions (C) and (D) of this section, 23269
"successfully completed kindergarten" and "successful completion 23270
of kindergarten" mean that the child has completed the 23271
kindergarten requirements at one of the following: 23272

(1) A public or chartered nonpublic school; 23273

(2) A kindergarten class that is both of the following: 23274

(a) Offered by a day-care provider licensed under Chapter 23275
5104. of the Revised Code; 23276

(b) If offered after July 1, 1991, is directly taught by a 23277
teacher who holds one of the following: 23278

(i) A valid educator license issued under section 3319.22 of 23279
the Revised Code; 23280

(ii) A Montessori preprimary credential or age-appropriate 23281
diploma granted by the American Montessori society or the 23282
association Montessori internationale; 23283

(iii) Certification determined under division (G) of this 23284
section to be equivalent to that described in division 23285
(B)(2)(b)(ii) of this section; 23286

(iv) Certification for teachers in nontax-supported schools 23287
pursuant to section 3301.071 of the Revised Code. 23288

(C) Except as provided in division (D) of this section, no 23289
school district shall admit to the first grade any child who has 23290
not successfully completed kindergarten. 23291

(D) Upon request of a parent, the requirement of division (C) 23292
of this section may be waived by the district's pupil personnel 23293
services committee in the case of a child who is at least six 23294
years of age by the thirtieth day of September of the year of 23295
admittance and who demonstrates to the satisfaction of the 23296
committee the possession of the social, emotional, and cognitive 23297
skills necessary for first grade. 23298

The board of education of each city, local, and exempted 23299
village school district shall establish a pupil personnel services 23300
committee. The committee shall be composed of all of the following 23301
to the extent such personnel are either employed by the district 23302
or employed by the governing board of the educational service 23303
center within whose territory the district is located and the 23304
educational service center generally furnishes the services of 23305
such personnel to the district: 23306

- (1) The director of pupil personnel services; 23307
- (2) An elementary school counselor; 23308
- (3) An elementary school principal; 23309
- (4) A school psychologist; 23310
- (5) A teacher assigned to teach first grade; 23311
- (6) A gifted coordinator. 23312

The responsibilities of the pupil personnel services 23313
committee shall be limited to the issuing of waivers allowing 23314
admittance to the first grade without the successful completion of 23315
kindergarten. The committee shall have no other authority except 23316
as specified in this section. 23317

(E) The scheduling of times for kindergarten classes and 23318
length of the school day for kindergarten shall be determined by 23319
the board of education of a city, exempted village, or local 23320
school district. 23321

(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.

A county MR/DD board may combine transportation for children 23352
enrolled in classes funded under section 3317.20 or units approved 23353
under section 3317.05 with transportation for children and adults 23354
enrolled in programs and services offered by the board under 23355
section 5126.12 of the Revised Code. 23356

(C) A county MR/DD board that during the school year provided 23357
special education pursuant to this section for any mentally 23358
handicapped child under twenty-two years of age shall prepare and 23359
submit the following reports and statements: 23360

(1) The board shall prepare a statement for each child who at 23361
the time of receiving such special education was a resident of a 23362
home and was not in the legal or permanent custody of an Ohio 23363
resident or a government agency in this state, and whose parents 23364
are not known to have been residents of this state subsequent to 23365
the child's birth. The statement shall contain the child's name, 23366
the name of ~~his~~ the child's school district of residence, the name 23367
of the county board providing the special education, and the 23368
number of months, including any fraction of a month, it was 23369
provided. Not later than the thirtieth day of June, the board 23370
shall forward a certified copy of such statement to both the 23371
director of mental retardation and developmental disabilities and 23372
to the home. 23373

Within thirty days after its receipt of a statement, the home 23374
shall pay tuition to the county board computed in the manner 23375
prescribed by section 3323.141 of the Revised Code. 23376

(2) The board shall prepare a report for each school district 23377
that is the school district of residence of one or more of such 23378
children for whom statements are not required by division (C)(1) 23379
of this section. The report shall contain the name of the county 23380
board providing special education, the name of each child 23381
receiving special education, the number of months, including 23382
fractions of a month, that ~~he~~ the child received it, and the name 23383

of the child's school district of residence. Not later than the 23384
thirtieth day of June, the board shall forward certified copies of 23385
each report to the school district named in the report, the 23386
superintendent of public instruction, and the director of mental 23387
retardation and developmental disabilities. 23388

Sec. 3323.091. (A) The department of mental health, the 23389
department of mental retardation and developmental disabilities, 23390
the department of youth services, and the department of 23391
rehabilitation and correction shall establish and maintain special 23392
education programs for handicapped children in institutions under 23393
their jurisdiction according to standards adopted by the state 23394
board of education. The superintendent of each institution 23395
providing special education under this chapter may apply to the 23396
state department of education for unit funding, which shall be 23397
paid in accordance with sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 23398
3317.053 of the Revised Code. 23399

(B) On or before the thirtieth day of June of each year, the 23400
superintendent of each institution that during the school year 23401
provided special education pursuant to this section shall prepare 23402
a statement for each handicapped child under twenty-two years of 23403
age who has received special education. The statement shall 23404
contain the child's name and the name of the child's school 23405
district of residence. Within sixty days after receipt of such 23406
statement, the department of education shall perform one of the 23407
following: 23408

(1) For any child except a handicapped preschool child 23409
described in division (B)(2) of this section, pay to the 23410
institution submitting the statement an amount equal to the 23411
tuition calculated under division (A) of section 3317.08 of the 23412
Revised Code for the period covered by the statement, and deduct 23413
the same from the amount of state funds, if any, payable under 23414
sections 3317.022 and 3317.023 of the Revised Code, to the child's 23415

school district of residence or, if the amount of such state funds 23416
is insufficient, require the child's school district of residence 23417
to pay the institution submitting the statement an amount equal to 23418
the amount determined under this division. 23419

(2) For any handicapped preschool child not included in a 23420
unit approved under division (B) of section 3317.05 of the Revised 23421
Code, perform the following: 23422

(a) Pay to the institution submitting the statement an amount 23423
equal to the tuition calculated under division (B) of section 23424
3317.08 of the Revised Code for the period covered by the 23425
statement, except that in calculating the tuition under that 23426
section the operating expenses of the institution submitting the 23427
statement under this section shall be used instead of the 23428
operating expenses of the school district of residence; 23429

(b) Deduct from the amount of state funds, if any, payable 23430
under sections 3317.022 and 3317.023 of the Revised Code to the 23431
child's school district of residence an amount equal to the amount 23432
paid under division (B)(2)(a) of this section. 23433

Sec. 3327.10. (A) No person shall be employed as driver of a 23434
school bus or motor van, owned and operated by any school district 23435
or educational service center or privately owned and operated 23436
under contract with any school district or service center in this 23437
state, who has not received a certificate from the educational 23438
service center governing board in case such person is employed by 23439
a service center or by a local school district under the 23440
supervision of the service center governing board, or by the 23441
superintendent of schools, in case such person is employed by the 23442
board of a city or exempted village school district, certifying 23443
that such person is at least eighteen years of age and is of good 23444
moral character and is qualified physically and otherwise for such 23445
position. The service center governing board or the 23446

superintendent, as the case may be, shall provide for an annual 23447
physical examination that conforms with rules adopted by the state 23448
board of education of each driver to ascertain ~~his~~ the driver's 23449
physical fitness for such employment. Any certificate may be 23450
revoked by the authority granting the same on proof that the 23451
holder has been guilty of failing to comply with division (D)(1) 23452
of this section, or upon a conviction or a guilty plea for a 23453
violation, or any other action, that results in a loss or 23454
suspension of driving rights. Failure to comply with such division 23455
may be cause for disciplinary action or termination of employment 23456
under division (C) of section 3319.081, or section 124.34 of the 23457
Revised Code. 23458

(B) No person shall be employed as driver of a school bus or 23459
motor van not subject to the rules of the department of education 23460
pursuant to division (A) of this section who has not received a 23461
certificate from the school administrator or contractor certifying 23462
that such person is at least eighteen years of age, is of good 23463
moral character, and is qualified physically and otherwise for 23464
such position. Each driver shall have an annual physical 23465
examination which conforms to the state highway patrol rules, 23466
ascertaining ~~his~~ the driver's physical fitness for such 23467
employment. ~~Any~~ The examination shall be performed by one of the 23468
following: 23469

(1) A person licensed under Chapter 4731. of the Revised Code 23470
or by another state to practice medicine and surgery or 23471
osteopathic medicine and surgery; 23472

(2) A registered nurse who holds a certificate of authority 23473
issued under Chapter 4723. of the Revised Code to practice as a 23474
certified nurse practitioner or clinical nurse specialist and is 23475
practicing pursuant to a standard care arrangement with a 23476
collaborating physician. 23477

Any certificate may be revoked by the authority granting the 23478

same on proof that the holder has been guilty of failing to comply 23479
with division (D)(2) of this section. 23480

(C) Any person who drives a school bus or motor van must give 23481
satisfactory and sufficient bond except a driver who is an 23482
employee of a school district and who drives a bus or motor van 23483
owned by the school district. 23484

(D) No person employed as driver of a school bus or motor van 23485
under this section who is convicted of a traffic violation or who 23486
has had ~~his~~ the person's commercial driver's license suspended or 23487
revoked shall drive a school bus or motor van until such person 23488
has filed a written notice of such conviction, suspension, or 23489
revocation as follows: 23490

(1) If ~~he~~ the person is employed under division (A) of this 23491
section, such notice shall be filed with the superintendent, or a 23492
person designated by the superintendent, of the school district 23493
for which such person drives a school bus or motor van as an 23494
employee or drives a privately owned and operated school bus or 23495
motor van under contract. 23496

(2) If employed under division (B) of this section, such 23497
notice shall be filed with the employing school administrator or 23498
contractor, or a person designated by the administrator or 23499
contractor. 23500

(E) In addition to resulting in possible revocation of a 23501
certificate as authorized by divisions (A) and (B) of this 23502
section, violation of division (D) of this section is a minor 23503
misdemeanor. 23504

Sec. 3333.02. The Ohio board of regents shall hold its first 23505
meeting at the call of the governor, within three months after all 23506
members have been appointed and qualified. Meetings thereafter 23507
shall be called in such manner and at such times as prescribed by 23508
rules adopted by the board, but the board shall meet at least four 23509

times annually. A majority of the board constitutes a quorum. At 23510
its first meeting, the board shall organize by selecting a 23511
~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, and a 23512
secretary, and such other officers as it deems necessary. The 23513
board shall adopt rules for the conduct of its business, and to 23514
provide for the term and election of officers, and shall establish 23515
an office in Columbus. The rules shall permit the formation of a 23516
quorum and the taking of votes at meetings conducted by 23517
interactive video teleconference if provisions are made for public 23518
attendance at any location involved in such a teleconference. 23519

A record shall be kept of board proceedings, which shall be 23520
open for public inspection. The board shall adopt a seal to be 23521
affixed to official documents. Each member of the board, before 23522
entering on ~~his~~ official duties and after qualifying for office, 23523
shall take and subscribe to an oath of office, to uphold the 23524
constitution and laws of the United States and this state, and to 23525
perform the duties of ~~his~~ office honestly, faithfully, and 23526
impartially. 23527

Sec. 3333.03. (A) The Ohio board of regents shall appoint a 23528
chancellor to serve at its pleasure and shall prescribe ~~his~~ the 23529
chancellor's duties. The board shall fix the compensation for the 23530
chancellor ~~and for all other professional, administrative, and~~ 23531
~~clerical employees necessary to assist the board and the~~ 23532
~~chancellor in the performance of their duties.~~ 23533

(B) The chancellor is the administrative officer of the 23534
board, and is responsible for appointing and fixing the 23535
compensation of all professional, administrative, and clerical 23536
employees and staff members, ~~subject to board approval, who~~ 23537
necessary to assist the board and the chancellor in the 23538
performance of their duties. All employees and staff shall serve 23539
under ~~his~~ the chancellor's direction and control. The chancellor 23540
shall be a person qualified by training and experience to 23541

understand the problems and needs of the state in the field of 23542
higher education and to devise programs, plans, and methods of 23543
solving the problems and meeting the needs. 23544

(C) Neither the chancellor nor any staff member or employee 23545
of the board shall be a trustee, officer, or employee of any 23546
public or private college or university while serving on the 23547
board. 23548

Sec. 3333.043. (A) As used in this section: 23549

(1) "Institution of higher education" means the state 23550
universities listed in section 3345.011 of the Revised Code, 23551
municipal educational institutions established under Chapter 3349. 23552
of the Revised Code, community colleges established under Chapter 23553
3354. of the Revised Code, university branches established under 23554
Chapter 3355. of the Revised Code, technical colleges established 23555
under Chapter 3357. of the Revised Code, state community colleges 23556
established under Chapter 3358. of the Revised Code, any 23557
institution of higher education with a certificate of registration 23558
from the state board of proprietary school registration, and any 23559
institution for which the Ohio board of regents receives a notice 23560
pursuant to division (C) of this section. 23561

(2) "Community service" has the same meaning as in section 23562
3313.605 of the Revised Code. 23563

(B)(1) The board of trustees or other governing entity of 23564
each institution of higher education shall encourage and promote 23565
participation of students in community service through a program 23566
appropriate to the mission, student population, and environment of 23567
each institution. The program may include, but not be limited to, 23568
providing information about community service opportunities during 23569
student orientation or in student publications; providing awards 23570
for exemplary community service; encouraging faculty members to 23571
incorporate community service into students' academic experiences 23572

wherever appropriate to the curriculum; encouraging recognized 23573
student organizations to undertake community service projects as 23574
part of their purposes; and establishing advisory committees of 23575
students, faculty members, and community and business leaders to 23576
develop cooperative programs that benefit the community and 23577
enhance student experience. The program shall be flexible in 23578
design so as to permit participation by the greatest possible 23579
number of students, including part-time students and students for 23580
whom participation may be difficult due to financial, academic, 23581
personal, or other considerations. The program shall emphasize 23582
community service opportunities that can most effectively use the 23583
skills of students, such as tutoring or literacy programs. The 23584
programs shall encourage students to perform services that will 23585
not supplant the hiring of, result in the displacement of, or 23586
impair any existing employment contracts of any particular 23587
employee of any private or governmental entity for which services 23588
are performed. 23589

(2) The Ohio board of regents shall encourage all 23590
institutions of higher education in the development of community 23591
service programs. With the assistance of the ~~state~~ Ohio community 23592
service ~~advisory committee~~ council created in section 121.40 of 23593
the Revised Code, the board of regents shall make available 23594
information about higher education community service programs to 23595
institutions of higher education and to statewide organizations 23596
involved with or promoting volunteerism, including information 23597
about model community service programs, teacher training courses, 23598
and community service curricula and teaching materials for 23599
possible use by institutions of higher education in their 23600
programs. The board shall encourage institutions of higher 23601
education to jointly coordinate higher education community service 23602
programs through consortia of institutions or other appropriate 23603
means of coordination. 23604

(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: 23611

(1) "Eligible student" means an undergraduate student who is: 23612

(a) An Ohio resident; 23613

(b) Enrolled in either of the following: 23614

(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

hours necessary to complete the requirements of the program in 23635
which the student is enrolled. 23636

(2) "Gross income" includes all taxable and nontaxable income 23637
of the parents, the student, and the student's spouse, except 23638
income derived from an Ohio academic scholarship, income earned by 23639
the student between the last day of the spring term and the first 23640
day of the fall term, and other income exclusions designated by 23641
the board. Gross income may be verified to the board by the 23642
institution in which the student is enrolled using the federal 23643
financial aid eligibility verification process or by other means 23644
satisfactory to the board. 23645

(3) "Resident," "full-time student," "dependent," 23646
"financially independent," and "accredited" shall be defined by 23647
rules adopted by the board. 23648

(B) The Ohio board of regents shall establish and administer 23649
an instructional grant program and may adopt rules to carry out 23650
this section. The general assembly shall support the instructional 23651
grant program by such sums and in such manner as it may provide, 23652
but the board may also receive funds from other sources to support 23653
the program. If the amounts available for support of the program 23654
are inadequate to provide grants to all eligible students, 23655
preference in the payment of grants shall be given in terms of 23656
income, beginning with the lowest income category of gross income 23657
and proceeding upward by category to the highest gross income 23658
category. 23659

An instructional grant shall be paid to an eligible student 23660
through the institution in which the student is enrolled, except 23661
that no instructional grant shall be paid to any person serving a 23662
term of imprisonment. Applications for such grants shall be made 23663
as prescribed by the board, and such applications may be made in 23664
conjunction with and upon the basis of information provided in 23665
conjunction with student assistance programs funded by agencies of 23666

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:

Table of Grants					
Maximum Grant \$4,872					
Gross Income	Number of Dependents				
	1	2	3	4	5 or

more

Under \$13,001	\$4,872	\$4,872	\$4,872	\$4,872	\$4,872	23699
\$13,001 — \$14,000	4,386	4,872	4,872	4,872	4,872	23700
\$14,001 — \$15,000	3,888	4,386	4,872	4,872	4,872	23701
\$15,001 — \$16,000	3,408	3,888	4,386	4,872	4,872	23702
\$16,001 — \$17,000	2,928	3,408	3,888	4,386	4,872	23703
\$17,001 — \$20,000	2,442	2,928	3,408	3,888	4,386	23704
\$20,001 — \$23,000	1,944	2,442	2,928	3,408	3,888	23705
\$23,001 — \$26,000	1,452	1,944	2,442	2,928	3,408	23706
\$26,001 — \$29,000	1,200	1,452	1,944	2,442	2,928	23707
\$29,001 — \$30,000	966	1,200	1,452	1,944	2,442	23708
\$30,001 — \$31,000	882	966	1,200	1,452	1,944	23709
\$31,001 — \$32,000	792	882	966	1,200	1,452	23710
\$32,001 — \$33,000	396	792	882	966	1,200	23711
\$33,001 — \$34,000	-0-	396	792	882	966	23712
\$34,001 — \$35,000	-0-	-0-	396	792	882	23713
\$35,001 — \$36,000	-0-	-0-	-0-	396	792	23714
\$36,001 — \$37,000	-0-	-0-	-0-	-0-	396	23715
Over \$37,000	-0-	-0-	-0-	-0-	-0-	23716

Private Institution 23717

Table of Grants 23718

Maximum Grant \$5,466 23719

Gross Income Number of Dependents 23720

1 2 3 4 5 or 23721

more

<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>	23722
<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>	23723
<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>	23724
<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>	23725
<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>	23726
<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>	23727
<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>	23728
<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>	23729

<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>	23730
<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>	23731
<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>	23732
<u>\$33,001 - \$34,000</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	23733
<u>\$34,001 - \$35,000</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	23734
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	23735
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	23736
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	23737
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	23738

For a full-time student who is financially independent and 23739
enrolled in a nonprofit educational institution that is not a 23740
state-assisted institution and that has a certificate of 23741
authorization issued pursuant to Chapter 1713. of the Revised 23742
Code, the amount of the instructional grant for two semesters, 23743
three quarters, or a comparable portion of the academic year shall 23744
be determined in accordance with the following table: 23745

~~Table of Grants~~ 23746

Gross Income	Maximum Grant \$4,872						5 or more
	Number of Dependents						
	0	1	2	3	4	5 or more	
Under \$4,201	\$4,872	\$4,872	\$4,872	\$4,872	\$4,872	\$4,872	23750
\$4,201 - \$4,800	4,386	4,872	4,872	4,872	4,872	4,872	23751
\$4,801 - \$5,300	3,888	4,386	4,872	4,872	4,872	4,872	23752
\$5,301 - \$5,800	3,408	3,888	4,386	4,872	4,872	4,872	23753
\$5,801 - \$6,300	2,928	3,408	3,888	4,386	4,872	4,872	23754
\$6,301 - \$6,800	2,442	2,928	3,408	3,888	4,386	4,872	23755
\$6,801 - \$7,800	1,944	2,442	2,928	3,408	3,888	4,386	23756
\$7,801 - \$8,800	1,452	1,944	2,442	2,928	3,408	3,888	23757
\$8,801 - \$9,800	1,200	1,452	1,944	2,442	2,928	3,408	23758
\$9,801 - \$11,300	966	1,200	1,452	1,944	2,442	2,928	23759
\$11,301 - \$12,800	882	966	1,200	1,452	1,944	2,442	23760
\$12,801 - \$14,300	792	882	966	1,200	1,452	1,944	23761

\$14,301 — \$15,800	396	792	882	966	1,200	1,452	23762
\$15,801 — \$18,800	0	396	792	882	966	1,200	23763
\$18,801 — \$21,800	0	0	396	792	882	966	23764
\$21,801 — \$24,800	0	0	0	396	792	882	23765
\$24,801 — \$29,500	0	0	0	0	396	792	23766
\$29,501 — \$34,500	0	0	0	0	0	396	23767
Over \$34,500	0	0	0	0	0	0	23768

Private Institution 23769

Table of Grants 23770

Maximum Grant \$5,466 23771

Gross Income Number of Dependents 23772

	<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>	23773
<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>	23774
<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>	23775
<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>	23776
<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>	23777
<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>	23778
<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>	23779
<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>	23780
<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>	23781
<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>	23782
<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>	23783
<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>	23784
<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>	23785
<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>	23786
<u>\$19,301 - \$22,300</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	23787
<u>\$22,301 - \$25,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	23788
<u>\$25,301 - \$30,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	23789
<u>\$30,301 - \$35,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	23790

For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration 23792
23793

<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>	23825
<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>	23826
<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>	23827
<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>	23828
<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>	23829
<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>	23830
<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>	23831
<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>	23832
<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>	23833
<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>	23834
<u>\$32,001 - \$33,000</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	<u>1,854</u>	23835
<u>\$33,001 - \$34,000</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	<u>1,416</u>	23836
<u>\$34,001 - \$35,000</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	23837
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	23838
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	23839
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	23840
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>372</u>	23841

For a full-time student who is financially independent and 23842
enrolled in an educational institution that holds a certificate of 23843
registration from the state board of proprietary school 23844
registration, the amount of the instructional grant for two 23845
semesters, three quarters, or a comparable portion of the academic 23846
year shall be determined in accordance with the following table: 23847

~~Table of Grants~~ 23848

~~Maximum Grant \$4,128~~ 23849

~~Gross Income~~ ~~Number of Dependents~~ 23850

~~0~~ ~~1~~ ~~2~~ ~~3~~ ~~4~~ ~~5 or~~ 23851
~~more~~

Under \$4,201	\$4,128	\$4,128	\$4,128	\$4,128	\$4,128	\$4,128	23852
\$4,201 - \$4,800	3,726	4,128	4,128	4,128	4,128	4,128	23853
\$4,801 - \$5,300	3,288	3,726	4,128	4,128	4,128	4,128	23854
\$5,301 - \$5,800	2,874	3,288	3,726	4,128	4,128	4,128	23855
\$5,801 - \$6,300	2,490	2,874	3,288	3,726	4,128	4,128	23856

\$6,301 — \$6,800	2,046	2,490	2,874	3,288	3,726	4,128	23857
\$6,801 — \$7,800	1,656	2,046	2,490	2,874	3,288	3,726	23858
\$7,801 — \$8,800	1,266	1,656	2,046	2,490	2,874	3,288	23859
\$8,801 — \$9,800	1,014	1,266	1,656	2,046	2,490	2,874	23860
\$9,801 — \$11,300	810	1,014	1,266	1,656	2,046	2,490	23861
\$11,301 — \$12,800	762	810	1,014	1,266	1,656	2,046	23862
\$12,801 — \$14,300	672	762	810	1,014	1,266	1,656	23863
\$14,301 — \$15,800	336	672	762	810	1,014	1,266	23864
\$15,801 — \$18,800	—	336	672	762	810	1,014	23865
\$18,801 — \$21,800	—	—	336	672	762	810	23866
\$21,801 — \$24,800	—	—	—	336	672	762	23867
\$24,801 — \$29,500	—	—	—	—	336	672	23868
\$29,501 — \$34,500	—	—	—	—	—	336	23869
Over \$34,500	—	—	—	—	—	—	23870

Proprietary Institution 23871

Table of Grants 23872

Maximum Grant \$4,632 23873

Gross Income Number of Dependents 23874

	<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>	23875
<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>	23876
<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>	23877
<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>	23878
<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>	23879
<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>	23880
<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>	23881
<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>	23882
<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>	23883
<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>	23884
<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>	23885
<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>	23886
<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>	23887

	<u>Public Institution</u>					23921
	<u>Table of Grants</u>					23922
	<u>Maximum Grant \$2,190</u>					23923
<u>Gross Income</u>	<u>Number of Dependents</u>					23924
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u>	23925
					<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>	23926
<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>	23927
<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>	23928
<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>	23929
<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>	23930
<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>	23931
<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>	23932
<u>\$25,001 - \$28,000</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	<u>1,542</u>	23933
<u>\$28,001 - \$31,000</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	<u>1,320</u>	23934
<u>\$31,001 - \$32,000</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	<u>1,080</u>	23935
<u>\$32,001 - \$33,000</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	23936
<u>\$33,001 - \$34,000</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	23937
<u>\$34,001 - \$35,000</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	23938
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	23939
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	23940
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	23941
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	23942

For a full-time student who is financially independent and 23943
enrolled in a state-assisted educational institution, the amount 23944
of the instructional grant for two semesters, three quarters, or a 23945
comparable portion of the academic year shall be determined in 23946
accordance with the following table: 23947

	<u>Table of Grants</u>					23948
	<u>Maximum Grant \$1,956</u>					23949
<u>Gross Income</u>	<u>Number of Dependents</u>					23950
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u>
						<u>more</u>
						23951

Under \$4,201	\$1,956	\$1,956	\$1,956	\$1,956	\$1,956	\$1,956	23952
4,201 -- \$4,800	1,764	1,956	1,956	1,956	1,956	1,956	23953
\$4,801 -- \$5,300	1,554	1,764	1,956	1,956	1,956	1,956	23954
\$5,301 -- \$5,800	1,380	1,554	1,764	1,956	1,956	1,956	23955
\$5,801 -- \$6,300	1,182	1,380	1,554	1,764	1,956	1,956	23956
\$6,301 -- \$6,800	966	1,182	1,380	1,554	1,764	1,956	23957
\$6,801 -- \$7,800	774	966	1,182	1,380	1,554	1,764	23958
\$7,801 -- \$8,800	582	774	966	1,182	1,380	1,554	23959
\$8,801 -- \$9,800	468	582	774	966	1,182	1,380	23960
\$9,801 -- \$11,300	378	468	582	774	966	1,182	23961
\$11,301 -- \$12,800	348	378	468	582	774	966	23962
\$12,801 -- \$14,300	318	348	378	468	582	774	23963
\$14,301 -- \$15,800	162	318	348	378	468	582	23964
\$15,801 -- \$18,800	-0-	162	318	348	378	468	23965
\$18,801 -- \$21,800	-0-	-0-	162	318	348	378	23966
\$21,801 -- \$24,800	-0-	-0-	-0-	162	318	348	23967
\$24,801 -- \$29,500	-0-	-0-	-0-	-0-	162	318	23968
\$29,501 -- \$34,500	-0-	-0-	-0-	-0-	-0-	162	23969
Over \$34,500	-0-	-0-	-0-	-0-	-0-	-0-	23970

Public Institution 23971

Table of Grants 23972

Maximum Grant \$2,190 23973

Gross Income Number of Dependents 23974

	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u>	23975
						<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>	23976
<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>	23977
<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>	23978
<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>	23979
<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>	23980
<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>	23981
<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>	23982
<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>	23983

<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>	23984
<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>	23985
<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>	23986
<u>\$13,301 - \$14,800</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	23987
<u>\$14,801 - \$16,300</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	23988
<u>\$16,301 - \$19,300</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	23989
<u>\$19,301 - \$22,300</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	23990
<u>\$22,301 - \$25,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	23991
<u>\$25,301 - \$30,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	23992
<u>\$30,301 - \$35,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	23993

(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.

(2) Division (F)(1) of this section does not apply to the 24016
following: 24017

(a) Any student enrolled in an institution that under the 24018
federal law appeals its loss of eligibility for federal financial 24019
aid and the United States secretary of education determines its 24020
cohort default rate after recalculation is lower than the rate 24021
specified in division (F)(1) of this section or the secretary 24022
determines due to mitigating circumstances the institution may 24023
continue to participate in federal financial aid programs. The 24024
board shall adopt rules requiring institutions to provide 24025
information regarding an appeal to the board. 24026

(b) Any student who has previously received a grant under 24027
this section who meets all other requirements of this section. 24028

(3) The board shall adopt rules for the notification of all 24029
institutions whose students will be ineligible to participate in 24030
the grant program pursuant to division (F)(1) of this section. 24031

(4) A student's attendance at an institution whose students 24032
lose eligibility for grants under division (F)(1) of this section 24033
shall not affect that student's eligibility to receive a grant 24034
when enrolled in another institution. 24035

(G) Institutions of higher education that enroll students 24036
receiving instructional grants under this section shall report to 24037
the board all students who have received instructional grants but 24038
are no longer eligible for all or part of such grants and shall 24039
refund any moneys due the state within thirty days after the 24040
beginning of the quarter or term immediately following the quarter 24041
or term in which the student was no longer eligible to receive all 24042
or part of the student's grant. There shall be an interest charge 24043
of one per cent per month on all moneys due and payable after such 24044
thirty-day period. The board shall immediately notify the office 24045
of budget and management and the legislative budget office of the 24046

legislative service commission of all refunds so received.

24047

Sec. 3333.13. (A) Money appropriated to ~~state supported and~~
~~state assisted institutions of higher education and~~ to the Ohio
board of regents for the purposes of this division shall be paid
at the times and in the amounts necessary to meet all payments
required to be made ~~by such institutions and~~ by the board to the
Ohio public facilities commission ~~or treasurer of state~~ pursuant
to leases or agreements made ~~by them~~ under division (B) of section
154.21 of the Revised Code, as certified under division (C) of
this section, including supplements to such certifications.

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(B) ~~Each such institution of higher education and the~~ The
board shall include in its estimate of proposed expenses submitted
pursuant to section 126.02 of the Revised Code the estimated
amounts of all such payments to be made by it. The board shall
include the estimated amounts of all such payments to be made ~~by~~
~~each such institution and of such payments to be made~~ by it in
recommendations for appropriation required by division (J) of
section 3333.04 of the Revised Code. The director of budget and
management shall include in the state budget estimates provided
for in section 126.02 of the Revised Code the estimated amount of
all such payments to be made during the next biennium, and this
amount shall be included in the state budget to be submitted by
the governor to the general assembly pursuant to section 107.03 of
the Revised Code.

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(C) On the first day of July of each year, or as soon
thereafter as is practicable, the chancellor or a vice-chancellor
of the board shall certify to the director the payments contracted
to be made, during the period of the then current appropriations
made for the purposes of division (A) of this section, to the
commission ~~or treasurer of state by each state supported and state~~
~~assisted institution of higher education and~~ by the board pursuant

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to leases and agreements made under division (B) of section 154.21 24078
of the Revised Code. The certification shall state the amounts and 24079
dates of payment required therefor ~~as to each such institution of~~ 24080
~~higher education and the board,~~ and the amounts to be credited 24081
pursuant to such leases and agreements to the higher education 24082
bond service trust fund and other special funds established 24083
pursuant to Chapter 154. of the Revised Code. If the director 24084
finds such certification to be correct, the director shall 24085
promptly add the director's certification thereto and submit it to 24086
the treasurer of state. Such annual certification shall be 24087
supplemented in similar manner upon the execution of each new 24088
lease or agreement, any supplement to an existing lease or 24089
agreement, or any amendment thereof, affecting the amounts of 24090
those payments. 24091

Sec. 3333.21. As used in sections 3333.21 to 3333.23 of the 24092
Revised Code, "term" and "academic year" mean "term" and "academic 24093
year" as defined by the Ohio board of regents. 24094

The board shall establish and administer an academic 24095
scholarship program. Under the program, a total of one thousand 24096
new scholarships shall be awarded annually in the amount of not 24097
less than two thousand dollars per award. At least one such new 24098
scholarship shall be awarded annually to a student in each public 24099
high school and joint vocational school and each nonpublic high 24100
school for which the state board of education prescribes minimum 24101
standards in accordance with section 3301.07 of the Revised Code. 24102

To be eligible for the award of a scholarship, a student 24103
shall be a resident of Ohio and shall be enrolled as a full-time 24104
undergraduate student in an Ohio institution of higher education 24105
that meets the requirements of Title VI of the "Civil Rights Act 24106
of 1964" and is state-assisted, is nonprofit and holds a 24107
certificate of authorization issued under section 1713.02 of the 24108
Revised Code, or holds a certificate of registration and program 24109

authorization issued under section 3332.05 of the Revised Code and 24110
awards an associate or bachelor's degree. Students who attend an 24111
institution holding a certificate of registration shall be 24112
enrolled in a program leading to an associate or bachelor's degree 24113
for which associate or bachelor's degree program the institution 24114
has program authorization to offer the program issued under 24115
section 3332.05 of the Revised Code. 24116

"Resident" and "full-time student" shall be defined by board 24117
rule. 24118

The board shall award the scholarships on the basis of a 24119
formula designed by it to identify students with the highest 24120
capability for successful college study. The formula shall weigh 24121
the factor of achievement, as measured by grade point average, and 24122
the factor of ability, as measured by performance on a competitive 24123
examination specified by the board. Students receiving 24124
scholarships shall be known as "Ohio academic scholars." Annually, 24125
not later than the thirty-first day of July, the board shall 24126
report to the governor and the general assembly on the performance 24127
of current Ohio academic scholars and the effectiveness of its 24128
formula. 24129

Sec. 3333.22. Each Ohio academic scholarship shall be awarded 24130
for an academic year and may be renewed for each of three 24131
additional academic years. The scholarship amount awarded to a 24132
scholar for an academic year shall be not less than two thousand 24133
dollars. A scholarship shall be renewed if the scholar maintains 24134
an academic record satisfactory to the Ohio board of regents and 24135
meets any of the following conditions: 24136

(A) The scholar is enrolled as a full-time undergraduate; 24137

(B) The scholar was awarded an undergraduate degree in less 24138
than four academic years and is enrolled as a full-time graduate 24139
or professional student in an Ohio institution of higher education 24140

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; 24141
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(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. 24145
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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. 24149
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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. 24154
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Receipt of an Ohio academic scholarship shall not affect a scholar's eligibility for the Ohio instructional grant program. 24165
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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 24167
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the students, all subsidy or other payments from state 24172
appropriations, and all other fees, deposits, charges, receipts, 24173
and income received by each state-supported university and 24174
college, the Ohio state university hospitals and their ancillary 24175
facilities, the Ohio agricultural research and development center, 24176
and the Ohio state university cooperative extension service shall 24177
be held and administered by the respective boards of trustees of 24178
the state-supported universities and colleges; provided, that such 24179
fees, deposits, charges, receipts, and income, to the extent 24180
required by resolutions, trust agreements, indentures, leases, and 24181
agreements adopted, made, or entered into under Chapter 154. or 24182
section 3345.07, 3345.11, or 3345.12 of the Revised Code, shall be 24183
held, administered, transferred, and applied in accordance 24184
therewith. 24185

The Ohio board of regents shall require annual reporting by 24186
the Ohio agricultural research and development center and by each 24187
university and college receiving state aid in such form and detail 24188
as determined by the board in consultation with such center, 24189
universities and colleges, and the director of budget and 24190
management. 24191

Notwithstanding any provision of the Revised Code to the 24192
contrary, the title to investments made by a board of trustees 24193
using any revenues described by this section shall not be vested 24194
in the state, but shall be held in trust by the board of trustees. 24195
Such investments shall be made pursuant to an investment policy 24196
approved by the board of trustees and in accordance with section 24197
135.35 of the Revised Code. 24198

Sec. 3345.19. In the exercise of their respective powers of 24199
government conferred by Chapter 3345. of the Revised Code and 24200
other pertinent provisions of law, the boards of trustees of 24201
Bowling Green state university, Kent state university, Miami 24202
university, Ohio university, and the Ohio state university shall 24203

observe the following enrollment limitations insofar as the autumn 24204
quarter enrollment or any other quarter enrollment on a full-time 24205
equivalent basis as defined by the Ohio board of regents is 24206
concerned: 24207

Bowling Green central campus	16,000 <u>17,000</u>	24208
Kent central campus	21,000 <u>22,000</u>	24209
Miami central campus	16,000 <u>17,000</u>	24210
Ohio university central campus	21,000 <u>22,000</u>	24211
The Ohio state central campus	41,000 <u>42,000</u>	24212

Campus student housing facilities shall only be authorized by 24213
boards of trustees within these limitations, ~~and no contracts for~~ 24214
~~construction of new residence hall facilities shall be entered~~ 24215
~~into after October 1, 1969, without the prior approval by the Ohio~~ 24216
~~board of regents.~~ 24217

Sec. 3353.07. The On and after the effective date of this 24218
amendment, the Ohio educational telecommunications network 24219
commission shall not charge or collect broadcasting fees from 24220
operate the Ohio government telecommunications of system that was 24221
operated by the capitol square review and advisory board prior to 24222
the effective date of this amendment. 24223

Sec. 3353.11. There is hereby created in the state treasury 24224
the governmental television/telecommunications operating fund. The 24225
fund shall consist of money received from contract productions of 24226
the Ohio government telecommunications studio and shall be used 24227
for operations or equipment breakdowns related to the studio. All 24228
investment earnings on the fund shall be credited to the fund. 24229

Sec. 3383.01. As used in this chapter: 24230

(A) "Arts" means any of the following: 24231

(1) Visual, musical, dramatic, graphic, and other arts ~~and~~ 24232

includes, including, but ~~is~~ not limited to, architecture, dance, 24233
literature, motion pictures, music, painting, photography, 24234
sculpture, and theater; 24235

(2) The presentation or making available, in museums or other 24236
indoor or outdoor facilities, of principles of science and their 24237
development, use, or application in business, industry, or 24238
commerce or of the history, heritage, development, presentation, 24239
and uses of the arts ~~as defined above~~ described in division (A)(1) 24240
of this section and of transportation; 24241

(3) The preservation, presentation, or making available of 24242
features of archaeological, architectural, environmental, or 24243
historical interest or significance in a state historical facility 24244
or a local historical facility. 24245

(B) "Arts organization" means either of the following: 24246

(1) A governmental agency or Ohio nonprofit corporation that 24247
provides programs or activities in areas directly concerned with 24248
the arts; 24249

(2) A regional arts and cultural district as defined in 24250
section 3381.01 of the Revised Code. 24251

(C) "Arts project" means all or any portion of an Ohio arts 24252
facility for which the general assembly has specifically 24253
authorized the spending of money, or made an appropriation, 24254
pursuant to division (D)(3) or (E) of section 3383.07 of the 24255
Revised Code. 24256

(D) "Cooperative contract" means a contract between the Ohio 24257
arts and sports facilities commission and an arts organization 24258
providing the terms and conditions of the cooperative use of an 24259
Ohio arts facility. 24260

(E) "Costs of operation" means amounts required to manage an 24261
Ohio arts facility that are incurred following the completion of 24262
construction of its arts project, provided that both of the 24263

following apply: 24264

(1) Those amounts either: 24265

(a) Have been committed to a fund dedicated to that purpose; 24266

(b) Equal the principal of any endowment fund, the income 24267
from which is dedicated to that purpose. 24268

(2) The commission and the arts organization have executed an 24269
agreement with respect to either of those funds. 24270

~~(E)~~(F) "General building services" means general building 24271
services for an Ohio arts facility or an Ohio sports facility, 24272
including, but not limited to, general custodial care, security, 24273
maintenance, repair, painting, decoration, cleaning, utilities, 24274
fire safety, grounds and site maintenance and upkeep, and 24275
plumbing. 24276

~~(F)~~(G) "Governmental agency" means a state agency, a 24277
state-supported or state-assisted institution of higher education, 24278
a municipal corporation, county, township, or school district, a 24279
port authority created under Chapter 4582. of the Revised Code, 24280
any other political subdivision or special district in this state 24281
established by or pursuant to law, or any combination of these 24282
entities; except where otherwise indicated, the United States or 24283
any department, division, or agency of the United States, or any 24284
agency, commission, or authority established pursuant to an 24285
interstate compact or agreement. 24286

~~(G)~~(H) "Local contributions" means the value of an asset 24287
provided by or on behalf of an arts organization from sources 24288
other than the state, the value and nature of which shall be 24289
approved by the Ohio arts and sports facilities commission, in its 24290
sole discretion. "Local contributions" may include the value of 24291
the site where an arts project is to be constructed. All "local 24292
contributions," except a contribution attributable to such a site, 24293
shall be for the costs of construction of an arts project or the 24294

costs of operation of an arts facility. 24295

~~(H)~~(I) "Local historical facility" means a site or facility, 24296
other than a state historical facility, of archaeological, 24297
architectural, environmental, or historical interest or 24298
significance, or a facility, including a storage facility, 24299
appurtenant to the operations of such a site or facility, that is 24300
owned by an arts organization, provided the facility meets the 24301
requirements of division ~~(F)~~(K)(2)(b) of this section, is managed 24302
by or pursuant to a contract with the Ohio arts and sports 24303
facilities commission, and is used for or in connection with the 24304
activities of the commission, including the presentation or making 24305
available of arts to the public. 24306

~~(I)~~(J) "Manage," "operate," or "management" means the 24307
provision of, or the exercise of control over the provision of, 24308
activities: 24309

(1) Relating to the arts for an Ohio arts facility, including 24310
as applicable, but not limited to, providing for displays, 24311
exhibitions, specimens, and models; booking of artists, 24312
performances, or presentations; scheduling; and hiring or 24313
contracting for directors, curators, technical and scientific 24314
staff, ushers, stage managers, and others directly related to the 24315
arts activities in the facility; but not including general 24316
building services; 24317

(2) Relating to sports and athletic events for an Ohio sports 24318
facility, including as applicable, but not limited to, providing 24319
for booking of athletes, teams, and events; scheduling; and hiring 24320
or contracting for staff, ushers, managers, and others directly 24321
related to the sports and athletic events in the facility; but not 24322
including general building services. 24323

~~(F)~~(K) "Ohio arts facility" means any of the following: 24324

(1) The three theaters located in the state office tower at 24325

77 South High street in Columbus;

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(2) Any capital facility in this state to which ~~all~~ both of the following apply:

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(a) The construction of an arts project related to the facility was authorized or funded by the general assembly pursuant to division (D)(3) of section 3383.07 of the Revised Code and proceeds of state bonds are used for costs of the arts project.

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~~(b) The state owns or has sufficient real property interests in the facility or in the portion of the facility financed from the proceeds of obligations or in the site of the facility for a period of no less than the greater of the useful life of the portion of the facility financed from the proceeds of those obligations as determined by the director of budget and management using the guidelines for maximum maturities as provided under divisions (B), (C), and (E) of section 133.20 of the Revised Code, or the period of time remaining to the date of payment or provision for payment of outstanding obligations issued by the Ohio building authority allocable to costs of that portion of the facility, as determined by the director of budget and management, in either case as certified to the Ohio arts and sports facilities commission and the Ohio building authority.~~

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~~(c) The facility is managed directly by, or by is subject to a cooperative or management contract with, the Ohio arts and sports facilities commission, and is used for or in connection with the activities of the commission, including the presentation or making available of arts to the public. A cooperative or management contract shall be for a term not less than the time remaining to the date of payment or provision for payment of any state bonds issued to pay the costs of the arts project, as determined by the director of budget and management and certified by the director to the Ohio arts and sports facilities commission and to the Ohio building authority.~~

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(3) A state historical facility or a local historical facility. 24358
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~~(K)~~(L) "State agency" means the state or any of its branches, officers, boards, commissions, authorities, departments, divisions, or other units or agencies. 24360
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~~(I)~~(M) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing. 24363
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~~(M)~~(N) "State historical facility" means a site or facility of archaeological, architectural, environmental, or historical interest or significance, or a facility, including a storage facility, appurtenant to the operations of such a site or facility, that is owned by or is located on real property owned by the state or by an arts organization, so long as the real property of the arts organization ~~meets the requirements of division (J)(2)(b) of this section and~~ is contiguous to state-owned real property that is in the care, custody, and control of an arts organization, and that is managed directly by or ~~by~~ is subject to a cooperative or management contract with the Ohio arts and sports facilities commission, ~~and that~~ is used for or in connection with the activities of the commission, including the presentation or making available of arts to the public. 24367
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~~(N)~~(O) "Ohio sports facility" means all or a portion of a stadium, arena, or other capital facility in ~~Ohio~~ this state, a primary purpose of which is to provide a site or venue for the presentation to the public of events of one or more major or minor league professional athletic or sports teams that are associated with the state or with a city or region of the state, which facility is owned by or is located on real property owned by the state or a governmental agency, and including all parking facilities, walkways, and other auxiliary facilities, equipment, 24381
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furnishings, and real and personal property and interests and 24390
rights therein, that may be appropriate for or used for or in 24391
connection with the facility or its operation, for capital costs 24392
of which state funds are spent pursuant to this chapter. A 24393
facility constructed as an Ohio sports facility may be both an 24394
Ohio arts facility and an Ohio sports facility. 24395

Sec. 3383.02. (A) There is hereby created the Ohio arts and 24396
sports facilities commission. Notwithstanding any provision to the 24397
contrary contained in Chapter 152. of the Revised Code, the 24398
commission shall engage in and provide for the development, 24399
performance, and presentation or making available of the arts and 24400
professional sports and athletics to the public in this state by 24401
the exercise of its powers under this chapter, including the 24402
provision, operation, ~~and~~ management, and cooperative use of Ohio 24403
arts facilities and Ohio sports facilities. The commission is a 24404
body corporate and politic, an agency of state government and an 24405
instrumentality of the state, performing essential governmental 24406
functions of this state. The carrying out of the purposes and the 24407
exercise by the commission of its powers conferred by this chapter 24408
are essential public functions and public purposes of the state 24409
and of state government. The commission may, in its own name, sue 24410
and be sued, enter into contracts, and perform all the powers and 24411
duties given to it by this chapter but it does not have and shall 24412
not exercise the power of eminent domain. 24413

(B) The commission shall consist of ~~eight~~ ten members, ~~five~~ 24414
seven of whom shall be voting members and three of whom shall be 24415
nonvoting members. The ~~five~~ seven voting members shall be 24416
appointed by the governor, with the advice and consent of the 24417
senate, from different geographical regions of the state. In 24418
addition, one of the voting members shall represent the state 24419
architect. Not more than ~~three~~ four of the members appointed by 24420
the governor shall be affiliated with the same political party. 24421

The nonvoting members shall be the staff director of the Ohio arts 24422
council, a member of the senate appointed by the president of the 24423
senate, and a member of the house of representatives appointed by 24424
the speaker of the house. 24425

(C) Of the five initial appointments made by the governor, 24426
one shall be for a term expiring December 31, 1989, two shall be 24427
for terms expiring December 31, 1990, and two shall be for terms 24428
expiring December 31, 1991. Of the initial appointments of the 24429
sixth and seventh voting members appointed by the governor as a 24430
result of this amendment, one shall be for a term expiring 24431
December 31, 2003, and one shall be for a term expiring December 24432
31, 2004. Thereafter, each such term shall be for three years, 24433
commencing on the first day of January and ending on the 24434
thirty-first day of December. Each appointment by the president of 24435
the senate and by the speaker of the house of representatives 24436
shall be for the balance of the then legislative biennium. Each 24437
member shall hold office from the date of the member's appointment 24438
until the end of the term for which the member was appointed. Any 24439
member appointed to fill a vacancy occurring prior to the 24440
expiration of the term for which the member's predecessor was 24441
appointed shall hold office for the remainder of such term. Any 24442
member shall continue in office subsequent to the expiration date 24443
of the member's term until the member's successor takes office, or 24444
until a period of sixty days has elapsed, whichever occurs first. 24445

(D) Members of the commission shall serve without 24446
compensation. 24447

~~(E) After each initial member of the commission has been 24448
appointed, the commission shall meet and organize by electing one 24449
of its voting members as chairperson and other voting members as 24450
vice chairperson and secretary-treasurer, who shall hold their 24451
offices until the next organizational meeting of the commission. 24452
Organizational meetings of the commission shall be held at the 24453~~

first meeting of each calendar year. At each organizational 24454
meeting, the commission shall elect from among its voting members 24455
a chairperson, a vice-chairperson, and a secretary-treasurer, who 24456
shall serve until the next annual meeting. The commission shall 24457
adopt rules pursuant to section 111.15 of the Revised Code for the 24458
conduct of its internal business and shall keep a journal of its 24459
proceedings. 24460

(F) ~~Three~~ Four voting members of the commission constitute a 24461
quorum, and the affirmative vote of ~~three~~ four members is 24462
necessary for approval of any action taken by the commission. A 24463
vacancy in the membership of the commission does not impair a 24464
quorum from exercising all the rights and performing all the 24465
duties of the commission. Meetings of the commission may be held 24466
anywhere in the state, and shall be held in compliance with 24467
section 121.22 of the Revised Code. 24468

(G) All expenses incurred in carrying out this chapter are 24469
payable solely from money accrued under this chapter or 24470
appropriated for these purposes by the general assembly, and the 24471
commission shall incur no liability or obligation beyond such 24472
money. 24473

(H) The commission shall file an annual report of its 24474
activities and finances with the governor, director of budget and 24475
management, speaker of the house of representatives, president of 24476
the senate, and chairpersons of the house and senate finance 24477
committees. 24478

(I) There is hereby established in the state treasury the 24479
Ohio arts and sports facilities commission administration fund. 24480
All revenues of the commission shall be credited to that fund and 24481
to any accounts created in the fund with the commission's 24482
approval. All expenses of the commission, including reimbursement 24483
of, or payment to, any other fund or any governmental agency for 24484
advances made or services rendered to or on behalf of the 24485

commission, shall be paid from the Ohio arts and sports facilities 24486
commission administration fund as determined by or pursuant to 24487
directions of the commission. All investment earnings of the 24488
administration fund shall be credited to the fund and shall be 24489
allocated among any accounts created in the fund in the manner 24490
determined by the commission. 24491

(J) Title to all real property and lesser interests in real 24492
property acquired by the commission, including leasehold and other 24493
interests, pursuant to this chapter shall be taken in the name of 24494
the state and shall be held for the use and benefit of the 24495
commission. The commission shall not mortgage such real property 24496
and interests in real property. Title to other property and 24497
interests in it acquired by the commission pursuant to this 24498
chapter shall be taken in its name. 24499

Sec. 3383.04. The Ohio arts and sports facilities commission 24500
may: 24501

(A) Employ and fix the compensation of an executive director 24502
and such other employees as will facilitate the activities and 24503
purposes of the commission. Any executive director shall serve at 24504
the pleasure of the commission and may serve part-time. Other 24505
employees shall be employed by and serve at the pleasure of the 24506
commission or the executive director, as determined by the 24507
commission. 24508

(B) Adopt, amend, and rescind, pursuant to section 111.15 of 24509
the Revised Code, rules for the management and operation of Ohio 24510
arts facilities and Ohio sports facilities and for the exercise of 24511
all of the commission's rights with respect to those facilities; 24512

(C) Own, construct or provide for the construction of, lease, 24513
equip, furnish, administer, and manage or provide for the 24514
operation and management of, and cooperate in the use of, Ohio 24515
arts facilities and Ohio sports facilities; 24516

(D) Dispose of, whether by sale, lease, lease-purchase, 24517
sublease, re-lease, or otherwise, real and personal property, and 24518
lesser interests in it, held or owned by the state for the use and 24519
benefit of the commission or held or owned by the commission, if 24520
not needed for the commission's purposes, upon such terms as the 24521
commission determines, subject to approval by the governor in the 24522
case of real property and interests in it; 24523

(E) Grant such easements and other interests in real or 24524
personal property of the commission as will not interfere with the 24525
use of the property as an Ohio arts facility or an Ohio sports 24526
facility; 24527

(F) Fix, alter, and collect rentals and other charges for the 24528
use or availability for use of Ohio arts facilities or an Ohio 24529
sports facility, as determined solely by the commission, for the 24530
purpose of providing for all or a portion of the costs and 24531
expenses of the commission, and the costs to be paid by the 24532
commission of leasing, constructing, equipping, repairing, 24533
maintaining, administering, ~~and~~ managing, and cooperating in the 24534
use of Ohio arts facilities, including rentals to be paid by the 24535
commission for any Ohio arts facilities or for any Ohio sports 24536
facility; 24537

(G) Lease, sublease, cooperate in the use of, or otherwise 24538
make available to an arts organization, Ohio arts facilities, and 24539
to any governmental agency or nonprofit corporation, Ohio sports 24540
facilities, including real and personal property, or any interests 24541
in it, to carry out the purposes of this chapter; 24542

(H) Contract with, retain the services of, or designate, and 24543
fix the compensation of, such agents, accountants, attorneys, 24544
consultants, advisers, and other independent contractors as may be 24545
necessary or desirable to carry out the purposes of this chapter; 24546

(I) Procure insurance against loss to the commission by 24547

reason of damages to or nonusability of its property resulting 24548
from fire, theft, accident, or other casualties, or by reason of 24549
its liability for any damages to persons or property, including 24550
but not limited to, general liability insurance, business 24551
interruption insurance, liability insurance for members, officers, 24552
and employees, and copyright liability insurance; 24553

(J) Receive and accept gifts, grants, devises, bequests, 24554
loans, and any other financial or other form of aid or assistance 24555
from any governmental agency or other person and enter into any 24556
contract or agreement with any such agency or other person in 24557
connection therewith, and receive and accept aid or contributions 24558
from any other source of money, real or personal property, labor, 24559
or other things of value, to be held, used, and applied only for 24560
the purposes for which the aid and contributions are made and 24561
according to their terms and conditions, all within the purposes 24562
of this chapter; 24563

(K) Make and enter into all contracts, commitments, and 24564
agreements, and execute all instruments, necessary or incidental 24565
to the performance of its duties and the execution of its rights 24566
and powers under this chapter; 24567

(L) Do anything necessary or appropriate to carry out the 24568
purposes of and exercise the powers granted in this chapter; 24569

(M) Contract with any governmental agency or nonprofit 24570
corporation to provide or cause to be provided services, including 24571
general building services, in, to, or for an Ohio arts facility or 24572
any Ohio sports facility, or with an arts organization for the 24573
management of an Ohio arts facility, or with a governmental agency 24574
or nonprofit corporation for the management of an Ohio sports 24575
facility, all in furtherance of the state function, and make 24576
contracts pursuant to divisions (A) and (B) of section 3383.07 of 24577
the Revised Code, except that nothing in this chapter limits the 24578
exercise of the care, custody, control, and management of those 24579

state historical facilities specified in section 149.30 of the Revised Code. 24580
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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: 24582
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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. 24586
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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. 24591
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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 24604
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any actions taken under it, are not subject to Chapter 123., 153., 24611
or 4115. of the Revised Code. 24612

(B) For an Ohio sports facility that is financed in part by 24613
the Ohio building authority, construction services shall be 24614
provided on behalf of the state by or at the direction of the 24615
governmental agency or nonprofit corporation that will own or be 24616
responsible for the management of the facility, all as determined 24617
by the Ohio arts and sports facilities commission. Any 24618
construction services to be provided by a governmental agency or 24619
nonprofit corporation shall be specified in an agreement between 24620
the commission and the governmental agency or nonprofit 24621
corporation, ~~and the.~~ That agreement, and any actions taken under 24622
it, are not subject to Chapter 123. or 153. of the Revised Code, 24623
except for sections 123.151 and 153.011 of the Revised Code, and 24624
shall be subject to Chapter 4115. of the Revised Code. 24625

(C) General building services for an Ohio arts facility shall 24626
be provided by ~~the department of administrative services in~~ 24627
~~conformity with Chapter 123. of the Revised Code, except that the~~ 24628
~~Ohio building authority may elect to provide such services for~~ 24629
~~Ohio arts facilities it financed and such services may be provided~~ 24630
by the Ohio arts and sports facilities commission or by an arts 24631
organization that occupies, will occupy, or is responsible for the 24632
facility, as determined by the commission, except that the Ohio 24633
building authority may elect to provide those services for Ohio 24634
arts facilities financed with proceeds of state bonds issued by 24635
the authority. The costs of management and general building 24636
services shall be paid by the arts organization that occupies, 24637
will occupy, or is responsible for the facility as provided in an 24638
agreement between the commission and the arts organization, except 24639
that the state may pay for general building services for 24640
state-owned arts facilities constructed on state-owned land. 24641
~~General~~ 24642

General building services for an Ohio sports facility shall 24643
be provided by or at the direction of the governmental agency or 24644
nonprofit corporation that will be responsible for the management 24645
of the facility, all as determined by the commission. Any general 24646
building services to be provided by a governmental agency or 24647
nonprofit corporation for an Ohio sports facility shall be 24648
specified in an agreement between the commission and the 24649
governmental agency or nonprofit corporation, ~~and that. That~~ 24650
agreement, and any actions taken under it, are not subject to 24651
Chapter 123. or 153. of the Revised Code, except for sections 24652
123.151 and 153.011 of the Revised Code, and shall be subject to 24653
Chapter 4115. of the Revised Code. 24654

(D) This division does not apply to a state historical 24655
facility. No state funds, including any state bond proceeds, shall 24656
be spent on the construction of any arts project under this 24657
chapter unless, with respect to the arts project and to the Ohio 24658
arts facility related to the project, all of the following apply: 24659

(1) The Ohio arts and sports facilities commission has 24660
determined that there is a need for the arts project and the Ohio 24661
arts facility related to the project in the region of the state 24662
~~for~~ in which the Ohio arts facility is located or for which the 24663
facility is proposed to be located. 24664

(2) The commission has determined that, as an indication of 24665
substantial regional support for the arts project, the arts 24666
organization has made provision satisfactory to the commission, in 24667
its sole discretion, for local contributions amounting to not less 24668
than fifty per cent of the total state funding for the arts 24669
project. 24670

(3) The general assembly has specifically authorized the 24671
spending of money on, or made an appropriation for, the 24672
construction of the arts project, or for rental payments relating 24673
to the financing of the construction of the arts project. 24674

Authorization to spend money, or an appropriation, for planning 24675
the arts project does not constitute authorization to spend money 24676
on, or an appropriation for, construction of the arts project. 24677

(E) No state funds, including any state bond proceeds, shall 24678
be spent on the construction of any state historical facility 24679
under this chapter unless the general assembly has specifically 24680
authorized the spending of money on, or made an appropriation for, 24681
the construction of the arts project related to the facility, or 24682
for rental payments relating to the financing of the construction 24683
of the arts project. Authorization to spend money, or an 24684
appropriation, for planning the arts project does not constitute 24685
authorization to spend money on, or an appropriation for, the 24686
construction of the arts project. 24687

(F) State funds shall not be used to pay or reimburse more 24688
than fifteen per cent of the initial estimated construction cost 24689
of an Ohio sports facility, excluding any site acquisition cost, 24690
and no state funds, including any state bond proceeds, shall be 24691
spent on any Ohio sports facility under this chapter unless, with 24692
respect to that facility, all of the following apply: 24693

(1) The Ohio arts and sports facilities commission has 24694
determined that there is a need for the facility in the region of 24695
the state for which the facility is proposed to provide the 24696
function of an Ohio sports facility as provided for in this 24697
chapter. 24698

(2) As an indication of substantial local support for the 24699
facility, the commission has received a financial and development 24700
plan satisfactory to it, and provision has been made, by agreement 24701
or otherwise, satisfactory to the commission, for a contribution 24702
amounting to not less than eighty-five per cent of the total 24703
estimated construction cost of the facility, excluding any site 24704
acquisition cost, from sources other than the state. 24705

(3) The general assembly has specifically authorized the 24706
spending of money on, or made an appropriation for, the 24707
construction of the facility, or for rental payments relating to 24708
state financing of all or a portion of the costs of constructing 24709
the facility. Authorization to spend money, or an appropriation, 24710
for planning or determining the feasibility of or need for the 24711
facility does not constitute authorization to spend money on, or 24712
an appropriation for, costs of constructing the facility. 24713

(4) If state bond proceeds are being used for the Ohio sports 24714
facility, the state or a governmental agency owns or has 24715
sufficient property interests in the facility or in the site of 24716
the facility or in the portion or portions of the facility 24717
financed from proceeds of state bonds, which may include, but is 24718
not limited to, the right to use or to require the use of the 24719
facility for the presentation of sport and athletic events to the 24720
public at the facility, extending for a period of not less than 24721
the greater of the useful life of the portion of the facility 24722
financed from proceeds of those bonds as determined using the 24723
guidelines for maximum maturities as provided under divisions (B), 24724
(C), and (D) of section 133.20 of the Revised Code, or the period 24725
of time remaining to the date of payment or provision for payment 24726
of outstanding state bonds allocable to costs of the facility, all 24727
as determined by the director of budget and management and 24728
certified by the director to the Ohio arts and sports facilities 24729
commission and to the Ohio building authority. 24730

Sec. 3383.09. (A) There is hereby created in the state 24731
treasury the arts facilities building fund, which shall consist of 24732
proceeds of obligations authorized to pay costs of arts facilities 24733
projects for which appropriations are made by the general 24734
assembly. All investment earnings of the fund shall be credited to 24735
the fund. 24736

(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. 24737
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(C) The director of budget and management may transfer, to the Ohio arts and sports facilities commission administration fund, investment earnings credited to the arts facilities building fund and the sports facilities building fund that exceed the amounts required to meet estimated federal arbitrage rebate requirements when requested of the director of budget and management by the chairperson or executive director of the commission. 24743
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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. 24751
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(B) The secretary of state shall disseminate information, 24766
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which may include part or all of the official explanation and 24768
arguments concerning proposed amendments, by means of direct mail 24769
or other written publication, broadcast, or such other means, or 24770
combination of means, as the Ohio ballot board may direct, in 24771
order to inform the voters as fully as possible concerning 24772
proposed amendments. 24773

Sec. 3517.092. (A) As used in this section: 24774

(1) "Appointing authority" has the same meaning as in section 24775
124.01 of the Revised Code. 24776

(2) "State elected officer" means any person appointed or 24777
elected to a state elective office. 24778

(3) "State elective office" means any of the offices of 24779
governor, lieutenant governor, secretary of state, auditor of 24780
state, treasurer of state, attorney general, member of the state 24781
board of education, member of the general assembly, and justice 24782
and chief justice of the supreme court. 24783

(4) "County elected officer" means any person appointed or 24784
elected to a county elective office. 24785

(5) "County elective office" means any of the offices of 24786
county auditor, county treasurer, clerk of the court of common 24787
pleas, sheriff, county recorder, county engineer, county 24788
commissioner, prosecuting attorney, and coroner. 24789

(6) "Contribution" includes a contribution to any political 24790
party, campaign committee, political action committee, political 24791
contributing entity, or legislative campaign fund. 24792

(B) No state elected officer, no campaign committee of such 24793
an officer, and no other person or entity shall knowingly solicit 24794
or accept a contribution on behalf of that officer or that 24795
officer's campaign committee from any of the following: 24796

(1) A state employee whose appointing authority is the state elected officer;	24797 24798
(2) A state employee whose appointing authority is authorized or required by law to be appointed by the state elected officer;	24799 24800 24801
(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.	24802 24803 24804
(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:	24805 24806 24807 24808 24809
(1) A state employee at the time of the solicitation, whose appointing authority will be the candidate, if elected;	24810 24811
(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;	24812 24813 24814
(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.	24815 24816 24817
(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:	24818 24819 24820 24821
(1) A county employee whose appointing authority is the county elected officer;	24822 24823
(2) A county employee whose appointing authority is authorized or required by law to be appointed by the county elected officer;	24824 24825 24826

(3) A county employee who functions in or is employed in or by the same public agency, department, division, or office as the county elected officer. 24827
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(E) No candidate for a county elective office, no campaign committee of such a candidate, and no other person or entity shall knowingly solicit a contribution on behalf of that candidate or that candidate's campaign committee from any of the following: 24830
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(1) A county employee at the time of the solicitation, whose appointing authority will be the candidate, if elected; 24834
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(2) A county employee at the time of the solicitation, whose appointing authority will be appointed by the candidate, if elected, as authorized or required by law; 24836
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(3) A county 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. 24839
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(F)(1) No public employee shall solicit a contribution from any person while the public employee is performing the public employee's official duties or in those areas of a public building where official business is transacted or conducted. 24842
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(2) No person shall solicit a contribution from any public employee while the public employee is performing the public employee's official duties or is in those areas of a public building where official business is transacted or conducted. 24846
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(3) As used in division (F) of this section, "public employee" does not include any person holding an elective office. 24850
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(G) The prohibitions in divisions (B), (C), (D), (E), and (F) of this section are in addition to the prohibitions in sections 124.57, 1553.09, 3304.22, and 4503.032 of the Revised Code. 24852
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Sec. 3701.04. (A) The director of health shall:	24856
(1) Require such reports and make such inspections and investigations as the director considers necessary;	24857 24858
(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;	24859 24860 24861 24862
(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;	24863 24864 24865 24866 24867
(4) Enter into agreements for the utilization of the facilities and services of other departments, agencies, and institutions, public or private;	24868 24869 24870
(5) Accept on <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 made to assist in meeting the cost of carrying out the director's responsibilities and expend the grant, gift, or contribution for such <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.	24871 24872 24873 24874 24875 24876 24877 24878 24879
(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.	24880 24881 24882 24883 24884
(B) The director of health may enter into agreements to sell services offered by the department to other departments, agencies,	24885 24886

and institutions of the state. Fees collected by the director for 24887
the sale of services under this division shall be deposited into 24888
the state treasury to the credit of the general operations fund 24889
created in section 3701.83 of the Revised Code. 24890

Sec. 3701.142. (A) The director of health shall appoint the 24891
chief and the administrative assistant of the office of women's 24892
health initiatives. The director may appoint, to the extent of 24893
available funds, persons to other positions determined by ~~him~~ the 24894
director to be relevant and necessary. 24895

(B) The chief shall have all of the following qualifications, 24896
plus any additional qualifications the director considers 24897
appropriate: 24898

(1) The equivalent of a masters or higher degree in public 24899
health, medicine, health sciences, environmental science, law, 24900
public administration, or a related field; 24901

(2) Familiarity with national maternal and child health 24902
objectives of the department; 24903

(3) Knowledge of or experience in women's and infants' 24904
preventive health care; 24905

(4) Understanding of health care delivery systems; 24906

(5) A global public health perspective. 24907

(C)(1) The majority of the chief's time shall be spent in the 24908
performance of the following responsibilities: 24909

(a) Identifying issues that affect women's health; 24910

(b) Advocating for women's health concerns within the 24911
department, state government, and the community; 24912

(c) Serving as a liaison for the public, interest groups, the 24913
department, and other state agencies on issues that affect women's 24914
health; 24915

(d) Developing recommendations to the director regarding programs addressing women's health issues for inclusion in the biennial budget and departmental strategic planning;	24916 24917 24918
(e) Preparing materials for publication.	24919
(2) In addition, the chief shall do the following:	24920
(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;	24921 24922 24923 24924 24925 24926 24927 24928
(b) Supervise the administrative assistant and any other employees assigned to the office of women's health initiatives;	24929 24930
(c) Oversee the administrative operations of the office of women's health initiatives;	24931 24932
(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;	24933 24934 24935 24936
(e) Represent the director, as requested, before the general assembly and the women's policy and research commission.	24937 24938
(D) The administrative assistant shall provide clerical and administrative support as needed to the chief.	24939 24940
(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.	24941 24942 24943 24944 24945

(F) After considering the report submitted pursuant to 24946
division (C) of section 3701.141 of the Revised Code, the director 24947
of health shall develop and implement biennial initiatives on 24948
women's health needs. 24949

Sec. 3701.77. There is hereby ~~created~~ provided in the 24950
department of health the governor's advisory council on physical 24951
fitness and sports ~~advisory board~~, which shall consist of ~~eleven~~ 24952
fifteen members, seven of whom shall be appointed by the governor 24953
and shall be representative of physicians, pediatricians, coaches, 24954
athletic trainers, athletes, educators, ~~and such other persons or~~ 24955
~~professions interested in the physical fitness of the citizens of~~ 24956
~~the state as the governor considers appropriate~~ physical 24957
therapists, dentists, nutritionists, exercise physiologists, and 24958
one worksite wellness person. Four ~~board~~ council members shall be 24959
members of the general assembly, of whom one shall be appointed by 24960
the president of the senate, one by the minority leader of the 24961
senate, one by the speaker of the house of representatives, and 24962
one by the minority leader of the house of representatives. Four 24963
council members shall be appointed by the director of health. All 24964
members of the ~~board~~ council shall serve two-year terms, 24965
commencing on the first day of January of each odd-numbered year 24966
and ending on the thirty-first day of December of the following 24967
year, except that each member shall continue in office subsequent 24968
to the expiration date of ~~his~~ the member's term until ~~his~~ the 24969
member's successor is appointed, or until a period of sixty days 24970
has elapsed, whichever occurs first. Members may be reappointed to 24971
additional terms. Vacancies shall be filled in the manner provided 24972
for original appointments, and a vacancy shall be considered to 24973
occur whenever a member of the general assembly ceases to be a 24974
member of the house from which ~~he~~ the member was appointed. The 24975
director ~~of health~~ annually shall select from the membership of 24976
the ~~board~~ council a ~~chairman~~ chairperson, and the ~~board~~ council 24977

shall select from its membership a ~~vice-chairman~~ vice-chairperson 24978
and secretary. Members of the ~~board~~ council shall serve without 24979
compensation, but shall be reimbursed for actual and necessary 24980
expenses incurred in the performance of their duties. The 24981
director, upon the ~~board's~~ council's request, may provide an 24982
officer or employee of the department to act as an administrator 24983
of the ~~board~~ council, and may provide other employees as required 24984
by the ~~board~~ council. The ~~board~~ council shall meet ~~in Columbus~~ at 24985
least once each calendar quarter ~~and~~ at such ~~other~~ times and 24986
places as the director or the ~~board~~ council considers necessary. 24987
~~Seven members~~ A simple majority of the ~~board~~ current appointed 24988
members of the council constitute a quorum, and a majority vote of 24989
those in attendance is necessary to take any action. 24990

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A member of the advisory council that is a member of the 24992
general assembly may designate a substitute to serve on the 24993
council in that member's absence. The substitute is entitled to 24994
perform the duties of a member of the council. A member of the 24995
general assembly shall inform the chairperson of the council of 24996
the substitution prior to the substitute assuming duties of that 24997
member. Whenever the member of the general assembly ceases to be a 24998
member of the house from which the member was appointed, the 24999
substitute may no longer serve on the council. 25000

Sec. 3701.771. (A) The governor's advisory council on 25001
physical fitness and sports ~~advisory board~~ shall prepare and 25002
recommend to the director of health guidelines, programs, and 25003
activities related to health and physical fitness. The ~~board~~ 25004
council shall recommend information and educational materials to 25005
be prepared and distributed to the public that encourage wide 25006
participation in the recommended programs and activities. 25007

(B) The ~~board~~ council may, on behalf of the state, solicit, 25008
accept, hold, and administer any grants, devises, or bequests of 25009

moneys, securities, or property for the purposes of sections 25010
~~3701.85~~ 3701.77 to ~~3701.861~~ 3701.772 of the Revised Code and shall 25011
deposit any moneys resulting from those grants, devises, or 25012
bequests in the physical fitness and sports fund, which is hereby 25013
created in the state treasury for use solely by the ~~board~~ council 25014
in administering those sections. The ~~board~~ council shall 25015
administer the fund. 25016

(C) The ~~board~~ council shall assist the director of health in 25017
promoting and sponsoring public sporting and physical fitness 25018
events, and members shall lend their names and presence to these 25019
events to encourage greater public participation. 25020

(D) The ~~board~~ council may develop a program of statewide 25021
amateur athletic competition to be known as the "buckeye state 25022
games," which shall be patterned after the Olympic games to the 25023
extent possible considering the availability of facilities, 25024
equipment, and expertise. The buckeye state games shall be 25025
designed to encourage the participation of athletes representing a 25026
broad range of age groups, skill levels, and communities. 25027
Participants shall be residents of the state. Regional competition 25028
may be held throughout the state, and the top qualifiers in each 25029
sport shall proceed to the final competition to be held at a 25030
centrally located site in the state that has the necessary 25031
facilities and equipment for conducting the competition. The 25032
frequency of the games shall be determined by the ~~board~~ council. 25033

Sec. 3701.772. The director of health shall cause to be 25035
prepared certificates and awards bearing the printed facsimile 25036
signature of the governor, to be awarded to persons who 25037
participate in physical fitness and sports programs recommended by 25038
the governor's advisory council on physical fitness and sports 25039
~~advisory board~~ and adopted by the director. The director shall 25040
provide for the distribution of the certificates and awards to 25041

qualifying persons through agreements with civic groups, 25042
professional associations, running clubs, amateur and professional 25043
sports groups, individual citizens, voluntary organizations, 25044
political subdivisions, school districts, and others interested in 25045
promoting and improving the health and physical fitness of the 25046
citizens of the state. 25047

The director may adopt such rules as necessary to carry out 25048
the purposes of sections ~~3701.85~~ 3701.77 to ~~3701.861~~ 3701.772 of 25049
the Revised Code. 25050

Sec. 3701.92. (A) There is hereby created in the department 25051
of health the Ohio hepatitis C advisory commission. 25052

(B) The commission shall consist of the following members: 25053

(1) Eleven members appointed by the director of health; 25054

(2) Two members of the house of representatives, one from 25055
each political party, appointed by the speaker of the house of 25056
representatives; 25057

(3) Two members of the senate, one from each political party, 25058
appointed by the president of the senate. 25059

Each member shall serve without compensation for a term of 25060
one year. 25061

Sec. 3702.68. (A) Notwithstanding sections 3702.51 to 3702.62 25062
of the Revised Code, this section applies to the review of 25063
certificate of need applications during the period beginning July 25064
1, 1993, and ending ~~June 30, 2001~~ October 15, 2003. 25065

(B)(1) Except as provided in division (B)(2) of this section, 25066
the director of health shall neither grant nor deny any 25067
application for a certificate of need submitted prior to July 1, 25068
1993, if the application was for any of the following and the 25069
director had not issued a written decision concerning the 25070

application prior to that date: 25071

(a) Approval of beds in a new health care facility or an 25072
increase of beds in an existing health care facility, if the beds 25073
are proposed to be licensed as nursing home beds under Chapter 25074
3721. of the Revised Code; 25075

(b) Approval of beds in a new county home or new county 25076
nursing home as defined in section 5155.31 of the Revised Code, or 25077
an increase of beds in an existing county home or existing county 25078
nursing home, if the beds are proposed to be certified as skilled 25079
nursing facility beds under Title XVIII or nursing facility beds 25080
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 25081
42 U.S.C.A. 301, as amended; 25082

(c) Recategorization of hospital beds as described in section 25083
3702.522 of the Revised Code, an increase of hospital beds 25084
registered pursuant to section 3701.07 of the Revised Code as 25085
long-term care beds or skilled nursing facility beds, or a 25086
recategorization of hospital beds that would result in an increase 25087
of beds registered pursuant to that section as long-term care beds 25088
or skilled nursing facility beds. 25089

On July 1, 1993, the director shall return each such 25090
application to the applicant and, notwithstanding section 3702.52 25091
of the Revised Code regarding the uses of the certificate of need 25092
fund, shall refund to the applicant the application fee paid under 25093
that section. Applications returned under division (B)(1) of this 25094
section may be resubmitted in accordance with section 3702.52 of 25095
the Revised Code no sooner than ~~July 1, 2001~~ October 16, 2003. 25096

(2) The director shall continue to review and shall issue a 25097
decision regarding any application submitted prior to July 1, 25098
1993, to increase beds for either of the purposes described in 25099
division (B)(1)(a) or (b) of this section if the proposed increase 25100
in beds is attributable solely to a replacement or relocation of 25101

existing beds within the same county. The director shall authorize 25102
under such an application no additional beds beyond those being 25103
replaced or relocated. 25104

(C)(1) Except as provided in division (C)(2) and (3) of this 25105
section, the director, during the period beginning July 1, 1993, 25106
and ending ~~June 30, 2001~~ October 15, 2003, shall not accept for 25107
review under section 3702.52 of the Revised Code any application 25108
for a certificate of need for any of the purposes described in 25109
divisions (B)(1)(a) to (c) of this section. 25110

(2)(a) The director shall accept for review any application 25111
for either of the purposes described in division (B)(1)(a) or (b) 25112
of this section if either of the following apply: 25113

(i) In case of an existing health care facility that is a 25114
nursing home described in section 5123.192 of the Revised Code, 25115
the proposed increase is attributable solely to the replacement of 25116
existing beds within the same county. 25117

(ii) In the case of a health care facility or county home 25118
described in division (B)(1)(a) or (b) of this section, other than 25119
an existing health care facility described in division 25120
(C)(2)(a)(i) of this section, the proposed increase in beds is 25121
attributable solely to a replacement or relocation of existing 25122
beds within the same county. The 25123

(b) In the case of an existing health care facility described 25124
in division (C)(2)(a)(i) of this section, the director shall 25125
continue to review and shall issue a decision regarding any 25126
application submitted during the period beginning on July 1, 1993, 25127
and ending on the effective date of this amendment to increase 25128
beds for either of the purposes described in division (B)(1)(a) or 25129
(b) of this section only if the proposed increase in beds is 25130
attributable solely to a relocation of existing beds within the 25131
same county. An existing health care facility described in 25132

division (C)(2)(a)(i) of this section that on or after the 25133
effective date of this amendment seeks to increase beds for either 25134
of the purposes described in division (B)(1)(a) or (b) of this 25135
section shall apply for a license under section 5123.19 of the 25136
Revised Code, as described in division (B) of section 5123.192 of 25137
the Revised Code, if the proposed increase is attributable to a 25138
relocation of existing beds within the same county. 25139

(c) The director shall authorize under such an application 25140
described in division (C)(2)(a) or (b) of this section no 25141
additional beds beyond those being replaced or relocated. ~~The~~ 25142

(3) The director also shall accept for review any application 25143
that seeks certificate of need approval for existing beds located 25144
in an infirmary that is operated exclusively by a religious order, 25145
provides care exclusively to members of religious orders who take 25146
vows of celibacy and live by virtue of their vows within the 25147
orders as if related, and was providing care exclusively to 25148
members of such a religious order on January 1, 1994. 25149

(D) The director shall issue a decision regarding any case 25151
remanded by a court as the result of a decision issued by the 25152
director prior to July 1, 1993, to grant, deny, or withdraw a 25153
certificate of need for any of the purposes described in divisions 25154
(B)(1)(a) to (c) of this section. 25155

(E) The director shall not project the need for beds listed 25156
in division (B)(1) of this section for the period beginning July 25157
1, 1993, and ending ~~June 30, 2001~~ October 15, 2003. 25158

This section is an interim section effective until ~~July 1,~~ 25159
~~2001~~ October 16, 2003. 25160

Sec. 3704.034. (A) Within sixty days after the director of 25161
environmental protection or ~~his~~ the director's agent or authorized 25162

representative receives an application for the issuance of a 25163
~~permit to install pursuant to rules adopted under division (F) of~~ 25164
~~section 3704.03 of the Revised Code, an application to modify such~~ 25165
~~a permit, or~~ an application for the issuance of an initial permit 25166
to operate, or for the modification or renewal of such a permit, 25167
pursuant to rules adopted under division (G) of section 3704.03 of 25168
the Revised Code, the director shall determine whether the 25169
application is substantially complete or materially deficient and, 25170
in writing, shall notify the applicant of ~~his~~ the director's 25171
determination. If the director fails to make such a completeness 25172
determination and provide written notice of ~~his~~ the determination 25173
to the applicant within sixty days after the application was 25174
submitted, the applicant may submit a written request to the 25175
director for the making of such a completeness determination. 25176

(B) Within thirty days after receiving a written request for 25177
the making of a completeness determination on an application under 25178
division (A) of this section, the director shall determine whether 25179
the application is substantially complete or materially deficient 25180
and, in writing, notify the applicant of ~~his~~ the determination. If 25181
the director fails to make a completeness determination and 25182
provide written notice of ~~his~~ the director's determination to the 25183
applicant within thirty days after receiving the applicant's 25184
written request for the making of the determination, the 25185
application shall be deemed to have been complete in all material 25186
respects at the time that it was submitted to the director or ~~his~~ 25187
the director's agent or authorized representative. 25188

(C) If, within the time prescribed in division (A) and, if 25189
applicable, division (B) of this section, the director determines 25190
that an application is materially deficient, the director shall 25191
return the application to the applicant together with the written 25192
notice of material deficiency. The running of the time prescribed 25193
under division (A) and, if applicable, division (B) of this 25194

section ceases at the time that the determination is made. If the 25195
applicant subsequently resubmits the application to the director, 25196
the time prescribed in division (A) of this section and, if 25197
applicable, division (B) of this section shall resume running at 25198
the time that the application is resubmitted. The resubmission of 25199
the application constitutes a request for the making of a 25200
completeness determination on the application. The director shall 25201
do one of the following within the time remaining pursuant to 25202
division (A) and, if applicable, division (B) of this section at 25203
the time that the application is resubmitted: 25204

(1) Make a completeness determination on the application and, 25205
in writing, notify the applicant of ~~his~~ the determination; 25206

(2) Issue or deny or propose to issue or deny the permit ~~or~~, 25207
modification, or renewal. 25208

(D) The director shall include in each written notice of the 25209
completeness of an application provided under division (A), (B), 25210
or (C)(1) of this section the date on which the application was 25211
determined to be complete. 25212

(E) The director shall issue or deny or propose to issue or 25213
~~deny a permit to install pursuant to rules adopted under division~~ 25214
~~(F) of section 3704.03 of the Revised Code, modification of such a~~ 25215
~~permit, or an initial permit to operate, or a modification or~~ 25216
renewal of such a permit, pursuant to rules adopted under division 25217
(G) of section 3704.03 of the Revised Code within one hundred 25218
eighty days after the date that the application for the permit ~~or~~, 25219
modification, or renewal was determined to be complete as that 25220
date is set forth in the written notice of the determination of 25221
the completeness of the application provided under division (A), 25222
(B), or (C)(1) of this section or within one hundred eighty days 25223
after the application is deemed to be complete under division (B) 25224
of this section, as appropriate. If the director fails to issue or 25225
deny or propose to issue or deny the permit ~~or~~, modification, or 25226

renewal within the appropriate one-hundred-eighty-day period, the 25227
applicant may bring a mandamus action to obtain a judgment that 25228
orders the director to take a final action on the application. 25229

25230

(F) The director, upon ~~his~~ the director's own motion or upon 25231
the written request of the applicant and in writing, may extend 25232
the time provided under division (E) of this section for issuing 25233
or denying or proposing to issue or deny the permit ~~or,~~ 25234
modification, or renewal for an additional sixty days if a public 25235
informational meeting or public hearing was held on the 25236
application for the permit ~~or,~~ modification, or renewal. 25237

(G) Upon the written request of the applicant, the director, 25238
in writing, may extend the time provided under division (E) of 25239
this section for issuing or denying or proposing to issue or deny 25240
the permit ~~or,~~ modification, or renewal for the additional time 25241
specified in the applicant's request for the extension. 25242

(H) Upon the written request of the person responsible for a 25243
facility, the director may consolidate or group applications for 25244
the issuance of permits pursuant to rules adopted under 25245
~~divisions(F) or~~ division(G) of section 3704.03 of the Revised 25246
Code, or modifications or renewals of those permits, for 25247
individual air contaminant sources located at the facility in 25248
order to reduce the unnecessary paperwork and administrative 25249
burden to the applicant and the director in connection with the 25250
issuance of those permits, modifications, and renewals. Fees 25251
payable to the director under section 3745.11 of the Revised Code 25252
shall not be reduced by reason of any such consolidation or 25253
grouping of applications for permits, modifications, or renewals. 25254

Sec. 3721.07. (A) Every person desiring to operate a home and 25255
the superintendent or administrator of each county home or 25256
district home for which a license as a residential care facility 25257

is sought shall apply for a license to the director of health. The 25258
director shall issue a license for the home, if after 25259
investigation of the applicant and, if required by section 3721.02 25260
of the Revised Code, inspection of the home, the following 25261
requirements or conditions are satisfied or complied with: 25262

~~(A)~~(1) The applicant has not been convicted of a felony or a 25263
crime involving moral turpitude; 25264

~~(B)~~(2) The applicant is not violating any of the rules made 25265
by the public health council or any order issued by the director 25266
of health; 25267

~~(C)~~(3) The buildings in which the home is housed have been 25268
approved by the state fire marshal or a township, municipal, or 25269
other legally constituted fire department approved by the marshal. 25270
In the approval of a home such agencies shall apply standards 25271
prescribed by the board of building standards, and by the state 25272
fire marshal, and by section 3721.071 of the Revised Code. 25273

~~(D)~~(4) The applicant, if it is an individual, or the 25274
principal participants, if it is an association or a corporation, 25275
is or are suitable financially and morally to operate a home; 25276

~~(E)~~(5) The applicant is equipped to furnish humane, kind, and 25277
adequate treatment and care; 25278

~~(F)~~(6) The home does not maintain or contain: 25279

~~(1)~~(a) Facilities for the performance of major surgical 25280
procedures; 25281

~~(2)~~(b) Facilities for providing therapeutic radiation; 25282

~~(3)~~(c) An emergency ward; 25283

~~(4)~~(d) A clinical laboratory unless it is under the 25284
supervision of a clinical pathologist who is a licensed physician 25285
in this state; 25286

~~(5)~~(e) Facilities for radiological examinations unless such 25287

examinations are performed only by a person licensed to practice 25288
medicine, surgery, or dentistry in this state. 25289

~~(G)~~(7) The home does not accept or treat outpatients, except 25290
upon the written orders of a physician licensed in this state, 25291
maternity cases, boarding children, and does not house transient 25292
guests, other than participants in an adult day-care program, for 25293
twenty-four hours or less; 25294

~~(H)~~(8) The home is in compliance with sections 3721.28 and 25295
3721.29 of the Revised Code. 25296

(B) When the director issues a license, the license shall 25297
remain in effect until revoked by the director ~~or~~, voided at the 25298
request of the applicant, or terminated as described in division 25299
(D) of this section; provided, there shall be an annual renewal 25300
fee payable during the month of January of each calendar year. Any 25301
licensed home that does not pay its renewal fee in January shall 25302
pay, beginning the first day of February, a late fee of one 25303
hundred dollars for each week or part thereof that the renewal fee 25304
is not paid. If either the renewal fee or the late fee is not paid 25305
by the fifteenth day of February, the director may, in accordance 25306
with Chapter 119. of the Revised Code, revoke the home's license. 25307
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(C) A person whose license is revoked, and a county home or 25309
district home that has its license as a residential care facility 25310
revoked, for any reason other than nonpayment of the license 25311
renewal fee or late fees may not apply for a new license under 25312
this chapter until a period of one year following the date of 25313
revocation has elapsed. 25314

(D) A license issued by the director to a nursing home 25315
described in section 5123.192 of the Revised Code shall terminate 25316
if the nursing home obtains a license under section 5123.19 of the 25317
Revised Code. 25318

(E) Any applicant who is denied a license may appeal in accordance with Chapter 119. of the Revised Code. 25319
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Sec. 3721.10. As used in sections 3721.10 to 3721.18 of the Revised Code: 25321
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(A) "Home" means all of the following: 25323

(1) A home as defined in section 3721.01 of the Revised Code; 25324
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(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; 25326
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(3) A county home or district home operated pursuant to Chapter 5155. of the Revised Code. 25332
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(B) "Resident" means a resident or a patient of a home. 25334

(C) "Administrator" means all of the following: 25335

(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; 25336
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25338

(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; 25339
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(3) With respect to a county home or district home, the superintendent appointed under Chapter 5155. of the Revised Code. 25343
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(D) "Sponsor" means an adult relative, friend, or guardian of a resident who has an interest or responsibility in the resident's welfare. 25345
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(E) "Residents' rights advocate" means:	25348
(1) An employee or representative of any state or local government entity that has a responsibility regarding residents and that has registered with the department of health under division (B) of section 3701.07 of the Revised Code;	25349 25350 25351 25352
(2) An employee or representative 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. 1, as amended, and that has registered with the department of health under division (B) of section 3701.07 of the Revised Code and whose purposes include educating and counseling residents, assisting residents in resolving problems and complaints concerning their care and treatment, and assisting them in securing adequate services to meet their needs;	25353 25354 25355 25356 25357 25358 25359 25360 25361
(3) A member of the general assembly.	25362
(F) "Physical restraint" means, but is not limited to, any article, device, or garment that interferes with the free movement of the resident and that he <u>the resident</u> is unable to remove easily, a geriatric chair, or a locked room door.	25363 25364 25365 25366
(G) "Chemical restraint" means any medication bearing the American hospital formulary service therapeutic class 4.00, 28:16:08, 28:24:08, or 28:24:92 that alters the functioning of the central nervous system in a manner that limits physical and cognitive functioning to the degree that the resident cannot attain his <u>the resident's</u> highest practicable physical, mental, and psychosocial well-being.	25367 25368 25369 25370 25371 25372 25373
(H) "Ancillary service" means, but is not limited to, podiatry, dental, hearing, vision, physical therapy, occupational therapy, speech therapy, and psychological and social services.	25374 25375 25376
<u>(I) "Facility" means a facility, or part of a facility, certified as a nursing facility or skilled nursing facility under</u>	25377 25378

<u>Title XVIII or Title XIX of the "Social Security Act." "Facility"</u>	25379
<u>does not include an intermediate care facility for the mentally</u>	25380
<u>retarded, as defined in section 5111.20 of the Revised Code.</u>	25381
<u>(J) "Medicare" means the program established by Title XVIII</u>	25382
<u>of the "Social Security Act."</u>	25383
<u>(K) "Medicaid" means the program established by Title XIX of</u>	25384
<u>the "Social Security Act" and Chapter 5111. of the Revised Code.</u>	25385
Sec. 3721.12. (A) The administrator of a home shall:	25386
(1) With the advice of residents, their sponsors, or both,	25387
establish and review at least annually, written policies regarding	25388
the applicability and implementation of residents' rights under	25389
sections 3721.10 to 3721.17 of the Revised Code, the	25390
responsibilities of residents regarding the rights, and the home's	25391
grievance procedure established under division (A)(2) of this	25392
section. The administrator is responsible for the development of,	25393
and adherence to, procedures implementing the policies.	25394
(2) Establish a grievance committee for review of complaints	25395
by residents. The grievance committee shall be comprised of the	25396
home's staff and residents, sponsors, or outside representatives	25397
in a ratio of not more than one staff member to every two	25398
residents, sponsors, or outside representatives.	25399
(3) Furnish to each resident and sponsor prior to or at the	25400
time of admission, and to each member of the home's staff, at	25401
least one of each of the following:	25402
(a) A copy of the rights established under sections 3721.10	25403
to 3721.17 of the Revised Code;	25404
(b) A written explanation of the provisions of section	25405
<u>sections 3721.16 to 3721.162</u> of the Revised Code;	25406
(c) A copy of the home's policies and procedures established	25407

under this section;	25408
(d) A copy of the home's rules;	25409
(e) A copy of the addresses and telephone numbers of the	25410
board of health of the health district of the county in which the	25411
home is located, the county department of job and family services	25412
of the county in which the home is located, the state departments	25413
of health and job and family services, the state and local offices	25414
of the department of aging, and any Ohio nursing home ombudsperson	25415
program.	25416
(B) Written acknowledgment of the receipt of copies of the	25417
materials listed in this section shall be made part of the	25418
resident's record and the staff member's personnel record.	25419
(C) The administrator shall post all of the following	25420
prominently within the home:	25421
(1) A copy of the rights of residents as listed in division	25422
(A) of section 3721.13 of the Revised Code;	25423
(2) A copy of the home's rules and its policies and	25424
procedures regarding the rights and responsibilities of residents;	25425
(3) A notice that a copy of this chapter, rules of the	25426
department of health applicable to the home, and federal	25427
regulations adopted under Titles XVIII and XIX of the "Social	25428
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended	25429
<u>the medicare and medicaid programs</u> , and the materials required to	25430
be available in the home under section 3721.021 of the Revised	25431
Code, are available for inspection in the home at reasonable	25432
hours;	25433
(4) A list of residents' rights advocates;	25434
(5) A notice that the following are available in a place	25435
readily accessible to residents:	25436
(a) If the home is licensed under section 3721.02 of the	25437

Revised Code, a copy of the most recent licensure inspection report prepared for the home under that section; 25438
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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. 25440
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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. 25444
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Sec. 3721.13. (A) The rights of residents of a home shall include, but are not limited to, the following: 25452
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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; 25454
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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; 25459
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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 25462
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payment for care. 25468

(4) The right to have all reasonable requests and inquiries 25469
responded to promptly; 25470

(5) The right to have clothes and bed sheets changed as the 25471
need arises, to ensure the resident's comfort or sanitation; 25472

(6) The right to obtain from the home, upon request, the name 25473
and any specialty of any physician or other person responsible for 25474
the resident's care or for the coordination of care; 25475
25476

(7) The right, upon request, to be assigned, within the 25477
capacity of the home to make the assignment, to the staff 25478
physician of the resident's choice, and the right, in accordance 25479
with the rules and written policies and procedures of the home, to 25480
select as the attending physician a physician who is not on the 25481
staff of the home. If the cost of a physician's services is to be 25482
met under a federally supported program, the physician shall meet 25483
the federal laws and regulations governing such services. 25484

(8) The right to participate in decisions that affect the 25485
resident's life, including the right to communicate with the 25486
physician and employees of the home in planning the resident's 25487
treatment or care and to obtain from the attending physician 25488
complete and current information concerning medical condition, 25489
prognosis, and treatment plan, in terms the resident can 25490
reasonably be expected to understand; the right of access to all 25491
information in ~~his~~ the resident's medical record; and the right to 25492
give or withhold informed consent for treatment after the 25493
consequences of that choice have been carefully explained. When 25494
the attending physician finds that it is not medically advisable 25495
to give the information to the resident, the information shall be 25496
made available to the resident's sponsor on the resident's behalf, 25497
if the sponsor has a legal interest or is authorized by the 25498

resident to receive the information. The home is not liable for a 25499
violation of this division if the violation is found to be the 25500
result of an act or omission on the part of a physician selected 25501
by the resident who is not otherwise affiliated with the home. 25502

(9) The right to withhold payment for physician visitation if 25503
the physician did not visit the resident; 25504

(10) The right to confidential treatment of personal and 25505
medical records, and the right to approve or refuse the release of 25506
these records to any individual outside the home, except in case 25507
of transfer to another home, hospital, or health care system, as 25508
required by law or rule, or as required by a third-party payment 25509
contract; 25510

(11) The right to privacy during medical examination or 25511
treatment and in the care of personal or bodily needs; 25512

(12) The right to refuse, without jeopardizing access to 25513
appropriate medical care, to serve as a medical research subject; 25514

(13) The right to be free from physical or chemical 25515
restraints or prolonged isolation except to the minimum extent 25516
necessary to protect the resident from injury to ~~himself~~ self, 25517
others, or to property and except as authorized in writing by the 25518
attending physician for a specified and limited period of time and 25519
documented in the resident's medical record. Prior to authorizing 25520
the use of a physical or chemical restraint on any resident, the 25521
attending physician shall make a personal examination of the 25522
resident and an individualized determination of the need to use 25523
the restraint on that resident. 25524

Physical or chemical restraints or isolation may be used in 25525
an emergency situation without authorization of the attending 25526
physician only to protect the resident from injury to ~~himself~~ self 25527
or others. Use of the physical or chemical restraints or isolation 25528
shall not be continued for more than twelve hours after the onset 25529

of the emergency without personal examination and authorization by 25530
the attending physician. The attending physician or a staff 25531
physician may authorize continued use of physical or chemical 25532
restraints for a period not to exceed thirty days, and at the end 25533
of this period and any subsequent period may extend the 25534
authorization for an additional period of not more than thirty 25535
days. The use of physical or chemical restraints shall not be 25536
continued without a personal examination of the resident and the 25537
written authorization of the attending physician stating the 25538
reasons for continuing the restraint. 25539

If physical or chemical restraints are used under this 25540
division, the home shall ensure that the restrained resident 25541
receives a proper diet. In no event shall physical or chemical 25542
restraints or isolation be used for punishment, incentive, or 25543
convenience. 25544

(14) The right to the pharmacist of the resident's choice and 25545
the right to receive pharmaceutical supplies and services at 25546
reasonable prices not exceeding applicable and normally accepted 25547
prices for comparably packaged pharmaceutical supplies and 25548
services within the community; 25549

(15) The right to exercise all civil rights, unless the 25550
resident has been adjudicated incompetent pursuant to Chapter 25551
2111. of the Revised Code and has not been restored to legal 25552
capacity, as well as the right to the cooperation of the home's 25553
administrator in making arrangements for the exercise of the right 25554
to vote; 25555

(16) The right of access to opportunities that enable the 25556
resident, at ~~his~~ the resident's own expense or at the expense of a 25557
third-party payer, to achieve ~~his~~ the resident's fullest 25558
potential, including educational, vocational, social, 25559
recreational, and habilitation programs; 25560

(17) The right to consume a reasonable amount of alcoholic 25561

beverages at ~~his~~ the resident's own expense, unless not medically 25562
advisable as documented in ~~his~~ the resident's medical record by 25563
the attending physician or unless contradictory to written 25564
admission policies; 25565

(18) The right to use tobacco at ~~his~~ the resident's own 25566
expense under the home's safety rules and under applicable laws 25567
and rules of the state, unless not medically advisable as 25568
documented in ~~his~~ the resident's medical record by the attending 25569
physician or unless contradictory to written admission policies; 25570

(19) The right to retire and rise in accordance with ~~his~~ the 25571
resident's reasonable requests, if ~~he~~ the resident does not 25572
disturb others or the posted meal schedules and upon the home's 25573
request remains in a supervised area, unless not medically 25574
advisable as documented by the attending physician; 25575

(20) The right to observe religious obligations and 25576
participate in religious activities; the right to maintain 25577
individual and cultural identity; and the right to meet with and 25578
participate in activities of social and community groups at the 25579
resident's or the group's initiative; 25580

(21) The right upon reasonable request to private and 25581
unrestricted communications with ~~his~~ the resident's family, social 25582
worker, and any other person, unless not medically advisable as 25583
documented in ~~his~~ the resident's medical record by the attending 25584
physician, except that communications with public officials or 25585
with ~~his~~ the resident's attorney or physician shall not be 25586
restricted. Private and unrestricted communications shall include, 25587
but are not limited to, the right to: 25588

(a) Receive, send, and mail sealed, unopened correspondence; 25589

(b) Reasonable access to a telephone for private 25590
communications; 25591

(c) Private visits at any reasonable hour. 25592

(22) The right to assured privacy for visits by the spouse, 25593
or if both are residents of the same home, the right to share a 25594
room within the capacity of the home, unless not medically 25595
advisable as documented in ~~his~~ the resident's medical record by 25596
the attending physician; 25597

(23) The right upon reasonable request to have room doors 25598
closed and to have them not opened without knocking, except in the 25599
case of an emergency or unless not medically advisable as 25600
documented in ~~his~~ the resident's medical record by the attending 25601
physician; 25602

(24) The right to retain and use personal clothing and a 25603
reasonable amount of possessions, in a reasonably secure manner, 25604
unless to do so would infringe on the rights of other residents or 25605
would not be medically advisable as documented in ~~his~~ the 25606
resident's medical record by the attending physician; 25607

(25) The right to be fully informed, prior to or at the time 25608
of admission and during ~~his~~ the resident's stay, in writing, of 25609
the basic rate charged by the home, of services available in the 25610
home, and of any additional charges related to such services, 25611
including charges for services not covered under ~~Titles XVIII and~~ 25612
~~XIX of the "Social Security Act~~ the medicare or medicaid program." 25613
The basic rate shall not be changed unless thirty days notice is 25614
given to the resident or, if the resident is unable to understand 25615
this information, to ~~his~~ the resident's sponsor. 25616

(26) The right of the resident and person paying for the care 25617
to examine and receive a bill at least monthly for the resident's 25618
care from the home that itemizes charges not included in the basic 25619
rates; 25620

(27)(a) The right to be free from financial exploitation; 25621

(b) The right to manage ~~his~~ the resident's own personal 25622
financial affairs, or, if ~~he~~ the resident has delegated this 25623

responsibility in writing to the home, to receive upon written 25624
request at least a quarterly accounting statement of financial 25625
transactions made on ~~his~~ the resident's behalf. The statement 25626
shall include: 25627

(i) A complete record of all funds, personal property, or 25628
possessions of a resident from any source whatsoever, that have 25629
been deposited for safekeeping with the home for use by the 25630
resident or ~~his~~ the resident's sponsor; 25631

(ii) A listing of all deposits and withdrawals transacted, 25632
which shall be substantiated by receipts which shall be available 25633
for inspection and copying by the resident or sponsor. 25634

(28) The right of the resident to be allowed unrestricted 25635
access to ~~his~~ the resident's property on deposit at reasonable 25636
hours, unless requests for access to property on deposit are so 25637
persistent, continuous, and unreasonable that they constitute a 25638
nuisance; 25639

(29) The right to receive reasonable notice before ~~his~~ the 25640
resident's room or roommate is changed, including an explanation 25641
of the reason for either change. 25642

(30) The right not to be transferred or discharged from the 25643
home ~~except for medical reasons, for his welfare or another~~ 25644
~~resident's, for nonpayment of charges due the home, if the home's~~ 25645
~~license is revoked under this chapter, if the home is being closed~~ 25646
~~pursuant to sections 5111.35 to 5111.62 or section 5155.31 of the~~ 25647
~~Revised Code, if he is a recipient of medical assistance under~~ 25648
~~section 5111.01 of the Revised Code in a home whose participation~~ 25649
~~in the medical assistance program is terminated or denied, or if~~ 25650
~~he is a beneficiary under Title XVIII of the "Social Security Act"~~ 25651
~~in a home whose certification under Title XVIII is terminated or~~ 25652
~~denied~~ unless the transfer is necessary because of one of the 25653
following: 25654

<u>(a) The welfare and needs of the resident cannot be met in the home.</u>	25655 25656
<u>(b) The resident's health has improved sufficiently so that the resident no longer needs the services provided by the home.</u>	25657 25658
<u>(c) The safety of individuals in the home is endangered.</u>	25659
<u>(d) The health of individuals in the home would otherwise be endangered.</u>	25660 25661
<u>(e) The resident has failed, after reasonable and appropriate notice, to pay for a stay at the home, regardless of the method of payment.</u>	25662 25663 25664
<u>(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.</u>	25665 25666 25667
<u>(g) The resident is a recipient of medicaid, and the home's participation in the medicaid program is involuntarily terminated or denied.</u>	25668 25669 25670
<u>(h) The resident is a beneficiary under the medicare program, and the home's participation in the medicare program is involuntarily terminated or denied.</u>	25671 25672 25673
(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.	25674 25675 25676 25677 25678 25679 25680 25681 25682 25683
(32) The right to have any significant change in his <u>the</u>	25684

resident's health status reported to ~~his~~ the resident's sponsor. 25685
As soon as such a change is known to the home's staff, the home 25686
shall make a reasonable effort to notify the sponsor within twelve 25687
hours. 25688

(B) A sponsor may act on a resident's behalf to assure that 25689
the home does not deny the residents' rights under sections 25690
3721.10 to 3721.17 of the Revised Code. 25691

(C) Any attempted waiver of the rights listed in division (A) 25692
of this section is void. 25693

Sec. 3721.15. (A) Authorization from a resident or a sponsor 25694
with a power of attorney for a home to manage the resident's 25695
financial affairs shall be in writing and shall be attested to by 25696
a witness who is not connected in any manner whatsoever with the 25697
home or its administrator. The home shall maintain accounts 25698
pursuant to division (A)(27) of section 3721.13 of the Revised 25699
Code. Upon the resident's transfer, discharge, or death, the 25700
account shall be closed and a final accounting made. All remaining 25701
funds shall be returned to the resident or resident's sponsor, 25702
except in the case of death, when all remaining funds shall be 25703
transferred or used in accordance with section 5111.112 of the 25704
Revised Code. 25705

(B) A home that manages a resident's financial affairs shall 25706
deposit the resident's funds in excess of one hundred dollars, and 25707
may deposit the resident's funds that are one hundred dollars or 25708
less, in an interest-bearing account separate from any of the 25709
home's operating accounts. Interest earned on the resident's funds 25710
shall be credited to the resident's account. A resident's funds 25711
that are one hundred dollars or less and have not been deposited 25712
in an interest-bearing account may be deposited in a 25713
noninterest-bearing account or petty cash fund. 25714

(C) Each resident whose financial affairs are managed by a 25715

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; 25747

(b) The resident has resided in the home less than thirty 25748
days; 25749

(c) An emergency arises in which the safety of individuals in 25750
the home is endangered; 25751

(d) An emergency arises in which the health of individuals in 25752
the home would otherwise be endangered; 25753

(e) An emergency arises in which the resident's urgent 25754
medical needs necessitate a more immediate transfer or discharge. 25755

In ~~the case~~ any of ~~a resident~~ the circumstances described in 25756
~~division~~ divisions (A)(1)(a) ~~or (b)~~ to (e) of this section, the 25757
notice shall be provided as many days in advance of the proposed 25758
transfer or discharge as is practicable. 25759

(2) The notice required under division (A)(1) of this section 25760
shall include all of the following: 25761

(a) The reasons for the proposed transfer or discharge; 25762

(b) The proposed date the resident is to be transferred or 25763
discharged; 25764

(c) The proposed location to which the resident is to be 25765
transferred or discharged; 25766

(d) Notice of the right of the resident and ~~his~~ the 25767
resident's sponsor to an impartial hearing at the home on the 25768
proposed transfer or discharge, and of the manner in which and the 25769
time within which the resident or ~~his~~ sponsor may request a 25770
hearing under division ~~(C)~~ (D) of this section; 25771

(e) A statement that the resident will not be transferred or 25772
discharged before the date specified in the notice unless the home 25773
and the resident or, if the resident is not competent to make a 25774
decision, the home and the resident's sponsor, agree to an earlier 25775

date; 25776

~~(e)~~(f) The address of the legal services office of the 25777
department of health; 25778

~~(d)~~(g) The name, address, and telephone number of a 25779
representative of the state long-term care ~~ombudsman~~ ombudsperson 25780
program and, if the resident or patient has a developmental 25781
disability or mental illness, the name, address, and telephone 25782
number of the Ohio legal rights service. 25783

(B) No home shall transfer or discharge a resident before the 25784
date specified in the notice required by division (A) of this 25785
section unless the home and the resident or, if the resident is 25786
not competent to make a decision, the home and the resident's 25787
sponsor, agree to an earlier date. 25788

(C) Transfer or discharge actions shall be documented in the 25789
resident's medical record by the home if there is a medical basis 25790
for the action. 25791

~~(e)~~(D) A resident or ~~his~~ resident's sponsor may challenge a 25792
transfer or discharge by requesting an impartial hearing ~~at the~~ 25793
~~home~~ pursuant to section 3721.161 of the Revised Code, unless the 25794
transfer or discharge is required because of ~~an emergency or one~~ 25795
of the following reasons: 25796

(1) The home's license has been revoked under this chapter; 25797

(2) The home is being closed pursuant to sections 5111.35 to 25798
5111.62 or section 5155.31 of the Revised Code~~;~~ 25799

~~(3) The resident is a recipient of medical assistance under~~ 25800
~~section 5111.01 of the Revised Code and the home's participation~~ 25801
~~in the medical assistance program has been terminated or denied;~~ 25802

~~(4) The resident is a beneficiary under Title XVIII of the~~ 25803
~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as~~ 25804
~~amended and the home's certification under Title XVIII has been~~ 25805

~~terminated or denied.~~

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~~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.~~

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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.~~

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~~(D) An impartial hearing on resident transfer or discharge is not subject to section 121.22 of the Revised Code.~~

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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~~

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~~facility shall be given priority for the first available bed in a
semi-private room.~~

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Sec. 3721.161. (A) Not later than ninety days after the date
a resident or the resident's sponsor receives notice of a proposed
transfer or discharge, whichever is later, the resident or
resident's sponsor may challenge the proposed transfer or
discharge by submitting a written request for a hearing to the
state department of health. On receiving the request, the
department shall conduct a hearing in accordance with section
3721.162 of the Revised Code to determine whether the proposed
transfer or discharge complies with division (A)(30) of section
3721.13 of the Revised Code.

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(B) Except in the circumstances described in divisions
(A)(1)(a) to (e) of section 3721.16 of the Revised Code, if a
resident or resident's sponsor submits a hearing request pursuant
to division (A) of this section, the home shall not transfer or
discharge the resident unless the department determines after the
hearing that the transfer or discharge complies with division
(A)(30) of section 3721.13 of the Revised Code.

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(C) If a resident or resident's sponsor does not request a
hearing pursuant to division (A) of this section, the home may
transfer or discharge the resident on the date specified in the
notice required by division (A) of section 3721.16 of the Revised
Code or thereafter, 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 date.

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(D) If the resident or resident's sponsor requests a hearing
in writing pursuant to division (A) of this section and the home
transfers or discharges the resident before the department issues
a hearing decision, the home shall readmit the resident in the
first available bed if the department determines after the hearing

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that the transfer or discharge does not comply with division 25869
(A)(30) of section 3721.13 of the Revised Code. 25870

Sec. 3721.162. (A) On receiving a request pursuant to section 25871
3721.161 of the Revised Code, the department of health shall 25872
conduct hearings under this section in accordance with 42 C.F.R. 25873
431, subpart E, to determine whether the proposed transfer or 25874
discharge complies with division (A)(30) of section 3721.13 of the 25875
Revised Code. 25876

(B) The department shall employ or contract with an attorney 25877
to serve as hearing officer. The hearing officer shall conduct a 25878
hearing in the home and issue a decision not later than thirty 25879
days after the date the department receives a request pursuant to 25880
section 3721.161 of the Revised Code, unless the resident and the 25881
home or, if the resident is not competent to make a decision, the 25882
resident's sponsor and the home, agree otherwise. The hearing 25883
shall be recorded on audiotape, but neither the recording nor a 25884
transcript of the recording shall be part of the official record 25885
of the hearing. A hearing conducted under this section is not 25886
subject to section 121.22 of the Revised Code. 25887

(C) The hearing officer's decision shall be served on the 25888
resident or resident's sponsor and the home by certified mail. The 25889
hearing officer's decision shall be considered the final decision 25890
of the department. 25891

(D) A resident, resident's sponsor, or home may appeal the 25892
decision of the department to the court of common pleas pursuant 25893
to section 119.12 of the Revised Code. The appeal shall be 25894
governed by section 119.12 of the Revised Code, except for all of 25895
the following: 25896

(1) The resident, resident's sponsor, or home shall file the 25897
appeal in the court of common pleas of the county in which the 25898
home is located. 25899

(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. 25900
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(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. 25904
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(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. 25911
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(E) The court shall not require an appellant to pay a bond as a condition of issuing a stay pending its decision. 25919
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(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. 25921
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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 25928
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adopted pursuant to division (A)(2) of section 3721.12 of the Revised Code. 25931
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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. 25933
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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. 25939
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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. 25944
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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. 25952
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(D) If, after an investigation, the department of health finds probable cause to believe that a violation of sections 25961
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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.

For each subsequent offense, the home may be fined not less than 25995
two hundred nor more than one thousand dollars. 25996

A violation of sections 3721.10 to 3721.17 of the Revised 25997
Code is a separate offense for each day of the violation and for 25998
each resident who claims the violation. 25999

(G) No home or employee of a home shall retaliate against any 26000
person who: 26001

(1) Exercises any right set forth in sections 3721.10 to 26002
3721.17 of the Revised Code, including, but not limited to, filing 26003
a complaint with the home's grievance committee or reporting an 26004
alleged violation to the department of health; 26005

(2) Appears as a witness in any hearing conducted under this 26006
section ~~and~~ or section ~~3721.16~~ 3721.162 of the Revised Code; 26007

(3) Files a civil action alleging a violation of sections 26008
3721.10 to 3721.17 of the Revised Code, or notifies a county 26009
prosecuting attorney or the attorney general of a possible 26010
violation of sections 3721.10 to 3721.17 of the Revised Code. 26011

If, under the procedures outlined in this section, a home or 26012
its employee is found to have retaliated, the violator may be 26013
fined up to one thousand dollars. 26014

(H) When legal action is indicated, any evidence of criminal 26015
activity found in an investigation under division (C) of this 26016
section shall be given to the prosecuting attorney in the county 26017
in which the home is located for investigation. 26018

(I)(1) Any resident whose rights under sections 3721.10 to 26019
3721.17 of the Revised Code are violated has a cause of action 26020
against any person or home committing the violation. The action 26021
may be commenced by the resident or by the resident's sponsor on 26022
behalf of the resident. 26023

(2)(a) If compensatory damages are awarded for a violation of 26024

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.

(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
community-based services for the aged fund," which is hereby
created in the state treasury. The departments of job and family
services and aging shall use the moneys in the fund to fund the
following in accordance with rules adopted under section 3721.58
of the Revised Code:

~~(A)(1)~~ The medical assistance program established under
Chapter 511. of the Revised Code;

~~(B)(2)~~ The PASSPORT program established under section 173.40
of the Revised Code;

~~(C)(3)~~ The residential state supplement program established
under section 173.35 of the Revised Code.

(B) Three-fourths of all payments and penalties paid by
nursing homes and hospitals under sections 3721.53 and 3721.54 of
the Revised Code for fiscal years 2002 and 2003 shall be deposited
into the nursing facility stabilization fund, which is hereby
created in the state treasury. The department of job and family
services shall use the money in the fund in the manner provided by
Am. Sub. H.B. 94 of the 124th general assembly.

Sec. 3722.01. (A) As used in this chapter:

(1) "Owner" means the person who owns the business of and who
ultimately controls the operation of an adult care facility and to
whom the manager, if different from the owner, is responsible.

(2) "Manager" means the person responsible for the daily
operation of an adult care facility. The manager and the owner of
a facility may be the same person.

(3) "Adult" means an individual eighteen years of age or
older.

(4) "Unrelated" means that an adult resident is not related
to the owner or manager of an adult care facility or to the

owner's or manager's spouse as a parent, grandparent, child, 26116
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 26117
uncle, or as the child of an aunt or uncle. 26118

(5) "Skilled nursing care" means skilled nursing care as 26119
defined in section 3721.01 of the Revised Code. 26120

(6)(a) "Personal care services" means services including, but 26121
not limited to, the following: 26122

(i) Assisting residents with activities of daily living; 26123

(ii) Assisting residents with self-administration of 26124
medication, in accordance with rules adopted by the public health 26125
council pursuant to this chapter; 26126

(iii) Preparing special diets, other than complex therapeutic 26127
diets, for residents pursuant to the instructions of a physician 26128
or a licensed dietitian, in accordance with rules adopted by the 26129
public health council pursuant to this chapter. 26130

(b) "Personal care services" does not include "skilled 26131
nursing care" as defined in section 3721.01 of the Revised Code. A 26132
facility need not provide more than one of the services listed in 26133
division (A)(6)(a) of this section to be considered to be 26134
providing personal care services. 26135

(7) "Adult family home" means a residence or facility that 26136
provides accommodations to three to five unrelated adults and 26137
supervision and personal care services to at least three of those 26138
adults. 26139

(8) "Adult group home" means a residence or facility that 26140
provides accommodations to six to sixteen unrelated adults and 26141
provides supervision and personal care services to at least three 26142
of the unrelated adults. 26143

(9) "Adult care facility" means an adult family home or an 26144
adult group home. For the purposes of this chapter, any residence, 26145

facility, institution, hotel, congregate housing project, or 26146
similar facility that provides accommodations and supervision to 26147
three to sixteen unrelated adults, at least three of whom are 26148
provided personal care services, is an adult care facility 26149
regardless of how the facility holds itself out to the public. 26150
"Adult care facility" does not include: 26151

(a) A facility operated by a hospice care program licensed 26152
under section 3712.04 of the Revised Code that is used exclusively 26153
for care of hospice patients; 26154

(b) A nursing home, residential care facility, or home for 26155
the aging as defined in section 3721.01 of the Revised Code; 26156

(c) A community alternative home as defined in section 26157
3724.01 of the Revised Code; 26158

(d) An alcohol and drug addiction program as defined in 26159
section 3793.01 of the Revised Code; 26160

(e) A habilitation center as defined in section 5123.041 of 26161
the Revised Code; 26162

(f) A residential facility for the mentally ill licensed by 26163
the department of mental health under section 5119.22 of the 26164
Revised Code; 26165

(g) A facility licensed to provide methadone treatment under 26166
section 3793.11 of the Revised Code; 26167

(h) A residential facility licensed under section 5123.19 of 26168
the Revised Code or otherwise regulated by the department of 26169
mental retardation and developmental disabilities; 26170

(i) Any residence, institution, hotel, congregate housing 26171
project, or similar facility that provides personal care services 26172
to fewer than three residents or that provides, for any number of 26173
residents, only housing, housekeeping, laundry, meal preparation, 26174
social or recreational activities, maintenance, security, 26175

transportation, and similar services that are not personal care services or skilled nursing care; 26176
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(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; 26178
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(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; 26182
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(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; 26185
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(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. 26189
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(10) "Residents' rights advocate" means: 26194

(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; 26195
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(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 26199
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and complaints concerning their care and treatment, and assisting 26207
them in securing adequate services. 26208

(11) "Sponsor" means an adult relative, friend, or guardian 26209
of a resident of an adult care facility who has an interest in or 26210
responsibility for the resident's welfare. 26211

(12) "Ombudsperson" means a "representative of the office of 26212
the state long-term care ombudsperson program" as defined in 26213
section 173.14 of the Revised Code. 26214

(13) "Mental health agency" means a community mental health 26215
agency, as defined in section 5119.22 of the Revised Code, under 26216
contract with a board of alcohol, drug addiction, and mental 26217
health services pursuant to division (A)~~(6)~~(8)(a) of section 26218
340.03 of the Revised Code. 26219

(B) For purposes of this chapter, personal care services or 26220
skilled nursing care shall be considered to be provided by a 26221
facility if they are provided by a person employed by or 26222
associated with the facility or by another person pursuant to an 26223
agreement to which neither the resident who receives the services 26224
nor the resident's sponsor is a party. 26225

(C) Nothing in division (A)~~(6)~~ of this section shall be 26226
construed to permit personal care services to be imposed upon a 26227
resident who is capable of performing the activity in question 26228
without assistance. 26229

Sec. 3722.15. (A) The following may enter an adult care 26230
facility at any time: 26231

(1) Employees designated by the director of health; 26232

(2) Employees designated by the director of aging; 26233

(3) Employees designated by the attorney general; 26234

(4) Employees designated by a county department of job and 26235

family services to implement sections 5101.60 to 5101.71 of the Revised Code;	26236 26237
(5) Persons employed pursuant to division (M) of section 173.01 of the Revised Code in the long-term care facilities ombudsperson program;	26238 26239 26240
(6) Employees of the department of mental health designated by the director of mental health;	26241 26242
(7) Employees of a mental health agency, if the agency has a client residing in the facility;	26243 26244
(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) (6) (8)(b) of section 340.03 of the Revised Code or a mental health agency under contract with the board resides in the facility.	26245 26246 26247 26248 26249 26250
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.	26251 26252 26253 26254 26255 26256 26257
(B) The following persons may enter any adult care facility during reasonable hours:	26258 26259
(1) A resident's sponsor;	26260
(2) Residents' rights advocates;	26261
(3) A resident's attorney;	26262
(4) A minister, priest, rabbi, or other person ministering to a resident's religious needs;	26263 26264

(5) A physician or other person providing health care services to a resident;	26265 26266
(6) Employees authorized by county departments of job and family services and local boards of health or health departments to enter adult care facilities;	26267 26268 26269
(7) A prospective resident and prospective resident's sponsor.	26270 26271
(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.	26272 26273 26274 26275
Sec. 3722.16. (A) No person shall:	26276
(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;	26277 26278 26279
(2) Admit to an adult care facility more residents than the number authorized in the facility's license;	26280 26281
(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.	26282 26283 26284 26285 26286
(4) Interfere with any authorized inspection of an adult care facility conducted pursuant to section 3722.02 or 3722.04 of the Revised Code;	26287 26288 26289
(5) Violate any of the provisions of this chapter or any of the rules adopted pursuant to it.	26290 26291
(B) No adult care facility shall provide, or admit or retain any resident in need of, skilled nursing care unless all of the	26292 26293

following are the case: 26294

(1) The care will be provided on a part-time, intermittent 26295
basis for not more than a total of one hundred twenty days in any 26296
twelve-month period by one or more of the following: 26297

(a) A home health agency certified under Title XVIII of the 26298
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 26299
amended: 26300

(b) A hospice care program licensed under Chapter 3712. of 26301
the Revised Code; 26302

(c) A nursing home licensed under Chapter 3721. of the 26303
Revised Code and owned and operated by the same person and located 26304
on the same site as the adult care facility; 26305

(d) A mental health agency or, pursuant to division 26306
(A)~~(6)~~(8)(b) of section 340.03 of the Revised Code, a board of 26307
alcohol, drug addiction, and mental health services. 26308

(2) The staff of the home health agency, hospice care 26309
program, nursing home, mental health agency, or board of alcohol, 26310
drug addiction, and mental health services does not train facility 26311
staff to provide the skilled nursing care; 26312

(3) The individual to whom the skilled nursing care is 26313
provided is suffering from a short-term illness; 26314

(4) If the skilled nursing care is to be provided by the 26315
nursing staff of a nursing home, all of the following are the 26316
case: 26317

(a) The adult care facility evaluates the individual 26318
receiving the skilled nursing care at least once every seven days 26319
to determine whether the individual should be transferred to a 26320
nursing home; 26321

(b) The adult care facility meets at all times staffing 26322
requirements established by rules adopted under section 3722.10 of 26323

the Revised Code; 26324

(c) The nursing home does not include the cost of providing 26325
skilled nursing care to the adult care facility residents in a 26326
cost report filed under section 5111.26 of the Revised Code; 26327

(d) The nursing home meets at all times the nursing home 26328
licensure staffing ratios established by rules adopted under 26329
section 3721.04 of the Revised Code; 26330

(e) The nursing home staff providing skilled nursing care to 26331
adult care facility residents are registered nurses or licensed 26332
practical nurses licensed under Chapter 4723. of the Revised Code 26333
and meet the personnel qualifications for nursing home staff 26334
established by rules adopted under section 3721.04 of the Revised 26335
Code; 26336

(f) The skilled nursing care is provided in accordance with 26337
rules established for nursing homes under section 3721.04 of the 26338
Revised Code; 26339

(g) The nursing home meets the skilled nursing care needs of 26340
the adult care facility residents; 26341

(h) Using the nursing home's nursing staff does not prevent 26342
the nursing home or adult care facility from meeting the needs of 26343
the nursing home and adult care facility residents in a quality 26344
and timely manner. 26345

Notwithstanding section 3721.01 of the Revised Code, an adult 26346
care facility in which residents receive skilled nursing care as 26347
described in division (B) of this section is not a nursing home. 26348
No adult care facility shall provide skilled nursing care. 26349

(C) A home health agency or hospice care program that 26350
provides skilled nursing care pursuant to division (B) of this 26351
section may not be associated with the adult care facility unless 26352
the facility is part of a home for the aged as defined in section 26353

5701.13 of the Revised Code or the adult care facility is owned 26354
and operated by the same person and located on the same site as a 26355
nursing home licensed under Chapter 3721. of the Revised Code that 26356
is associated with the home health agency or hospice care program. 26357
In addition, the following requirements shall be met: 26358

(1) The adult care facility shall evaluate the individual 26359
receiving the skilled nursing care not less than once every seven 26360
days to determine whether the individual should be transferred to 26361
a nursing home; 26362

(2) If the costs of providing the skilled nursing care are 26363
included in a cost report filed pursuant to section 5111.26 of the 26364
Revised Code by the nursing home that is part of the same home for 26365
the aged, the home health agency or hospice care program shall not 26366
seek reimbursement for the care under the medical assistance 26367
program established under Chapter 5111. of the Revised Code. 26368

(D)(1) No person knowingly shall place or recommend placement 26369
of any person in an adult care facility that is operating without 26370
a license. 26371

(2) No employee of a unit of local or state government, board 26372
of alcohol, drug addiction, and mental health services, mental 26373
health agency, or PASSPORT administrative agency shall place or 26374
recommend placement of any person in an adult care facility if the 26375
employee knows that the facility cannot meet the needs of the 26376
potential resident. 26377

(3) No person who has reason to believe that an adult care 26378
facility is operating without a license shall fail to report this 26379
information to the director of health. 26380

(E) In accordance with Chapter 119. of the Revised Code, the 26381
public health council shall adopt rules that define a short-term 26382
illness for purposes of division (B)(3) of this section and 26383
specify, consistent with rules pertaining to home health care 26384

adopted by the director of job and family services under the 26385
medical assistance program established under Chapter 5111. of the 26386
Revised Code and Title XIX of the "Social Security Act," 49 Stat. 26387
620 (1935), 42 U.S.C. 301, as amended, what constitutes a 26388
part-time, intermittent basis for purposes of division (B)(1) of 26389
this section. 26390

Sec. 3734.57. (A) For the purposes of paying the state's 26391
long-term operation costs or matching share for actions taken 26392
under the "Comprehensive Environmental Response, Compensation, and 26393
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 26394
amended; paying the costs of measures for proper clean-up of sites 26395
where polychlorinated biphenyls and substances, equipment, and 26396
devices containing or contaminated with polychlorinated biphenyls 26397
have been stored or disposed of; paying the costs of conducting 26398
surveys or investigations of solid waste facilities or other 26399
locations where it is believed that significant quantities of 26400
hazardous waste were disposed of and for conducting enforcement 26401
actions arising from the findings of such surveys or 26402
investigations; paying the costs of acquiring and cleaning up, or 26403
providing financial assistance for cleaning up, any hazardous 26404
waste facility or solid waste facility containing significant 26405
quantities of hazardous waste, that constitutes an imminent and 26406
substantial threat to public health or safety or the environment; 26407
and, from July 1, ~~1999~~ 2001, through June 30, ~~2001~~ 2004, for the 26408
purposes of paying the costs of administering and enforcing the 26409
laws pertaining to solid wastes, infectious wastes, and 26410
construction and demolition debris, including, without limitation, 26411
ground water evaluations related to solid wastes, infectious 26412
wastes, and construction and demolition debris, under this chapter 26413
and Chapter 3714. of the Revised Code and any rules adopted under 26414
them, and paying a share of the administrative costs of the 26415
environmental protection agency pursuant to section 3745.014 of 26416

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

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

emergency and other public services resulting from the location 26481
and operation of a solid waste facility within the county under 26482
the district's approved solid waste management plan; paying the 26483
costs incurred by boards of health for collecting and analyzing 26484
water samples from public or private wells on lands adjacent to 26485
solid waste facilities that are contained in the approved or 26486
amended plan of the district; paying the costs of developing and 26487
implementing a program for the inspection of solid wastes 26488
generated outside the boundaries of this state that are disposed 26489
of at solid waste facilities included in the district's approved 26490
solid waste management plan or amended plan; providing financial 26491
assistance to boards of health within the district for enforcing 26492
laws prohibiting open dumping; providing financial assistance to 26493
local law enforcement agencies within the district for enforcing 26494
laws and ordinances prohibiting littering; providing financial 26495
assistance to boards of health of health districts within the 26496
district that are on the approved list under section 3734.08 of 26497
the Revised Code for the training and certification required for 26498
their employees responsible for solid waste enforcement by rules 26499
adopted under division (L) of section 3734.02 of the Revised Code; 26500
providing financial assistance to individual municipal 26501
corporations and townships within the district to defray their 26502
added costs of maintaining roads and other public facilities and 26503
of providing emergency and other public services resulting from 26504
the location and operation within their boundaries of a 26505
composting, energy or resource recovery, incineration, or 26506
recycling facility that either is owned by the district or is 26507
furnishing solid waste management facility or recycling services 26508
to the district pursuant to a contract or agreement with the board 26509
of county commissioners or directors of the district; and payment 26510
of any expenses that are agreed to, awarded, or ordered to be paid 26511
under section 3734.35 of the Revised Code and of any 26512
administrative costs incurred pursuant to that section, the solid 26513

waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities: 26514
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(1) The disposal at a solid waste disposal facility located in the district of solid wastes generated within the district; 26516
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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; 26518
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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. 26521
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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 26524
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the fees under divisions (B)(1) to (3) of this section are being 26546
levied on the basis of cubic yards as the unit of measurement 26547
under the plan, amended plan, or resolution. 26548

On and after January 1, 1994, the fee levied under division 26549
(B)(1) of this section shall be not less than one dollar per ton 26550
nor more than two dollars per ton, the fee levied under division 26551
(B)(2) of this section shall be not less than two dollars per ton 26552
nor more than four dollars per ton, and the fee levied under 26553
division (B)(3) of this section shall be not more than the fee 26554
levied under division (B)(1) of this section, except as otherwise 26555
provided in this division and notwithstanding any schedule of 26556
those fees established in the solid waste management plan of a 26557
county or joint district approved under section 3734.55 of the 26558
Revised Code or a resolution adopted and ratified under this 26559
division that is in effect on that date. If the fee that a 26560
district is levying under division (B)(1) of this section on that 26561
date under its approved plan or such a resolution is less than one 26562
dollar per ton, the fee shall be one dollar per ton on and after 26563
January 1, 1994, and if the fee that a district is so levying 26564
under that division exceeds two dollars per ton, the fee shall be 26565
two dollars per ton on and after that date. If the fee that a 26566
district is so levying under division (B)(2) of this section is 26567
less than two dollars per ton, the fee shall be two dollars per 26568
ton on and after that date, and if the fee that the district is so 26569
levying under that division exceeds four dollars per ton, the fee 26570
shall be four dollars per ton on and after that date. On that 26571
date, the fee levied by a district under division (B)(3) of this 26572
section shall be equal to the fee levied under division (B)(1) of 26573
this section. Except as otherwise provided in this division, the 26574
fees established by the operation of this amendment shall remain 26575
in effect until the district's resolution levying fees under this 26576
division is amended or repealed in accordance with this division 26577

to amend or abolish the schedule of fees, the schedule of fees is 26578
amended or abolished in an amended plan of the district approved 26579
under section 3734.521 or division (A) or (D) of section 3734.56 26580
of the Revised Code, or the schedule of fees is amended or 26581
abolished through an amendment to the district's plan under 26582
division (E) of section 3734.56 of the Revised Code; the 26583
notification of the amendment or abolishment of the fees has been 26584
given in accordance with this division; and collection of the 26585
amended fees so established commences, or collection of the fees 26586
ceases, in accordance with this division. 26587

The solid waste management policy committee of a district 26588
levying fees under divisions (B)(1) to (3) of this section on 26589
October 29, 1993, under its solid waste management plan approved 26590
under section 3734.55 of the Revised Code or a resolution adopted 26591
and ratified under this division that are within the ranges of 26592
rates prescribed by this amendment, by adoption of a resolution 26593
not later than December 1, 1993, and without the necessity for 26594
ratification of the resolution under this division, may amend 26595
those fees within the prescribed ranges, provided that the 26596
estimated revenues from the amended fees will not substantially 26597
exceed the estimated revenues set forth in the district's budget 26598
for calendar year 1994. Not later than seven days after the 26599
adoption of such a resolution, the committee shall notify by 26600
certified mail the owner or operator of each solid waste disposal 26601
facility that is required to collect the fees of the adoption of 26602
the resolution and of the amount of the amended fees. Collection 26603
of the amended fees shall take effect on the first day of the 26604
first month following the month in which the notification is sent 26605
to the owner or operator. The fees established in such a 26606
resolution shall remain in effect until the district's resolution 26607
levying fees that was adopted and ratified under this division is 26608
amended or repealed, and the amendment or repeal of the resolution 26609

is ratified, in accordance with this division, to amend or abolish 26610
the fees, the schedule of fees is amended or abolished in an 26611
amended plan of the district approved under section 3734.521 or 26612
division (A) or (D) of section 3734.56 of the Revised Code, or the 26613
schedule of fees is amended or abolished through an amendment to 26614
the district's plan under division (E) of section 3734.56 of the 26615
Revised Code; the notification of the amendment or abolishment of 26616
the fees has been given in accordance with this division; and 26617
collection of the amended fees so established commences, or 26618
collection of the fees ceases, in accordance with this division. 26619

Prior to the approval of the solid waste management plan of 26620
the district under section 3734.55 of the Revised Code, the solid 26621
waste management policy committee of a district may levy fees 26622
under this division by adopting a resolution establishing the 26623
proposed amount of the fees. Upon adopting the resolution, the 26624
committee shall deliver a copy of the resolution to the board of 26625
county commissioners of each county forming the district and to 26626
the legislative authority of each municipal corporation and 26627
township under the jurisdiction of the district and shall prepare 26628
and publish the resolution and a notice of the time and location 26629
where a public hearing on the fees will be held. Upon adopting the 26630
resolution, the committee shall deliver written notice of the 26631
adoption of the resolution; of the amount of the proposed fees; 26632
and of the date, time, and location of the public hearing to the 26633
director and to the fifty industrial, commercial, or institutional 26634
generators of solid wastes within the district that generate the 26635
largest quantities of solid wastes, as determined by the 26636
committee, and to their local trade associations. The committee 26637
shall make good faith efforts to identify those generators within 26638
the district and their local trade associations, but the 26639
nonprovision of notice under this division to a particular 26640
generator or local trade association does not invalidate the 26641

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

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

levied pursuant to such a resolution or amended resolution by 26706
adopting a resolution proposing to repeal them. Upon adopting such 26707
a resolution, the committee shall proceed to obtain ratification 26708
of the resolution in accordance with this division. 26709

Not later than fourteen days after declaring the fees or 26710
amended fees to be ratified under this division, the committee 26711
shall notify by certified mail the owner or operator of each solid 26712
waste disposal facility that is required to collect the fees of 26713
the ratification and the amount of the fees. Collection of any 26714
fees or amended fees ratified on or after March 24, 1992, shall 26715
commence on the first day of the second month following the month 26716
in which notification is sent to the owner or operator. 26717

Not later than fourteen days after declaring the repeal of 26718
the district's schedule of fees to be ratified under this 26719
division, the committee shall notify by certified mail the owner 26720
or operator of each facility that is collecting the fees of the 26721
repeal. Collection of the fees shall cease on the first day of the 26722
second month following the month in which notification is sent to 26723
the owner or operator. 26724

Not later than fourteen days after the director issues an 26725
order approving a district's solid waste management plan under 26726
section 3734.55 of the Revised Code or amended plan under division 26727
(A) or (D) of section 3734.56 of the Revised Code that establishes 26728
or amends a schedule of fees levied by the district, or the 26729
ratification of an amendment to the district's approved plan or 26730
amended plan under division (E) of section 3734.56 of the Revised 26731
Code that establishes or amends a schedule of fees, as 26732
appropriate, the committee shall notify by certified mail the 26733
owner or operator of each solid waste disposal facility that is 26734
required to collect the fees of the approval of the plan or 26735
amended plan, or the amendment to the plan, as appropriate, and 26736
the amount of the fees or amended fees. In the case of an initial 26737

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

from a joint district, that abolishes the schedule of fees levied 26770
under divisions (B)(1) to (3) of this section by a district 26771
resulting from the change, the committee, within fourteen days 26772
after the change takes effect pursuant to division (G) of that 26773
section, shall notify by certified mail the owner or operator of 26774
each solid waste disposal facility that is required to collect the 26775
fees that the change has taken effect and of the abolishment of 26776
the fees. Collection of the fees shall cease on the first day of 26777
the second month following the month in which notification is sent 26778
to the owner or operator. 26779

Except as otherwise provided in this division, if the 26780
schedule of fees that a district is levying under divisions (B)(1) 26781
to (3) of this section pursuant to a resolution or amended 26782
resolution adopted and ratified under this division, the solid 26783
waste management plan of the district approved under section 26784
3734.55 of the Revised Code, an amended plan approved under 26785
division (A) or (D) of section 3734.56 of the Revised Code, or an 26786
amendment to the district's approved plan or amended plan under 26787
division (E) of section 3734.56 of the Revised Code, is amended by 26788
the adoption and ratification of an amendment to the resolution or 26789
amended resolution or an amendment of the district's approved plan 26790
or amended plan, the fees in effect immediately prior to the 26791
approval of the plan or the amendment of the resolution, amended 26792
resolution, plan, or amended plan, as appropriate, shall continue 26793
to be collected until collection of the amended fees commences 26794
pursuant to this division. 26795

If, in the case of a change in district composition involving 26796
the withdrawal of a county from a joint district, the director 26797
completes the actions required under division (G)(1) or (3) of 26798
section 3734.521 of the Revised Code, as appropriate, forty-five 26799
days or more before the beginning of a calendar year, the policy 26800
committee of each of the districts resulting from the change that 26801

obtained the director's approval of an initial or amended plan in 26802
connection with the change, within fourteen days after the 26803
director's completion of the required actions, shall notify by 26804
certified mail the owner or operator of each solid waste disposal 26805
facility that is required to collect the district's fees that the 26806
change is to take effect on the first day of January immediately 26807
following the issuance of the notice and of the amount of the fees 26808
or amended fees levied under divisions (B)(1) to (3) of this 26809
section pursuant to the district's initial or amended plan as so 26810
approved or, if appropriate, the abolishment of the district's 26811
fees by that initial or amended plan. Collection of any fees set 26812
forth in such a plan or amended plan shall commence on the first 26813
day of January immediately following the issuance of the notice. 26814
If such an initial or amended plan abolishes a schedule of fees, 26815
collection of the fees shall cease on that first day of January. 26816

If, in the case of a change in district composition involving 26817
the withdrawal of a county from a joint district, the director 26818
completes the actions required under division (G)(1) or (3) of 26819
section 3734.521 of the Revised Code, as appropriate, less than 26820
forty-five days before the beginning of a calendar year, the 26821
director, on behalf of each of the districts resulting from the 26822
change that obtained the director's approval of an initial or 26823
amended plan in connection with the change proceedings, shall 26824
notify by certified mail the owner or operator of each solid waste 26825
disposal facility that is required to collect the district's fees 26826
that the change is to take effect on the first day of January 26827
immediately following the mailing of the notice and of the amount 26828
of the fees or amended fees levied under divisions (B)(1) to (3) 26829
of this section pursuant to the district's initial or amended plan 26830
as so approved or, if appropriate, the abolishment of the 26831
district's fees by that initial or amended plan. Collection of any 26832
fees set forth in such a plan or amended plan shall commence on 26833

the first day of the second month following the month in which 26834
notification is sent to the owner or operator. If such an initial 26835
or amended plan abolishes a schedule of fees, collection of the 26836
fees shall cease on the first day of the second month following 26837
the month in which notification is sent to the owner or operator. 26838

In the case of a change in district composition, the schedule 26839
of fees that the former districts that existed prior to the change 26840
were levying under divisions (B)(1) to (3) of this section 26841
pursuant to a resolution or amended resolution adopted and 26842
ratified under this division, the solid waste management plan of a 26843
former district approved under section 3734.521 or 3734.55 of the 26844
Revised Code, an amended plan approved under section 3734.521 or 26845
division (A) or (D) of section 3734.56 of the Revised Code, or an 26846
amendment to a former district's approved plan or amended plan 26847
under division (E) of section 3734.56 of the Revised Code, and 26848
that were in effect on the date that the director completed the 26849
actions required under division (G)(1) or (3) of section 3734.521 26850
of the Revised Code shall continue to be collected until the 26851
collection of the fees or amended fees of the districts resulting 26852
from the change is required to commence, or if an initial or 26853
amended plan of a resulting district abolishes a schedule of fees, 26854
collection of the fees is required to cease, under this division. 26855
Moneys so received from the collection of the fees of the former 26856
districts shall be divided among the resulting districts in 26857
accordance with division (B) of section 343.012 of the Revised 26858
Code and the agreements entered into under division (B) of section 26859
343.01 of the Revised Code to establish the former and resulting 26860
districts and any amendments to those agreements. 26861

For the purposes of the provisions of division (B) of this 26862
section establishing the times when newly established or amended 26863
fees levied by a district are required to commence and the 26864
collection of fees that have been amended or abolished is required 26865

to cease, "fees" or "schedule of fees" includes, in addition to 26866
fees levied under divisions (B)(1) to (3) of this section, those 26867
levied under section 3734.573 or 3734.574 of the Revised Code. 26868

(C) For the purposes of defraying the added costs to a 26869
municipal corporation or township of maintaining roads and other 26870
public facilities and of providing emergency and other public 26871
services, and compensating a municipal corporation or township for 26872
reductions in real property tax revenues due to reductions in real 26873
property valuations resulting from the location and operation of a 26874
solid waste disposal facility within the municipal corporation or 26875
township, a municipal corporation or township in which such a 26876
solid waste disposal facility is located may levy a fee of not 26877
more than twenty-five cents per ton on the disposal of solid 26878
wastes at a solid waste disposal facility located within the 26879
boundaries of the municipal corporation or township regardless of 26880
where the wastes were generated. 26881

The legislative authority of a municipal corporation or 26882
township may levy fees under this division by enacting an 26883
ordinance or adopting a resolution establishing the amount of the 26884
fees. Upon so doing the legislative authority shall mail a 26885
certified copy of the ordinance or resolution to the board of 26886
county commissioners or directors of the county or joint solid 26887
waste management district in which the municipal corporation or 26888
township is located or, if a regional solid waste management 26889
authority has been formed under section 343.011 of the Revised 26890
Code, to the board of trustees of that regional authority, the 26891
owner or operator of each solid waste disposal facility in the 26892
municipal corporation or township that is required to collect the 26893
fee by the ordinance or resolution, and the director of 26894
environmental protection. Although the fees levied under this 26895
division are levied on the basis of tons as the unit of 26896
measurement, the legislative authority, in its ordinance or 26897

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.

(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

remaining after the processing of the scrap tires and shall be 26961
collected by the owner or operator of the solid waste disposal 26962
facility where the ash or other solid wastes are disposed of. 26963

(E) The fees levied under divisions (B) and (C) of this 26964
section shall be collected by the owner or operator of the solid 26965
waste disposal facility where the wastes are disposed of as a 26966
trustee for the county or joint district and municipal corporation 26967
or township where the wastes are disposed of. Moneys from the fees 26968
levied under division (B) of this section shall be forwarded to 26969
the board of county commissioners or board of directors of the 26970
district in accordance with rules adopted under division (H) of 26971
this section. Moneys from the fees levied under division (C) of 26972
this section shall be forwarded to the treasurer or such other 26973
officer of the municipal corporation as, by virtue of the charter, 26974
has the duties of the treasurer or to the clerk of the township, 26975
as appropriate, in accordance with those rules. 26976

(F) Moneys received by the treasurer or such other officer of 26977
the municipal corporation under division (E) of this section shall 26978
be paid into the general fund of the municipal corporation. Moneys 26979
received by the clerk of the township under that division shall be 26980
paid into the general fund of the township. The treasurer or such 26981
other officer of the municipal corporation or the clerk, as 26982
appropriate, shall maintain separate records of the moneys 26983
received from the fees levied under division (C) of this section. 26984

(G) Moneys received by the board of county commissioners or 26986
board of directors under division (E) of this section or section 26987
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 26988
shall be paid to the county treasurer, or other official acting in 26989
a similar capacity under a county charter, in a county district or 26990
to the county treasurer or other official designated by the board 26991
of directors in a joint district and kept in a separate and 26992

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

services resulting from the location and operation of a solid	27025
waste facility within the county under the district's approved	27026
solid waste management plan or amended plan;	27027
(5) Pursuant to contracts entered into with boards of health	27028
within the district, if solid waste facilities contained in the	27029
district's approved plan or amended plan are located within the	27030
district, for paying the costs incurred by those boards of health	27031
for collecting and analyzing samples from public or private water	27032
wells on lands adjacent to those facilities;	27033
(6) Developing and implementing a program for the inspection	27034
of solid wastes generated outside the boundaries of this state	27035
that are disposed of at solid waste facilities included in the	27036
district's approved solid waste management plan or amended plan;	27037
(7) Providing financial assistance to boards of health within	27038
the district for the enforcement of section 3734.03 of the Revised	27039
Code or to local law enforcement agencies having jurisdiction	27040
within the district for enforcing anti-littering laws and	27041
ordinances;	27042
(8) Providing financial assistance to boards of health of	27043
health districts within the district that are on the approved list	27044
under section 3734.08 of the Revised Code to defray the costs to	27045
the health districts for the participation of their employees	27046
responsible for enforcement of the solid waste provisions of this	27047
chapter and rules adopted and orders and terms and conditions of	27048
permits, licenses, and variances issued under those provisions in	27049
the training and certification program as required by rules	27050
adopted under division (L) of section 3734.02 of the Revised Code;	27051
(9) Providing financial assistance to individual municipal	27052
corporations and townships within the district to defray their	27053
added costs of maintaining roads and other public facilities and	27054
of providing emergency and other public services resulting from	27055

the location and operation within their boundaries of a 27056
composting, energy or resource recovery, incineration, or 27057
recycling facility that either is owned by the district or is 27058
furnishing solid waste management facility or recycling services 27059
to the district pursuant to a contract or agreement with the board 27060
of county commissioners or directors of the district; 27061

(10) Payment of any expenses that are agreed to, awarded, or 27062
ordered to be paid under section 3734.35 of the Revised Code and 27063
of any administrative costs incurred pursuant to that section. In 27064
the case of a joint solid waste management district, if the board 27065
of county commissioners of one of the counties in the district is 27066
negotiating on behalf of affected communities, as defined in that 27067
section, in that county, the board shall obtain the approval of 27068
the board of directors of the district in order to expend moneys 27069
for administrative costs incurred. 27070

Prior to the approval of the district's solid waste 27071
management plan under section 3734.55 of the Revised Code, moneys 27072
in the special fund of the district arising from the fees shall be 27073
expended for those purposes in the manner prescribed by the solid 27074
waste management policy committee by resolution. 27075

Notwithstanding division (G)(6) of this section as it existed 27076
prior to October 29, 1993, or any provision in a district's solid 27077
waste management plan prepared in accordance with division 27078
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 27079
prior to that date, any moneys arising from the fees levied under 27080
division (B)(3) of this section prior to January 1, 1994, may be 27081
expended for any of the purposes authorized in divisions (G)(1) to 27082
(10) of this section. 27083

(H) The director shall adopt rules in accordance with Chapter 27084
119. of the Revised Code prescribing procedures for collecting and 27085
forwarding the fees levied under divisions (B) and (C) of this 27086
section to the boards of county commissioners or directors of 27087

county or joint solid waste management districts and to the 27088
treasurers or other officers of municipal corporations or to the 27089
clerks of townships. The rules also shall prescribe the dates for 27090
forwarding the fees to the boards and officials and may prescribe 27091
any other requirements the director considers necessary or 27092
appropriate to implement and administer divisions (A), (B), and 27093
(C) of this section. Collection of the fees levied under division 27094
(A)(1) of this section shall commence on July 1, 1993. Collection 27095
of the fees levied under division (A)(2) of this section shall 27096
commence on January 1, 1994. 27097

Sec. 3734.82. (A) The annual fee for a scrap tire recovery 27098
facility license issued under section 3734.81 of the Revised Code 27099
shall be in accordance with the following schedule: 27100

Daily Design	Annual	27101
Input Capacity	License	27102
(Tons)	Fee	27103
1 or less	\$ 100	27104
2 to 25	500	27105
26 to 50	1,000	27106
51 to 100	1,500	27107
101 to 200	2,500	27108
201 to 500	3,500	27109
501 or more	5,500	27110

For the purpose of determining the applicable license fee 27111
under this division, the daily design input capacity shall be the 27112
quantity of scrap tires the facility is designed to process daily 27113
as set forth in the registration certificate or permit for the 27114
facility, and any modifications to the permit, if applicable, 27115
issued under section 3734.78 of the Revised Code. 27116

(B) The annual fee for a scrap tire monocell or monofill 27117
facility license shall be in accordance with the following 27118

schedule:		27119
Authorized Maximum	Annual	27120
Daily Waste Receipt	License	27121
(Tons)	Fee	27122
100 or less	\$ 5,000	27123
101 to 200	12,500	27124
201 to 500	30,000	27125
501 or more	60,000	27126

For the purpose of determining the applicable license fee 27127
under this division, the authorized maximum daily waste receipt 27128
shall be the maximum amount of scrap tires the facility is 27129
authorized to receive daily that is established in the permit for 27130
the facility, and any modification to that permit, issued under 27131
section 3734.77 of the Revised Code. 27132

(C)(1) Except as otherwise provided in division (C)(2) of 27133
this section, the annual fee for a scrap tire storage facility 27134
license shall equal one thousand dollars times the number of acres 27135
on which scrap tires are to be stored at the facility during the 27136
license year, as set forth on the application for the annual 27137
license, except that the total annual license fee for any such 27138
facility shall not exceed three thousand dollars. 27139

(2) The annual fee for a scrap tire storage facility license 27140
for a storage facility that is owned or operated by a motor 27141
vehicle salvage dealer licensed under Chapter 4738. of the Revised 27142
Code is one hundred dollars. 27143

(D)(1) Except as otherwise provided in division (D)(2) of 27144
this section, the annual fee for a scrap tire collection facility 27145
license is two hundred dollars. 27146

(2) The annual fee for a scrap tire collection facility 27147
license for a collection facility that is owned or operated by a 27148
motor vehicle salvage dealer licensed under Chapter 4738. of the 27149

Revised Code is fifty dollars. 27150

(E) Except as otherwise provided in divisions (C)(2) and 27151
(D)(2) of this section, the same fees apply to private operators 27152
and to the state and its political subdivisions and shall be paid 27153
within thirty days after the issuance of a license. The fees 27154
include the cost of licensing, all inspections, and other costs 27155
associated with the administration of the scrap tire provisions of 27156
this chapter and rules adopted under them. Each license shall 27157
specify that it is conditioned upon payment of the applicable fee 27158
to the board of health or the director of environmental 27159
protection, as appropriate, within thirty days after the issuance 27160
of the license. 27161

(F) The board of health shall retain fifteen thousand dollars 27162
of each license fee collected by the board under division (B) of 27163
this section, or the entire amount of any such fee that is less 27164
than fifteen thousand dollars, and the entire amount of each 27165
license fee collected by the board under divisions (A), (C), and 27166
(D) of this section. The moneys retained shall be paid into a 27167
special fund, which is hereby created in each health district, and 27168
used solely to administer and enforce the scrap tire provisions of 27169
this chapter and rules adopted under them. The remainder, if any, 27170
of each license fee collected by the board under division (B) of 27171
this section shall be transmitted to the director within 27172
forty-five days after receipt of the fee. 27173

(G) The director shall transmit the moneys received by the 27174
director from license fees collected under division (B) of this 27175
section to the treasurer of state to be credited to the scrap tire 27176
management fund, which is hereby created in the state treasury. 27177
The fund shall consist of all federal moneys received by the 27178
environmental protection agency for the scrap tire management 27179
program; all grants, gifts, and contributions made to the director 27180
for that program; and all other moneys that may be provided by law 27181

for that program. The director shall use moneys in the fund as follows: 27182
27183

(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; 27184
27185
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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.~~ 27188
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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;~~ 27198
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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.~~ 27203
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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~~ 27207
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~~management fund in excess of that amount.~~ 27213

~~(2) In each fiscal year, if more than three million five 27214
hundred thousand dollars are credited to the scrap tire management 27215
fund during the preceding fiscal year, the director shall expend 27216
during the current fiscal year one-half of that excess amount to 27217
conduct removal operations under section 3734.85 of the Revised 27218
Code.~~ 27219

(3) Expend not more than three million dollars per year 27220
during fiscal years 2002 and 2003 to conduct removal actions under 27221
section 3734.85 of the Revised Code and to make grants to boards 27222
of health under section 3734.042 of the Revised Code. However, 27223
more than three million dollars may be expended in fiscal years 27224
2002 and 2003 for the purposes of division (G)(3) of this section 27225
if more moneys are collected from the fee levied under division 27226
(A)(2) of section 3734.901 of the Revised Code. During each 27227
subsequent fiscal year the director shall expend not more than 27228
four million five hundred thousand dollars to conduct removal 27229
actions under section 3734.85 of the Revised Code and to make 27230
grants to boards of health under section 3734.042 of the Revised 27231
Code. However, more than four million five hundred thousand 27232
dollars may be expended in a fiscal year for the purposes of 27233
division (G)(3) of this section if more moneys are collected from 27234
the fee levied under division (A)(2) of section 3734.901 of the 27235
Revised Code. The director shall request the approval of the 27236
controlling board prior to the use of the moneys to conduct 27237
removal actions under section 3734.85 of the Revised Code. The 27238
request shall be accompanied by a plan describing the removal 27239
actions to be conducted during the fiscal year and an estimate of 27240
the costs of conducting them. The controlling board shall approve 27241
the plan only if it finds that the proposed removal actions are in 27242
accordance with the priorities set forth in division (B) of 27243
section 3734.85 of the Revised Code and that the costs of 27244

conducting them are reasonable. Controlling board approval is not 27245
required for grants made to boards of health under section 27246
3734.042 of the Revised Code. 27247

(H) If, during a fiscal year, more than seven million dollars 27248
are credited to the scrap tire management fund, the director, at 27249
the conclusion of the fiscal year, shall request the director of 27250
budget and management to, and the director of budget and 27251
management shall, transfer one-half of those excess moneys to the 27252
scrap tire grant fund. The director shall expend the remaining 27253
excess moneys in the scrap tire management fund to conduct removal 27254
actions under section 3734.85 of the Revised Code in accordance 27255
with the procedures established under division (I) of this 27256
section. 27257

(I) After the actions in divisions (G)(1) to ~~(4)~~(3) and (H) 27258
of this section are completed during each prior fiscal year, the 27259
director may expend up to the balance remaining from prior fiscal 27260
years in the scrap tire management fund to conduct removal actions 27261
under section 3734.85 of the Revised Code. Prior to using any 27262
moneys in the fund for that purpose in a fiscal year, the director 27263
shall request the approval of the controlling board for that use 27264
of the moneys. The request shall be accompanied by a plan 27265
describing the removal actions to be conducted during the fiscal 27266
year and an estimate of the costs of conducting them. The 27267
controlling board shall approve the plan only if the board finds 27268
that the proposed removal actions are in accordance with the 27269
priorities set forth in division (B) of section 3734.85 of the 27270
Revised Code and that the costs of conducting them are reasonable. 27271

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 27272
defray the cost of administering and enforcing the scrap tire 27273
provisions of this chapter, rules adopted under those provisions, 27274
and terms and conditions of orders, variances, and licenses issued 27275

under those provisions; to abate accumulations of scrap tires; to 27276
make grants to promote research regarding alternative methods of 27277
recycling scrap tires and loans to promote the recycling or 27278
recovery of energy from scrap tires; and to defray the costs of 27279
administering and enforcing sections 3734.90 to 3734.9014 of the 27280
Revised Code, a fee of fifty cents per tire is hereby levied on 27281
the sale of tires. The fee is levied from the first day of the 27282
calendar month that begins next after thirty days from October 29, 27283
1993, through June 30, 2006. 27284

(2) There is hereby levied an additional fee of fifty cents 27285
per tire on the sale of tires the proceeds of which shall be 27286
deposited in the scrap tire management fund created in section 27287
3734.82 of the Revised Code and be used exclusively for the 27288
purposes specified in division (G)(3) of that section. 27289

(B) Only one sale of the same article shall be used in 27290
computing the amount of the fee due. 27291

Sec. 3734.904. (A) By the twentieth day of each month, each 27292
person required to pay the fee imposed by section 3734.901 of the 27293
Revised Code shall file with the ~~treasurer of state tax~~ 27294
commissioner a return as prescribed by the tax commissioner and 27295
shall make payment of the full amount of the fee due for the 27296
preceding month after deduction of any discount provided for under 27297
division (E) of this section. The return shall be signed by the 27298
person required to file it, or an authorized employee, officer, or 27299
agent. ~~The treasurer shall mark on the return the date it was~~ 27300
~~received and indicate payment or nonpayment of the fee shown to be~~ 27301
~~due on the return. The treasurer immediately shall transmit all~~ 27302
~~returns to the tax commissioner.~~ The return shall be deemed filed 27303
when received by the ~~treasurer of state tax~~ commissioner. 27304

(B) Any person required by this section to file a return who 27305
fails to file such a return within the period prescribed may be 27306

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

portion of any county that comprises two or more political 27338
subdivisions or portions thereof but is less than all the 27339
territory within the county, a metropolitan housing authority 27340
shall be declared to exist and the territorial limits thereof 27341
shall be defined by a letter from the director. The director shall 27342
issue a determination from the department of development declaring 27343
that there is need for a housing authority within such territorial 27344
limits ~~if he finds~~ after finding either: 27345

(1) Unsanitary or unsafe inhabited housing accommodations 27346
exist in such area; 27347

(2) There is a shortage of safe and sanitary housing 27348
accommodations in such area available to persons who lack the 27349
amount of income which is necessary, as determined by the 27350
director, to enable them, without financial assistance, to live in 27351
decent, safe, and sanitary dwellings without congestion. 27352

In determining whether dwelling accommodations are unsafe or 27353
unsanitary the director may take into consideration the degree of 27354
congestion, the percentage of land coverage, the light, air, 27355
space, and access available to the inhabitants of such dwelling 27356
accommodations, the size and arrangement of the rooms, the 27357
sanitary facilities, and the extent to which conditions exist in 27358
such buildings which endanger life or property by fire or other 27359
causes. 27360

The territorial limits of a housing authority, defined by the 27361
director, shall be fixed for such authority upon proof of a letter 27362
from the director declaring the need for such authority to 27363
function in those territorial limits. Any such letter from the 27364
director, any certificate of determination issued by the director, 27365
and any certificate of appointment of members of the authority 27366
shall be admissible in evidence in any suit, action, or 27367
proceeding. 27368

A certified copy of the letter from the director, declaring 27369

the existence and boundaries of a housing authority district, 27370
shall be immediately forwarded to each appointing authority. A 27371
housing authority shall consist of five members, who shall be 27372
residents of the territory embraced in such metropolitan housing 27373
authority district. 27374

(B) Except as otherwise provided in division (C) of this 27375
section, one member shall be appointed by the probate court, one 27376
member by the court of common pleas, one member by the board of 27377
county commissioners, and two members by the chief executive 27378
officer of the most populous city in the territory included in the 27379
district, in accordance with the last preceding federal census. At 27380
the time of the initial appointment of the authority, the member 27381
appointed by the probate court shall be appointed for a period of 27382
four years, the appointee of the court of common pleas for three 27383
years, the appointee of the board of county commissioners for two 27384
years, one appointee of the chief executive officer for one year 27385
and one appointee of the chief executive officer for five years. 27386
Thereafter, all members of the authority shall be appointed for 27387
five-year terms and vacancies due to expired terms shall be filled 27388
by the same appointing powers. 27389

(C) For any metropolitan housing authority district that 27390
~~contains~~ contained, as of the 1990 federal census, a population of 27391
at least one million, two members of the authority shall be 27392
appointed by the municipal legislative authority of the most 27393
populous city in the territory included in the district, two 27394
members by the chief executive officer of the most populous city 27395
in the territory included in the district, and one member by the 27396
chief executive officer, with the approval of the municipal 27397
legislative authority, of the city in the district which has the 27398
second highest number of housing units owned or managed by the 27399
authority. 27400

At the time of the initial appointment of the authority, one 27401

member appointed by the municipal legislative authority of the 27402
most populous city in the territory included in the district shall 27403
be appointed for three years, and one for one year; the appointee 27404
of the chief executive officer of the city with the second highest 27405
number of housing units owned or managed by the authority shall be 27406
appointed, with the approval of the municipal legislative 27407
authority, for three years; one appointee of the chief executive 27408
officer of the most populous city in the district shall be 27409
appointed for three years, and one for one year. Thereafter, all 27410
members of the authority shall be appointed for three-year terms, 27411
and any vacancy shall be filled by the same appointing power that 27412
made the initial appointment. At the expiration of the term of any 27413
member appointed by the chief executive officer of the most 27414
populous city in the territory included in the district prior to 27415
March 15, 1983, the chief executive officer of the most populous 27416
city in the district shall fill the vacancy by appointment for a 27417
three-year term. At the expiration of the term of any member 27418
appointed by the board of county commissioners prior to March 15, 27419
1983, the chief executive officer of the city in the district with 27420
the second highest number of housing units owned or managed by the 27421
authority shall, with the approval of the municipal legislative 27422
authority, fill the vacancy by appointment for a three-year term. 27423
At the expiration of the term of any member appointed prior to 27424
March 15, 1983 by the court of common pleas or the probate court, 27425
the legislative authority of the most populous city in the 27426
territory included in the district shall fill the vacancy by 27427
appointment for a three-year term. 27428

After March 15, 1983, at least one of the members appointed 27429
by the chief executive officer of the most populous city shall be 27430
a resident of a dwelling unit owned or managed by the housing 27431
authority. At least one of the initial appointments by the chief 27432
executive officer of the most populous city, after March 15, 1983, 27433

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

the director of environmental protection. Money credited to the 27465
fund shall be used for administrative costs of the environmental 27466
protection agency ~~that are related to expenditures by the agency~~ 27467
~~from funds of the general services fund group and the state~~ 27468
~~special revenue fund group.~~ The director may assess any operating 27469
funds of from which the agency ~~within the general services fund~~ 27470
~~group or the state special revenue fund group~~ receives 27471
appropriations, except the central support indirect fund, for a 27472
share of the administrative costs of the agency. The ~~assessments~~ 27473
~~shall be paid from the general services funds and state special~~ 27474
~~revenue funds designated by the director and~~ amounts assessed 27475
shall be transferred to the central support indirect fund by means 27476
of intrastate transfer vouchers. The director, with the approval 27477
of the director of budget and management, shall determine the rate 27478
of assessments, ~~which shall not exceed twelve per cent of the~~ 27479
~~total fiscal year appropriation from any such fund for the fiscal~~ 27480
~~year unless the controlling board approves a request from the~~ 27481
~~director for a higher rate.~~ 27482

Sec. 3745.04. As used in this section, "any person" means any 27483
individual, any partnership, corporation, association, or other 27484
legal entity, or any political subdivision, instrumentality, or 27485
agency of a state, whether or not the individual or legal entity 27486
is an applicant for or holder of a license, permit, or variance 27487
from the environmental protection agency, and includes any 27488
department, agency, or instrumentality of the federal government 27489
that is an applicant for or holder of a license, permit, or 27490
variance from the environmental protection agency. 27491

As used in this section, "action" or "act" includes the 27492
adoption, modification, or repeal of a rule or standard, the 27493
issuance, modification, or revocation of any lawful order other 27494
than an emergency order, and the issuance, denial, modification, 27495
or revocation of a license, permit, lease, variance, or 27496

certificate, or the approval or disapproval of plans and 27497
specifications pursuant to law or rules adopted thereunder. 27498

Any person who was a party to a proceeding before the 27499
director of environmental protection may participate in an appeal 27500
to the environmental review appeals commission for an order 27501
vacating or modifying the action of the director ~~of environmental~~ 27502
~~protection~~ or a local board of health, or ordering the director or 27503
board of health to perform an act. The environmental review 27504
appeals commission has exclusive original jurisdiction over any 27505
matter that may, under this section, be brought before it. 27506

The person so appealing to the commission shall be known as 27507
appellant, and the director and any party to a proceeding 27508
substantially supporting the finding from which the appeal is 27509
taken shall be known as appellee, except that when an appeal 27510
involves a license to operate a disposal site or facility, the 27511
local board of health or the director of environmental protection, 27512
and any party to a proceeding substantially supporting the finding 27513
from which the appeal is taken, shall, as appropriate, be known as 27514
the appellee. Appellant and appellee shall be deemed to be parties 27515
to the appeal. 27516

The appeal shall be in writing and shall set forth the action 27517
complained of and the grounds upon which the appeal is based. 27518

The appeal shall be filed with the commission within thirty 27519
days after notice of the action. Notice of the filing of the 27520
appeal shall be filed with the appellee within three days after 27521
the appeal is filed with the commission. 27522

The appeal shall be accompanied by a filing fee of ~~forty~~ 27523
sixty dollars, which the commission, in its discretion, may waive 27524
in cases of extreme hardship. 27525

Within seven days after receipt of the notice of appeal, the 27526
director or local board of health shall prepare and certify to the 27527

commission a record of the proceedings out of which the appeal 27528
arises, including all documents and correspondence, and a 27529
transcript of all testimony. 27530

Upon the filing of the appeal, the commission shall fix the 27531
time and place at which the hearing on the appeal will be held. 27532
The commission shall give the appellant and the appellee at least 27533
ten days' written notice thereof by certified mail. The commission 27534
shall hold the hearing within thirty days after the notice of 27535
appeal is filed. The commission may postpone or continue any 27536
hearing upon its own motion or upon application of the appellant 27537
or of the appellee. 27538

The filing of an appeal does not automatically suspend or 27539
stay execution of the action appealed from. Upon application by 27540
the appellant, the commission may suspend or stay ~~such~~ the 27541
execution pending immediate determination of the appeal without 27542
interruption by continuances, other than for unavoidable 27543
circumstances. 27544

As used in this section and sections 3745.05 and 3745.06 of 27545
the Revised Code, "director of environmental protection" and 27546
"director" are deemed to include the director of agriculture and 27547
"environmental protection agency" is deemed to include the 27548
department of agriculture with respect to actions that are 27549
appealable to the commission under Chapter 903. of the Revised 27550
Code. 27551

Sec. 3745.10. (A) Not later than ten business days after 27552
receipt of an application for a permit to install, or a 27553
modification of such a permit, under rules adopted under division 27554
(F) of section 3704.03 of the Revised Code or for the approval of 27555
plans under section 6111.44, 6111.45, or 6111.46 of the Revised 27556
Code, the director of environmental protection shall send to the 27557
applicant written acknowledgement of receipt of the application. 27558

The written acknowledgement shall contain a completeness 27559
determination indicating either that the application contains all 27560
of the information that is necessary to perform a technical review 27561
or that the application is incomplete. If the application is 27562
incomplete, the written acknowledgement also shall provide a 27563
description of the information that is missing from the 27564
application. 27565

(B) If the director fails to make the completeness 27566
determination and provide written notice of that determination not 27567
later than ten business days after receipt of the application, the 27568
application shall be deemed to be complete in all material 27569
respects as of the eleventh business day after receipt of the 27570
application by the director or the director's agent or authorized 27571
representative. 27572

(C) If, during the processing of an application, the director 27573
determines, either before or after it has been determined or 27574
deemed to be complete under this section, that additional 27575
information is necessary in order to evaluate or take final action 27576
on the application, the director may request the information in 27577
writing. 27578

Sec. 3745.11. (A) Applicants for and holders of permits, 27579
licenses, variances, plan approvals, and certifications issued by 27580
the director of environmental protection pursuant to Chapters 27581
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 27582
to the environmental protection agency for each such issuance and 27583
each application for an issuance as provided by this section. No 27584
fee shall be charged for any issuance for which no application has 27585
been submitted to the director. 27586

(B) Prior to January 1, 1994, each person issued a permit to 27587
operate, variance, or permit to install under section 3704.03 of 27588

the Revised Code shall pay the fees specified in the following schedule: 27589
27590

(1) Fuel-Burning Equipment				27591
Input capacity	Permit		Permit	27592
(million British	to		to	27593
thermal units per hour)	operate	Variance	install	27594
0 or more, but less than 10	\$ 75	\$225	\$ 100	27595
10 or more, but less than 100	210	450	390	27596
100 or more, but less than 300	270	675	585	27597
300 or more, but less than 500	330	900	780	27598
500 or more	500	975	1000	27599

Any fuel-burning equipment using only natural gas, propane, 27600
liquefied petroleum gas, or number two or lighter fuel oil shall 27601
be assessed a fee one-half of that shown. 27602

(2) Incinerators				27603
	Permit		Permit	27604
Input capacity	to		to	27605
(pounds per hour)	operate	Variance	install	27606
0 to 50	\$ 50	\$225	\$ 65	27607
51 to 500	210	450	390	27608
501 to 2000	270	675	585	27609
2001 to 30,000	330	900	780	27610
more than 30,000	500	975	1000	27611

(3) Process				27612
	Permit		Permit	27613
Process weight rate	to		to	27614
(pounds per hour)	operate	Variance	install	27615
0 to 1000	\$100	\$225	\$ 200	27616
1001 to 5000	210	450	390	27617
5001 to 10,000	270	675	585	27618
10,001 to 50,000	330	900	780	27619
more than 50,000	500	975	1000	27620

In any process where process weight rate cannot be				27621
ascertained, the minimum fee shall be assessed.				27622
(4) Storage tanks				27623
	Permit		Permit	27624
Gallons	to	variance	to	27625
(capacity)	operate	<u>Variance</u>	install	27626
less <u>Less</u> than 40,000	\$150	\$225	\$ 195	27627
40,000 or more, but less				27628
than 100,000	210	450	390	27629
100,000 or more, but less				27630
than 400,000	270	675	585	27631
400,000 or more, but less				27632
than 1,000,000	330	900	780	27633
1,000,000 or more	500	975	1000	27634
(5) Gasoline				27635
	Permit		Permit	27636
Gasoline dispensing	to		to	27637
facilities	operate	Variance	install	27638
For each gasoline				27639
dispensing facility	\$20	\$100	\$50	27640
(6) Dry cleaning				27641
	Permit		Permit	27642
Dry cleaning	to		to	27643
facilities	operate	Variance	install	27644
For each dry cleaning				27645
facility	\$50	\$200	\$100	27646
(7) Coal mining operations regulated under Chapter 1513. of				27647
the Revised Code shall be assessed a fee of two hundred fifty				27648
dollars per mine or location.				27649
(C)(1) Except as otherwise provided in division (C)(2) of				27650
this section, beginning July 1, 1994, each person who owns or				27651

operates an air contaminant source and who is required to apply 27652
for and obtain a Title V permit under section 3704.036 of the 27653
Revised Code shall pay the fees set forth in division (C)(1) of 27654
this section. For the purposes of that division, total emissions 27655
of air contaminants may be calculated using engineering 27656
calculations, emissions factors, material balance calculations, or 27657
performance testing procedures, as authorized by the director. 27658

The following fees shall be assessed on the total actual 27659
emissions from a source in tons per year of the regulated 27660
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 27661
organic compounds, and lead: 27662

(a) Fifteen dollars per ton on the total actual emissions of 27663
each such regulated pollutant during the period July through 27664
December 1993, to be collected no sooner than July 1, 1994; 27665

(b) Twenty dollars per ton on the total actual emissions of 27666
each such regulated pollutant during calendar year 1994, to be 27667
collected no sooner than April 15, 1995; 27668

(c) Twenty-five dollars per ton on the total actual emissions 27669
of each such regulated pollutant in calendar year 1995, and each 27670
subsequent calendar year, to be collected no sooner than the 27671
fifteenth day of April of the year next succeeding the calendar 27672
year in which the emissions occurred. 27673

The fees levied under division (C)(1) of this section do not 27674
apply to that portion of the emissions of a regulated pollutant at 27675
a facility that exceed four thousand tons during a calendar year. 27676

(2) The fees assessed under division (C)(1) of this section 27677
are for the purpose of providing funding for the Title V permit 27678
program. 27679

(3) The fees assessed under division (C)(1) of this section 27680
do not apply to emissions from any electric generating unit 27681
designated as a Phase I unit under Title IV of the federal Clean 27682

Air Act prior to calendar year 2000. Those fees shall be assessed
on the emissions from such a generating unit commencing in
calendar year 2001 based upon the total actual emissions from the
generating unit during calendar year 2000 and shall continue to be
assessed each subsequent calendar year based on the total actual
emissions from the generating unit during the preceding calendar
year.

(4) The director shall issue invoices to owners or operators
of air contaminant sources who are required to pay a fee assessed
under division (C) or (D) of this section. Any such invoice shall
be issued no sooner than the applicable date when the fee first
may be collected in a year under the applicable division, shall
identify the nature and amount of the fee assessed, and shall
indicate that the fee is required to be paid within thirty days
after the issuance of the invoice.

(D)(1) Except as provided in division (D)(2) of this section,
beginning January 1, 1994, each person who owns or operates an air
contaminant source; who is required to apply for a permit to
operate pursuant to rules adopted under division (G), or a
variance pursuant to division (H), of section 3704.03 of the
Revised Code; and who is not required to apply for and obtain a
Title V permit under section 3704.036 of the Revised Code shall
pay a single fee based upon the sum of the actual annual emissions
from the facility of the regulated pollutants particulate matter,
sulfur dioxide, nitrogen oxides, organic compounds, and lead in
accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility
More than 0, but less than 50	\$ 75
50 or more, but less than 100	300
100 or more	700

(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
10 or more, but less than 20	340
20 or more, but less than 30	670
30 or more, but less than 40	1,010
40 or more, but less than 50	1,340
50 or more, but less than 60	1,680
60 or more, but less than 70	2,010
70 or more, but less than 80	2,350
80 or more, but less than 90	2,680
90 or more, but less than 100	3,020
100 or more	3,350

(3) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000, ~~and shall continue through June~~

30, 2001. The fees assessed under division (D) of this section in 27747
a calendar year shall be based upon the sum of the actual 27748
emissions of those regulated pollutants during the preceding 27749
calendar year. For the purpose of division (D) of this section, 27750
emissions of air contaminants may be calculated using engineering 27751
calculations, emission factors, material balance calculations, or 27752
performance testing procedures, as authorized by the director. The 27753
director, by rule, may require persons who are required to pay the 27754
fees assessed under division (D) of this section to pay those fees 27755
biennially rather than annually. 27756

(E)(1) Consistent with the need to cover the reasonable costs 27757
of the Title V permit program, the director annually shall 27758
increase the fees prescribed in division (C)(1) of this section by 27759
the percentage, if any, by which the consumer price index for the 27760
most recent calendar year ending before the beginning of a year 27761
exceeds the consumer price index for calendar year 1989. Upon 27762
calculating an increase in fees authorized by division (E)(1) of 27763
this section, the director shall compile revised fee schedules for 27764
the purposes of division (C)(1) of this section and shall make the 27765
revised schedules available to persons required to pay the fees 27766
assessed under that division and to the public. 27767

(2) For the purposes of division (E)(1) of this section: 27768

(a) The consumer price index for any year is the average of 27769
the consumer price index for all urban consumers published by the 27770
United States department of labor as of the close of the 27771
twelve-month period ending on the thirty-first day of August of 27772
that year. 27773

(b) If the 1989 consumer price index is revised, the director 27774
shall use the revision of the consumer price index that is most 27775
consistent with that for calendar year 1989. 27776

(F) Each person who is issued a permit to install pursuant to 27777
rules adopted under division (F) of section 3704.03 of the Revised 27778

Code on or after January 1, 1994, shall pay the fees specified in 27779
the following schedules: 27780

(1) Fuel-burning equipment (boilers)		27781
Input capacity (maximum)		27782
(million British thermal units per hour)	Permit to install	27783
Greater than 0, but less than 10	\$ 200	27784
10 or more, but less than 100	400	27785
100 or more, but less than 300	800	27786
300 or more, but less than 500	1500	27787
500 or more, but less than 1000	2500	27788
1000 or more, but less than 5000	4000	27789
5000 or more	6000	27790

Units burning exclusively natural gas, number two fuel oil, 27791
or both shall be assessed a fee that is one-half the applicable 27792
amount shown in division (F)(1) of this section. 27793

(2) Incinerators		27794
Input capacity (pounds per hour)	Permit to install	27795
0 to 100	\$ 100	27796
101 to 500	400	27797
501 to 2000	750	27798
2001 to 20,000	1000	27799
more than 20,000	2500	27800

(3)(a) Process		27801
Process weight rate (pounds per hour)	Permit to install	27802
0 to 1000	\$ 200	27803
1001 to 5000	400	27804
5001 to 10,000	600	27805
10,001 to 50,000	800	27806
more than 50,000	1000	27807

In any process where process weight rate cannot be 27808
ascertained, the minimum fee shall be assessed. 27809

(b) Notwithstanding division (F)(3)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(3)(c) of this section for a process used in any of the following industries, as identified by the applicable four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1972, as revised:

- 1211 Bituminous coal and lignite mining; 27819
- 1213 Bituminous coal and lignite mining services; 27820
- 1411 Dimension stone; 27821
- 1422 Crushed and broken limestone; 27822
- 1427 Crushed and broken stone, not elsewhere classified; 27823
- 1442 Construction sand and gravel; 27824
- 1446 Industrial sand; 27825
- 3281 Cut stone and stone products; 27826
- 3295 Minerals and earth, ground or otherwise treated. 27827

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(3)(b) of this section:

Gallons (maximum useful capacity)	Permit to install	
0 to 20,000	\$ 100	27834
20,001 to 40,000	150	27835
40,001 to 100,000	200	27836
100,001 to 250,000	250	27837
250,001 to 500,000	350	27838
500,001 to 1,000,000	500	27839

1,000,001 or greater	750	27840
(4) Storage tanks		27841
Gallons (maximum useful capacity)	Permit to install	27842
0 to 20,000	\$100	27843
20,001 to 40,000	150	27844
40,001 to 100,000	200	27845
100,001 to 250,000	250	27846
250,001 to 500,000	350	27847
500,001 to 1,000,000	500	27848
1,000,001 or greater	750	27849
(5) Gasoline/fuel dispensing facilities		27850
For each gasoline/fuel	Permit to install	27851
dispensing facility	\$ 100	27852
(6) Dry cleaning facilities		27853
For each dry cleaning		27854
facility (includes all units	Permit to install	27855
at the facility)	\$ 100	27856
(7) Registration status		27857
For each source covered	Permit to install	27858
by registration status	\$ 75	27859
(G) An owner or operator who is responsible for an asbestos		27860
demolition or renovation project pursuant to rules adopted under		27861
section 3704.03 of the Revised Code shall pay the fees set forth		27862
in the following schedule:		27863
Action	Fee	27864
Each notification	\$75	27865
Asbestos removal	\$3/unit	27866
Asbestos cleanup	\$4/cubic yard	27867
For purposes of this division, "unit" means any combination of		27868
linear feet or square feet equal to fifty.		27869
(H) A person who is issued an extension of time for a permit		27870

to install an air contaminant source pursuant to rules adopted 27871
under division (F) of section 3704.03 of the Revised Code shall 27872
pay a fee equal to one-half the fee originally assessed for the 27873
permit to install under this section, except that the fee for such 27874
an extension shall not exceed two hundred dollars. 27875

(I) A person who is issued a modification to a permit to 27876
install an air contaminant source pursuant to rules adopted under 27877
section 3704.03 of the Revised Code shall pay a fee equal to 27878
one-half of the fee that would be assessed under this section to 27879
obtain a permit to install the source. The fee assessed by this 27880
division only applies to modifications that are initiated by the 27881
owner or operator of the source and shall not exceed two thousand 27882
dollars. 27883

(J) Notwithstanding division (B) or (F) of this section, a 27884
person who applies for or obtains a permit to install pursuant to 27885
rules adopted under division (F) of section 3704.03 of the Revised 27886
Code after the date actual construction of the source began shall 27887
pay a fee for the permit to install that is equal to twice the fee 27888
that otherwise would be assessed under the applicable division 27889
unless the applicant received authorization to begin construction 27890
under division (W) of section 3704.03 of the Revised Code. This 27891
division only applies to sources for which actual construction of 27892
the source begins on or after July 1, 1993. The imposition or 27893
payment of the fee established in this division does not preclude 27894
the director from taking any administrative or judicial 27895
enforcement action under this chapter, Chapter 3704., 3714., 27896
3734., or 6111. of the Revised Code, or a rule adopted under any 27897
of them, in connection with a violation of rules adopted under 27898
division (F) of section 3704.03 of the Revised Code. 27899

As used in this division, "actual construction of the source" 27900
means the initiation of physical on-site construction activities 27901
in connection with improvements to the source that are permanent 27902

in nature, including, without limitation, the installation of 27903
building supports and foundations and the laying of underground 27904
pipework. 27905

(K) Fifty cents per ton of each fee assessed under division 27906
(C) of this section on actual emissions from a source and received 27907
by the environmental protection agency pursuant to that division 27908
shall be deposited into the state treasury to the credit of the 27909
small business assistance fund created in section 3706.19 of the 27910
Revised Code. The remainder of the moneys received by the division 27911
pursuant to that division and moneys received by the agency 27912
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 27913
section shall be deposited in the state treasury to the credit of 27914
the clean air fund created in section 3704.035 of the Revised 27915
Code. 27916

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 27917
or (c) of this section, a person issued a water discharge permit 27918
or renewal of a water discharge permit pursuant to Chapter 6111. 27919
of the Revised Code shall pay a fee based on each point source to 27920
which the issuance is applicable in accordance with the following 27921
schedule: 27922

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	27924
1,001 to 5000	100	27925
5,001 to 50,000	200	27926
50,001 to 100,000	300	27927
100,001 to 300,000	525	27928
over 300,000	750	27929

(b) Notwithstanding the fee schedule specified in division 27930
(L)(1)(a) of this section, the fee for a water discharge permit 27931
that is applicable to coal mining operations regulated under 27932
Chapter 1513. of the Revised Code shall be two hundred fifty 27933
dollars per mine. 27934

(c) Notwithstanding the fee schedule specified in division 27935
(L)(1)(a) of this section, the fee for a water discharge permit 27936
for a public discharger identified by I in the third character of 27937
the permittee's NPDES permit number shall not exceed seven hundred 27938
fifty dollars. 27939

(2) A person applying for a plan approval for a wastewater 27940
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 27941
of the Revised Code shall pay a fee of one hundred dollars plus 27942
sixty-five one-hundredths of one per cent of the estimated project 27943
cost through June 30, ~~2002~~ 2004, and one hundred dollars plus 27944
two-tenths of one per cent of the estimated project cost on and 27945
after July 1, ~~2002~~ 2004, except that the total fee shall not 27946
exceed fifteen thousand dollars through June 30, ~~2002~~ 2004, and 27947
five thousand dollars on and after July 1, ~~2002~~ 2004. The fee 27948
shall be paid at the time the application is submitted. 27949

(3) A person issued a modification of a water discharge 27950
permit shall pay a fee equal to one-half the fee that otherwise 27951
would be charged for a water discharge permit, except that the fee 27952
for the modification shall not exceed four hundred dollars. 27953

(4) A person who has entered into an agreement with the 27954
director under section 6111.14 of the Revised Code shall pay an 27955
administrative service fee for each plan submitted under that 27956
section for approval that shall not exceed the minimum amount 27957
necessary to pay administrative costs directly attributable to 27958
processing plan approvals. The director annually shall calculate 27959
the fee and shall notify all persons who have entered into 27960
agreements under that section, or who have applied for agreements, 27961
of the amount of the fee. 27962

(5)(a)(i) Not later than January 30, ~~2000~~ 2002, and January 27963
30, ~~2001~~ 2003, a person holding an NPDES discharge permit issued 27964
pursuant to Chapter 6111. of the Revised Code with an average 27965
daily discharge flow of five thousand gallons or more shall pay a 27966

nonrefundable annual discharge fee. Any person who fails to pay 27967
the fee at that time shall pay an additional amount that equals 27968
ten per cent of the required annual discharge fee. 27969

(ii) The billing year for the annual discharge fee 27970
established in division (L)(5)(a)(i) of this section shall consist 27971
of a twelve-month period beginning on the first day of January of 27972
the year preceding the date when the annual discharge fee is due. 27973
In the case of an existing source that permanently ceases to 27974
discharge during a billing year, the director shall reduce the 27975
annual discharge fee, including the surcharge applicable to 27976
certain industrial facilities pursuant to division (L)(5)(c) of 27977
this section, by one-twelfth for each full month during the 27978
billing year that the source was not discharging, but only if the 27979
person holding the NPDES discharge permit for the source notifies 27980
the director in writing, not later than the first day of October 27981
of the billing year, of the circumstances causing the cessation of 27982
discharge. 27983

(iii) The annual discharge fee established in division 27984
(L)(5)(a)(i) of this section, except for the surcharge applicable 27985
to certain industrial facilities pursuant to division (L)(5)(c) of 27986
this section, shall be based upon the average daily discharge flow 27987
in gallons per day calculated using first day of May through 27988
thirty-first day of October flow data for the period two years 27989
prior to the date on which the fee is due. In the case of NPDES 27990
discharge permits for new sources, the fee shall be calculated 27991
using the average daily design flow of the facility until actual 27992
average daily discharge flow values are available for the time 27993
period specified in division (L)(5)(a)(iii) of this section. The 27994
annual discharge fee may be prorated for a new source as described 27995
in division (L)(5)(a)(ii) of this section. 27996

(b) An NPDES permit holder that is a public discharger shall 27997
pay the fee specified in the following schedule: 27998

Average daily discharge flow	Fee due by January 30, 2000	Fee due by January 30, 2001 <u>2002, and</u> <u>January 30, 2003</u>	
			27999
			28000
			28001
			28002
5,000 to 49,999	\$ 180	\$ 200	28003
50,000 to 100,000	450	500	28004
100,001 to 250,000	900	1,050	28005
250,001 to 1,000,000	2,250	2,600	28006
1,000,001 to 5,000,000	4,500	5,200	28007
5,000,001 to 10,000,000	9,000	10,350	28008
10,000,001 to 20,000,000	13,500	15,550	28009
20,000,001 to 50,000,000	22,500	25,900	28010
50,000,001 to 100,000,000	36,000	41,400	28011
100,000,001 or more	54,000	62,100	28012

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	Fee due by January 30, 2000	Fee due by January 30, 2001 <u>2002, and</u> <u>January 30, 2003</u>	
			28025
			28026
			28027
			28028
5,000 to 49,999	\$ 180	\$ 250	28029
50,000 to 250,000	900	1,200	28030

250,001 to 1,000,000	2,250	2,950	28031
1,000,001 to 5,000,000	4,500	5,850	28032
5,000,001 to 10,000,000	6,750	8,800	28033
10,000,001 to 20,000,000	9,000	11,700	28034
20,000,001 to 100,000,000	10,800	14,050	28035
100,000,001 to 250,000,000	12,600	16,400	28036
250,000,001 or more	14,400	18,700	28037

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of ~~six thousand seven hundred fifty dollars not later than January 30, 2000, and a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, 2001~~ 2002, and not later than January 30, 2003. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2000~~ 2002, and not later than January 30, ~~2001~~ 2003. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6) Each person obtaining a national pollutant discharge elimination system general or individual permit for municipal storm water discharge shall pay a nonrefundable storm water discharge fee of one hundred dollars per square mile of area

permitted. The fee shall not exceed ten thousand dollars and shall 28063
be payable on or before January 30, 2004, and the thirtieth day of 28064
January of each year thereafter. Any person who fails to pay the 28065
fee on the date specified in division (L)(6) of this section shall 28066
pay an additional amount per year equal to ten per cent of the 28067
annual fee that is unpaid. 28068

(7) The director shall transmit all moneys collected under 28069
division (L) of this section to the treasurer of state for deposit 28070
into the state treasury to the credit of the surface water 28071
protection fund created in section 6111.038 of the Revised Code. 28072

~~(7)~~(8) As used in division (L) of this section: 28073

(a) "NPDES" means the federally approved national pollutant 28074
discharge elimination system program for issuing, modifying, 28075
revoking, reissuing, terminating, monitoring, and enforcing 28076
permits and imposing and enforcing pretreatment requirements under 28077
Chapter 6111. of the Revised Code and rules adopted under it. 28078

(b) "Public discharger" means any holder of an NPDES permit 28079
identified by P in the second character of the NPDES permit number 28080
assigned by the director. 28081

(c) "Industrial discharger" means any holder of an NPDES 28082
permit identified by I in the second character of the NPDES permit 28083
number assigned by the director. 28084

(d) "Major discharger" means any holder of an NPDES permit 28085
classified as major by the regional administrator of the United 28086
States environmental protection agency in conjunction with the 28087
director. 28088

(M) Through June 30, ~~2002~~ 2004, a person applying for a 28089
license or license renewal to operate a public water system under 28090
section 6109.21 of the Revised Code shall pay the appropriate fee 28091
established under this division at the time of application to the 28092
director. Any person who fails to pay the fee at that time shall 28093

pay an additional amount that equals ten per cent of the required 28094
fee. The director shall transmit all moneys collected under this 28095
division to the treasurer of state for deposit into the drinking 28096
water protection fund created in section 6109.30 of the Revised 28097
Code. 28098

Fees required under this division shall be calculated and 28099
paid in accordance with the following schedule: 28100

(1) For the initial license required under division (A)(1) of 28101
section 6109.21 of the Revised Code for any public water system 28102
that is a community water system as defined in section 6109.01 of 28103
the Revised Code, and for each license renewal required for such a 28104
system prior to January 31, ~~2002~~ 2004, the fee is: 28105

Number of service connections	Fee amount	
Not more than 49	\$56	28107
50 to 99	88	28108
Number of service connections	Average cost per connection	
100 to 2,499	\$.96	28110
2,500 to 4,999	.92	28111
5,000 to 7,499	.88	28112
7,500 to 9,999	.84	28113
10,000 to 14,999	.80	28114
15,000 to 24,999	.76	28115
25,000 to 49,999	.72	28116
50,000 to 99,999	.68	28117
100,000 to 149,999	.64	28118
150,000 to 199,999	.60	28119
200,000 or more	.56	28120

A public water system may determine how it will pay the total 28121
amount of the fee calculated under division (M)(1) of this 28122
section, including the assessment of additional user fees that may 28123
be assessed on a volumetric basis. 28124

As used in division (M)(1) of this section, "service 28125

connection" means the number of active or inactive pipes, 28126
goosenecks, pigtails, and any other fittings connecting a water 28127
main to any building outlet. 28128

(2) For the initial license required under division (A)(2) of 28129
section 6109.21 of the Revised Code for any public water system 28130
that is not a community water system and serves a nontransient 28131
population, and for each license renewal required for such a 28132
system prior to January 31, ~~2002~~ 2004, the fee is: 28133

Population served	Fee amount	
Fewer than 150	\$ 56	28135
150 to 299	88	28136
300 to 749	192	28137
750 to 1,499	392	28138
1,500 to 2,999	792	28139
3,000 to 7,499	1,760	28140
7,500 to 14,999	3,800	28141
15,000 to 22,499	6,240	28142
22,500 to 29,999	8,576	28143
30,000 or more	11,600	28144

As used in division (M)(2) of this section, "population 28145
served" means the total number of individuals receiving water from 28146
the water supply during a twenty-four-hour period for at least 28147
sixty days during any calendar year. In the absence of a specific 28148
population count, that number shall be calculated at the rate of 28149
three individuals per service connection. 28150

(3) For the initial license required under division (A)(3) of 28151
section 6109.21 of the Revised Code for any public water system 28152
that is not a community water system and serves a transient 28153
population, and for each license renewal required for such a 28154
system prior to January 31, ~~2002~~ 2004, the fee is: 28155

Number of wells supplying system	Fee amount	
1	\$ 56	28157

2	56	28158
3	88	28159
4	192	28160
5	392	28161
System supplied by surface		28162
water, springs, or dug wells	792	28163
As used in division (M)(3) of this section, "number of wells		28164
supplying system" means those wells that are physically connected		28165
to the plumbing system serving the public water system.		28166
(N)(1) A person applying for a plan approval for a public		28167
water supply system under section 6109.07 of the Revised Code		28168
shall pay a fee of one hundred dollars plus two-tenths of one per		28169
cent of the estimated project cost, except that the total fee		28170
shall not exceed fifteen thousand dollars through June 30, 2002		28171
<u>2004</u> , and five thousand dollars on and after July 1, 2002 <u>2004</u> .		28172
The fee shall be paid at the time the application is submitted.		28173
(2) A person who has entered into an agreement with the		28174
director under division (A)(2) of section 6109.07 of the Revised		28175
Code shall pay an administrative service fee for each plan		28176
submitted under that section for approval that shall not exceed		28177
the minimum amount necessary to pay administrative costs directly		28178
attributable to processing plan approvals. The director annually		28179
shall calculate the fee and shall notify all persons that have		28180
entered into agreements under that division, or who have applied		28181
for agreements, of the amount of the fee.		28182
(3) Through June 30, 2002 <u>2004</u> , the following fee, on a per		28183
survey basis, shall be charged any person for services rendered by		28184
the state in the evaluation of laboratories and laboratory		28185
personnel for compliance with accepted analytical techniques and		28186
procedures established pursuant to Chapter 6109. of the Revised		28187
Code for determining the qualitative characteristics of water:		28188
microbiological	\$1,650	28189

organic chemical	3,500	28190
inorganic chemical	3,500	28191
standard chemistry	1,800	28192
limited chemistry	1,000	28193

On and after July 1, ~~2002~~ 2004, the following fee, on a per
survey basis, shall be charged any such person:

microbiological	\$250	28196
chemical/radiological	250	28197
nitrate/turbidity (only)	150	28198

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	28216
Class II operator	55	28217
Class III operator	65	28218
Class IV operator	75	28219

On and after July 1, ~~2002~~ 2004, the applicant shall pay a fee
in accordance with the following schedule:

Class I operator	\$25	28222
Class II operator	35	28223
Class III operator	45	28224
Class IV operator	55	28225

The director shall transmit all moneys collected under this 28226
division to the treasurer of state for deposit into the drinking 28227
water protection fund created in section 6109.30 of the Revised 28228
Code. 28229

(P) Through June 30, ~~2002~~ 2004, any person submitting an 28230
application for an industrial water pollution control certificate 28231
under section 6111.31 of the Revised Code shall pay a 28232
nonrefundable fee of five hundred dollars at the time the 28233
application is submitted. The director shall transmit all moneys 28234
collected under this division to the treasurer of state for 28235
deposit into the surface water protection fund created in section 28236
6111.038 of the Revised Code. A person paying a certificate fee 28237
under this division shall not pay an application fee under 28238
division (S)(1) of this section. 28239

(Q) Except as otherwise provided in division (R) of this 28240
section, a person issued a permit by the director for a new solid 28241
waste disposal facility other than an incineration or composting 28242
facility, a new infectious waste treatment facility other than an 28243
incineration facility, or a modification of such an existing 28244
facility that includes an increase in the total disposal or 28245
treatment capacity of the facility pursuant to Chapter 3734. of 28246
the Revised Code shall pay a fee of ten dollars per thousand cubic 28247
yards of disposal or treatment capacity, or one thousand dollars, 28248
whichever is greater, except that the total fee for any such 28249
permit shall not exceed eighty thousand dollars. A person issued a 28250
modification of a permit for a solid waste disposal facility or an 28251
infectious waste treatment facility that does not involve an 28252
increase in the total disposal or treatment capacity of the 28253

facility shall pay a fee of one thousand dollars. A person issued 28254
a permit to install a new, or modify an existing, solid waste 28255
transfer facility under that chapter shall pay a fee of two 28256
thousand five hundred dollars. A person issued a permit to install 28257
a new or to modify an existing solid waste incineration or 28258
composting facility, or an existing infectious waste treatment 28259
facility using incineration as its principal method of treatment, 28260
under that chapter shall pay a fee of one thousand dollars. The 28261
increases in the permit fees under this division resulting from 28262
the amendments made by Amended Substitute House Bill 592 of the 28263
117th general assembly do not apply to any person who submitted an 28264
application for a permit to install a new, or modify an existing, 28265
solid waste disposal facility under that chapter prior to 28266
September 1, 1987; any such person shall pay the permit fee 28267
established in this division as it existed prior to June 24, 1988. 28268
In addition to the applicable permit fee under this division, a 28269
person issued a permit to install or modify a solid waste facility 28270
or an infectious waste treatment facility under that chapter who 28271
fails to pay the permit fee to the director in compliance with 28272
division (V) of this section shall pay an additional ten per cent 28273
of the amount of the fee for each week that the permit fee is 28274
late. 28275

Permit and late payment fees paid to the director under this 28276
division shall be credited to the general revenue fund. 28277

(R)(1) A person issued a registration certificate for a scrap 28278
tire collection facility under section 3734.75 of the Revised Code 28279
shall pay a fee of two hundred dollars, except that if the 28280
facility is owned or operated by a motor vehicle salvage dealer 28281
licensed under Chapter 4738. of the Revised Code, the person shall 28282
pay a fee of twenty-five dollars. 28283

(2) A person issued a registration certificate for a new 28284
scrap tire storage facility under section 3734.76 of the Revised 28285

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

section shall be credited to the scrap tire management fund 28317
created in section 3734.82 of the Revised Code. 28318

(S)(1) Except as provided by divisions (L), (M), (N), (O), 28319
(P), and (S)(2) of this section, division (A)(2) of section 28320
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 28321
and rules adopted under division (T)(1) of this section, any 28322
person applying for a registration certificate under section 28323
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 28324
variance, or plan approval under Chapter 3734. of the Revised Code 28325
shall pay a nonrefundable fee of fifteen dollars at the time the 28326
application is submitted. 28327

Except as otherwise provided, any person applying for a 28328
permit, variance, or plan approval under Chapter 6109. or 6111. of 28329
the Revised Code shall pay a nonrefundable fee of one hundred 28330
dollars at the time the application is submitted through June 30, 28331
~~2002~~ 2004, and a nonrefundable fee of fifteen dollars at the time 28332
the application is submitted on and after July 1, ~~2002~~ 2004. 28333
Through June 30, ~~2002~~ 2004, any person applying for a national 28334
pollutant discharge elimination system permit under Chapter 6111. 28335
of the Revised Code shall pay a nonrefundable fee of two hundred 28336
dollars at the time of application for the permit. On and after 28337
July 1, ~~2002~~ 2004, such a person shall pay a nonrefundable fee of 28338
fifteen dollars at the time of application. 28339

In addition to the application fee established under division 28340
(S)(1) of this section, any person applying for a national 28341
pollutant discharge elimination system general storm water 28342
construction permit shall pay a nonrefundable fee of twenty 28343
dollars per acre for each acre that is permitted above five acres 28344
at the time the application is submitted. However, the per acreage 28345
fee shall not exceed three hundred dollars. In addition, any 28346
person applying for a national pollutant discharge elimination 28347
system general storm water industrial permit shall pay a 28348

nonrefundable fee of one hundred fifty dollars at the time the 28349
application is submitted. 28350

The director shall transmit all moneys collected under 28351
division (S)(1) of this section pursuant to Chapter 6109. of the 28352
Revised Code to the treasurer of state for deposit into the 28353
drinking water protection fund created in section 6109.30 of the 28354
Revised Code. 28355

The director shall transmit all moneys collected under 28356
division (S)(1) of this section pursuant to Chapter 6111. of the 28357
Revised Code to the treasurer of state for deposit into the 28358
surface water protection fund created in section 6111.038 of the 28359
Revised Code. 28360

If a registration certificate is issued under section 28361
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 28362
the application fee paid shall be deducted from the amount of the 28363
registration certificate fee due under division (R)(1), (2), or 28364
(5) of this section, as applicable. 28365

(2) Division (S)(1) of this section does not apply to an 28366
application for a registration certificate for a scrap tire 28367
collection or storage facility submitted under section 3734.75 or 28368
3734.76 of the Revised Code, as applicable, if the owner or 28369
operator of the facility or proposed facility is a motor vehicle 28370
salvage dealer licensed under Chapter 4738. of the Revised Code. 28371

(T) The director may adopt, amend, and rescind rules in 28372
accordance with Chapter 119. of the Revised Code that do all of 28373
the following: 28374

(1) Prescribe fees to be paid by applicants for and holders 28375
of any license, permit, variance, plan approval, or certification 28376
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 28377
the Revised Code that are not specifically established in this 28378
section. The fees shall be designed to defray the cost of 28379

processing, issuing, revoking, modifying, denying, and enforcing 28380
the licenses, permits, variances, plan approvals, and 28381
certifications. 28382

The director shall transmit all moneys collected under rules 28383
adopted under division (T)(1) of this section pursuant to Chapter 28384
6109. of the Revised Code to the treasurer of state for deposit 28385
into the drinking water protection fund created in section 6109.30 28386
of the Revised Code. 28387

The director shall transmit all moneys collected under rules 28388
adopted under division (T)(1) of this section pursuant to Chapter 28389
6111. of the Revised Code to the treasurer of state for deposit 28390
into the surface water protection fund created in section 6111.038 28391
of the Revised Code. 28392

(2) Exempt the state and political subdivisions thereof, 28393
including education facilities or medical facilities owned by the 28394
state or a political subdivision, or any person exempted from 28395
taxation by section 5709.07 or 5709.12 of the Revised Code, from 28396
any fee required by this section; 28397

(3) Provide for the waiver of any fee, or any part thereof, 28398
otherwise required by this section whenever the director 28399
determines that the imposition of the fee would constitute an 28400
unreasonable cost of doing business for any applicant, class of 28401
applicants, or other person subject to the fee; 28402

(4) Prescribe measures that the director considers necessary 28403
to carry out this section. 28404

(U) When the director reasonably demonstrates that the direct 28405
cost to the state associated with the issuance of a permit to 28406
install, license, variance, plan approval, or certification 28407
exceeds the fee for the issuance or review specified by this 28408
section, the director may condition the issuance or review on the 28409
payment by the person receiving the issuance or review of, in 28410

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

Clean Air Act and 40 C.F.R. part 70, including at least:	28442
(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;	28443 28444 28445
(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;	28446 28447 28448 28449
(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;	28450 28451 28452
(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;	28453 28454 28455
(e) Emission and ambient monitoring;	28456
(f) Modeling, analyses, or demonstrations;	28457
(g) Preparing inventories and tracking emissions;	28458
(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.	28459 28460 28461 28462 28463 28464 28465
(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	28466 28467 28468 28469 28470 28471

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. 28503
However, the facility transferring the sewage sludge shall pay the 28504
one-hundred-dollar minimum fee required under division (Y)(2)(a) 28505
of this section. 28506

In the case of a sewage sludge facility that treats sewage 28507
sludge in this state and transfers it out of this state to another 28508
entity for disposal, the sewage sludge facility in this state 28509
shall be required to pay the annual sludge fee for the tons of 28510
sewage sludge that have been transferred. 28511

(d) A sewage sludge facility that generates sewage sludge 28512
resulting from an average daily discharge flow of less than five 28513
thousand gallons per day is not subject to the fees assessed under 28514
division (Y) of this section. 28515

(3) No sewage sludge facility required to pay the annual 28516
sludge fee shall be required to pay more than the maximum annual 28517
fee for each disposal method that the sewage sludge facility uses. 28518
The maximum annual fee does not include the additional amount that 28519
may be charged under division (Y)(5) of this section for late 28520
payment of the annual sludge fee. The maximum annual fee for the 28521
following methods of disposal of sewage sludge is as follows: 28522

(a) Incineration: five thousand dollars; 28523

(b) Preexisting land reclamation project or disposal in a 28524
landfill: five thousand dollars; 28525

(c) Land application, land reclamation, surface disposal, or 28526
any other disposal method not specified in division (Y)(3)(a) or 28527
(b) of this section: twenty thousand dollars. 28528

(4)(a) In the case of an entity that generates sewage sludge 28529
or a sewage sludge facility that treats sewage sludge and 28530
transfers the sewage sludge to an incineration facility for 28531
disposal, the incineration facility, and not the entity generating 28532
the sewage sludge or the sewage sludge facility treating the 28533

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.

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(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.

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(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.

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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.

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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

meets all of the following qualifications: 28629

(i) Satisfies the class A pathogen standards in 40 C.F.R. 28630
503.32(a); 28631

(ii) Satisfies one of the vector attraction reduction 28632
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 28633

(iii) Does not exceed the ceiling concentration limitations 28634
for metals listed in table one of 40 C.F.R. 503.13; 28635

(iv) Does not exceed the concentration limitations for metals 28636
listed in table three of 40 C.F.R. 503.13. 28637

(d) "Treatment" means the preparation of sewage sludge for 28638
final use or disposal and includes, but is not limited to, 28639
thickening, stabilization, and dewatering of sewage sludge. 28640

(e) "Disposal" means the final use of sewage sludge, 28641
including, but not limited to, land application, land reclamation, 28642
surface disposal, or disposal in a landfill or an incinerator. 28643

(f) "Land application" means the spraying or spreading of 28644
sewage sludge onto the land surface, the injection of sewage 28645
sludge below the land surface, or the incorporation of sewage 28646
sludge into the soil for the purposes of conditioning the soil or 28647
fertilizing crops or vegetation grown in the soil. 28648

(g) "Land reclamation" means the returning of disturbed land 28649
to productive use. 28650

(h) "Surface disposal" means the placement of sludge on an 28651
area of land for disposal, including, but not limited to, 28652
monofills, surface impoundments, lagoons, waste piles, or 28653
dedicated disposal sites. 28654

(i) "Incinerator" means an entity that disposes of sewage 28655
sludge through the combustion of organic matter and inorganic 28656
matter in sewage sludge by high temperatures in an enclosed 28657
device. 28658

(j) "Incineration facility" includes all incinerators owned 28659
or operated by the same entity and located on a contiguous tract 28660
of land. Areas of land are considered to be contiguous even if 28661
they are separated by a public road or highway. 28662

(k) "Annual sludge fee" means the fee assessed under division 28663
(Y)(1) of this section. 28664

(l) "Landfill" means a sanitary landfill facility, as defined 28665
in rules adopted under section 3734.02 of the Revised Code, that 28666
is licensed under section 3734.05 of the Revised Code. 28667

(m) "Preexisting land reclamation project" means a 28668
property-specific land reclamation project that has been in 28669
continuous operation for not less than five years pursuant to 28670
approval of the activity by the director and includes the 28671
implementation of a community outreach program concerning the 28672
activity. 28673

Sec. 3745.15. (A)(1) Not later than one hundred fifty days 28674
after receipt of a complete application for a permit to install, 28675
or a modification of such a permit, under rules adopted under 28676
division (F) of section 3704.03 of the Revised Code or for the 28677
approval of plans under section 6111.44, 6111.45, or 6111.46 of 28678
the Revised Code, the director of environmental protection shall 28679
either issue or deny, or propose to deny, the permit or 28680
modification or approve or disapprove the plans, whichever is 28681
applicable. The director shall send written notification to the 28682
applicant of the issuance or denial or the approval or 28683
disapproval, whichever is applicable. If the director fails to 28684
issue or deny or propose to deny the permit or modification or 28685
approve or disapprove the plans, whichever is applicable, not 28686
later than one hundred fifty days after receipt of a complete 28687
application, the director and the director's authorized 28688
representatives shall not collect the applicable permit to install 28689

fee established under division (F) or (I) of section 3745.11 of 28690
the Revised Code or the applicable plan approval fee established 28691
under division (L)(2) of section 3745.11 of the Revised Code, 28692
whichever is applicable. 28693

For purposes of this section, a complete application is an 28694
application that has been determined or deemed to be complete 28695
under section 3745.10 of the Revised Code. 28696

(2) If the director fails to issue or deny or propose to deny 28697
a permit to install or modification of such a permit within the 28698
one-hundred-fifty-day period, the applicant may bring a mandamus 28699
action to obtain a judgment that orders the director to take a 28700
final action on the application. 28701

(B)(1) The director, upon the director's own motion or upon 28702
the written request of the applicant, may extend the time provided 28703
under division (A) of this section for issuing or denying or 28704
proposing to deny a permit to install or modification of such a 28705
permit for an additional sixty days if a public informational 28706
meeting or public hearing was held on the application. 28707

(2) Upon the written request of the applicant, the director, 28708
in writing, may extend the time provided under division (A)(1) of 28709
this section for issuing or denying or proposing to deny a permit 28710
to install or modification of such a permit for the additional 28711
time specified in the applicant's request for the extension. 28712

(3) If the time for the issuance, denial, or proposed denial 28713
of a permit to install or modification of such a permit is 28714
extended under division (B)(1) or (2) of this section, the 28715
preclusion against the collection of the applicable permit to 28716
install fee established under division (A)(1) of this section does 28717
not apply unless the preclusion is included in a written agreement 28718
providing for the extension of time. 28719

(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

collegiate curricula on environmental issues; providing training 28752
for this state's elementary and secondary school teachers on 28753
environmental issues; providing educational seminars for concerned 28754
members of the public regarding the scientific and technical 28755
aspects of environmental issues; providing educational seminars 28756
regarding pollution prevention and waste minimization for persons 28757
regulated by the environmental protection agency; providing 28758
educational seminars for persons regulated by the environmental 28759
protection agency, including, without limitation, small 28760
businesses, regarding the regulatory requirements of the agency 28761
and the means of achieving and maintaining compliance with them; 28762
and providing one or more scholarships in environmental sciences 28763
or environmental engineering ~~at one or more state colleges or~~ 28764
~~universities, as "state college or university" is defined in~~ 28765
~~section 3345.27 of the Revised Code for students enrolled at an~~ 28766
~~eligible institution of higher education.~~ 28767

The director may expend not more than one million five 28768
hundred thousand dollars of the moneys credited to the 28769
environmental education fund under sections 3704.06 and 6111.09 of 28770
the Revised Code in any fiscal year for the purposes specified in 28771
this division. The director may request authority from the 28772
controlling board to expend any moneys credited to that fund in 28773
any fiscal year in excess of that amount. 28774

~~(B)~~(C) Not later than the first day of April each year, the 28775
director, with the advice and assistance of the council, shall 28776
prepare and submit to the governor, the president of the senate, 28777
and the speaker of the house of representatives an environmental 28778
education agenda that describes the proposed uses of the 28779
environmental education fund during the following fiscal year. 28780
Prior to submitting the agenda the director, in conjunction with 28781
the council, shall hold a public hearing in Franklin county to 28782
receive comments on the agenda. After the public hearing and 28783

before submitting the agenda to the governor, the president, and 28784
the speaker, the director, with the advice and assistance of the 28785
council, may make any modifications to the agenda that the 28786
director considers appropriate based upon the comments received at 28787
the public hearing. 28788

~~(C)~~(D) Not later than the first day of September each year, 28789
the director, with the advice and assistance of the council, shall 28790
prepare and submit to the governor, the president of the senate, 28791
and the speaker of the house of representatives a report on the 28792
revenues credited to and expenditures from the environmental 28793
education fund during the immediately preceding fiscal year. 28794

Sec. 3748.07. (A) Every facility that proposes to handle 28795
radioactive material or radiation-generating equipment for which 28796
licensure or registration, respectively, by its handler is 28797
required shall apply in writing to the director of health on forms 28798
prescribed and provided by the director for licensure or 28799
registration. Terms and conditions of licenses and certificates of 28800
registration may be amended in accordance with rules adopted under 28801
section 3748.04 of the Revised Code or orders issued by the 28802
director pursuant to section 3748.05 of the Revised Code. 28803

(B) Until rules are adopted under section 3748.04 of the 28804
Revised Code, and except as provided in section 3748.08 or the 28805
Revised Code, an application for a certificate of registration 28806
shall be accompanied by a biennial registration fee of one hundred 28807
~~sixty~~ seventy-six dollars. On and after the effective date of 28808
those rules, an applicant for a license, registration certificate, 28809
or renewal of either shall pay the appropriate fee established in 28810
those rules. 28811

All fees collected under this section shall be deposited in 28812
the state treasury to the credit of the general operations fund 28813
created in section 3701.83 of the Revised Code. The fees shall be 28814

used solely to administer and enforce this chapter and rules 28815
adopted under it. 28816

Any fee required under this section that has not been paid 28817
within ninety days after the invoice date shall be assessed at two 28818
times the original invoiced fee. Any fee that has not been paid 28819
within one hundred eighty days after the invoice date shall be 28820
assessed at five times the original invoiced fee. 28821

(C) The director shall grant a license or registration to any 28822
applicant who has paid the required fee and is in compliance with 28823
this chapter and rules adopted under it. 28824

Until rules are adopted under section 3748.04 of the Revised 28825
Code, certificates of registration shall be effective for two 28826
years from the date of issuance. On and after the effective date 28827
of those rules, licenses and certificates of registration shall be 28828
effective for the applicable period established in those rules. 28829
Licenses and certificates of registration shall be renewed in 28830
accordance with the standard renewal procedure established in 28831
Chapter 4745. of the Revised Code. 28832

Sec. 3748.08. Each time an amendment to section 124.152 of 28833
the Revised Code is enacted that increases compensation of exempt 28834
employees effective on or after July 1, 2002, the director of 28835
health shall increase the fees provided in division (B) of section 28836
3748.07 and division (B) of section 3748.13 of the Revised Code by 28837
a percentage equal to the highest percentage increase in 28838
compensation required by the amendment. Not later than thirty days 28839
after the effective date of the fee increase, the department of 28840
health shall notify each registrant of the amount of fee increase. 28841
28842

Sec. 3748.13. (A) The director of health shall inspect 28844
sources of radiation for which licensure or registration by the 28845

handler is required, and the sources' shielding and surroundings, 28846
according to the schedule established in rules adopted under 28847
division (D) of section 3748.04 of the Revised Code. In accordance 28848
with rules adopted under that section, the director shall inspect 28849
all records and operating procedures of handlers that install 28850
sources of radiation and all sources of radiation for which 28851
licensure of radioactive material or registration of 28852
radiation-generating equipment by the handler is required. The 28853
director may make other inspections upon receiving complaints or 28854
other evidence of violation of this chapter or rules adopted under 28855
it. 28856

The director shall require any hospital registered under 28857
division (A) of section 3701.07 of the Revised Code to develop and 28858
maintain a quality assurance program for all sources of 28859
radiation-generating equipment. A certified radiation expert shall 28860
conduct oversight and maintenance of the program and shall file a 28861
report of audits of the program with the director on forms 28862
prescribed by the director. The audit reports shall become part of 28863
the inspection record. 28864

(B) As used in this division, "health care facility" means a 28865
freestanding diagnostic imaging center or freestanding or mobile 28866
radiation therapy center, as those terms are defined in rules 28867
adopted under division (B) of section 3702.30 of the Revised Code. 28868
Until rules are adopted under division (A)(8) of section 3748.04 28869
of the Revised Code and except as provided in section 3748.08 of 28870
the Revised Code, a facility shall pay inspection fees according 28871
to the following schedule and categories: 28872

First dental x-ray tube	\$ 94.00	28873
Each additional dental x-ray tube	\$ 47.00 <u>71.00</u>	28874
at the same a location		
First medical x-ray tube	\$187.00	28875
Each additional medical x-ray tube	\$ 94.00 <u>187.00</u>	28876

at the same a location			
<u>Each unit of ionizing</u>	<u>\$210.00</u>		28877
<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	\$373.00 <u>435.00</u>		28878
radiation-generating equipment <u>at</u>			
<u>a health care facility</u> capable of			
operating at or above 250			
kilovoltage peak			
First nonionizing	\$187.00		28879
radiation-generating equipment of			
any kind			
Each additional nonionizing	\$ 94.00 <u>187.00</u>		28880
radiation-generating equipment of			
any kind at the same a location			
Assembler-maintainer inspection	\$233.00 <u>256.00</u>		28881
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			28882
3748.04 of the Revised Code <u>and except as provided in section</u>			28883
<u>3748.08 of the Revised Code</u> , the fee for an inspection to			28884
determine whether violations cited in a previous inspection have			28885
been corrected is fifty per cent of the fee applicable under the			28886
schedule in this division. Until those rules are adopted, the fee			28887
for the inspection of a facility that is not licensed or			28888
registered and for which no license or registration application is			28889
pending at the time of inspection is two <u>three</u> hundred ninety			28890
<u>thirty-four</u> dollars plus the fee applicable under the schedule in			28891
this division.			28892

The director may conduct a review of shielding plans or the 28893
adequacy of shielding on the request of a licensee or registrant 28894
or an applicant for licensure or registration or during an 28895
inspection when the director considers a review to be necessary. 28896
Until rules are adopted under division (A)(8) of section 3748.04 28897
of the Revised Code and except as provided in section 3748.08 of 28898
the Revised Code, the fee for the review is ~~four~~ five hundred 28899
~~sixty-six~~ thirty-six dollars for each room where a source of 28900
radiation is used and is in addition to any other fee applicable 28901
under the schedule in this division. 28902

All fees shall be paid to the department of health no later 28903
than thirty days after the invoice for the fee is mailed. Fees 28904
shall be deposited in the general operations fund created in 28905
section 3701.83 of the Revised Code. The fees shall be used solely 28906
to administer and enforce this chapter and rules adopted under it. 28907
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Any fee required under this section that has not been paid 28909
within ninety days after the invoice date shall be assessed at two 28910
times the original invoiced fee. Any fee that has not been paid 28911
within one hundred eighty days after the invoice date shall be 28912
assessed at five times the original invoiced fee. 28913

(C) If the director determines that a board of health of a 28914
city or general health district is qualified to conduct 28915
inspections of radiation-generating equipment, the director may 28916
delegate to the board, by contract, the authority to conduct such 28917
inspections. In making a determination of the qualifications of a 28918
board of health to conduct those inspections, the director shall 28919
evaluate the credentials of the individuals who are to conduct the 28920
inspections of radiation-generating equipment and the radiation 28921
detection and measuring equipment available to them for that 28922
purpose. If a contract is entered into, the board shall have the 28923
same authority to make inspections of radiation-generating 28924

equipment as the director has under this chapter and rules adopted 28925
under it. The contract shall stipulate that only individuals 28926
approved by the director as qualified shall be permitted to 28927
inspect radiation-generating equipment under the contract's 28928
provisions. The contract shall provide for such compensation for 28929
services as is agreed to by the director and the board of health 28930
of the contracting health district. The director may reevaluate 28931
the credentials of the inspection personnel and their radiation 28932
detecting and measuring equipment as often as the director 28933
considers necessary and may terminate any contract with the board 28934
of health of any health district that, in the director's opinion, 28935
is not satisfactorily performing the terms of the contract. 28936

(D) The director may enter at all reasonable times upon any 28937
public or private property to determine compliance with this 28938
chapter and rules adopted under it. 28939

Sec. 3750.02. (A) There is hereby created the emergency 28940
response commission consisting of the directors of environmental 28941
protection and health, the ~~chairpersons~~ chairperson of the public 28942
utilities commission, ~~industrial commission, and state and local~~ 28943
~~government commission,~~ the fire marshal, the director of public 28944
safety, the director of ~~job and family services~~ transportation, 28945
the director of natural resources, the superintendent of the 28946
highway patrol, and the attorney general as members ex officio, or 28947
their designees; notwithstanding section 101.26 of the Revised 28948
Code, the chairpersons of the respective standing committees of 28949
the senate and house of representatives that are primarily 28950
responsible for considering environmental issues who may 28951
participate fully in all the commission's deliberations and 28952
activities, except that they shall serve as nonvoting members; and 28953
ten members to be appointed by the governor with the advice and 28954
consent of the senate. The appointed members, to the extent 28955
practicable, shall have technical expertise in the field of 28956

emergency response. Of the appointed members, two shall represent 28957
environmental advocacy organizations, one shall represent the 28958
interests of petroleum refiners or marketers or chemical 28959
manufacturers, one shall represent the interests of another 28960
industry subject to this chapter, one shall represent the 28961
interests of municipal corporations, one shall represent the 28962
interests of counties, one shall represent the interests of chiefs 28963
of fire departments, one shall represent the interests of 28964
professional firefighters, one shall represent the interests of 28965
volunteer firefighters, and one shall represent the interests of 28966
local emergency management agencies. 28967

An appointed member of the commission also may serve as a 28968
member of the local emergency planning committee of an emergency 28969
planning district. An appointed member of the commission who is 28970
also a member of a local emergency planning committee shall not 28971
participate as a member of the commission in the appointment of 28972
members of the local emergency planning committee of which the 28973
member is a member, in the review of the chemical emergency 28974
response and preparedness plan submitted by the local emergency 28975
planning committee of which the member is a member, in any vote to 28976
approve a grant to the member's district, or in any vote of the 28977
commission on any motion or resolution pertaining specifically to 28978
the member's district or the local emergency planning committee on 28979
which the member serves. A commission member who is also a member 28980
of a local emergency planning committee shall not lobby or 28981
otherwise act as an advocate for the member's district to other 28982
members of the commission to obtain from the commission anything 28983
of value for the member's district or the local emergency planning 28984
committee of which the member is a member. A member of the 28985
commission who is also a member of a local emergency planning 28986
committee may vote on resolutions of the commission that apply 28987
uniformly to all local emergency planning committees and districts 28988
in the state and do not provide a grant or other pecuniary benefit 28989

to the member's district or the committee of which the member is a member. 28990
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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. 28992
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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 29014
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or authorized to be so delegated by that division. The commission 29022
may organize itself into such additional committees as it 29023
considers necessary or convenient to implement and administer this 29024
chapter. The director of environmental protection and the director 29025
of public safety or their designees shall serve as co-chairpersons 29026
of the commission and the executive committee. Except as otherwise 29027
provided in this chapter, a majority of the voting members of the 29028
commission constitutes a quorum and the affirmative vote of a 29029
majority of the voting members of the commission is necessary for 29030
any action taken by the commission. Meetings of the executive 29031
committee conducted for the purpose of determining whether to 29032
issue an enforcement order or request that a civil action, civil 29033
penalty action, or criminal action be brought to enforce this 29034
chapter or rules adopted or orders issued under it are not subject 29035
to section 121.22 of the Revised Code pursuant to division (D) of 29036
that section. 29037

Except for the purposes of Chapters 102. and 2921. and 29038
sections 9.86 and 109.36 to 109.366 of the Revised Code, serving 29039
as an appointed member of the commission does not constitute 29040
holding a public office or position of employment under the laws 29041
of this state and does not constitute grounds for removal of 29042
public officers or employees from their offices or positions of 29043
employment. 29044

(B) The commission shall: 29045

(1) Adopt rules in accordance with Chapter 119. of the 29046
Revised Code that are consistent with and equivalent in scope, 29047
content, and coverage to the "Emergency Planning and Community 29048
Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and 29049
applicable regulations adopted under it: 29050

(a) Identifying or listing extremely hazardous substances and 29051
establishing a threshold planning quantity for each such 29052
substance. To the extent consistent with that act and applicable 29053

regulations adopted under it, the rules may establish threshold 29054
planning quantities based upon classes of those substances or 29055
categories of facilities at which such substances are present. 29056

(b) Listing hazardous chemicals, establishing threshold 29057
quantities for those chemicals, establishing categories of health 29058
and physical hazards of those chemicals, establishing criteria or 29059
procedures for identifying those chemicals and the appropriate 29060
hazard categories of those chemicals, and establishing ranges of 29061
quantities for those chemicals to be used in preparing emergency 29062
and hazardous chemical inventory forms under section 3750.08 of 29063
the Revised Code. To the extent consistent with that act and 29064
applicable regulations adopted under it, the rules may establish 29065
threshold quantities based upon classes of those chemicals or 29066
categories of facilities where those chemicals are present. 29067

To the extent consistent with that act, the threshold 29068
quantities for purposes of the submission of lists of hazardous 29069
chemicals under section 3750.07 and the submission of emergency 29070
and hazardous chemical inventory forms under section 3750.08 of 29071
the Revised Code may differ. 29072

(c) Identifying or listing hazardous substances and 29073
establishing reportable quantities of each of those substances and 29074
each extremely hazardous substance. In addition to being 29075
consistent with and equivalent in scope, content, and coverage to 29076
that act and applicable regulations adopted under it, the rules 29077
shall be consistent with and equivalent in scope, content, and 29078
coverage to regulations identifying or listing hazardous 29079
substances and reportable quantities of those substances adopted 29080
under the "Comprehensive Environmental Response, Compensation, and 29081
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 29082
amended. 29083

(d) Prescribing the information to be included in the lists 29084
of hazardous chemicals required to be submitted under section 29085

3750.07 of the Revised Code; 29086

(e) Prescribing the information to be included in the 29087
emergency and hazardous chemical inventory forms required to be 29088
submitted under section 3750.08 of the Revised Code. If the 29089
commission establishes its own emergency and hazardous chemical 29090
inventory form, the rules shall authorize owners and operators of 29091
facilities who also have one or more facilities located outside 29092
the state for which they are required to submit inventory forms 29093
under the federal act and regulations adopted under it to submit 29094
their annual inventories on forms prescribed by the administrator 29095
of the United States environmental protection agency under that 29096
act instead of on forms prescribed by the commission and shall 29097
require those owners or operators to submit any additional 29098
information required by the commission's inventory form on an 29099
attachment to the federal form. 29100

(f) Establishing procedures for giving verbal notice of 29101
releases under section 3750.06 of the Revised Code and prescribing 29102
the information to be provided in such a notice and in the 29103
follow-up written notice required by that section; 29104

(g) Establishing standards for determining valid needs for 29105
the release of tier II information under division (B)(4) of 29106
section 3750.10 of the Revised Code; 29107

(h) Identifying the types or categories of information 29108
submitted or obtained under this chapter and rules adopted under 29109
it that constitute confidential business information; 29110

(i) Establishing criteria and procedures to protect trade 29111
secret and confidential business information from unauthorized 29112
disclosure; 29113

(j) Establishing other requirements or authorizations that 29114
the commission considers necessary or appropriate to implement, 29115
administer, and enforce this chapter. 29116

(2) Adopt rules in accordance with Chapter 119. of the 29117
Revised Code to implement and administer this chapter that may be 29118
more stringent than the "Emergency Planning and Community 29119
Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and 29120
regulations adopted under it. Rules adopted under division (B)(2) 29121
of this section shall not be inconsistent with that act or the 29122
regulations adopted under it. The rules shall: 29123

(a) Prescribe the information to be included in the chemical 29124
emergency response and preparedness plans prepared and submitted 29125
by local emergency planning committees under section 3750.04 of 29126
the Revised Code; 29127

(b) Establish criteria and procedures for reviewing the 29128
chemical emergency response and preparedness plans of local 29129
emergency planning committees required by section 3750.04 of the 29130
Revised Code and the annual exercise of those plans and for 29131
providing concurrence or requesting modifications in the plans and 29132
the exercise of those plans. The criteria shall include, without 29133
limitation, the requirement that each exercise of a committee's 29134
plan involve, in addition to local emergency response and medical 29135
personnel, either a facility that is subject to the plan or a 29136
transporter of materials that are identified or listed as 29137
hazardous materials by regulations adopted under the "Hazardous 29138
Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 29139
1801, as amended. 29140

(c) Establish policies and procedures for maintaining 29141
information submitted to the commission and local emergency 29142
planning committees under this chapter, and for receiving and 29143
fulfilling requests from the public for access to review and to 29144
obtain copies of that information. The criteria and procedures 29145
shall include the following requirements and authorizations 29146
regarding that information and access to it: 29147

(i) Information that is protected as trade secret information 29148

or confidential business information under this chapter and rules 29149
adopted under it shall be kept in files that are separate from 29150
those containing information that is not so protected. 29151
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(ii) The original copies of information submitted to the 29153
commission or committee shall not be removed from the custody and 29154
control of the commission or committee. 29155

(iii) A person who, either in person or by mail, requests to 29156
obtain a copy of a material safety data sheet submitted under this 29157
chapter by a facility owner or operator shall submit a separate 29158
application for each facility for which a material safety data 29159
sheet is being requested. 29160

(iv) A person who requests to receive by mail a copy of 29161
information submitted under this chapter by a facility owner or 29162
operator shall submit a separate application for each facility for 29163
which information is being requested and shall specify both the 29164
facility for which information is being requested and the 29165
particular types of documents requested. 29166

(v) Only employees of the commission or committee shall copy 29167
information in the files of the commission or committee. 29168

(vi) The commission or committee may require any person who 29169
requests to review or obtain a copy of information in its files to 29170
schedule an appointment for that purpose with the information 29171
coordinator of the commission or committee at least twenty-four 29172
hours before arriving at the office of the commission or committee 29173
for the review or copy. 29174

(vii) Any person who seeks access to information in the files 29175
of the commission or a local emergency planning committee shall 29176
submit a written application, either in person or by mail, to the 29177
information coordinator on a form provided by the commission or 29178
committee. The person also shall provide the person's name and 29179

current mailing address on the application and may be requested by 29180
the commission or committee to provide basic demographic 29181
information on the form to assist in the evaluation of the 29182
information access provisions of this chapter and rules adopted 29183
under it. Application forms may be obtained by mail or in person 29184
or by request by telephone at the office of the commission or 29185
committee during regular business hours. Upon receipt of a request 29186
for an application by telephone or mail, the information 29187
coordinator shall promptly mail an application to the person who 29188
requested it. 29189

(viii) The application form shall provide the applicant with 29190
a means of indicating that the applicant's name and address are to 29191
be kept confidential. If the applicant so indicates, that 29192
information is not a public record under section 149.43 of the 29193
Revised Code and shall not be disclosed to any person who is not a 29194
member or employee of the commission or committee or an employee 29195
of the environmental protection agency. When a name and address 29196
are to be kept confidential, they also shall be deleted from the 29197
copy of the application required to be placed in the file of the 29198
facility under division (B)(2)(c)(xii) of this section and shall 29199
be withheld from any log of information requests kept by the 29200
commission or committee pursuant to that division. 29201

(ix) Neither the commission nor a local emergency planning 29202
committee shall charge any fee for access to review information in 29203
its files when no copies or computer searches of that information 29204
are requested. 29205

(x) An applicant shall be informed of the cost of copying, 29206
mailing, or conducting a computer search of information on file 29207
with the commission or committee before such a copy or search is 29208
made, and the commission or committee shall collect the 29209
appropriate fees as established under section 3750.13 of the 29210
Revised Code. Each applicant shall acknowledge on the application 29211

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

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

hazards posed by a release of the extremely hazardous substances, 29276
hazardous chemicals, or hazardous substances; 29277

(ii) The proximity of the facilities that would be subject to 29278
the reporting requirement to residential areas, to areas where 29279
significantly large numbers of people are employed or otherwise 29280
congregate, and to environmental resources that are subject to 29281
injury; 29282

(iii) The quantities of the extremely hazardous substances, 29283
hazardous chemicals, or hazardous substances that are routinely 29284
present at facilities that would be subject to the reporting 29285
requirement; 29286

(iv) The frequency with which the extremely hazardous 29287
substances, hazardous chemicals, or hazardous substances are 29288
present at the facilities that would be subject to the reporting 29289
requirement in quantities for which reporting would be required 29290
thereunder. 29291

(f) Establish criteria and procedures for the issuance of 29292
orders under division (D) of section 3750.11 of the Revised Code 29293
requiring the placement of emergency response lock box units. The 29294
rules shall require that before approval of an application for 29295
issuance of such an order, the commission or committee find by a 29296
preponderance of the scientific evidence based upon generally 29297
accepted scientific principles or laboratory tests that the 29298
presence of the extremely hazardous substances, hazardous 29299
chemicals, or hazardous substances in the quantities in which they 29300
are routinely or intermittently present at the facility for which 29301
the order is sought pose a substantial risk of catastrophic injury 29302
to public health or safety or to the environment, or pose an 29303
extraordinary risk of injury to responding emergency management 29304
personnel, in the event of a release of any of those substances or 29305
chemicals from the facility. The rules shall require that before 29306
approval of an application for issuance of such an order, the 29307

commission or committee also find by a preponderance of the 29308
evidence that the placement of an emergency response lock box unit 29309
at the facility is necessary to protect against the substantial 29310
risk of catastrophic injury to public health or safety or the 29311
environment, or to protect against an extraordinary risk of injury 29312
to responding emergency management personnel, in the event of a 29313
release of any of the extremely hazardous substances, hazardous 29314
chemicals, or hazardous substances routinely or intermittently 29315
present at the facility. The rules shall require that when 29316
determining whether the extremely hazardous substances, hazardous 29317
chemicals, or hazardous substances present at the facility pose a 29318
substantial risk of catastrophic injury to public health or safety 29319
or to the environment, or pose an extraordinary risk of injury to 29320
responding emergency management personnel, in the event of a 29321
release of any of those substances or chemicals from the facility, 29322
the commission or committee consider all of the following factors: 29323

(i) The specific characteristics and the degree and nature of 29324
the hazards posed by a release of the extremely hazardous 29325
substances, hazardous chemicals, or hazardous substances present 29326
at the facility; 29327

(ii) The proximity of the facility to residential areas, to 29328
areas where significantly large numbers of people are employed or 29329
otherwise congregate, and to environmental resources that are 29330
subject to injury; 29331

(iii) The quantities of the extremely hazardous substances, 29332
hazardous chemicals, or hazardous substances that are routinely 29333
present at the facility; 29334

(iv) The frequency with which the extremely hazardous 29335
substances, hazardous chemicals, or hazardous substances are 29336
present at the facility. 29337

(g) Establish procedures to be followed by the commission and 29338

the executive committee of the commission for the issuance of 29339
orders under this chapter. 29340

(3) In accordance with Chapter 119. of the Revised Code adopt 29341
rules establishing reportable quantities for releases of oil that 29342
are consistent with and equivalent in scope, content, and coverage 29343
to section 311 of the "Federal Water Pollution Control Act 29344
Amendments of 1972," 86 Stat. 862, 33 U.S.C.A. 1321, as amended, 29345
and applicable regulations adopted under it; 29346

(4) Adopt rules in accordance with Chapter 119. of the 29347
Revised Code establishing criteria and procedures for identifying 29348
or listing extremely hazardous substances in addition to those 29349
identified or listed in rules adopted under division (B)(1)(a) of 29350
this section and for establishing threshold planning quantities 29351
and reportable quantities for the added extremely hazardous 29352
substances; for identifying or listing hazardous chemicals in 29353
addition to those identified or listed in rules adopted under 29354
division (B)(1)(b) of this section and for establishing threshold 29355
quantities and categories of health and physical hazards for the 29356
added hazardous chemicals; and for identifying or listing 29357
hazardous substances in addition to those identified or listed in 29358
rules adopted under division (B)(1)(c) of this section and for 29359
establishing reportable quantities for the added hazardous 29360
substances. The criteria for identifying or listing additional 29361
extremely hazardous substances and establishing threshold planning 29362
quantities and reportable quantities therefor and for identifying 29363
or listing additional hazardous chemicals and establishing 29364
threshold quantities and categories of health and physical hazards 29365
for the added hazardous chemicals shall be consistent with and 29366
equivalent to applicable criteria therefor under the "Emergency 29367
Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 29368
42 U.S.C.A. 11001, and regulations adopted under it. The criteria 29369
for identifying additional hazardous substances and for 29370

establishing reportable quantities of the added hazardous 29371
substances shall be consistent with and equivalent to the 29372
applicable criteria for identifying or listing hazardous 29373
substances and establishing reportable quantities therefor under 29374
the "Comprehensive Environmental Response, Compensation, and 29375
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 29376
amended, and regulations adopted under it. 29377

The rules shall require that, before identifying or listing 29378
any such additional extremely hazardous substance, hazardous 29379
chemical, or hazardous substance and establishing a threshold 29380
planning quantity, threshold quantity, or reportable quantity 29381
therefor, the commission find by a preponderance of the scientific 29382
evidence based on generally accepted scientific principles or 29383
laboratory tests that the substance or chemical poses a 29384
substantial risk of catastrophic injury to public health or safety 29385
or to the environment, or poses an extraordinary risk of injury to 29386
emergency management personnel responding to a release of the 29387
chemical or substance, when the chemical or substance is present 29388
at a facility in an amount equal to the proposed threshold 29389
planning quantity or threshold quantity or, in the instance of a 29390
proposed additional extremely hazardous substance or hazardous 29391
substance, poses a substantial risk of catastrophic injury to 29392
public health or safety or to the environment if a release of the 29393
proposed reportable quantity of the substance occurs. The rules 29394
shall further require that, before so identifying or listing a 29395
substance or chemical, the commission find by a preponderance of 29396
the evidence that the development and implementation of state or 29397
local emergency response plans for releases of the substance or 29398
chemical will reduce the risk of a catastrophic injury to public 29399
health or safety or to the environment, or will reduce the 29400
extraordinary risk of injury to responding emergency response 29401
personnel, in the event of a release of the substance or chemical 29402

and find by a preponderance of the evidence that the 29403
identification or listing of the substance or chemical is 29404
necessary for the development of state or local emergency response 29405
plans for releases of the substance or chemical. The rules shall 29406
require that the commission consider the toxicity of the substance 29407
or chemical in terms of both the short-term and long-term health 29408
effects resulting from exposure to it and its reactivity, 29409
volatility, dispersibility, combustibility, and flammability when 29410
determining the risks posed by a release of the substance or 29411
chemical and, as appropriate, when establishing a threshold 29412
planning quantity, threshold quantity, reportable quantity, or 29413
category of health or physical hazard for it. 29414

(5) Adopt rules in accordance with Chapter 119. of the 29415
Revised Code establishing criteria and procedures for receiving 29416
and deciding claims for protection of information as a trade 29417
secret that are applicable only to extremely hazardous substances 29418
and hazardous chemicals identified or listed in rules adopted 29419
under division (C)(5) of this section. The rules shall be 29420
equivalent in scope, content, and coverage to section 322 of the 29421
"Emergency Planning and Community Right-To-Know Act of 1986," 100 29422
Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under it. 29423

(6)(a) After consultation with the fire marshal, adopt rules 29424
in accordance with Chapter 119. of the Revised Code establishing 29425
standards for the construction, placement, and use of emergency 29426
response lock box units at facilities that are subject to this 29427
chapter. The rules shall establish all of the following: 29428

(i) Specific standards of construction for lock box units; 29429

(ii) The specific types of information that shall be placed 29430
in the lock box units required to be placed at a facility by an 29431
order issued under division (D) of section 3750.11 of the Revised 29432
Code, which shall include the location of on-site emergency 29433
fire-fighting and spill cleanup equipment; a diagram of the public 29434

and private water supply and sewage systems serving the facility 29435
that are known to the owner or operator of the facility; a copy of 29436
the emergency and hazardous chemical inventory form for the 29437
facility most recently required to be submitted under section 29438
3750.08 of the Revised Code from which the owner or operator may 29439
withhold information claimed or determined to be trade secret 29440
information pursuant to rules adopted under division (B)(2)(d) of 29441
this section, or pursuant to division (B)(14) of this section and 29442
rules adopted under division (B)(5) of this section, and 29443
confidential business information identified in rules adopted 29444
under division (B)(1)(h) of this section; a copy of the local fire 29445
department's and facility's emergency management plans for the 29446
facility, if any; a current list of the names, positions, 29447
addresses, and telephone numbers of all key facility personnel 29448
knowledgeable in facility safety procedures and the locations at 29449
the facility where extremely hazardous substances, hazardous 29450
chemicals, and hazardous substances are produced, used, or stored. 29451
The rules shall stipulate that, in the instance of lock box units 29452
placed voluntarily at facilities by the owners or operators of the 29453
facilities, such information shall be maintained in them as is 29454
prescribed by agreement by the owner or operator and the fire 29455
department having jurisdiction over the facility. 29456

(iii) The conditions that shall be met in order to provide 29457
safe and expedient access to a lock box unit during a release or 29458
threatened release of an extremely hazardous substance, hazardous 29459
chemical, or hazardous substance. 29460

(b) Unless the owner or operator of a facility is issued an 29461
order under division (D) of section 3750.11 of the Revised Code 29462
requiring the owner or operator to place a lock box unit at the 29463
facility, the owner or operator may place a lock box unit at the 29464
facility at the owner's or operator's discretion. If the owner or 29465
operator chooses to place a lock box unit at the facility, the 29466

responsibility to deposit information in the lock box unit is in 29467
addition to any other obligations established in this chapter. 29468

(c) Any costs associated with the purchase, construction, or 29469
placement of a lock box unit shall be paid by the owner or 29470
operator of the facility. 29471

(7) In accordance with Chapter 119. of the Revised Code, 29472
adopt rules governing the application for and awarding of grants 29473
under division (C) of section 3750.14 and division (B) of section 29474
3750.15 of the Revised Code; 29475

(8) Adopt rules in accordance with Chapter 119. of the 29476
Revised Code establishing reasonable maximum fees that may be 29477
charged by the commission and local emergency planning committees 29478
for copying information in the commission's or committee's files 29479
to fulfill requests from the public for that information; 29480

(9) Adopt internal management rules governing the operations 29481
of the commission. The internal management rules shall establish 29482
an executive committee of the commission consisting of the 29483
director of environmental protection or the director's designee, 29484
the director of public safety or the director's designee, the 29485
attorney general or the attorney general's designee, one of the 29486
appointed members of the commission representing industries 29487
subject to this chapter to be appointed by the commission, one of 29488
the appointed members of the commission representing the interests 29489
of environmental advocacy organizations to be appointed by the 29490
commission, and one other appointed member or member ex officio of 29491
the commission to be appointed by the commission. The executive 29492
committee has exclusive authority to issue enforcement orders 29493
under section 3750.18 of the Revised Code and to request the 29494
attorney general to bring a civil action, civil penalty action, or 29495
criminal action under section 3750.20 of the Revised Code in the 29496
name of the commission regarding violations of this chapter, rules 29497
adopted under it, or orders issued under it. The internal 29498

management rules may set forth the other specific powers and 29499
duties of the commission that the executive committee may exercise 29500
and carry out and the conditions under which the executive 29501
committee may do so. The internal management rules shall not 29502
authorize the executive committee to issue variances under 29503
division (B) or (C) of section 3750.11 of the Revised Code or 29504
orders under division (D) of that section. 29505

(10) Oversee and coordinate the implementation and 29506
enforcement of this chapter and make such recommendations to the 29507
director of environmental protection and the director of public 29508
safety as it considers necessary or appropriate to improve the 29509
implementation and enforcement of this chapter; 29510

(11) Make allocations of moneys under division (B) of section 29511
3750.14 of the Revised Code and make grants under division (C) of 29512
section 3750.14 and division (B) of section 3750.15 of the Revised 29513
Code; 29514

(12) Designate an officer of the environmental protection 29515
agency to serve as the commission's information coordinator under 29516
this chapter; 29517

(13) Not later than December 14, 1989, develop and distribute 29518
a state emergency response plan that defines the emergency 29519
response roles and responsibilities of the state agencies that are 29520
represented on the commission and that provides appropriate 29521
coordination with the national contingency plan and the regional 29522
contingency plan required by section 105 of the "Comprehensive 29523
Environmental Response, Compensation, and Liability Act of 1980," 29524
94 Stat. 2767, 42 U.S.C.A. 9601, as amended. The plan shall ensure 29525
a well-coordinated response by state agencies that may be involved 29526
in assisting local emergency responders during a major release of 29527
oil or a major sudden and accidental release of a hazardous 29528
substance or extremely hazardous substance. The plan may 29529
incorporate existing state emergency response plans by reference. 29530

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:

(1) Procure by contract the temporary or intermittent	29563
services of experts or consultants when those services are to be	29564
performed on a part-time or fee-for-service basis and do not	29565
involve the performance of administrative duties;	29566
(2) Enter into contracts or agreements with political	29567
subdivisions or emergency planning districts for the purposes of	29568
this chapter;	29569
(3) Accept on behalf of the state any gift, grant, or	29570
contribution from any governmental or private source for the	29571
purposes of this chapter;	29572
(4) Enter into contracts, agreements, or memoranda of	29573
understanding with any state department, agency, board,	29574
commission, or institution to obtain the services of personnel	29575
thereof or utilize resources thereof for the purposes of this	29576
chapter. Employees of a state department, agency, board,	29577
commission, or institution providing services to the commission	29578
under any such contract, agreement, or memorandum shall perform	29579
only those functions and provide only the services provided for in	29580
the contract, agreement, or memorandum.	29581
(5) Identify or list extremely hazardous substances in	29582
addition to those identified or listed in rules adopted under	29583
division (B)(1)(a) of this section and establish threshold	29584
planning quantities and reportable quantities for the additional	29585
extremely hazardous substances, identify or list hazardous	29586
chemicals in addition to those identified or listed in rules	29587
adopted under division (B)(1)(b) of this section and establish	29588
threshold quantities and categories or health and physical hazards	29589
for the added chemicals, and identify or list hazardous substances	29590
in addition to those identified or listed in rules adopted under	29591
division (B)(1)(c) of this section and establish reportable	29592
quantities for the added hazardous substances. The commission may	29593
establish threshold planning quantities for the additional	29594

extremely hazardous substances based upon classes of those 29595
substances or categories of facilities at which they are present 29596
and may establish threshold quantities for the additional 29597
hazardous chemicals based upon classes of those chemicals or 29598
categories of facilities where they are present. The commission 29599
shall identify or list such additional substances or chemicals and 29600
establish threshold planning quantities, threshold quantities, 29601
reportable quantities, and hazard categories therefor in 29602
accordance with the criteria and procedures established in rules 29603
adopted under division (B)(4) of this section and, after 29604
compliance with those criteria and procedures, by the adoption of 29605
rules in accordance with Chapter 119. of the Revised Code. The 29606
commission shall not adopt rules under division (C)(5) of this 29607
section modifying any threshold planning quantity established in 29608
rules adopted under division (B)(1)(a) of this section, any 29609
threshold quantity established in rules adopted under division 29610
(B)(1)(b) of this section, or any reportable quantity established 29611
in rules adopted under division (B)(1)(c) of this section. 29612

If, after the commission has adopted rules under division 29613
(C)(5) of this section identifying or listing an extremely 29614
hazardous substance, hazardous chemical, or hazardous substance, 29615
the administrator of the United States environmental protection 29616
agency identifies or lists the substance or chemical as an 29617
extremely hazardous substance or hazardous chemical under the 29618
"Emergency Planning and Community Right-To-Know Act of 1986," 100 29619
Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a substance 29620
as a hazardous substance under the "Comprehensive Environmental 29621
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 29622
42 U.S.C.A. 9602, as amended, the commission shall rescind its 29623
rules adopted under division (C)(5) of this section pertaining to 29624
the substance or chemical and adopt the appropriate rules under 29625
division (B)(1)(a), (b), or (c) of this section. 29626

(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

the state emergency response commission under that act and 29659
regulations adopted under it and under this chapter. 29660

Sec. 3750.081. (A) Notwithstanding any provision in this 29661
chapter to the contrary, an owner or operator of a facility that 29662
is regulated under Chapter 1509. of the Revised Code who has filed 29663
a log in accordance with section 1509.10 of the Revised Code and a 29664
production statement in accordance with section 1509.11 of the 29665
Revised Code shall be deemed to have satisfied all of the 29666
inventory, notification, listing, and other submission and filing 29667
requirements established under this chapter, except for the 29668
release reporting requirements established under section 3750.06 29669
of the Revised Code. 29670

(B) The emergency response commission and every local 29671
emergency planning committee and fire department in this state 29672
shall establish a means by which to access, view, and retrieve 29673
information, through the use of the internet or a computer disk, 29674
from the electronic database maintained by the division of mineral 29675
resources management in the department of natural resources in 29676
accordance with section 1509.23 of the Revised Code. With respect 29677
to facilities regulated under Chapter 1509. of the Revised Code, 29678
the database shall be the means of providing and receiving the 29679
information described in division (A) of this section. 29680

Sec. 3750.13. (A)(1) Except as provided in division (A)(3) or 29681
(4) of this section, the owner or operator of a facility required 29682
to annually file an emergency and hazardous chemical inventory 29683
form under section 3750.08 of the Revised Code shall submit with 29684
the inventory form a filing fee of one hundred fifty dollars. In 29685
addition to the filing fee, the owner or operator shall submit 29686
with the inventory form the following additional fees for 29687
reporting inventories of the individual hazardous chemicals and 29688
extremely hazardous substances produced, used, or stored at the 29689

facility: 29690

(a) Except as provided in division (A)(1)(b) of this section, 29691
an additional fee of ~~ten~~ twenty dollars per hazardous chemical 29692
enumerated on the inventory form ~~in excess of five~~; 29693

(b) An additional fee of one hundred fifty dollars per 29694
extremely hazardous substance enumerated on the inventory form. 29695
The fee established in division (A)(1)(a) of this section does not 29696
apply to the reporting of the inventory of a hazardous chemical 29697
that is also an extremely hazardous substance to which the 29698
inventory reporting fee established in division (A)(1)(b) of this 29699
section applies. 29700

The total fees required to accompany any inventory form shall 29701
not exceed twenty-five hundred dollars. 29702

(2) An owner or operator of a facility who fails to submit 29703
such an inventory form within thirty days after the applicable 29704
filing date prescribed in section 3750.08 of the Revised Code 29705
shall submit with the inventory form a late filing fee in the 29706
amount of ~~fifteen~~ ten per cent per year of the total fees due 29707
under division (A)(1) or (4) of this section, in addition to the 29708
fees due under division (A)(1) or (4) of this section. ~~The late~~ 29709
~~filing fee shall be compounded every three months until the total~~ 29710
~~fees due under division (A)(1) or (4) of this section are~~ 29711
~~submitted to the emergency response commission.~~ 29712

(3) The owner or operator of a facility who, during the 29713
preceding year, was required to pay a fee to a municipal 29714
corporation pursuant to an ordinance, rule, or requirement that 29715
was in effect on the effective date of this section for the 29716
reporting or providing of the names or amounts of extremely 29717
hazardous substances or hazardous chemicals produced, used, or 29718
stored at the facility may claim a credit against the fees due 29719
under division (A)(1) or (4) of this section for the fees paid to 29720
the municipal corporation pursuant to its reporting requirement. 29721

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.

An owner or operator who submits ~~inventory forms~~ information 29753
for more than ~~thirty-five~~ twenty-five facilities that meet all of 29754
the conditions prescribed in divisions (A)(4)(a) to (d) of this 29755
section shall submit to the commission a base fee of ~~twenty-five~~ 29756
fifty dollars ~~in addition to a~~ and an additional filing fee of ten 29757
dollars for each facility reported in excess of ~~thirty-five~~ 29758
twenty-five, but not exceeding a total fee of ~~seven~~ nine hundred 29759
dollars. ~~An owner or operator of such facilities shall submit the~~ 29760
~~forms for all such facilities owned or operated by him in this~~ 29761
~~state to the commission at the same time together with the~~ 29762
~~applicable fee under division (A)(4) of this section.~~ 29763

As used in division (A)(4) of this section, "owner or 29764
operator" means the person who actually owns or operates any such 29765
facility and any other person who controls, is controlled by, or 29766
is under common control with the person who actually owns or 29767
operates the facility. 29768

(B) The emergency response commission and the local emergency 29769
planning committee of an emergency planning district may establish 29770
fees to be paid by persons, other than public officers or 29771
employees, obtaining copies of documents or information submitted 29772
to the commission or a committee under this chapter. The fees 29773
shall be established at a level calculated to defray the costs to 29774
the commission or committee for copying the documents or 29775
information, but shall not exceed the maximum fees established in 29776
rules adopted under division (B)(8) of section 3750.02 of the 29777
Revised Code. 29778

(C) Except as provided in this division and division (B) of 29779
this section, and except for fees authorized by section 3737.22 of 29780
the Revised Code or rules adopted under sections 3737.82 to 29781
3737.882 of the Revised Code and collected exclusively for either 29782
of those purposes, no committee or political subdivision shall 29783
levy any fee, tax, excise, or other charge to carry out the 29784

purposes of this chapter. A committee may charge the actual costs 29785
involved in accessing any computerized data base established by 29786
the commission under this chapter or by the United States 29787
environmental protection agency under the "Emergency Planning and 29788
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 29789
11001. 29790

(D) Moneys collected by the commission under this section 29791
shall be credited to the emergency planning and community 29792
right-to-know fund created in section 3750.14 of the Revised Code. 29793

Sec. 3769.08. (A) Any person holding a permit to conduct a 29794
horse-racing meeting may provide a place in the race meeting 29795
grounds or enclosure at which the permit holder may conduct and 29796
supervise the pari-mutuel system of wagering by patrons of legal 29797
age on the live racing programs and simulcast racing programs 29798
conducted by ~~such~~ the permit holder. 29799

~~Such~~ The pari-mutuel method of wagering upon the live racing 29800
programs and simulcast racing programs held at or conducted within 29801
such race track, and at the time of such horse-racing meeting, or 29802
at other times authorized by the state racing commission, shall 29803
not be unlawful. No other place, except that provided and 29804
designated by the permit holder and except as provided in section 29805
3769.26 of the Revised Code, nor any other method or system of 29806
betting or wagering, except the pari-mutuel system, shall be used 29807
or permitted by the permit holder; nor, except as provided in 29808
section 3769.089 or 3769.26 of the Revised Code, shall the 29809
pari-mutuel system of wagering be conducted by the permit holder 29810
on any races except the races at the race track, grounds, or 29811
enclosure for which the person holds a permit. Each permit holder 29812
may retain as a commission an amount not to exceed eighteen per 29813
cent of the total of all moneys wagered. 29814

The pari-mutuel wagering authorized by this section is 29815

subject to sections 3769.25 to ~~3769.27~~ 3769.28 of the Revised Code. 29816
29817

(B) At the close of each racing day, each permit holder 29818
authorized to conduct thoroughbred racing, out of the amount 29819
retained on that day by the permit holder, shall pay by check, 29820
draft, or money order to the tax commissioner, as a tax, a sum 29821
equal to the following percentages of the total of all moneys 29822
wagered on live racing programs on that day and shall separately 29823
compute and pay by check, draft, or money order to the tax 29824
commissioner, as a tax, a sum equal to the following percentages 29825
of the total of all money wagered on simulcast racing programs on 29826
that day: 29827

(1) One per cent of the first two hundred thousand dollars 29828
wagered, or any part ~~thereof~~ of that amount; 29829

(2) Two per cent of the next one hundred thousand dollars 29830
wagered, or any part ~~thereof~~ of that amount; 29831

(3) Three per cent of the next one hundred thousand dollars 29832
wagered, or any part ~~thereof~~ of that amount; 29833

(4) Four per cent of all sums over four hundred thousand 29834
dollars wagered. 29835

Except as otherwise provided in section 3769.089 of the 29836
Revised Code, each permit holder authorized to conduct 29837
thoroughbred racing shall use for purse money a sum equal to fifty 29838
per cent of the pari-mutuel revenues retained by the permit holder 29839
as a commission after payment of the state tax. This fifty per 29840
cent payment shall be in addition to the purse distribution from 29841
breakage specified in this section. 29842

Subject to division (M) of this section, from the moneys paid 29843
to the tax commissioner by ~~thoroughbred racing~~ thoroughbred racing 29844
permit holders, one-half of one per cent of the total of all 29845
moneys so wagered on a racing day shall be paid into the Ohio 29846

fairs fund created by section 3769.082 of the Revised Code, one 29847
and one-eighth per cent of the total of all moneys so wagered on a 29848
racing day shall be paid into the Ohio thoroughbred race fund 29849
created by section 3769.083 of the Revised Code, and one-quarter 29850
of one per cent of the total of all moneys wagered on a racing day 29851
by each permit holder shall be paid into the state racing 29852
commission operating fund created by section 3769.03 of the 29853
Revised Code. The required payment to the state racing commission 29854
operating fund does not apply to county and independent fairs and 29855
agricultural societies. The remaining moneys may be retained by 29856
the permit holder, except as provided in this section with respect 29857
to the odd cents redistribution. Amounts paid into the PASSPORT 29858
fund shall be used solely for the support of the PASSPORT program 29859
as determined in appropriations made by the general assembly. If 29860
the PASSPORT program is abolished, the amount that would have been 29861
paid to the PASSPORT fund under this chapter shall be paid to the 29862
general revenue fund of the state. As used in this chapter, 29863
"PASSPORT program" means the PASSPORT program created under 29864
section 173.40 of the Revised Code. 29865

~~During calendar year 1994, the~~ The total amount paid to the 29866
Ohio thoroughbred race fund under this section and section 29867
3769.087 of the Revised Code ~~shall not exceed by more than six per~~ 29868
~~cent the total amount paid to this fund under this section and~~ 29869
~~that section during calendar year 1990. During each calendar year~~ 29870
~~after calendar year 1994, the total amount paid to this fund under~~ 29871
~~this section and that section~~ shall not exceed by more than six 29872
per cent the total amount paid to this fund under this section and 29873
that section during the immediately preceding calendar year. 29874

Each year, the total amount calculated for payment into the 29875
Ohio fairs fund under this division, division (C) of this section, 29876
and section 3769.087 of the Revised Code shall be an amount 29877
calculated using the percentages specified in this division, 29878

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

larger amount as approved by the organization, for dues, 29911
assessments, and other payments to all other local, national, or 29912
international organizations having as their primary purposes the 29913
promotion of thoroughbred horse racing, thoroughbred horsemen's 29914
rights, and equine research. 29915

(C) Except as otherwise provided in division (B) of this 29916
section, at the close of each racing day, each permit holder 29917
authorized to conduct harness or quarter horse racing, out of the 29918
amount retained that day by the permit holder, shall pay by check, 29919
draft, or money order to the tax commissioner, as a tax, a sum 29920
equal to the following percentages of the total of all moneys 29921
wagered on live racing programs and shall separately compute and 29922
pay by check, draft, or money order to the tax commissioner, as a 29923
tax, a sum equal to the following percentages of the total of all 29924
money wagered on simulcast racing programs on that day: 29925

(1) One per cent of the first two hundred thousand dollars 29926
wagered, or any part ~~thereof~~ of that amount; 29927

(2) Two per cent of the next one hundred thousand dollars 29928
wagered, or any part ~~thereof~~ of that amount; 29929

(3) Three per cent of the next one hundred thousand dollars 29930
wagered, or any part ~~thereof~~ of that amount; 29931

(4) Four per cent of all sums over four hundred thousand 29932
dollars wagered. 29933

Except as otherwise provided in division (B) and subject to 29934
division (M) of this section, from the moneys paid to the tax 29935
commissioner by permit holders authorized to conduct harness or 29936
quarter horse racing, one-half of one per cent of all moneys 29937
wagered on that racing day shall be paid into the Ohio fairs fund; 29938
from the moneys paid to the tax commissioner by permit holders 29939
authorized to conduct harness racing, five-eighths of one per cent 29940
of all moneys wagered on that racing day shall be paid into the 29941

Ohio standardbred development fund; and from the moneys paid to 29942
the tax commissioner by permit holders authorized to conduct 29943
quarter horse racing, five-eighths of one per cent of all moneys 29944
wagered on that racing day shall be paid into the Ohio quarter 29945
horse development fund. 29946

(D) In addition, subject to division (M) of this section, 29947
beginning on January 1, 1996, from the money paid to the tax 29948
commissioner as a tax under this section and section 3769.087 of 29949
the Revised Code by harness horse permit holders, one-half of one 29950
per cent of the amount wagered on a racing day shall be paid into 29951
the Ohio standardbred development fund. Beginning January 1, 1998, 29952
the payment to the Ohio standardbred development fund required 29953
under this division ~~(D) of this section~~ does not apply to county 29954
agricultural societies or independent agricultural societies. 29955
29956

~~During calendar year 1994, the~~ The total amount paid to the 29957
Ohio standardbred development fund under this division, division 29958
(C) of this section, and section 3769.087 of the Revised Code and 29959
the total amount paid to the Ohio quarter horse development fund 29960
under this division and that section ~~shall not exceed by more than~~ 29961
~~six per cent the total amount paid to each of these funds under~~ 29962
~~this division and that section during calendar year 1990. During~~ 29963
~~each calendar year after calendar year 1994, the total amount paid~~ 29964
~~to each of these funds~~ shall not exceed by more than six per cent 29965
the total amount paid into the fund under this division, division 29966
(C) of this section, and section 3769.087 of the Revised Code in 29967
the immediately preceding calendar year. 29968

(E) Subject to division (M) of this section, from the money 29969
paid as a tax under this chapter by harness and quarter horse 29970
permit holders, one-quarter of one per cent of the total of all 29971
moneys wagered on a racing day by each permit holder shall be paid 29972
into the state racing commission operating fund created by section 29973

3769.03 of the Revised Code. This division does not apply to
county and independent fairs and agricultural societies. 29974
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(F) Except as otherwise provided in section 3769.089 of the 29976
Revised Code, each permit holder authorized to conduct harness 29977
racing shall ~~pay~~ pay to the harness horsemen's purse pool a sum 29978
equal to fifty per cent of the pari-mutuel revenues retained by 29979
the permit holder as a commission after payment of the state tax. 29980
This fifty per cent payment is to be in addition to the purse 29981
distribution from breakage specified in this section. 29982

(G) In addition, each permit holder authorized to conduct 29983
harness racing shall be allowed to retain the odd cents of all 29984
redistribution to be made on all mutual contributions exceeding a 29985
sum equal to the next lowest multiple of ten. 29986

Forty per cent of that portion of that total sum of such odd 29987
cents shall be used by the permit holder for purse money for Ohio 29988
sired, bred, and owned colts, for purse money for Ohio bred 29989
horses, and for increased purse money for horse races. Upon the 29990
formation of the corporation described in section 3769.21 of the 29991
Revised Code to establish a harness horsemen's health and 29992
retirement fund, twenty-five per cent of that portion of that 29993
total sum of odd cents shall be paid at the close of each racing 29994
day by the permit holder to ~~such~~ that corporation to establish and 29995
fund the health and retirement fund. Until ~~such~~ that corporation 29996
is formed, ~~such~~ that twenty-five per cent shall be paid at the 29997
close of each racing day by the permit holder to the tax 29998
commissioner or the tax commissioner's agent in the county seat of 29999
the county in which the permit holder operates race meetings. The 30000
remaining thirty-five per cent of that portion of that total sum 30001
of odd cents shall be retained by the permit holder. 30002

(H) In addition, each permit holder authorized to conduct 30003
thoroughbred racing shall be allowed to retain the odd cents of 30004
all redistribution to be made on all mutuel contributions 30005

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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

wagering resulting from ~~such~~ those improvements, the taxes paid by 30038
a permit holder to the state as provided for in this chapter shall 30039
be reduced by three-fourths of one per cent of the total amount 30040
wagered for those permit holders who make capital improvements to 30041
existing race tracks or construct new race tracks. The percentage 30042
of the reduction that may be taken each racing day shall equal 30043
seventy-five per cent of the tax levied under divisions (B) and 30044
(C) of this section and section 3769.087 of the Revised Code, and 30045
division (F)(2) of section 3769.26 of the Revised Code, as 30046
applicable, divided by the calculated amount each fund should 30047
receive under divisions (B) and (C) of this section and section 30048
3769.087 of the Revised Code, and division (F)(2) of section 30049
3769.26 of the Revised Code and the reduction provided for in this 30050
division. If the resulting percentage is less than one, that 30051
percentage shall be multiplied by the amount of the reduction 30052
provided for in this division. Otherwise, the permit holder shall 30053
receive the full reduction provided for in this division. The 30054
amount of the allowable reduction not received shall be carried 30055
forward and applied against future tax liability. After any 30056
reductions expire, any reduction carried forward shall be treated 30057
as a reduction as provided for in this division. ~~If~~ 30058

If more than one permit holder is authorized to conduct 30059
racing at the facility that is being built or improved, the cost 30060
of the new race track or capital improvement shall be allocated 30061
between or among all the permit holders in the ratio that the 30062
permit holders' number of racing days bears to the total number of 30063
racing days conducted at the facility. ~~Such~~ 30064

A reduction for a new race track or a capital improvement 30065
shall start from the day racing is first conducted following the 30066
date actual construction of the new race track or each capital 30067
improvement is completed and the construction cost has been 30068
~~certified~~ approved by the racing commission, unless otherwise 30069

provided in this section. Such A reduction for a new race track or 30070
a capital improvement shall continue for a period of twenty-five 30071
years for new race tracks and for fifteen years for ~~new~~ capital 30072
improvements if the construction of the capital improvement or new 30073
race track commenced prior to March 29, 1988, and for a period of 30074
ten years for new race tracks or ~~new~~ capital improvements if the 30075
construction of the capital improvement or new race track 30076
commenced on or after March 29, 1988, but before the effective 30077
date of this amendment, or until the total tax reduction reaches 30078
seventy per cent of the approved cost of the new race track or ~~new~~ 30079
capital improvement, as allocated to each permit holder, whichever 30080
occurs first. The tax A reduction for a new race track or a 30081
capital improvement approved after the effective date of this 30082
amendment shall continue until the total tax reduction reaches one 30083
hundred per cent of the approved cost of the new race track or 30084
capital improvement, as allocated to each permit holder. 30085

A reduction granted for any a new race track or a capital 30086
improvement, the application for which was approved by the racing 30087
commission after March 29, 1988, but before the effective date of 30088
this amendment, shall not commence nor shall the ten-year period 30089
begin to run until all prior tax reductions with respect to the 30090
same race track have ended. The total tax reduction because of 30091
capital improvements shall not during any one year exceed for all 30092
permit holders using any one track three-fourths of one per cent 30093
of the total amount wagered, regardless of the number of capital 30094
improvements made. Several capital improvements to a race track 30095
may be consolidated in an application if the racing commission 30096
approved the application prior to March 29, 1988. No permit holder 30097
may receive a tax reduction for a capital improvement approved by 30098
the racing commission on or after March 29, 1988, at a race track 30099
until all tax reductions have ended for all prior capital 30100
improvements approved by the racing commission under this section 30101
or section 3769.20 of the Revised Code at that race track. If 30102

there are two or more permit holders operating meetings at the 30103
same track, they may consolidate their applications. The racing 30104
commission shall notify the tax commissioner when the ~~diminution~~ 30105
reduction of tax begins and when it ends. ~~Each~~ 30106

Each fiscal year the racing commission shall submit a report 30107
to the tax commissioner, the office of budget and management, and 30108
the ~~legislative budget office of the~~ legislative service 30109
commission. The report shall identify each capital improvement 30110
project undertaken under this division and in progress at each 30111
race track, indicate the total cost of each ~~such~~ project, state 30112
the tax reduction that resulted from each ~~such~~ project during the 30113
immediately preceding fiscal year, estimate the tax reduction that 30114
will result from each ~~such~~ project during the current fiscal year, 30115
state the total tax reduction that resulted from all such projects 30116
at all race tracks during the immediately preceding fiscal year, 30117
and estimate the total tax reduction that will result from all 30118
such projects at all race tracks during the current fiscal year. 30119

(2) In order to qualify for the reduction in tax, a permit 30120
holder shall apply to the racing commission in such form as the 30121
commission may require and shall provide full details of the new 30122
~~racing~~ race track or capital improvement, including a schedule for 30123
its construction and completion, and set forth the costs and 30124
expenses incurred in connection ~~therewith~~ with it. The racing 30125
commission shall not approve an application unless the permit 30126
holder shows that a contract for the new race track or capital 30127
improvement has been let under an unrestricted competitive bidding 30128
procedure, unless the contract is exempted by the controlling 30129
board because of its unusual nature. In determining whether to 30130
approve an application, the racing commission shall consider 30131
whether the new race track or capital improvement will promote the 30132
safety, convenience, and comfort of the racing public and horse 30133
owners and generally tend towards the improvement of racing in 30134

this state. 30135

(3) If a new race track or capital improvement is approved by 30136
the racing commission and construction has started, the tax 30137
adjustment reduction may be authorized by the commission upon 30138
presentation of copies of paid bills in excess of one hundred 30139
thousand dollars or ten per cent of the approved cost, whichever 30140
is greater. After the initial authorization, the permit holder 30141
shall present copies of paid bills. If the permit holder is in 30142
substantial compliance with the schedule for construction and 30143
completion of the new race track or capital improvement, the 30144
racing commission may authorize the continuation of the tax 30145
adjustment reduction upon the presentation of ~~such~~ the additional 30146
paid bills. The total amount of the tax adjustment reduction 30147
authorized shall not exceed ~~seventy per cent~~ the percentage of the 30148
approved cost of the new race track or capital improvement 30149
specified in division (J)(1) of this section. The racing 30150
commission may terminate any tax adjustment reduction immediately 30151
if a permit holder fails to complete the new race track or capital 30152
improvement, or to substantially comply with the schedule for 30153
construction and completion of the new race track or capital 30154
improvement. If a permit holder fails to complete a new race track 30155
or capital improvement, the racing commission shall order the 30156
permit holder to repay to the state the total amount of tax 30157
reduced. The normal tax paid by the permit holder shall be 30158
increased by three-fourths of one per cent of the total amount 30159
wagered until the total amount of the additional tax collected 30160
equals the total amount of tax reduced. 30161

(4) As used in this section, ~~"capital:~~ 30162

(a) "Capital improvement" means an addition, replacement, or 30163
remodeling of a structural unit of a race track facility costing 30164
at least one hundred thousand dollars, including, but not limited 30165
to, the construction of barns used exclusively for ~~such~~ the race 30166

track facility, backstretch facilities for horsemen, paddock 30167
facilities, new pari-mutuel and totalizator equipment and 30168
appurtenances ~~thereto~~ to that equipment purchased by the track, 30169
new access roads, new parking areas, the complete reconstruction, 30170
reshaping, and leveling of the ~~race track~~ racing surface and 30171
appurtenances, the installation of permanent new heating or air 30172
conditioning, ~~and~~ roof replacement or restoration, installations 30173
of a permanent nature forming a part of the track structure, and 30174
construction of buildings that are located on a permit holder's 30175
premises. "Capital improvement" does not include the cost of 30176
replacement of equipment that is not permanently installed, 30177
ordinary repairs, painting, and maintenance required to keep a 30178
race track facility in ordinary operating condition. "~~New~~ 30179

(b) "New race track" or "~~new racing track~~" includes the 30180
reconstruction of a race track damaged by fire or other cause that 30181
has been declared by the racing commission, as a result of the 30182
damage, to be an inadequate facility for the safe operation of 30183
horse racing. 30184

(c) "Approved cost" includes all debt service and interest 30185
costs that are associated with a capital improvement or new race 30186
track and that the racing commission approves for a tax reduction 30187
under division (J) of this section. 30188

(5) The racing commission shall not approve an application 30189
for a tax reduction under this section if it has reasonable cause 30190
to believe that the actions or negligence of the permit holder 30191
substantially contributed to the damage suffered by the track due 30192
to fire or other cause. The racing commission shall obtain any 30193
data or information available from a fire marshal, law enforcement 30194
official, or insurance company concerning any fire or other damage 30195
suffered by a track, prior to approving an application for a tax 30196
reduction. 30197

(6) The approved cost and expenses to which a tax reduction 30198

applies shall be determined by generally accepted accounting 30199
principles and verified by an audit of the permit holder's records 30200
upon completion of the project by the racing commission, or by an 30201
independent certified public accountant selected by the permit 30202
holder and approved by the commission. 30203

~~The tax reductions for capital improvements and new tracks 30204
provided for in this division apply only to tax reductions 30205
approved by the state racing commission prior to the effective 30206
date of this amendment. 30207~~

(K) No other license or excise tax or fee, except as provided 30208
in sections 3769.01 to 3769.14 of the Revised Code, shall be 30209
assessed or collected from such licensee by any county, township, 30210
district, municipal corporation, or other body having power to 30211
assess or collect a tax or fee. That portion of the tax paid under 30212
this section by permit holders for racing conducted at and during 30213
the course of an agricultural exposition or fair, and that portion 30214
of the tax that would have been paid by eligible permit holders 30215
into the PASSPORT fund as a result of racing conducted at and 30216
during the course of an agricultural exposition or fair, shall be 30217
deposited into the state treasury to the credit of the horse 30218
racing tax fund, which is hereby created for the use of the 30219
agricultural societies of the several counties in which the taxes 30220
originate. The state racing commission shall determine eligible 30221
permit holders for purposes of the preceding sentence, taking into 30222
account the breed of horse, the racing dates, the geographic 30223
proximity to the fair, and the best interests of Ohio racing. On 30224
the first day of any month on which there is money in the fund, 30225
the ~~director of budget and management~~ tax commissioner shall 30226
provide for payment to the treasurer of each agricultural society 30227
the amount of the taxes collected under this section upon racing 30228
conducted at and during the course of any exposition or fair 30229
conducted by ~~such~~ the society. 30230

(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

tax commissioner shall be deposited weekly and paid by the tax 30263
commissioner into the funds to cover the total aggregate amount 30264
due from all permit holders to the funds, as calculated under this 30265
section and section 3769.087 of the Revised Code, as applicable. 30266
If, after ~~the~~ payment ~~to~~ into the PASSPORT fund, sufficient funds 30267
are not available from the tax deposited by the tax commissioner 30268
to pay the required ~~amount~~ amounts into the Ohio fairs fund, Ohio 30269
standardbred development fund, Ohio thoroughbred race fund, Ohio 30270
quarter horse fund, and the state racing commission operating 30271
fund, the tax commissioner shall prorate on a proportional basis 30272
the amount paid to each of the funds. Any shortage to the funds as 30273
a result of a proration shall be applied against future deposits 30274
for the same calendar year when funds are available. After this 30275
application, the tax commissioner shall pay any remaining money 30276
paid as a tax by all permit holders into the PASSPORT fund. ~~If the~~ 30277
~~Ohio fairs fund does not receive two million five hundred thousand~~ 30278
~~dollars in calendar year 1997 or 1998, the tax commissioner shall~~ 30279
~~pay into the Ohio fairs fund, on a prorated basis, money that~~ 30280
~~would have been paid into the Ohio thoroughbred race fund, Ohio~~ 30281
~~standardbred development fund, Ohio quarter horse development~~ 30282
~~fund, and state racing commission operating fund and the portion~~ 30283
~~that was retained by the tracks the previous calendar year as a~~ 30284
~~reduction provided for in division (J) of this section and section~~ 30285
~~3769.20 of the Revised Code until the previous year's deficiency~~ 30286
~~is met. Each track that has an existing reduction shall increase~~ 30287
~~its reduction credit balance by the amount determined by the tax~~ 30288
~~commissioner that is needed to meet its prorated portion of the~~ 30289
~~Ohio fairs fund deficiency. The credit balance increase shall be~~ 30290
~~paid to the tax commissioner as a tax. This division does not~~ 30291
apply to permit holders conducting racing at the course of an 30292
agricultural exposition or fair as described in division (K) of 30293
this section. 30294

Sec. 3769.085. There is hereby created in the state treasury 30295
the Ohio standardbred development fund, to consist of moneys paid 30296
into it pursuant to section 3769.08 of the Revised Code and any 30297
fees assessed for or on behalf of the Ohio sires stakes races. All 30298
investment earnings on the cash balance in the fund shall be 30299
credited to the fund. Moneys to the credit of the Ohio 30300
~~standardbred development~~ fund shall be distributed on order of the 30301
state racing commission with the approval of the Ohio standardbred 30302
development commission. 30303

The development commission shall consist of three members, 30304
all to be residents of this state knowledgeable in breeding and 30305
racing, to be appointed by the governor with the advice and 30306
consent of the senate. One member shall be a standardbred breeder, 30307
and one shall be a standardbred owner. Of the initial 30308
appointments, one member shall be appointed for a term ending June 30309
30, 1977, and two members shall be appointed for terms ending June 30310
30, 1979. Thereafter, appointments for other than unexpired terms 30311
shall be for four years. Terms shall begin the first day of July 30312
and end the thirtieth day of June. Any member appointed to fill a 30313
vacancy occurring prior to the expiration of the term for which 30314
the member's predecessor was appointed shall hold office for the 30315
remainder of ~~such~~ that term. Any member shall continue in office 30316
subsequent to the expiration date of the member's term until a 30317
successor takes office. Members shall receive no compensation, 30318
except they shall be paid actual and necessary expenses from the 30319
Ohio standardbred development fund. The state racing commission 30320
shall also be reimbursed for actual expense approved by the 30321
development commission. The development commission may elect one 30322
member to serve as secretary. 30323

Upon application not later than the first day of December 30324
from the harness tracks conducting races with pari-mutuel 30325
wagering, other than agricultural expositions and fairs, the 30326

development commission shall, after a hearing and not later than 30327
the twentieth day of January, allocate and approve all available 30328
moneys for colt races for two-year-old and three-year-old colts 30329
and fillies, both trotting and pacing. Separate races for fillies 30330
shall be provided at each age and gait. At least five races and a 30331
championship race shall be scheduled for each of the eight 30332
categories of age, sex, and gait. The allocations shall take into 30333
account the time of year that racing colts is feasible, the equity 30334
and continuity of the proposed dates for racing the events, and 30335
the amounts to be added by the tracks, looking to the maximum 30336
benefit for those participating in the races. Representatives of 30337
the tracks and the Ohio harness horsemens association shall be 30338
given an opportunity to be heard before the allocations are made. 30339
No races shall be contested earlier than the first day of May or 30340
later than the first day of November; all permit holders operating 30341
extended pari-mutuel meetings between ~~such~~ those dates shall be 30342
entitled to at least three races. No funds for a race shall be 30343
allocated to and paid to a permit holder by the development 30344
commission unless the permit holder adds at least twenty-five per 30345
cent to the amount allocated by the development commission, and 30346
not less than five thousand dollars to each race. 30347

Colts and fillies eligible to the races shall be only those 30348
sired by a standardbred stallion that was registered with the 30349
state racing commission and stood in ~~Ohio~~ the state the entire 30350
breeding season of the year the colt or filly was conceived and 30351
fillies foaled before November 1, 1979, that are not so qualified 30352
but wholly owned by a resident or residents of ~~Ohio~~ the state on 30353
the first day of January of the year that such filly would be 30354
eligible to race as a two-year-old and also wholly owned by a 30355
resident or residents of ~~Ohio~~ the state on the date the race is 30356
contested. 30357

If the development commission concludes that sufficient funds 30358

are available to add aged races without reducing purse levels of 30359
the colt and filly races, the development commission may allocate 30360
funds to four-year-old and five-year-old races of each sex and 30361
gait with Ohio eligibility required as set forth in this section. 30362

The state racing commission may allocate an amount not to 30363
exceed five per cent of the total Ohio standardbred development 30364
fund available in any one calendar year to research projects 30365
directed toward improving the breeding, raising, racing, and 30366
health and soundness of horses in the state and toward education 30367
or promotion of the industry. 30368

Sec. 3769.087. (A) In addition to the commission of eighteen 30369
per cent retained by each permit holder as provided in section 30370
3769.08 of the Revised Code, each permit holder shall retain an 30371
additional amount equal to four per cent of the total of all 30372
moneys wagered on each racing day on all wagering pools other than 30373
win, place, and show, of which amount retained an amount equal to 30374
three per cent of the total of all moneys wagered on each racing 30375
day on ~~such~~ those pools shall be paid by check, draft, or money 30376
order to the tax commissioner, as a tax. Subject to the 30377
restrictions contained in divisions (B), (C), and (M) of section 30378
3769.08 of the Revised Code, from such additional moneys paid to 30379
the tax commissioner: 30380

(1) Four-sixths shall be ~~PASSPORT~~ allocated to fund 30381
distribution as provided in division (M) of section 3769.08 of the 30382
Revised Code~~+~~. 30383

(2) One-twelfth shall be paid into the Ohio fairs fund 30384
created by section 3769.082 of the Revised Code~~+~~. 30385

(3) One-twelfth of the additional moneys paid to the tax 30386
commissioner by thoroughbred racing permit holders shall be paid 30387
into the Ohio thoroughbred race fund created by section 3769.083 30388
of the Revised Code~~+~~. 30389

(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

~~wagering pools. The tax commissioner shall deposit the amount of~~ 30422
~~the tax received under this division in the PASSPORT fund. Any~~ 30423
~~amount that is retained but not paid under this division to the~~ 30424
~~tax commissioner as a tax other than win, place, and show. From~~ 30425
~~the additional amount retained under this division, each permit~~ 30426
~~holder shall retain an amount equal to one-quarter of one per cent~~ 30427
~~of the total of all moneys wagered on each racing day on all pools~~ 30428
~~other than win, place, and show and shall pay that amount by~~ 30429
~~check, draft, or money order to the tax commissioner, as a tax.~~ 30430
~~The tax commissioner shall pay the amount of the tax received~~ 30431
~~under this division to the state racing commission operating fund~~ 30432
~~created by section 3769.03 of the Revised Code.~~ 30433

The remaining one-quarter of one per cent that is retained 30434
from the total of all moneys wagered on each racing day on all 30435
pools other than win, place, and show shall be retained by the 30436
permit holder, and the permit holder shall use one-half for purse 30437
money and retain one-half. 30438

Sec. 3769.20. (A) To encourage the renovation of existing 30439
racing facilities for the benefit of the public, breeders, and 30440
horse owners and to increase the revenue to the state from the 30441
increase in pari-mutuel wagering resulting from such improvement, 30442
the taxes paid by a permit holder to the state, in excess of the 30443
amount paid ~~to~~ into the PASSPORT fund, shall be reduced by one per 30444
cent of the total amount wagered for those permit holders who 30445
carry out a major capital improvement project. The percentage of 30446
the reduction that may be taken each racing day shall equal 30447
seventy-five per cent of the amount of the tax levied under 30448
divisions (B) and (C) of section 3769.08, section 3769.087, and 30449
division (F)(2) of section 3769.26 of the Revised Code, as 30450
applicable, divided by the calculated amount each fund should 30451
receive under divisions (B) and (C) of section 3769.08, section 30452
3769.087, and division (F)(2) of section 3769.26 of the Revised 30453

Code and the reduction provided for in this section. If the 30454
resulting percentage is less than one, that percentage shall be 30455
multiplied by the amount of the reduction provided for in this 30456
section. Otherwise, the permit holder shall receive the full 30457
reduction provided for in this section. The amount of the 30458
allowable reduction not received shall be carried forward and 30459
added to any other reduction balance and applied against future 30460
tax liability. After any reductions expire, any reduction carried 30461
forward shall be treated as a reduction as provided for in this 30462
section. If the amount of allowable ~~abatement~~ reduction exceeds 30463
the amount of taxes derived from a permit holder, the amount of 30464
the allowable ~~abatement~~ reduction not used may be carried forward 30465
and applied against future tax liability. ~~If~~ 30466

If more than one permit holder is authorized to conduct 30467
racing at the facility that is being improved, the cost of the 30468
major capital improvement project shall be allocated between or 30469
among all the permit holders in the ratio that each permit 30470
holder's number of racing days bears to the total number of racing 30471
days conducted at the facility. ~~Such~~ 30472

A reduction for a major capital improvement project shall 30473
start from the day racing is first conducted following the date on 30474
which the major capital improvement project is completed and the 30475
construction cost has been ~~certified~~ approved by the state racing 30476
commission, except as otherwise provided in division (E) of this 30477
section, and shall continue until the total tax reduction equals 30478
the cost of the major capital improvement project plus debt 30479
service applicable to the project. In no event, however, shall any 30480
tax reduction, excluding any reduction balances, be permitted 30481
under this section after December 31, 2014. The total tax 30482
reduction because of the major capital improvement project shall 30483
not during any one year exceed for all permit holders using any 30484
one track, one per cent of the total amount wagered. The racing 30485

commission shall notify the tax commissioner when the ~~diminution~~ 30486
reduction of tax begins and when it ends. 30487

(B) Each fiscal year, the racinq commission shall submit a 30488
report to the tax commissioner, the office of budget and 30489
management, and the ~~legislative budget office of the~~ legislative 30490
service commission. The report shall identify each capital 30491
improvement project undertaken under this section and in progress 30492
at each race track, indicate the total cost of each ~~such~~ project, 30493
state the tax reduction that resulted from each ~~such~~ project 30494
during the immediately preceding fiscal year, estimate the tax 30495
reduction that will result from each ~~such~~ project during the 30496
current fiscal year, state the total tax reduction that resulted 30497
from all such projects at all race tracks during the immediately 30498
preceding fiscal year, and estimate the total tax reduction that 30499
will result from all such projects at all race tracks during the 30500
current fiscal year. 30501

(C) The tax reduction granted pursuant to this section shall 30502
be in addition to any tax reductions for capital improvements and 30503
new race tracks provided for in section 3769.08 of the Revised 30504
Code and approved by the racinq commission ~~prior to March 29,~~ 30505
1988. 30506

(D) In order to qualify for the reduction in tax, a permit 30507
holder shall apply to the racinq commission in such form as the 30508
commission may require and shall provide full details of the major 30509
capital improvement project, including plans and specifications, a 30510
schedule for the project's construction and completion, and a 30511
breakdown of proposed costs. In addition, the permit holder shall 30512
have commenced construction of the major capital improvement 30513
project or shall have had the application for the project approved 30514
by the racinq commission prior to March 29, 1988. The racinq 30515
commission shall not approve an application unless the permit 30516
holder shows that a contract for the major capital improvement 30517

project has been let under an unrestricted competitive bidding 30518
procedure, unless the contract is exempted by the controlling 30519
board because of its unusual nature. In determining whether to 30520
approve an application, the racing commission shall consider 30521
whether the major capital improvement project will promote the 30522
safety, convenience, and comfort of the racing public and horse 30523
owners and generally tend toward the improvement of racing in this 30524
state. 30525

(E) If the major capital improvement project is approved by 30526
the racing commission and construction has started, the tax 30527
~~adjustment~~ reduction may be authorized by the commission upon 30528
presentation of copies of paid bills in excess of five hundred 30529
thousand dollars. After the initial authorization, the permit 30530
holder shall present copies of paid bills in the amount of not 30531
less than five hundred thousand dollars. If the permit holder is 30532
in substantial compliance with the schedule for construction and 30533
completion of the major capital improvement project, the racing 30534
commission may authorize the continuance of the tax ~~adjustment~~ 30535
reduction upon the presentation of ~~such~~ the additional paid bills 30536
in increments of five hundred thousand dollars. The racing 30537
commission may terminate the tax ~~adjustment~~ reduction if a permit 30538
holder fails to complete the major capital improvement project or 30539
fails to comply substantially with the schedule for construction 30540
and completion of the major capital improvement project. If the 30541
time for completion of the major capital improvement project is 30542
delayed by acts of God, strikes, or the unavailability of labor or 30543
materials, the time for completion as set forth in the schedule 30544
shall be extended by the period of the delay. If a permit holder 30545
fails to complete the major capital improvement project, the 30546
racing commission shall order the permit holder to repay to the 30547
state the total amount of tax reduced, unless the permit holder 30548
has spent at least six million dollars on the project. The normal 30549
tax paid by the permit holder under section 3769.08 of the Revised 30550

Code shall be increased by one per cent of the total amount 30551
wagered until the total amount of the additional tax collected 30552
equals the total amount of tax reduced. Any action taken by the 30553
racing commission pursuant to this section in terminating the tax 30554
adjustment or requiring repayment of the amount of tax reduced 30555
shall be subject to Chapter 119. of the Revised Code. 30556

(F) As used in this section, "major capital improvement 30557
project" means the renovation, reconstruction, or remodeling, 30558
costing at least six million dollars, of a race track facility, 30559
including, but not limited to, the construction of barns used 30560
exclusively for that race track facility, backstretch facilities 30561
for horsemen, paddock facilities, pari-mutuel and totalizator 30562
equipment and appurtenances to that equipment purchased by the 30563
track, new access roads, new parking areas, the complete 30564
reconstruction, reshaping, and leveling of the ~~race track~~ racing 30565
surface and appurtenances, grandstand enclosure, installation of 30566
permanent new heating or air conditioning, roof replacement, and 30567
installations of a permanent nature forming a part of the track 30568
structure. 30569

(G) The cost and expenses to which the tax reduction granted 30570
under this section applies shall be determined by generally 30571
accepted accounting principles and be verified by an audit of the 30572
permit holder's records, upon completion of the major capital 30573
improvement project, either by the racing commission or by an 30574
independent certified public accountant selected by the permit 30575
holder and approved by the commission. 30576

(H) This section and section 3769.201 of the Revised Code 30577
govern any tax reduction granted to a permit holder for the cost 30578
to the permit holder of any cleanup, repair, or improvement 30579
required as a result of damage caused by the 1997 Ohio river flood 30580
to the place, track, or enclosure for which the permit is issued. 30581

Sec. 3770.06. (A) There is hereby created the state lottery 30582
gross revenue fund, which shall be in the custody of the treasurer 30583
of state but shall not be part of the state treasury. All gross 30584
revenues received from sales of lottery tickets, fines, fees, and 30585
related proceeds shall be deposited into the fund. The treasurer 30586
of state shall invest any portion of the fund not needed for 30587
immediate use in the same manner as, and subject to all provisions 30588
of law with respect to the investment of, state funds. The 30589
treasurer of state shall disburse money from the fund on order of 30590
the director of the state lottery commission or the director's 30591
designee. All revenues of the state lottery gross revenue fund 30592
that are not paid to holders of winning lottery tickets, that are 30593
not required to meet short-term prize liabilities, that are not 30594
paid to lottery sales agents in the form of ~~agent~~ bonuses, 30595
commissions, or reimbursements, and that are not paid to financial 30596
institutions to reimburse ~~such those~~ institutions for sales agent 30597
nonsufficient funds shall be transferred to the state lottery 30598
fund, which is hereby created in the state treasury. All 30599
investment earnings of the fund shall be credited to the fund. 30600
Moneys shall be disbursed from the ~~state lottery~~ fund pursuant to 30601
vouchers approved by the director ~~of the state lottery commission~~. 30602
Total disbursements for monetary prize awards to holders of 30603
winning lottery tickets and purchases of goods and services 30604
awarded as prizes to holders of winning lottery tickets shall be 30605
of an amount equal to at least fifty per cent of the total revenue 30606
accruing from the sale of lottery tickets. 30607

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 30608
there is hereby established in the state treasury the lottery 30609
profits education fund. Whenever, in the judgment of the director 30610
of budget and management, the amount to the credit of the state 30611
lottery fund is in excess of that needed to meet the maturing 30612
obligations of the commission and as working capital for its 30613

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

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

activities as agents, for purposes of conducting authorized 30678
audits. 30679

The state lottery commission shall establish an internal 30680
audit program before the beginning of each fiscal year, subject to 30681
the approval of the auditor of state. At the end of each fiscal 30682
year, the commission shall prepare and submit an annual report to 30683
the auditor of state for the auditor of state's review and 30684
approval, specifying the internal audit work completed by the end 30685
of that fiscal year and reporting on compliance with the annual 30686
internal audit program. The form and content of the report shall 30687
be prescribed by the auditor of state under division (C) of 30688
section 117.20 of the Revised Code. 30689

(E) Whenever, in the judgment of the director of budget and 30690
management, an amount of net state lottery proceeds is necessary 30691
to be applied to the payment of debt service on obligations, all 30692
as defined in sections 151.01 and 151.03 of the Revised Code, the 30693
director shall transfer that amount directly from the state 30694
lottery fund or from the lottery profits education fund to the 30695
bond service fund defined in those sections. The provisions of 30696
this division ~~(E) of this section~~ are subject to any prior pledges 30697
or obligation of those amounts to the payment of bond service 30698
charges as defined in division (C) of section 3318.21 of the 30699
Revised Code, as referred to in division (B) of this section. 30700

Sec. 3773.56. The Ohio athletic commission may appoint an 30701
executive director and employ such persons as are necessary to 30702
administer sections 3773.31 to 3773.57 and Chapter 4771. of the 30703
Revised Code and fix their compensation. Such executive director 30704
and employees shall serve in the unclassified status and at the 30705
pleasure of the commission. 30706

All receipts received by the commission under sections 30707
3773.31 to 3773.57 ~~and Chapter 4771.~~ of the Revised Code shall be 30708

deposited in the occupational licensing and regulatory fund. All 30709
vouchers of the commission shall be approved by the chairperson of 30710
the commission. 30711

Sec. 3793.04. The department of alcohol and drug addiction 30712
services shall develop, administer, and revise as necessary a 30713
comprehensive statewide alcohol and drug addiction services plan 30714
for the implementation of this chapter. The plan shall emphasize 30715
abstinence from the use of alcohol and drugs of abuse as the 30716
primary goal of alcohol and drug addiction services. The council 30717
on alcohol and drug addiction services shall advise the department 30718
in the development and implementation of the plan. 30719

The plan shall provide for the allocation of state and 30720
federal funds for service furnished by alcohol and drug addiction 30721
programs under contract with boards of alcohol, drug addiction, 30722
and mental health services and for distribution of the funds to 30723
such boards. The plan shall specify the methodology that the 30724
department will use for determining how funds will be allocated 30725
and distributed. A portion of the funds shall be allocated on the 30726
basis of the ratio of the population of each alcohol, drug 30727
addiction, and mental health service district to the total 30728
population of the state ~~as~~. The portion of the funds allocated on 30729
that basis for a fiscal year shall be not less than the average of 30730
the amount that was allocated on that basis the three previous 30731
fiscal years. The ratio shall be determined from the most recent 30732
federal census or the most recent official estimate made by the 30733
United States census bureau, whichever is more recent. 30734

The plan shall ensure that alcohol and drug addiction 30735
services of a high quality are accessible to, and responsive to 30736
the needs of, all persons, especially those who are members of 30737
underserved groups, including, but not limited to, African 30738
Americans, Hispanics, native Americans, Asians, juvenile and adult 30739
offenders, women, and persons with special services needs due to 30740

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

coverage for other than specific diseases or accidents only, and 30771
delivered, issued for delivery, or renewed in this state on or 30772
after January 1, 1979, and that provides coverage for mental or 30773
emotional disorders, shall provide benefits for services on an 30774
outpatient basis for each eligible person under the policy who 30775
resides in this state for mental or emotional disorders, or for 30776
evaluations, that are at least equal to five hundred fifty dollars 30777
in any calendar year or twelve-month period. The services shall be 30778
legally performed by or under the clinical supervision of a 30779
licensed physician or licensed psychologist, whether performed in 30780
an office, in a hospital, or in a community mental health facility 30781
so long as the hospital or community mental health facility is 30782
approved by the joint commission on accreditation of healthcare 30783
organizations, the council on accreditation for children and 30784
family services, the rehabilitation accreditation commission, or, 30785
until two years after the effective date of this amendment, 30786
certified by the department of mental health as being in 30787
compliance with standards established under division ~~(I)~~(H) of 30788
section 5119.01 of the Revised Code. 30789

~~(B) For purposes of this section "community mental health 30790
facility" means a facility approved by a regional health planning 30791
agency or a facility providing services under a board of alcohol, 30792
drug addiction, and mental health services established under 30793
Chapter 340. of the Revised Code, except that where a board 30794
provides direct community mental health service, the approval of 30795
such a board, as to the adequacy of a specific program of such 30796
services that it provides as a community mental health facility 30797
shall be by the director of mental health. 30798~~

~~(C) Outpatient benefits offered under division (A) of this 30799
section shall be subject to reasonable contract limitations and 30800
may be subject to reasonable deductibles and co-insurance costs. 30801
Persons entitled to such benefit under more than one service or 30802~~

insurance contract may be limited to a single 30803
five-hundred-fifty-dollar outpatient benefit for services under 30804
all contracts. 30805

~~(D)~~(C) In order to qualify for participation under division 30806
(A) of this section, every facility specified in such division 30807
shall have in effect a plan for utilization review and a plan for 30808
peer review and every person specified in such division shall have 30809
in effect a plan for peer review. Such plans shall have the 30810
purpose of ensuring high quality patient care and effective and 30811
efficient utilization of available health facilities and services. 30812

~~(E)~~(D) Nothing in this section shall be construed to require 30813
an insurer to pay benefits which are greater than usual, 30814
customary, and reasonable. 30815

~~(F)~~(E)(1) Services performed under the clinical supervision 30816
of a licensed physician or licensed psychologist, in order to be 30817
reimbursable under the coverage required in division (A) of this 30818
section, shall meet both of the following requirements: 30819

(a) The services shall be performed in accordance with a 30820
treatment plan that describes the expected duration, frequency, 30821
and type of services to be performed; 30822

(b) The plan shall be reviewed and approved by a licensed 30823
physician or licensed psychologist every three months. 30824

(2) Payment of benefits for services reimbursable under 30825
division ~~(F)~~(E)(1) of this section shall not be restricted to 30826
services described in the treatment plan or conditioned upon 30827
standards of clinical supervision that are more restrictive than 30828
standards of a licensed physician or licensed psychologist, which 30829
at least equal the requirements of division ~~(F)~~(E)(1) of this 30830
section. 30831

Sec. 3923.29. (A) Every policy of group sickness and accident 30832

insurance providing hospital, surgical, or medical expense 30833
coverage for other than specific diseases or accidents only, and 30834
delivered, issued for delivery, or renewed in this state on or 30835
after January 1, 1979, shall provide for each eligible person 30836
under the policy who resides in this state, outpatient, inpatient, 30837
and intermediate primary care benefits for alcoholism that are at 30838
least equal to five hundred fifty dollars in any calendar year or 30839
twelve month period. The services shall be legally performed by or 30840
under the clinical supervision of a licensed physician or a 30841
licensed psychologist, whether performed in an office, in a 30842
hospital, in a community mental health facility, or in an 30843
alcoholism treatment facility so long as the hospital, community 30844
mental health facility, or alcoholism treatment facility is 30845
approved by the joint commission on accreditation of hospitals or 30846
certified by the department of health. 30847

~~(B) For purposes of this section "community mental health 30849
facility" means a facility as defined in section 3923.28 of the 30850
Revised Code. 30851~~

~~(C)~~ The benefits mandated by division (A) of this section 30852
shall be subject to reasonable contract limitations and may be 30853
subject to reasonable deductibles and co-insurance costs. Persons 30854
entitled to such benefit under more than one service or insurance 30855
contract may be limited to a single five hundred fifty dollar 30856
benefit for services under all contracts. 30857

~~(D)~~(C) For an eligible person, who receives treatment for 30858
alcoholism from an approved or certified alcoholism treatment 30859
facility, to remain entitled to the benefits mandated by division 30860
(A) of this section, a licensed physician or a licensed 30861
psychologist shall every three months certify that such person 30862
needs to continue utilizing such treatment. 30863

~~(E)~~(D) In order to qualify for participation under division 30864

(A) of this section, every facility specified in such division 30865
shall have in effect a plan for utilization review and a plan for 30866
peer review and every person specified in such division shall have 30867
in effect a plan for peer review. Such plans shall have the 30868
purpose of ensuring high quality patient care and effective and 30869
efficient utilization of available health facilities and services. 30870
Such person or facility shall also have in effect a program of 30871
rehabilitation or a program of rehabilitation and detoxification. 30872

~~(F)~~(E) Nothing in this section shall be construed to require 30873
an insurer to pay benefits which are greater than usual, 30874
customary, and reasonable. 30875

Sec. 3923.30. Every person, the state and any of its 30876
instrumentalities, any county, township, school district, or other 30877
political subdivisions and any of its instrumentalities, and any 30878
municipal corporation and any of its instrumentalities, which 30879
provides payment for health care benefits for any of its employees 30880
resident in this state, which benefits are not provided by 30881
contract with an insurer qualified to provide sickness and 30882
accident insurance, or a health insuring corporation, shall 30883
include the following benefits in its plan of health care benefits 30884
commencing on or after January 1, 1979: 30885

(A) If such plan of health care benefits provides payment for 30886
the treatment of mental or nervous disorders, then such plan shall 30887
provide benefits for services on an outpatient basis for each 30888
eligible employee and dependent for mental or emotional disorders, 30889
or for evaluations, that are at least equal to the following: 30890
30891

(1) Payments not less than five hundred fifty dollars in a 30892
twelve-month period, for services legally performed by or under 30893
the clinical supervision of a licensed physician or a licensed 30894
psychologist, whether performed in an office, in a hospital, or in 30895

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

physician or licensed psychologist every three months. 30927

(b) Payment of benefits for services reimbursable under 30928
division (A)~~(6)~~(5)(a) of the section shall not be restricted to 30929
services described in the treatment plan or conditioned upon 30930
standards of a licensed physician or licensed psychologist, which 30931
at least equal the requirements of division (A)~~(6)~~(5)(a) of this 30932
section. 30933

(B) Payment for benefits for alcoholism treatment for 30934
outpatient, inpatient, and intermediate primary care for each 30935
eligible employee and dependent that are at least equal to the 30936
following: 30937

(1) Payments not less than five hundred fifty dollars in a 30938
twelve-month period for services legally performed by or under the 30939
clinical supervision of a licensed physician or licensed 30940
psychologist, whether performed in an office, or in a hospital or 30941
a community mental health facility or alcoholism treatment 30942
facility so long as the hospital, community mental health 30943
facility, or alcoholism treatment facility is approved by the 30944
joint commission on accreditation of hospitals or certified by the 30945
department of health; 30946

(2) The benefits provided under this division shall be 30947
subject to reasonable limitations and may be subject to reasonable 30948
deductibles and co-insurance costs. 30949

(3) A licensed physician or licensed psychologist shall every 30950
three months certify a patient's need for continued services 30951
performed by such facilities. 30952

(4) In order to qualify for participation under this 30953
division, every facility specified in this division shall have in 30954
effect a plan for utilization review and a plan for peer review 30955
and every person specified in this division shall have in effect a 30956
plan for peer review. Such plans shall have the purpose of 30957

ensuring high quality patient care and efficient utilization of 30958
available health facilities and services. Such person or 30959
facilities shall also have in effect a program of rehabilitation 30960
or a program of rehabilitation and detoxification. 30961

(5) Nothing in this section shall be construed to require 30962
reimbursement for benefits which is greater than usual, customary, 30963
and reasonable. 30964

Sec. 4105.17. (A) The fee for any inspection, or attempted 30965
inspection that, due to no fault of a general inspector or the 30966
division of industrial compliance, is not successfully completed, 30967
by a general inspector of an elevator required to be inspected 30968
under this chapter is thirty dollars plus five dollars for each 30969
floor where the elevator stops. The superintendent of the division 30970
of industrial compliance may assess a fee of ~~thirty~~ one hundred
twenty-five dollars plus five dollars for each floor where an 30971
elevator stops for the reinspection of an elevator when a previous 30972
attempt to inspect that elevator has been unsuccessful through no 30973
fault of a general inspector or the division of industrial 30974
compliance. The fee for issuing or renewing a certificate of 30975
operation under section 4105.15 of the Revised Code is thirty-five 30976
dollars. 30977
30978

(B) All other fees to be charged for any examination given or 30979
other service performed by the division of industrial compliance 30980
pursuant to this chapter shall be prescribed by the board of 30981
building standards established by section 3781.07 of the Revised 30982
Code. The fees shall be reasonably related to the costs of such 30983
examination or other service. 30984

(C) The board of building standards, subject to the approval 30985
of the controlling board, may establish fees in excess of the fees 30986
provided in division (A) of this section, provided that the fees 30987
do not exceed the amounts established in division (A) of this 30988

section by more than fifty per cent. Any moneys collected under 30989
this section shall be paid into the state treasury to the credit 30990
of the industrial compliance operating fund created in section 30991
121.084 of the Revised Code. 30992

(D) Any person who fails to pay an inspection fee required 30993
for any inspection conducted by the division pursuant to this 30994
chapter within forty-five days after the inspection is conducted 30995
shall pay a late payment fee equal to twenty-five per cent of the 30996
inspection fee. 30997

(E) In addition to the fee assessed in division (A) of this 30998
section, the board of building standards shall assess a fee of 30999
three dollars and twenty-five cents for each certificate of 31000
operation or renewal thereof issued under division (A) of this 31001
section and for each permit issued under section 4105.16 of the 31002
Revised Code. The board shall adopt rules, in accordance with 31003
Chapter 119. of the Revised Code, specifying the manner by which 31004
the superintendent of the division of industrial compliance shall 31005
collect and remit to the board the fees assessed under this 31006
division and requiring that remittance of the fees be made at 31007
least quarterly. 31008

Sec. 4115.10. (A) No person, firm, corporation, or public 31009
authority that constructs a public improvement with its own 31010
forces, the total overall project cost of which is fairly 31011
estimated to be more than the amounts set forth in division (B)(1) 31012
or (2) of section 4115.03 of the Revised Code, adjusted biennially 31013
by the director of commerce pursuant to section 4115.034 of the 31014
Revised Code, shall violate the wage provisions of sections 31015
4115.03 to 4115.16 of the Revised Code, or suffer, permit, or 31016
require any employee to work for less than the rate of wages so 31017
fixed, or violate the provisions of section 4115.07 of the Revised 31018
Code. Any employee upon any public improvement, except an employee 31019

to whom or on behalf of whom restitution is made pursuant to 31020
division (C) of section 4115.13 of the Revised Code, who is paid 31021
less than the fixed rate of wages applicable thereto may recover 31022
from such person, firm, corporation, or public authority that 31023
constructs a public improvement with its own forces the difference 31024
between the fixed rate of wages and the amount paid to the 31025
employee and in addition thereto a sum equal to twenty-five per 31026
cent of that difference. The person, firm, corporation, or public 31027
authority who fails to pay the rate of wages so fixed also shall 31028
pay a penalty to the director of seventy-five per cent of the 31029
difference between the fixed rate of wages and the amount paid to 31030
the employees on the public improvement. The director shall 31031
deposit all moneys received from penalties paid to the director 31032
pursuant to this section into the penalty enforcement fund, which 31033
is hereby created. ~~The penalty enforcement fund shall be in the~~ 31034
~~custody of the treasurer of state but shall not be part of the~~ 31035
state treasury. The director shall use the fund for the 31036
enforcement of sections 4115.03 to 4115.16 of the Revised Code. 31037
The employee may file suit for recovery within sixty days of the 31038
director's determination of a violation of sections 4115.03 to 31039
4115.16 of the Revised Code or is barred from further action under 31040
this division. Where the employee prevails in a suit, the employer 31041
shall pay the costs and reasonable attorney's fees allowed by the 31042
court. 31043

(B) Any employee upon any public improvement who is paid less 31044
than the prevailing rate of wages applicable thereto may file a 31045
complaint in writing with the director upon a form furnished by 31046
the director. At the written request of any employee paid less 31047
than the prevailing rate of wages applicable, the director shall 31048
take an assignment of a claim in trust for the assigning employee 31049
and bring any legal action necessary to collect the claim. The 31050
employer shall pay the costs and reasonable attorney's fees 31051
allowed by the court if the employer is found in violation of 31052

sections 4115.03 to 4115.16 of the Revised Code. 31053

(C) If after investigation pursuant to section 4115.13 of the 31054
Revised Code, the director determines there is a violation of 31055
sections 4115.03 to 4115.16 of the Revised Code and a period of 31056
sixty days has elapsed from the date of the determination, and if: 31057

(1) No employee has brought suit pursuant to division (A) of 31058
this section; 31059

(2) No employee has requested that the director take an 31060
assignment of a wage claim pursuant to division (B) of this 31061
section; 31062

The director shall bring any legal action necessary to 31063
collect any amounts owed to employees and the ~~bureau~~ director. The 31064
director shall pay over to the affected employees the amounts 31065
collected to which the affected employees are entitled under 31066
division (A) of this section. In any action in which the director 31067
prevails, the employer shall pay the costs and reasonable 31068
attorney's fees allowed by the court. 31069

(D) Where persons are employed and their rate of wages has 31070
been determined as provided in section 4115.04 of the Revised 31071
Code, no person, either for self or any other person, shall 31072
request, demand, or receive, either before or after the person is 31073
engaged, that the person so engaged pay back, return, donate, 31074
contribute, or give any part or all of the person's wages, salary, 31075
or thing of value, to any person, upon the statement, 31076
representation, or understanding that failure to comply with such 31077
request or demand will prevent the procuring or retaining of 31078
employment, and no person shall, directly or indirectly, aid, 31079
request, or authorize any other person to violate this section. 31080
This division does not apply to any agent or representative of a 31081
duly constituted labor organization acting in the collection of 31082
dues or assessments of such organization. 31083

(E) The director shall enforce sections 4115.03 to 4115.16 of the Revised Code. 31084
31085

(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. 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. 31091
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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. 31100
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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: 31104
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31107

(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; 31108
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(2) May recertify external vendors for additional periods of two years; and	31114 31115
(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.	31116 31117 31118 31119 31120
(C) Any vendor selected shall demonstrate all of the following:	31121 31122
(1) Arrangements and reimbursement agreements with a substantial number of the medical, professional and pharmacy providers currently being utilized by claimants.	31123 31124 31125
(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.	31126 31127 31128
(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.	31129 31130 31131 31132
(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.	31133 31134 31135
(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.	31136 31137 31138
(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.	31139 31140 31141
(7) Capacity to store, retrieve, array, simulate, and model in a relational mode all of the detailed medical bill data so that	31142 31143

analysis can be performed in a variety of ways and so that the 31144
bureau and its governing authority can make informed decisions. 31145

(8) Wide variety of software programs which translate medical 31146
terminology into standard codes, and which reveal if a provider is 31147
manipulating the procedures codes, commonly called "unbundling." 31148
31149

(9) Necessary professional staff to conduct, at a minimum, 31150
authorizations for treatment, medical necessity, utilization 31151
review, concurrent review, post-utilization review, and have the 31152
attendant computer system which supports such activity and 31153
measures the outcomes and the savings. 31154

(10) Management experience and flexibility to be able to 31155
react quickly to the needs of the bureau in the case of required 31156
change in federal or state requirements. 31157

(D)(1) Information contained in a vendor's application for 31158
certification in the health partnership program, and other 31159
information furnished to the bureau by a vendor for purposes of 31160
obtaining certification or to comply with performance and 31161
financial auditing requirements established by the administrator, 31162
is for the exclusive use and information of the bureau in the 31163
discharge of its official duties, and shall not be open to the 31164
public or be used in any court in any proceeding pending therein, 31165
unless the bureau is a party to the action or proceeding, but the 31166
information may be tabulated and published by the bureau in 31167
statistical form for the use and information of other state 31168
departments and the public. No employee of the bureau, except as 31169
otherwise authorized by the administrator, shall divulge any 31170
information secured by the employee while in the employ of the 31171
bureau in respect to a vendor's application for certification or 31172
in respect to the business or other trade processes of any vendor 31173
to any person other than the administrator or to the employee's 31174
superior. 31175

(2) Notwithstanding the restrictions imposed by division 31176
(D)(1) of this section, the governor, members of select or 31177
standing committees of the senate or house of representatives, the 31178
auditor of state, the attorney general, or their designees, 31179
pursuant to the authority granted in this chapter and Chapter 31180
4123. of the Revised Code, may examine any vendor application or 31181
other information furnished to the bureau by the vendor. None of 31182
those individuals shall divulge any information secured in the 31183
exercise of that authority in respect to a vendor's application 31184
for certification or in respect to the business or other trade 31185
processes of any vendor to any person. 31186

(E) On and after January 1, 2001, a vendor shall not be any 31187
insurance company holding a certificate of authority issued 31188
pursuant to Title XXXIX of the Revised Code or any health insuring 31189
corporation holding a certificate of authority under Chapter 1751. 31190
of the Revised Code. 31191

(F) The administrator may limit freedom of choice of health 31192
care provider or supplier by requiring, beginning with the period 31193
set forth in division (B)(1) or (2) of this section, that 31194
claimants shall pay an appropriate out-of-plan copayment for 31195
selecting a medical provider not within the health partnership 31196
program as provided for in this section. 31197

(G) The administrator, six months prior to the expiration of 31198
the bureau's certification or recertification of the vendor or 31199
vendors as set forth in division (B)(1) or (2) of this section, 31200
may certify and provide evidence to the governor, the speaker of 31201
the house of representatives, and the president of the senate that 31202
the existing bureau staff is able to match or exceed the 31203
performance and outcomes of the external vendor or vendors and 31204
that the bureau should be permitted to internally administer the 31205
health partnership program upon the expiration of the 31206
certification or recertification as set forth in division (B)(1) 31207

or (2) of this section. 31208

(H) The administrator shall establish and operate a bureau of 31209
workers' compensation health care data program. ~~The administrator~~ 31210
~~may contract with the Ohio health care data center for such~~ 31211
~~purposes.~~ The administrator shall develop reporting requirements 31212
from all employees, employers and medical providers, medical 31213
vendors, and plans that participate in the workers' compensation 31214
system. The administrator shall do all of the following: 31215
31216

(1) Utilize the collected data to measure and perform 31217
comparison analyses of costs, quality, appropriateness of medical 31218
care, and effectiveness of medical care delivered by all 31219
components of the workers' compensation system. 31220

(2) Compile data to support activities of the selected vendor 31221
or vendors and to measure the outcomes and savings of the health 31222
partnership program. 31223

(3) Publish and report compiled data to the governor, the 31224
speaker of the house of representatives, and the president of the 31225
senate on the first day of each January and July, the measures of 31226
outcomes and savings of the health partnership program and the 31227
qualified health plan system. The administrator shall protect the 31228
confidentiality of all proprietary pricing data. 31229

(I) Any rehabilitation facility the bureau operates is 31230
eligible for inclusion in the Ohio workers' compensation qualified 31231
health plan system or the health partnership program under the 31232
same terms as other providers within health care plans or the 31233
program. 31234

(J) In areas outside the state or within the state where no 31235
qualified health plan or an inadequate number of providers within 31236
the health partnership program exist, the administrator shall 31237
permit employees to use a nonplan or nonprogram health care 31238

provider and shall pay the provider for the services or supplies 31239
provided to or on behalf of an employee for an injury or 31240
occupational disease that is compensable under this chapter or 31241
Chapter 4123., 4127., or 4131. of the Revised Code on a fee 31242
schedule the administrator adopts. 31243

(K) No certified health care provider shall charge, assess, 31244
or otherwise attempt to collect from an employee, employer, a 31245
managed care organization, or the bureau any amount for covered 31246
services or supplies that is in excess of the allowed amount paid 31247
by a managed care organization, the bureau, or a qualified health 31248
plan. 31249

(L) The administrator shall permit any employer or group of 31250
employers who agree to abide by the rules adopted under this 31251
section and sections 4121.441 and 4121.442 of the Revised Code to 31252
provide services or supplies to or on behalf of an employee for an 31253
injury or occupational disease that is compensable under this 31254
chapter or Chapter 4123., 4127., or 4131. of the Revised Code 31255
through qualified health plans of the Ohio workers' compensation 31256
qualified health plan system pursuant to section 4121.442 of the 31257
Revised Code or through the health partnership program pursuant to 31258
section 4121.441 of the Revised Code. No amount paid under the 31259
qualified health plan system pursuant to section 4121.442 of the 31260
Revised Code by an employer who is a state fund employer shall be 31261
charged to the employer's experience or otherwise be used in 31262
merit-rating or determining the risk of that employer for the 31263
purpose of the payment of premiums under this chapter, and if the 31264
employer is a self-insuring employer, the employer shall not 31265
include that amount in the paid compensation the employer reports 31266
under section 4123.35 of the Revised Code. 31267

Sec. 4123.27. Information contained in the annual statement 31268
provided for in section 4123.26 of the Revised Code, and such 31269

other information as may be furnished to the bureau of workers' 31270
compensation by employers in pursuance of that section, is for the 31271
exclusive use and information of the bureau in the discharge of 31272
its official duties, and shall not be open to the public nor be 31273
used in any court in any action or proceeding pending therein 31274
unless the bureau is a party to the action or proceeding; but the 31275
information contained in the statement may be tabulated and 31276
published by the bureau in statistical form for the use and 31277
information of other state departments and the public. No person 31278
in the employ of the bureau, except those who are authorized by 31279
the administrator of workers' compensation, shall divulge any 31280
information secured by the person while in the employ of the 31281
bureau in respect to the transactions, property, claim files, 31282
records, or papers of the bureau or in respect to the business or 31283
mechanical, chemical, or other industrial process of any company, 31284
firm, corporation, person, association, partnership, or public 31285
utility to any person other than the administrator or to the 31286
superior of such employee of the bureau. 31287

Notwithstanding the restrictions imposed by this section, the 31288
governor, select or standing committees of the general assembly, 31289
the auditor of state, the attorney general, or their designees, 31290
pursuant to the authority granted in this chapter and Chapter 31291
4121. of the Revised Code, may examine any records, claim files, 31292
or papers in possession of the industrial commission or the 31293
bureau. They also are bound by the privilege that attaches to 31294
these papers. 31295

The administrator shall report to the director of job and 31296
family services or to the county director of job and family 31297
services the name, address, and social security number or other 31298
identification number of any person receiving workers' 31299
compensation whose name or social security number or other 31300
identification number is the same as that of a person required by 31301

a court or child support enforcement agency to provide support 31302
payments to a recipient or participant of public assistance, and 31303
whose name is submitted to the administrator by the director under 31304
section 5101.36 of the Revised Code. The administrator also shall 31305
inform the director of the amount of workers' compensation paid to 31306
the person during such period as the director specifies. 31307

Within fourteen days after receiving from the director of job 31308
and family services a list of the names and social security 31309
numbers of recipients or participants of public assistance 31310
pursuant to section 5101.181 of the Revised Code, the 31311
administrator shall inform the auditor of state of the name, 31312
current or most recent address, and social security number of each 31313
person receiving workers' compensation pursuant to this chapter 31314
whose name and social security number are the same as that of a 31315
person whose name or social security number was submitted by the 31316
director. The administrator also shall inform the auditor of state 31317
of the amount of workers' compensation paid to the person during 31318
such period as the director specifies. 31319

The bureau and its employees, except for purposes of 31320
furnishing the auditor of state with information required by this 31321
section, shall preserve the confidentiality of recipients or 31322
participants of public assistance in compliance with division (A) 31323
of section 5101.181 of the Revised Code. 31324

For the purposes of this section, "public assistance" means 31325
medical assistance provided through the medical assistance program 31326
established under section 5111.01 of the Revised Code, Ohio works 31327
first provided under Chapter 5107. of the Revised Code, 31328
prevention, retention, and contingency ~~assistance~~ benefits and 31329
services provided under Chapter 5108. of the Revised Code, or 31330
disability assistance provided under Chapter 5115. of the Revised 31331
Code. 31332

Sec. 4301.12. The division of liquor control shall provide 31333
for the custody, safekeeping, and deposit of all moneys, checks, 31334
and drafts received by it or any of its employees or agents prior 31335
to paying them to the treasurer of state as provided by section 31336
113.08 of the Revised Code. 31337

A sum equal to three dollars and thirty-eight cents for each 31338
gallon of spirituous liquor sold by the division during the period 31339
covered by the payment shall be paid into the state treasury to 31340
the credit of the general revenue fund. All moneys received from 31341
permit fees shall be paid to the credit of the undivided liquor 31342
permit fund established by section 4301.30 of the Revised Code. 31343

Except as otherwise provided by law, all moneys collected 31344
under Chapters 4301. and 4303. of the Revised Code shall be paid 31345
by the division into the state treasury to the credit of the 31346
liquor control fund, which is hereby created. Amounts in the 31347
liquor control fund may be used to pay the operating expenses of 31348
the liquor control commission. 31349

Whenever, in the judgment of the director of budget and 31350
management, the amount in ~~the custody of the treasurer of state to~~ 31351
~~the credit of~~ the liquor control fund is in excess of that needed 31352
to meet the maturing obligations of the division, as working 31353
capital for its further operations ~~and~~, to pay the operating 31354
expenses of the commission, and ~~as required~~ for the alcohol 31355
testing program under section 3701.143 of the Revised Code, the 31356
director shall transfer the excess to the ~~state treasury to the~~ 31357
credit of the general revenue fund. 31358

Sec. 4301.17. (A) Subject to local option as provided in 31359
sections 4301.32 to 4301.40 of the Revised Code, five state liquor 31360
stores or agencies may be established in each county. One 31361
additional store may be established in any county for each thirty 31362

thousand of population of ~~such~~ that county or major fraction 31363
thereof in excess of the first forty thousand, according to the 31364
last preceding federal census. A person engaged in a mercantile 31365
business may act as the agent for the division of liquor control 31366
for the sale of spirituous liquor in a municipal corporation, in 31367
the unincorporated area of a township of not less than two 31368
thousand population, or in an area designated and approved as a 31369
resort area under section 4303.262 of the Revised Code, provided 31370
that not more than one agency contract shall be awarded in the 31371
unincorporated area of a county for each fifty thousand population 31372
of the county. The division shall fix the compensation for such an 31373
agent in ~~such~~ the manner ~~as~~ it ~~deems~~ considers best, but ~~such~~ the 31374
compensation shall not exceed seven per cent of the gross sales 31375
made by ~~such~~ the agent in any one year. 31376

Except as otherwise provided in this section, no mercantile 31377
business that sells beer or intoxicating liquor for consumption on 31378
the premises under a permit issued by the division shall operate 31379
an agency store at ~~such~~ the premises or at any adjacent premises. 31380
An agency to which a D-1 permit has been issued may offer for sale 31381
tasting samples of beer, an agency to which a D-2 permit has been 31382
issued may offer for sale tasting samples of wine and mixed 31383
beverages, and an agency to which a D-5 permit has been issued may 31384
offer for sale tasting samples of beer, wine, and mixed beverages, 31385
but not spirituous liquor. A tasting sample shall not be sold for 31386
the purpose of general consumption. As used in this section, 31387
"tasting sample" means a small amount of beer, wine, or mixed 31388
beverages that is provided in not more than four servings of not 31389
more than two ounces each to an authorized purchaser and that 31390
allows the purchaser to determine, by tasting only, the quality 31391
and character of the beverage. 31392

(B) When an agency contract is proposed or when an existing 31393
agency contract is assigned, before entering into any ~~such~~ 31394

contract or consenting to any assignment, the division shall 31395
notify the legislative authority of the municipal corporation in 31396
which the agency store is to be located, or the board of county 31397
commissioners and the board of township trustees of the county and 31398
the township in which the agency store is to be located if the 31399
agency store is to be located outside the corporate limits of a 31400
municipal corporation, of the proposed contract or assignment, and 31401
an opportunity shall be provided officials or employees of the 31402
municipal corporation or county and township for a complete 31403
hearing upon the advisability of entering into the ~~agency~~ contract 31404
or consenting to the assignment. When the division sends notice to 31405
the legislative authority of the political subdivision, the 31406
department shall notify, by certified mail or by personal service, 31407
the chief peace officer of the political subdivision, who may 31408
appear and testify, either in person or through a representative, 31409
at any hearing held on the advisability of entering into the 31410
~~agency~~ contract or consenting to the assignment. 31411

~~On or after July 21, 1986, if~~ If the proposed agency store 31412
would be located within five hundred feet of a school, church, 31413
library, public playground, or township park, the division shall 31414
not enter into an agency contract until it has provided notice of 31415
the proposed contract to the authorities in control of the school, 31416
church, library, public playground, or township park and has 31417
provided ~~such officials~~ those authorities with an opportunity for 31418
a complete hearing upon the advisability of entering into the 31419
contract. If an agency store so located is operating under an 31420
agency contract, the division may consent to the assignment of 31421
that contract to operate an agency store at the same location, 31422
~~provided that~~ but the division shall not consent to an assignment 31423
until it has notified the authorities in control of the school, 31424
church, library, public playground, or township park and has 31425
provided ~~such officials~~ those authorities with an opportunity for 31426
a complete hearing upon the advisability of consenting to the 31427

assignment. 31428

Any hearing provided for in this division shall be held in 31429
the central office of the division, except that upon written 31430
request of the legislative authority of the municipal corporation, 31431
the board of county commissioners, or board of township trustees, 31432
the hearing shall be held in the county seat of the county where 31433
the proposed agency store is to be located. 31434

(C) All agency contracts entered into by the division 31435
pursuant to this section shall be in writing and shall contain a 31436
clause providing for the termination of the contract at will by 31437
the division upon its giving ninety days' notice in writing to 31438
~~such~~ the agent of its intention to do so. Any agency contract may 31439
include a clause requiring the agent to report to the appropriate 31440
law enforcement agency the name and address of any individual 31441
under twenty-one years of age who attempts to make an illegal 31442
purchase. 31443

An agent may engage in the selling of beer, mixed beverages, 31444
and wine pursuant to permits issued to the agent under Chapter 31445
4303. of the Revised Code. 31446

The division shall issue a C-1 and C-2 permit to each agent 31447
who prior to November 1, 1994, had not been issued both of these 31448
permits, notwithstanding the population quota restrictions 31449
contained in section 4303.29 of the Revised Code or in any rule of 31450
the liquor control commission and notwithstanding the requirements 31451
of section 4303.31 of the Revised Code. The location of a C-1 or 31452
C-2 permit issued to such an agent shall not be transferred. The 31453
division shall revoke any C-1 or C-2 permit issued to an agent 31454
under this paragraph if the agent no longer operates an agency 31455
store. 31456

No person shall operate, or have any interest, directly or 31457
indirectly, in more than ~~four~~ eight state agencies in any one 31458
county or more than ~~eight~~ sixteen state agencies in the state for 31459

the sale of spirituous liquor. For purposes of this section, a 31460
person has an interest in a state agency if the person is a 31461
partner, member, officer, or director of, or a shareholder owning 31462
ten per cent or more of the capital stock of, any legal entity 31463
with which the department has entered into an agency contract. 31464

The division may enter into agreements with the department of 31465
development to implement a minority loan program to provide 31466
low-interest loans to minority business enterprises, as defined in 31467
section 122.71 of the Revised Code, that are awarded liquor agency 31468
contracts or assignments. 31469

(D) If the division closes a state liquor store and replaces 31470
that store with an agency store, any employees of the division 31471
employed at that state liquor store who lose their jobs at that 31472
store as a result shall be given preference by the agent who 31473
operates the agency store in filling any vacancies that occur 31474
among the agent's employees, if ~~such~~ that preference does not 31475
conflict with the agent's obligations pursuant to a collective 31476
bargaining agreement. 31477

If the division closes a state liquor store and replaces the 31478
store with an agency store, any employees of the division employed 31479
at the state liquor store who lose their jobs at that store as a 31480
result may displace other employees as provided in sections 31481
124.321 to 124.328 of the Revised Code. If an employee cannot 31482
displace other employees and is laid off, the employee shall be 31483
reinstated in another job as provided in sections 124.321 to 31484
124.328 of the Revised Code, except that the employee's rights of 31485
reinstatement in a job at a state liquor store shall continue for 31486
a period of two years after the date of the employee's layoff and 31487
shall apply to jobs at state liquor stores located in the 31488
employee's layoff jurisdiction and any layoff jurisdiction 31489
adjacent to the employee's layoff jurisdiction. 31490

(E) The division shall require every ~~such~~ agent to give bond 31491

with surety to the satisfaction of the division, in ~~such~~ the 31492
amount ~~as~~ the division fixes, conditioned for the faithful 31493
performance of the agent's duties as prescribed by the division. 31494

Sec. 4301.24. No manufacturer shall aid or assist the holder 31495
of any permit for sale at wholesale, and no manufacturer or 31496
wholesale distributor shall aid or assist the holder of any permit 31497
for sale at retail, by gift or loan of any money or property of 31498
any description or other valuable thing, or by giving premiums or 31499
rebates. No holder of any such permit shall accept the same, 31500
provided that the manufacturer or wholesale distributor may 31501
furnish to a retail permittee the inside signs or advertising and 31502
the tap signs or devices authorized by divisions (F) and (G) of 31503
section 4301.22 of the Revised Code. 31504

No manufacturer shall have any financial interest, directly 31505
or indirectly, by stock ownership, or through interlocking 31506
directors in a corporation, or otherwise, in the establishment, 31507
maintenance, or promotion in the business of any wholesale 31508
distributor. No retail permit holder shall have any interest, 31509
directly or indirectly, in the operation of, or any ownership in, 31510
the business of any wholesale distributor or manufacturer. 31511

No manufacturer or wholesale distributor shall, except as 31512
authorized by section 4303.021 of the Revised Code, have any 31513
financial interest, directly or indirectly, by stock ownership, or 31514
through interlocking directors in a corporation, or otherwise, in 31515
the establishment, maintenance, or promotion of the business of 31516
any retail dealer; nor shall any manufacturer or wholesale 31517
distributor or any stockholder ~~thereof~~ of a manufacturer or 31518
wholesale distributor acquire, by ownership in fee, leasehold, 31519
mortgage, or otherwise, directly or indirectly, any interest in 31520
the premises ~~whereon~~ on which the business of any other person 31521
engaged in the business of trafficking in beer or intoxicating 31522
liquor is conducted. All contracts, covenants, conditions, and 31523

limitations whereby any person engaged or proposing to engage in 31524
the sale of beer or intoxicating liquors promises to confine the 31525
person's sales of a particular kind or quality of beer or 31526
intoxicating liquor to one or more products, or the products of a 31527
specified manufacturer or wholesale distributor, or to give 31528
preference to ~~such~~ those products, shall to the extent of ~~such~~ 31529
that promise be void. The making of ~~such~~ a promise in any such 31530
form shall be cause for the revocation or suspension of any permit 31531
issued to any party. This section does not prevent the holder of 31532
an A permit from securing and holding a wholesale distributor's 31533
permit or permits and operating as a wholesale distributor. 31534

No manufacturer shall sell or offer to sell to any wholesale 31535
distributor or retail permit holder, and no wholesale distributor 31536
shall sell or offer to sell to any retail permit holder, and no 31537
wholesale distributor or retail permit holder shall purchase or 31538
receive from any manufacturer or wholesale distributor, any malt 31539
or brewed beverages or wine manufactured in the United States 31540
except for cash. No right of action shall exist to collect any 31541
claims for credit extended contrary to this section. This section 31542
does not prohibit a licensee from crediting to a purchaser the 31543
actual prices charged for packages or containers returned by the 31544
original purchaser as a credit on any sale or from refunding to 31545
any purchaser the amount paid by ~~such~~ that purchaser for 31546
containers or as a deposit on containers when title is retained by 31547
the vendor, if ~~such~~ those containers or packages have been 31548
returned to the manufacturer or distributor. This section does not 31549
prohibit a manufacturer from extending usual and customary credit 31550
for malt or brewed beverages or wine manufactured in the United 31551
States and sold to customers who live or maintain places of 31552
business outside this state when the beverages so sold are 31553
actually transported and delivered to points outside this state. 31554
No wholesale or retail permit shall be issued to an applicant 31555
unless ~~such~~ the applicant has paid in full all accounts for beer 31556

and malt beverages or wine, manufactured in the United States, 31557
outstanding as of September 6, 1939. No beer or malt beverages or 31558
wine manufactured in the United States shall be imported into the 31559
state unless the ~~same~~ beer or malt beverages or wine has been paid 31560
for in cash, and no consent to import any such beer or malt 31561
beverages or wine manufactured in the United States shall be 31562
issued by the division of liquor control until the A-2, B-1, or 31563
B-5 permit holder establishes to the satisfaction of the division 31564
that the ~~same~~ beer or malt beverages or wine has been paid for in 31565
cash. 31566

This section does not prevent a manufacturer from securing 31567
and holding any financial interest, directly or indirectly, by 31568
stock ownership or through interlocking directors in a 31569
corporation, or otherwise, in the establishment, maintenance, or 31570
promotion of the business or premises of any C or D permit holder, 31571
provided that the following conditions are met: 31572

(A) Either the manufacturer or one of its parent companies is 31573
listed on a national securities exchange. 31574

(B) All purchases of alcoholic beverages by the C or D permit 31575
holder are made from wholesale distributors in this state or 31576
agency stores licensed by the division of liquor control. 31577

(C) If the C or D permit holder sells brands of alcoholic 31578
beverages that are produced or distributed by the manufacturer 31579
that holds the financial interest, the C or D permit holder also 31580
sells other competing brands of alcoholic beverages produced by 31581
other manufacturers, no preference is given to the products of the 31582
manufacturer, and there is no exclusion, in whole or in part, of 31583
products sold or offered for sale by other manufacturers, 31584
suppliers, or importers of alcoholic beverages that constitutes a 31585
substantial impairment of commerce. 31586

(D) The primary purpose of the C or D permit premises is a 31587
purpose other than to sell alcoholic beverages, and the sale of 31588

other goods and services exceeds fifty per cent of the total gross receipts of the C or D permit holder at its premises. 31589
31590

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. 31591
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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. 31601
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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 31610
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administrative fee of two and one-half per cent of that person's 31620
total tax liability under section 4301.421 of the Revised Code for 31621
the purpose of offsetting additional costs incurred in collecting 31622
and remitting the tax. Any person required to file a return who 31623
fails to file timely may be required to forfeit and pay into the 31624
state treasury an amount not exceeding fifty dollars or ten per 31625
cent of the tax due, whichever is greater, as revenue arising from 31626
the tax. That amount may be collected by assessment in the manner 31627
specified in sections 4305.13 and 4305.131 of the Revised Code. 31628

(C) A tax levied pursuant to section 4301.421 or 4301.424 of 31629
the Revised Code shall be administered by the tax commissioner. 31630
The commissioner shall have all powers and authority incident to 31631
such administration, including examination of records, audit, 31632
refund, assessment, and seizure and forfeiture of untaxed 31633
beverages. The procedures, rights, privileges, limitations, 31634
prohibitions, responsibilities, and duties specified in sections 31635
4301.48 to 4301.52, 4305.13, 4305.131, and 4307.01 to 4307.12 of 31636
the Revised Code apply in the administration of the tax. 31637

(D) Each person required to pay the tax levied pursuant to 31638
section 4301.421 or 4301.424 of the Revised Code who sells beer, 31639
cider, wine, or mixed beverages for resale at retail within a 31640
county in which the tax is levied shall clearly mark on all 31641
invoices, billings, and similar documents the amount of tax and 31642
the name of the county in which the tax is levied. 31643

(E) Each person required to pay the tax levied by section 31644
4301.421 or 4301.424 of the Revised Code shall maintain complete 31645
records of all sales for at least three years. The records shall 31646
be open to inspection by the tax commissioner. 31647

(F) All money collected by the tax commissioner under this 31648
section shall be paid to the treasurer of state as revenue arising 31649
from the tax imposed by section 4301.421 or 4301.424 of the 31650
Revised Code. 31651

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 31652
the Revised Code: 31653

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 31654
fluid ounces. 31655

(2) "Sale" or "sell" includes exchange, barter, gift, 31656
distribution, and, except with respect to A-4 permit holders, 31657
offer for sale. 31658

(B) For the purposes of providing revenues for the support of 31659
the state and encouraging the grape industries in the state, a tax 31660
is hereby levied on the sale or distribution of wine in Ohio, 31661
except for known sacramental purposes, at the rate of thirty cents 31662
per wine gallon for wine containing not less than four per cent of 31663
alcohol by volume and not more than fourteen per cent of alcohol 31664
by volume, ninety-eight cents per wine gallon for wine containing 31665
more than fourteen per cent but not more than twenty-one per cent 31666
of alcohol by volume, one dollar and eight cents per wine gallon 31667
for vermouth, and one dollar and forty-eight cents per wine gallon 31668
for sparkling and carbonated wine and champagne, the tax to be 31669
paid by the holders of A-2 and B-5 permits or by any other person 31670
selling or distributing wine upon which no tax has been paid. From 31671
the tax paid under this section on wine, vermouth, and sparkling 31672
and carbonated wine and champagne, the treasurer of state shall 31673
credit to the Ohio grape industries fund created under section 31674
924.54 of the Revised Code a sum equal to one cent per gallon for 31675
each gallon upon which the tax is paid. 31676

(C) For the purpose of providing revenues for the support of 31677
the state, there is hereby levied a tax on prepared and bottled 31678
highballs, cocktails, cordials, and other mixed beverages at the 31679
rate of one dollar and twenty cents per wine gallon to be paid by 31680
holders of A-4 permits or by any other person selling or 31681
distributing those products upon which no tax has been paid. Only 31682

one sale of the same article shall be used in computing the amount 31683
of tax due. The tax on mixed beverages to be paid by holders of 31684
A-4 permits under this section shall not attach until the 31685
ownership of the mixed beverage is transferred for valuable 31686
consideration to a wholesaler or retailer, and no payment of the 31687
tax shall be required prior to that time. 31688

(D) During the period ~~from June 30, 1995, until~~ of July 1, 31689
2001, through June 30, 2003, from the tax paid under this section 31690
on wine, vermouth, and sparkling and carbonated wine and 31691
champagne, the treasurer of state shall credit to the Ohio grape 31692
industries fund created under section 924.54 of the Revised Code a 31693
sum equal to two cents per gallon upon which the tax is paid. The 31694
amount credited under this division is in addition to the amount 31695
credited to the Ohio grape industries fund under division (B) of 31696
this section. 31697

(E) For the purpose of providing revenues for the support of 31698
the state, there is hereby levied a tax on cider at the rate of 31699
twenty-four cents per wine gallon to be paid by the holders of A-2 31700
and B-5 permits or by any other person selling or distributing 31701
cider upon which no tax has been paid. Only one sale of the same 31702
article shall be used in computing the amount of the tax due. 31703

Sec. 4303.33. (A) Every A-1 permit holder in this state, 31704
every bottler, importer, wholesale dealer, broker, producer, or 31705
manufacturer of beer outside this state and within the United 31706
States, and every B-1 permit holder and importer importing beer 31707
from any manufacturer, bottler, person, or group of persons 31708
however organized outside the United States for sale or 31709
distribution for sale in this state, on or before the eighteenth 31710
day of each month, shall make and file with the ~~treasurer of state~~ 31711
tax commissioner upon a form prescribed by the tax commissioner an 31712
advance tax payment in an amount estimated to equal the taxpayer's 31713

tax liability for the month in which the advance tax payment is 31714
made. If the advance tax payment credits claimed on the report are 31715
for advance tax payments received by the ~~treasurer of state tax~~ 31716
commissioner on or before the eighteenth day of the month covered 31717
by the report, the taxpayer is entitled to an additional credit of 31718
three per cent of the advance tax payment and a discount of three 31719
per cent shall be allowed the taxpayer at the time of filing the 31720
report if filed as provided in division (B) of this section on any 31721
amount by which the tax liability reflected in the report exceeds 31722
the advance tax payment estimate by not more than ten per cent. 31723
The additional three per cent credit and three per cent discount 31724
shall be in consideration for advancing the payment of the tax and 31725
other services performed by the permit holder and other taxpayers 31726
in the collection of the tax. ~~The treasurer of state shall stamp~~ 31727
~~or otherwise mark thereon the date the advance tax payment was~~ 31728
~~received by the treasurer and the amount of the advance tax~~ 31729
~~payment, and shall transmit that information to the tax~~ 31730
~~commissioner.~~ 31731

"Advance tax payment credit" means credit for payments made 31732
by an A-1 or B-1 permit holder and any other persons during the 31733
period covered by a report which was made in anticipation of the 31734
tax liability required to be reported on that report. 31735

"Tax liability" as used in division (A) of this section means 31736
the total gross tax liability of an A-1 or B-1 permit holder and 31737
any other persons for the period covered by a report before any 31738
allowance for credits and discount. 31739

(B) Every A-1 permit holder in this state, every bottler, 31740
importer, wholesale dealer, broker, producer, or manufacturer of 31741
beer outside this state and within the United States, and every 31742
B-1 permit holder importing beer from any manufacturer, bottler, 31743
person, or group of persons however organized outside the United 31744
States, on or before the tenth day of each month, shall make and 31745

file a report for the preceding month upon a form prescribed by 31746
the tax commissioner which report shall show the amount of beer 31747
produced, sold, and distributed for sale in this state by the A-1 31748
permit holder, sold and distributed for sale in this state by each 31749
manufacturer, bottler, importer, wholesale dealer, or broker 31750
outside this state and within the United States, and the amount of 31751
beer imported into this state from outside the United States and 31752
sold and distributed for sale in this state by the B-1 permit 31753
holder or importer. 31754

The report shall be filed by mailing it to the ~~treasurer of~~ 31755
~~state tax commissioner~~, together with payment of the tax levied by 31756
sections 4301.42 and 4305.01 of the Revised Code shown to be due 31757
on the report after deduction of advance payment credits and any 31758
additional credits or discounts provided for under this section. 31759
~~The treasurer of state shall stamp or otherwise mark on each~~ 31760
~~report the date it was received by the treasurer, the amount of~~ 31761
~~the tax payment accompanying the report, and shall transmit the~~ 31762
~~report to the tax commissioner.~~ 31763

(C) Every A-2 and A-4, B-2, B-3, B-4, and B-5 permit holder 31764
in this state, on or before the eighteenth day of each month, 31765
shall make and file a report with the ~~treasurer of state tax~~ 31766
commissioner upon a form prescribed by the tax commissioner which 31767
report shall show, on the report of each A-2 and A-4 permit holder 31768
the amount of wine, cider, and mixed beverages produced and sold, 31769
or sold in this state by each such A-2 and A-4 permit holder for 31770
the next preceding calendar month and such other information as 31771
the tax commissioner requires, and on the report of each such B-2, 31772
B-3, B-4, and B-5 permit holder the amount of wine, cider, and 31773
mixed beverages purchased from an importer, broker, wholesale 31774
dealer, producer, or manufacturer located outside this state and 31775
sold and distributed in this state by such B-2, B-3, B-4, and B-5 31776
permit holder, for the next preceding calendar month and such 31777

other information as the tax commissioner requires. 31778

Every such A-2, A-4, B-2, B-3, B-4, and B-5 permit holder in 31779
this state shall remit with the report the tax levied by sections 31780
4301.43 and, if applicable, 4301.432 of the Revised Code less a 31781
discount thereon of three per cent of the total tax so levied and 31782
paid, provided the return is filed together with remittance of the 31783
amount of tax shown to be due thereon, within the time prescribed. 31784
~~The treasurer of state shall stamp or otherwise mark on all~~ 31785
~~reports the date it was received by the treasurer and the amount~~ 31786
~~of tax payment accompanying all reports and shall transmit the~~ 31787
~~return to the commissioner.~~ Any permit holder or other persons who 31788
fail to file a report under this section, for each day the person 31789
so fails, may be required to forfeit and pay into the state 31790
treasury the sum of one dollar as revenue arising from the tax 31791
imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the 31792
Revised Code, and that sum may be collected by assessment in the 31793
manner provided in section 4305.13 of the Revised Code. 31794

(D) Every B-1 permit holder and importer in this state 31795
importing beer from any manufacturer, bottler, person, or group of 31796
persons however organized, outside the United States, if required 31797
by the tax commissioner shall post a bond payable to the state in 31798
such form and amount as the commissioner prescribes with surety to 31799
the satisfaction of the tax commissioner, conditioned upon the 31800
payment to the ~~treasurer of state~~ tax commissioner of taxes levied 31801
by sections 4301.42 and 4305.01 of the Revised Code. 31802

(E) No such wine, beer, cider, or mixed beverages sold or 31803
distributed in this state shall be taxed more than once under 31804
sections 4301.42, 4301.43, and 4305.01 of the Revised Code. 31805

(F) As used in this section: 31806

(1) "Cider" has the same meaning as in section 4301.01 of the 31807
Revised Code. 31808

(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

officer to whom the service is directed, upon the secretary of 31840
state by leaving at the office of the secretary of state, at least 31841
fifteen days before the return day of such process or notice, a 31842
true and attested copy thereof, and by sending to the defendant by 31843
certified mail, postage prepaid, a like and true attested copy, 31844
with an endorsement thereon of the service upon the secretary of 31845
state, addressed to such defendant at the address listed in the 31846
registration or at the defendant's last known address. 31847

Any B-1 permit holder who purchases beer from any 31848
manufacturer, bottler, importer, wholesale dealer, or broker 31849
outside this state and within the United States who has not 31850
registered with the tax commissioner and filed a bond as provided 31851
in this section shall be liable for any tax due on any beer 31852
purchased from such unregistered manufacturer, bottler, importer, 31853
wholesale dealer, or broker and shall be subject to any penalties 31854
provided in Chapters 4301., 4303., 4305., and 4307. of the Revised 31855
Code. 31856

Any B-1 permit holder who purchases beer from any 31857
manufacturer, bottler, importer, wholesale dealer, or broker 31858
outside this state and within the United States who has complied 31859
with this section shall not be liable for any tax due to the state 31860
on any beer purchased from any such manufacturer, bottler, 31861
importer, wholesale dealer, or broker. 31862

All money collected by the tax commissioner under this 31863
section shall be paid to the treasurer of state as revenue arising 31864
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 31865
4305.01 of the Revised Code. 31866

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 31867
motorcycle, and all-purpose vehicle required to be registered 31868
under section 4519.02 of the Revised Code shall file an 31869
application for registration under section 4519.03 of the Revised 31870

Code. The owner of a motor vehicle, other than a snowmobile, 31871
off-highway motorcycle, or all-purpose vehicle, that is not 31872
designed and constructed by the manufacturer for operation on a 31873
street or highway may not register it under this chapter except 31874
upon certification of inspection pursuant to section 4513.02 of 31875
the Revised Code by the sheriff or chief of police of the 31876
municipal or township police with jurisdiction over the political 31877
subdivision in which the owner of the motor vehicle resides. 31878
Except as provided in section 4503.103 of the Revised Code, every 31879
owner of every other motor vehicle not previously described in 31880
this section and every person mentioned as owner in the last 31881
certificate of title of a motor vehicle that is operated or driven 31882
upon the public roads or highways shall cause to be filed each 31883
year, by mail or otherwise, in the office of the registrar of 31884
motor vehicles or a deputy registrar, a written or electronic 31885
application or a preprinted registration renewal notice issued 31886
under section 4503.102 of the Revised Code, the form of which 31887
shall be prescribed by the registrar, for registration for the 31888
following registration year, which shall begin on the first day of 31889
January of every calendar year and end on the thirty-first day of 31890
December in the same year. Applications for registration and 31891
registration renewal notices shall be filed at the times 31892
established by the registrar pursuant to section 4503.101 of the 31893
Revised Code. A motor vehicle owner also may elect to renew a 31894
motor vehicle registration by electronic means using electronic 31895
signature in accordance with rules adopted by the registrar. 31896
Except as provided in division (J) of this section, applications 31897
for registration shall be made on blanks furnished by the 31898
registrar for that purpose, containing the following information: 31899

(1) A brief description of the motor vehicle to be 31900
registered, including the name of the manufacturer, the factory 31901
number of the vehicle, the year's model, and, in the case of 31902
commercial cars, the gross weight of the vehicle fully equipped 31903

computed in the manner prescribed in section 4503.08 of the Revised Code; 31904
31905

(2) The name and residence address of the owner, and the township and municipal corporation in which the owner resides; 31906
31907

(3) The district of registration, which shall be determined as follows: 31908
31909

(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. 31910
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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. 31916
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31918

(4) Whether the motor vehicle is a new or used motor vehicle; 31919
31920

(5) The date of purchase of the motor vehicle; 31921

(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. 31922
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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 31932
31933

principally in connection with any established business, the 31934
owner's federal taxpayer identification number. 31935

(B) Each time the applicant first registers a motor vehicle 31936
in the applicant's name, the applicant shall present for 31937
inspection a certificate of title or a memorandum certificate 31938
showing title to the motor vehicle to be registered in the 31939
applicant. When a motor vehicle inspection and maintenance program 31940
is in effect under section 3704.14 of the Revised Code and rules 31941
adopted under it, each application for registration for a vehicle 31942
required to be inspected under that section and those rules shall 31943
be accompanied by an inspection certificate for the motor vehicle 31944
issued in accordance with that section. The application shall be 31945
refused if any of the following applies: 31946

(1) The application is not in proper form. 31947

(2) The application is prohibited from being accepted by 31948
division (D) of section 2935.27, division (A) of section 2937.221, 31949
division (A) of section 4503.13, division (B) of section 4507.168, 31950
or division (B)(1) of section 4521.10 of the Revised Code. 31951

(3) A certificate of title or memorandum certificate of title 31952
does not accompany the application. 31953

(4) All registration and transfer fees for the motor vehicle, 31954
for the preceding year or the preceding period of the current 31955
registration year, have not been paid. 31956

(5) The owner or lessee does not have an inspection 31957
certificate for the motor vehicle as provided in section 3704.14 31958
of the Revised Code, and rules adopted under it, if that section 31959
is applicable. 31960

This section does not require the payment of license or 31961
registration taxes on a motor vehicle for any preceding year, or 31962
for any preceding period of a year, if the motor vehicle was not 31963
taxable for that preceding year or period under sections 4503.02, 31964

4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 31965
Revised Code. When a certificate of registration is issued upon 31966
the first registration of a motor vehicle by or on behalf of the 31967
owner, the official issuing the certificate shall indicate the 31968
issuance with a stamp on the certificate of title or memorandum 31969
certificate and on the inspection certificate for the motor 31970
vehicle, if any. The official also shall indicate, by a stamp or 31971
by such other means as the registrar prescribes, on the 31972
registration certificate issued upon the first registration of a 31973
motor vehicle by or on behalf of the owner the odometer reading of 31974
the motor vehicle as shown in the odometer statement included in 31975
or attached to the certificate of title. Upon each subsequent 31976
registration of the motor vehicle by or on behalf of the same 31977
owner, the official also shall so indicate the odometer reading of 31978
the motor vehicle as shown on the immediately preceding 31979
certificate of registration. 31980

The registrar shall include in the permanent registration 31981
record of any vehicle required to be inspected under section 31982
3704.14 of the Revised Code the inspection certificate number from 31983
the inspection certificate that is presented at the time of 31984
registration of the vehicle as required under this division. 31985

(C) In addition, a charge of twenty-five cents shall be made 31986
for each reflectorized safety license plate issued, and a single 31987
charge of twenty-five cents shall be made for each county 31988
identification sticker or each set of county identification 31989
stickers issued, as the case may be, to cover the cost of 31990
producing the license plates and stickers, including material, 31991
manufacturing, and administrative costs. Those fees shall be in 31992
addition to the license tax. If the total cost of producing the 31993
plates is less than twenty-five cents per plate, or if the total 31994
cost of producing the stickers is less than twenty-five cents per 31995
sticker or per set issued, any excess moneys accruing from the 31996

fees shall be distributed in the same manner as provided by 31997
section 4501.04 of the Revised Code for the distribution of 31998
license tax moneys. If the total cost of producing the plates 31999
exceeds twenty-five cents per plate, or if the total cost of 32000
producing the stickers exceeds twenty-five cents per sticker or 32001
per set issued, the difference shall be paid from the license tax 32002
moneys collected pursuant to section 4503.02 of the Revised Code. 32003

(D) Each deputy registrar shall be allowed a fee of ~~two~~ 32004
~~dollars and twenty-five cents~~ three dollars commencing on July 1, 32005
2001, three dollars and twenty-five cents commencing on January 1, 32006
2003, and three dollars and fifty cents commencing on January 1, 32007
2004, for each application for registration and registration 32008
renewal notice the deputy registrar receives, which shall be for 32009
the purpose of compensating the deputy registrar for the deputy 32010
registrar's services, and such office and rental expenses, as may 32011
be necessary for the proper discharge of the deputy registrar's 32012
duties in the receiving of applications and renewal notices and 32013
the issuing of licenses. 32014

(E) Upon the certification of the registrar, the county 32015
sheriff or local police officials shall recover license plates 32016
erroneously or fraudulently issued. 32017

(F) Each deputy registrar, upon receipt of any application 32018
for registration or registration renewal notice, together with the 32019
license fee and any local motor vehicle license tax levied 32020
pursuant to Chapter 4504. of the Revised Code, shall transmit that 32021
fee and tax, if any, in the manner provided in this section, 32022
together with the original and duplicate copy of the application, 32023
to the registrar. The registrar, subject to the approval of the 32024
director of public safety, may deposit the funds collected by 32025
those deputies in a local bank or depository to the credit of the 32026
"state of Ohio, bureau of motor vehicles." Where a local bank or 32027
depository has been designated by the registrar, each deputy 32028

registrar shall deposit all moneys collected by the deputy 32029
registrar into that bank or depository not more than one business 32030
day after their collection and shall make reports to the registrar 32031
of the amounts so deposited, together with any other information, 32032
some of which may be prescribed by the treasurer of state, as the 32033
registrar may require and as prescribed by the registrar by rule. 32034
The registrar, within three days after receipt of notification of 32035
the deposit of funds by a deputy registrar in a local bank or 32036
depository, shall draw on that account in favor of the treasurer 32037
of state. The registrar, subject to the approval of the director 32038
and the treasurer of state, may make reasonable rules necessary 32039
for the prompt transmittal of fees and for safeguarding the 32040
interests of the state and of counties, townships, municipal 32041
corporations, and transportation improvement districts levying 32042
local motor vehicle license taxes. The registrar may pay service 32043
charges usually collected by banks and depositories for such 32044
service. If deputy registrars are located in communities where 32045
banking facilities are not available, they shall transmit the fees 32046
forthwith, by money order or otherwise, as the registrar, by rule 32047
approved by the director and the treasurer of state, may 32048
prescribe. The registrar may pay the usual and customary fees for 32049
such service. 32050

(G) This section does not prevent any person from making an 32051
application for a motor vehicle license directly to the registrar 32052
by mail, by electronic means, or in person at any of the 32053
registrar's offices, upon payment of a service fee of ~~two dollars~~ 32054
~~and twenty-five cents~~ three dollars commencing on July 1, 2001, 32055
three dollars and twenty-five cents commencing on January 1, 2003, 32056
and three dollars and fifty cents commencing on January 1, 2004, 32057
for each application. 32058

(H) No person shall make a false statement as to the district 32059
of registration in an application required by division (A) of this 32060

section. Violation of this division is falsification under section 32061
2921.13 of the Revised Code and punishable as specified in that 32062
section. 32063

(I)(1) Where applicable, the requirements of division (B) of 32064
this section relating to the presentation of an inspection 32065
certificate issued under section 3704.14 of the Revised Code and 32066
rules adopted under it for a motor vehicle, the refusal of a 32067
license for failure to present an inspection certificate, and the 32068
stamping of the inspection certificate by the official issuing the 32069
certificate of registration apply to the registration of and 32070
issuance of license plates for a motor vehicle under sections 32071
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 32072
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 32073
4503.47, and 4503.51 of the Revised Code. 32074

(2)(a) The registrar shall adopt rules ensuring that each 32075
owner registering a motor vehicle in a county where a motor 32076
vehicle inspection and maintenance program is in effect under 32077
section 3704.14 of the Revised Code and rules adopted under it 32078
receives information about the requirements established in that 32079
section and those rules and about the need in those counties to 32080
present an inspection certificate with an application for 32081
registration or preregistration. 32082

(b) Upon request, the registrar shall provide the director of 32083
environmental protection, or any person that has been awarded a 32084
contract under division (D) of section 3704.14 of the Revised 32085
Code, an on-line computer data link to registration information 32086
for all passenger cars, noncommercial motor vehicles, and 32087
commercial cars that are subject to that section. The registrar 32088
also shall provide to the director of environmental protection a 32089
magnetic data tape containing registration information regarding 32090
passenger cars, noncommercial motor vehicles, and commercial cars 32091
for which a multi-year registration is in effect under section 32092

4503.103 of the Revised Code or rules adopted under it, including, 32093
without limitation, the date of issuance of the multi-year 32094
registration, the registration deadline established under rules 32095
adopted under section 4503.101 of the Revised Code that was 32096
applicable in the year in which the multi-year registration was 32097
issued, and the registration deadline for renewal of the 32098
multi-year registration. 32099

(J) Application for registration under the international 32100
registration plan, as set forth in sections 4503.60 to 4503.66 of 32101
the Revised Code, shall be made to the registrar on forms 32102
furnished by the registrar. In accordance with international 32103
registration plan guidelines and pursuant to rules adopted by the 32104
registrar, the forms shall include the following: 32105

(1) A uniform mileage schedule; 32106

(2) The gross vehicle weight of the vehicle or combined gross 32107
vehicle weight of the combination vehicle as declared by the 32108
registrant; 32109

(3) Any other information the registrar requires by rule. 32110

Sec. 4503.102. (A) The registrar of motor vehicles shall 32111
adopt rules to establish a centralized system of motor vehicle 32112
registration renewal by mail or by electronic means. Any person 32113
owning a motor vehicle that was registered in the person's name 32114
during the preceding registration year shall renew the 32115
registration of the motor vehicle not more than ninety days prior 32116
to the expiration date of the registration either by mail or by 32117
electronic means through the centralized system of registration 32118
established under this section, or in person at any office of the 32119
registrar or at a deputy registrar's office. 32120

(B)(1) No less than forty-five days prior to the expiration 32121
date of any motor vehicle registration, the registrar shall mail a 32122

renewal notice to the person in whose name the motor vehicle is 32123
registered. The renewal notice shall clearly state that the 32124
registration of the motor vehicle may be renewed by mail or 32125
electronic means through the centralized system of registration or 32126
in person at any office of the registrar or at a deputy 32127
registrar's office and shall be preprinted with information 32128
including, but not limited to, the owner's name and residence 32129
address as shown in the records of the bureau of motor vehicles, a 32130
brief description of the motor vehicle to be registered, notice of 32131
the license taxes and fees due on the motor vehicle, the toll-free 32132
telephone number of the registrar as required under division 32133
(D)(1) of section 4503.031 of the Revised Code, and any additional 32134
information the registrar may require by rule. The renewal notice 32135
shall be sent by regular mail to the owner's last known address as 32136
shown in the records of the bureau of motor vehicles. 32137

(2) If the application for renewal of the registration of a 32138
motor vehicle is prohibited from being accepted by the registrar 32139
or a deputy registrar by division (D) of section 2935.27, division 32140
(A) of section 2937.221, division (A) of section 4503.13, division 32141
(B) of section 4507.168, or division (B)(1) of section 4521.10 of 32142
the Revised Code, the registrar is not required to send a renewal 32143
notice to the vehicle owner or vehicle lessee. 32144

(C) The owner of the motor vehicle shall verify the 32145
information contained in the notice, sign it either manually or by 32146
electronic means, and return it, either by mail or electronic 32147
means, or the owner may take it in person to any office of the 32148
registrar or of a deputy registrar, together with a financial 32149
transaction device number, when permitted by rule of the 32150
registrar, check, or money order in the amount of the registration 32151
taxes and fees payable on the motor vehicle and a mail fee of ~~two~~ 32152
~~dollars and twenty-five cents~~ three dollars commencing on July 1, 32153
2001, three dollars and twenty-five cents commencing on January 1, 32154

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

and fees to the registrar or deputy registrar. 32187

(2) If the owner of a motor vehicle submits an application 32188
for registration and the registrar is prohibited by division (D) 32189
of section 2935.27, division (A) of section 2937.221, division (A) 32190
of section 4503.13, division (B) of section 4507.168, or division 32191
(B)(1) of section 4521.10 of the Revised Code from accepting the 32192
application, the registrar shall return the application and the 32193
payment to the owner. If the owner of a motor vehicle submits a 32194
registration renewal application to the registrar by electronic 32195
means and the registrar is prohibited from accepting the 32196
application as provided in this division, the registrar shall 32197
notify the owner of this fact and deny the application and return 32198
the payment or give a credit on the financial transaction device 32199
account of the owner in the manner the registrar prescribes by 32200
rule adopted pursuant to division (A) of this section. 32201

(F) Every deputy registrar shall post in a prominent place at 32202
the deputy's office a notice informing the public of the mail 32203
registration system required by this section and also shall post a 32204
notice that every owner of a motor vehicle and every chauffeur 32205
holding a certificate of registration is required to notify the 32206
registrar in writing of any change of residence within ten days 32207
after the change occurs. The notice shall be in such form as the 32208
registrar prescribes by rule. 32209

(G) The ~~two dollars and twenty-five cents~~ three dollars fee 32210
collected from July 1, 2001, through December 31, 2002, the three 32211
dollars and twenty-five cents fee collected from January 1, 2003, 32212
through December 31, 2003, and the three dollars and fifty cents 32213
fee collected after January 1, 2004, plus postage and any 32214
financial transaction device surcharge collected by the registrar 32215
for registration by mail, shall be paid to the credit of the state 32216
bureau of motor vehicles fund established by section 4501.25 of 32217
the Revised Code. 32218

(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~~

~~twenty-five cents~~ three dollars commencing on July 1, 2001, three 32250
dollars and twenty-five cents commencing on January 1, 2003, and 32251
three dollars and fifty cents commencing on January 1, 2004, a 32252
transfer fee of one dollar, and the original certificate of 32253
registration. Upon a proper filing, the registrar of motor 32254
vehicles shall issue an amended certificate of registration in the 32255
name of the new owner. 32256

(B) If the death of the owner of a motor vehicle results in 32257
the transfer of ownership of the motor vehicle to the surviving 32258
spouse of the owner or if a motor vehicle is owned by two persons 32259
under joint ownership with right of survivorship established under 32260
section 2106.17 of the Revised Code and one of those persons dies, 32261
the registration shall be continued upon the filing by the 32262
surviving spouse of an application for an amended certificate of 32263
registration, unless such registration is prohibited by division 32264
(D) of section 2935.27, division (A) of section 2937.221, division 32265
(A) of section 4503.13, division (B) of section 4507.168, or 32266
division (B)(1) of section 4521.10 of the Revised Code. The 32267
application shall be accompanied by a service fee of ~~two dollars~~ 32268
~~and twenty-five cents~~ three dollars commencing on July 1, 2001, 32269
three dollars and twenty-five cents commencing on January 1, 2003, 32270
and three dollars and fifty cents commencing on January 1, 2004, a 32271
transfer fee of one dollar, the original certificate of 32272
registration, and, in relation to a motor vehicle that is owned by 32273
two persons under joint ownership with right of survivorship 32274
established under section 2106.17 of the Revised Code, by a copy 32275
of the certificate of title that specifies that the vehicle is 32276
owned under joint ownership with right of survivorship. Upon a 32277
proper filing, the registrar shall issue an amended certificate of 32278
registration in the name of the surviving spouse. 32279

(C) If the original owner of a motor vehicle that has been 32280
transferred makes application for the registration of another 32281

motor vehicle at any time during the remainder of the registration 32282
period for which the transferred motor vehicle was registered, the 32283
owner, unless such registration is prohibited by division (D) of 32284
section 2935.27, division (A) of section 2937.221, division (A) of 32285
section 4503.13, division (E) of section 4503.234, division (B) of 32286
section 4507.168, or division (B)(1) of section 4521.10 of the 32287
Revised Code, may file an application for transfer of the 32288
registration and, where applicable, the license plates, 32289
accompanied by a service fee of ~~two dollars and twenty-five cents~~ 32290
three dollars commencing on July 1, 2001, three dollars and 32291
twenty-five cents commencing on January 1, 2003, and three dollars 32292
and fifty cents commencing on January 1, 2004, a transfer fee of 32293
one dollar, and the original certificate of registration. The 32294
transfer of the registration and, where applicable, the license 32295
plates from the motor vehicle for which they originally were 32296
issued to a succeeding motor vehicle purchased by the same person 32297
in whose name the original registration and license plates were 32298
issued shall be done within a period not to exceed thirty days. 32299
During that thirty-day period, the license plates from the motor 32300
vehicle for which they originally were issued may be displayed on 32301
the succeeding motor vehicle, and the succeeding motor vehicle may 32302
be operated on the public roads and highways in this state. 32303

At the time of application for transfer, the registrar shall 32304
compute and collect the amount of tax due on the succeeding motor 32305
vehicle, based upon the amount that would be due on a new 32306
registration as of the date on which the transfer is made less a 32307
credit for the unused portion of the original registration 32308
beginning on that date. If the credit exceeds the amount of tax 32309
due on the new registration, no refund shall be made. In computing 32310
the amount of tax due and credits to be allowed under this 32311
division, the provisions of division (B)(1)(a) and (b) of section 32312
4503.11 of the Revised Code shall apply. As to passenger cars, 32313

noncommercial vehicles, motor homes, and motorcycles, transfers 32314
within or between these classes of motor vehicles only shall be 32315
allowed. If the succeeding motor vehicle is of a different class 32316
than the motor vehicle for which the registration originally was 32317
issued, new license plates also shall be issued upon the surrender 32318
of the license plates originally issued and payment of the fees 32319
provided in divisions (C) and (D) of section 4503.10 of the 32320
Revised Code. 32321

(D) The owner of a commercial car having a gross vehicle 32322
weight or combined gross vehicle weight of more than ten thousand 32323
pounds may transfer the registration of that commercial car to 32324
another commercial car the owner owns without transferring 32325
ownership of the first commercial car, unless registration of the 32326
second commercial car is prohibited by division (D) of section 32327
2935.27, division (A) of section 2937.221, division (A) of section 32328
4503.13, division (B) of section 4507.168, or division (B)(1) of 32329
section 4521.10 of the Revised Code. At any time during the 32330
remainder of the registration period for which the first 32331
commercial car was registered, the owner may file an application 32332
for the transfer of the registration and, where applicable, the 32333
license plates, accompanied by a service fee of ~~two dollars and~~ 32334
~~twenty-five cents~~ three dollars commencing on July 1, 2001, three 32335
dollars and twenty-five cents commencing on January 1, 2003, and 32336
three dollars and fifty cents commencing on January 1, 2004, a 32337
transfer fee of one dollar, and the certificate of registration of 32338
the first commercial car. The amount of any tax due or credit to 32339
be allowed for a transfer of registration under this division 32340
shall be computed in accordance with division (C) of this section. 32341

No commercial car to which a registration is transferred 32342
under this division shall be operated on a public road or highway 32343
in this state until after the transfer of registration is 32344
completed in accordance with this division. 32345

(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

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

vehicle shall be made at a deputy registrar's office, or at an 32439
established place of business operated by a licensed motor vehicle 32440
dealer. Additionally, the physical inspection of a salvage vehicle 32441
owned by an insurance company may be made at an established place 32442
of business operated by a salvage motor vehicle dealer licensed 32443
under Chapter 4738. of the Revised Code. The deputy registrar, the 32444
motor vehicle dealer, or the salvage motor vehicle dealer may 32445
charge a maximum fee of ~~one dollar and fifty cents~~ three dollars 32446
commencing on July 1, 2001, three dollars and twenty-five cents 32447
commencing on January 1, 2003, and three dollars and fifty cents 32448
commencing on January 1, 2004, for conducting the physical 32449
inspection. 32450

The clerk of the court of common pleas shall charge a fee of 32451
one dollar and fifty cents for the processing of each physical 32452
inspection certificate. The clerk shall retain fifty cents of the 32453
one dollar and fifty cents so charged and shall pay the remaining 32454
one dollar to the registrar by monthly returns, which shall be 32455
forwarded to the registrar not later than the fifth day of the 32456
month next succeeding that in which the certificate is received by 32457
the clerk. The registrar shall pay such remaining sums into the 32458
state bureau of motor vehicles fund established by section 4501.25 32459
of the Revised Code. 32460

Sec. 4506.08. (A) Each application for a commercial driver's 32461
license temporary instruction permit shall be accompanied by a fee 32462
of ten dollars; except as provided in division (B) of this 32463
section, each application for a commercial driver's license, 32464
restricted commercial driver's license, or renewal of such a 32465
license shall be accompanied by a fee of twenty-five dollars; and 32466
each application for a duplicate commercial driver's license shall 32467
be accompanied by a fee of ten dollars. In addition, the registrar 32468
of motor vehicles or deputy registrar may collect and retain an 32469
additional fee of no more than ~~two dollars and twenty-five cents~~ 32470

three dollars commencing on July 1, 2001, three dollars and 32471
twenty-five cents commencing on January 1, 2003, and three dollars 32472
and fifty cents commencing on January 1, 2004, for each 32473
application for a commercial driver's license temporary 32474
instruction permit, commercial driver's license, renewal of a 32475
commercial driver's license, or duplicate commercial driver's 32476
license received by the registrar or deputy. No fee shall be 32477
charged for the annual issuance of a waiver for farm-related 32478
service industries pursuant to section 4506.24 of the Revised 32479
Code. 32480

Each deputy registrar shall transmit the fees collected to 32481
the registrar at the time and in the manner prescribed by the 32482
registrar by rule. The registrar shall pay the fees into the state 32483
highway safety fund established in section 4501.06 of the Revised 32484
Code. 32485

(B) Information regarding the driving record of any person 32486
holding a commercial driver's license issued by this state shall 32487
be furnished by the registrar, upon request and payment of a fee 32488
of three dollars, to the employer or prospective employer of such 32489
a person and to any insurer. 32490

Sec. 4507.23. (A) Except as provided in division (H) of this 32491
section, each application for a temporary instruction permit and 32492
examination shall be accompanied by a fee of four dollars. 32493

(B) Except as provided in division (H) of this section, each 32494
application for a driver's license made by a person who previously 32495
held such a license and whose license has expired not more than 32496
two years prior to the date of application, and who is required 32497
under this chapter to give an actual demonstration of the person's 32498
ability to drive, shall be accompanied by a fee of three dollars 32499
in addition to any other fees. 32500

(C) Except as provided in divisions (E) and (H) of this 32501

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.

(F) Neither the registrar nor any deputy registrar shall 32532
charge a fee in excess of one dollar and fifty cents for 32533
laminating a driver's license ~~or~~, motorized bicycle license, or 32534
temporary instruction permit identification cards as required by 32535
sections 4507.13 and 4511.521 of the Revised Code. A deputy 32536
registrar laminating a driver's license ~~or~~, motorized bicycle 32537
license, or temporary instruction permit identification cards 32538
shall retain the entire amount of the fee charged for lamination, 32539
less the actual cost to the registrar of the laminating materials 32540
used for that lamination, as specified in the contract executed by 32541
the bureau for the laminating materials and laminating equipment. 32542
The deputy registrar shall forward the amount of the cost of the 32543
laminating materials to the registrar for deposit as provided in 32544
this section. 32545

(G) At the time and in the manner provided by section 4503.10 32546
of the Revised Code, the deputy registrar shall transmit the fees 32547
collected under divisions (A), (B), (C), (D), and (E), and those 32548
portions of the fees specified in and collected under division (F) 32549
of this section to the registrar. The registrar shall pay two 32550
dollars and fifty cents of each fee collected under divisions (A), 32551
(B), (C), (D), and (E)(1) to (4) of this section, and the entire 32552
fee collected under division (E)(5) of this section, into the 32553
state highway safety fund established in section 4501.06 of the 32554
Revised Code, and such fees shall be used for the sole purpose of 32555
supporting driver licensing activities. The remaining fees 32556
collected by the registrar under this section shall be paid into 32557
the state bureau of motor vehicles fund established in section 32558
4501.25 of the Revised Code. 32559

(H) A disabled veteran who has a service-connected disability 32560
rated at one hundred per cent by the veterans' administration may 32561
apply to the registrar or a deputy registrar for the issuance to 32562
that veteran, without the payment of any fee prescribed in this 32563

section, of any of the following items: 32564

- (1) A temporary instruction permit and examination; 32565
- (2) A new, renewal, or duplicate driver's or commercial driver's license; 32566
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- (3) A motorcycle operator's endorsement; 32568
- (4) A motorized bicycle license or duplicate thereof; 32569
- (5) Lamination of a driver's license ~~or~~, motorized bicycle license, or temporary instruction permit identification card as provided in division (F) of this section, if the circumstances specified in division (H)(5) of this section are met. 32570
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If the driver's license ~~or~~, motorized bicycle license, or temporary instruction permit identification card 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 ~~the effective date of this amendment~~ October 14, 1997, 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 ~~or~~, motorized bicycle license, or temporary instruction permit identification card 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 ~~the effective date of this amendment~~ October 14, 1997, the disabled veteran is not required to pay the deputy registrar the lamination fee provided in division (F) of this section.

A disabled veteran whose driver's license ~~or~~, motorized bicycle license, or temporary instruction permit identification card is laminated by the registrar is not required to pay the registrar any lamination fee.

An application made under division (H) of this section shall

be accompanied by such documentary evidence of disability as the registrar may require by rule. 32594
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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: 32596
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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; 32599
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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. 32606
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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. 32614
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A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration is 32623
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required to pay the applicable fee prescribed in division (A) of 32625
this section if the disabled veteran submits an application for a 32626
driver's license or motorized bicycle license or a renewal of 32627
either of these licenses to a deputy registrar who is acting as a 32628
deputy registrar pursuant to a contract with the registrar that is 32629
in effect on the effective date of this amendment. The disabled 32630
veteran also is required to submit with the disabled veteran's 32631
application such documentary evidence of disability as the 32632
registrar may require by rule. 32633

A disabled veteran who submits an application described in 32634
this division is not required to pay either of the fees prescribed 32635
in division (A) of this section if the disabled veteran submits 32636
the application to a deputy registrar who is acting as a deputy 32637
registrar pursuant to a contract with the registrar that is 32638
executed after the effective date of this amendment. The disabled 32639
veteran still is required to submit with the disabled veteran's 32640
application such documentary evidence of disability as the 32641
registrar may require by rule. 32642

A disabled veteran who submits an application described in 32643
this division directly to the registrar is not required to pay 32644
either of the fees prescribed in division (A) of this section if 32645
the disabled veteran submits with the disabled veteran's 32646
application such documentary evidence of disability as the 32647
registrar may require by rule. 32648

(C) Each deputy registrar shall transmit to the registrar of 32649
motor vehicles, at such time and in such manner as the registrar 32650
shall require by rule, an amount of each fee collected under 32651
division (A)(1) of this section as shall be determined by the 32652
registrar. The registrar shall pay all such moneys so received 32653
into the state bureau of motor vehicles fund created in section 32654
4501.25 of the Revised Code. 32655

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.

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

executed after ~~the effective date of this amendment~~ July 29, 1998, 32720
the disabled veteran is not required to pay the deputy registrar 32721
the lamination fee prescribed in division (A) of this section. 32722

A disabled veteran whose identification card or temporary 32723
identification card is laminated by the registrar is not required 32724
to pay the registrar any lamination fee. 32725

An application made under division (A) of this section shall 32726
be accompanied by such documentary evidence of disability as the 32727
registrar may require by rule. 32728

Sec. 4507.52. Each identification card issued by the 32729
registrar of motor vehicles or a deputy registrar shall display a 32730
distinguishing number assigned to the cardholder, and shall 32731
display the following inscription: 32732

"STATE OF OHIO IDENTIFICATION CARD 32733

This card is not valid for the purpose of operating a motor 32734
vehicle. It is provided solely for the purpose of establishing the 32735
identity of the bearer described on the card, who currently is not 32736
licensed to operate a motor vehicle in the state of Ohio." 32737

The identification card shall display substantially the same 32738
information as contained in the application and as described in 32739
division (A)(1) of section 4507.51 of the Revised Code, including 32740
the cardholder's social security number unless the cardholder 32741
specifically requests that the cardholder's social security number 32742
not be displayed on the card. If federal law requires the 32743
cardholder's social security number to be displayed on the 32744
identification card, the social security number shall be displayed 32745
on the card notwithstanding a request to not display the number 32746
pursuant to this section. The identification card also shall 32747
display the color photograph of the cardholder. If the cardholder 32748
has executed a durable power of attorney for health care or a 32749
declaration governing the use or continuation, or the withholding 32750

or withdrawal, of life-sustaining treatment and has specified that 32751
the cardholder wishes the identification card to indicate that the 32752
cardholder has executed either type of instrument, the card also 32753
shall display any symbol chosen by the registrar to indicate that 32754
the cardholder has executed either type of instrument. The card 32755
shall be sealed in transparent plastic or similar material and 32756
shall be so designed as to prevent its reproduction or alteration 32757
without ready detection. 32758

The identification card for persons under twenty-one years of 32759
age shall have characteristics prescribed by the registrar 32760
distinguishing it from that issued to a person who is twenty-one 32761
years of age or older, except that an identification card issued 32762
to a person who applies no more than thirty days before the 32763
applicant's twenty-first birthday shall have the characteristics 32764
of an identification card issued to a person who is twenty-one 32765
years of age or older. 32766

Every identification card issued to a resident of this state 32767
shall expire, unless canceled or surrendered earlier, on the 32768
birthday of the cardholder in the fourth year after the date on 32769
which it is issued. Every identification card issued to a 32770
temporary resident shall expire in accordance with rules adopted 32771
by the registrar and is nonrenewable, but may be replaced with a 32772
new identification card upon the applicant's compliance with all 32773
applicable requirements. A cardholder may renew the cardholder's 32774
identification card within ninety days prior to the day on which 32775
it expires by filing an application and paying the prescribed fee 32776
in accordance with section 4507.50 of the Revised Code. 32777

If a cardholder applies for a driver's or commercial driver's 32778
license in this state or another licensing jurisdiction, the 32779
cardholder shall surrender the cardholder's identification card to 32780
the registrar or any deputy registrar before the license is 32781
issued. 32782

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. 32814

The registrar shall cancel any card upon determining that the 32815
card was obtained unlawfully, issued in error, or was altered. The 32816
registrar also shall cancel any card that is surrendered to the 32817
registrar or to a deputy registrar after the holder has obtained a 32818
duplicate, replacement, or driver's or commercial driver's 32819
license. 32820

No agent of the state or its political subdivisions shall 32821
condition the granting of any benefit, service, right, or 32822
privilege upon the possession by any person of an identification 32823
card. Nothing in this section shall preclude any publicly operated 32824
or franchised transit system from using an identification card for 32825
the purpose of granting benefits or services of the system. 32826

No person shall be required to apply for, carry, or possess 32828
an identification card. 32829

(C) Except in regard to an identification card issued to a 32830
person who applies no more than thirty days before the applicant's 32831
twenty-first birthday, neither the registrar nor any deputy 32832
registrar shall issue an identification card to a person under 32833
twenty-one years of age that does not have the characteristics 32834
prescribed by the registrar distinguishing it from the 32835
identification card issued to persons who are twenty-one years of 32836
age or older. 32837

Sec. 4511.81. (A) When any child who is in either or both of 32838
the following categories is being transported in a motor vehicle, 32839
other than a taxicab or public safety vehicle as defined in 32840
section 4511.01 of the Revised Code, that is registered in this 32841
state and is required by the United States department of 32842
transportation to be equipped with seat belts at the time of 32843
manufacture or assembly, the operator of the motor vehicle shall 32844

have the child properly secured in accordance with the 32845
manufacturer's instructions in a child restraint system that meets 32846
federal motor vehicle safety standards: 32847

(1) A child who is less than four years of age; 32848

(2) A child who weighs less than forty pounds. 32849

(B) When any child who is in either or both of the following 32850
categories is being transported in a motor vehicle, other than a 32851
taxicab, that is registered in this state and is owned, leased, or 32852
otherwise under the control of a nursery school, kindergarten, or 32853
day-care center, the operator of the motor vehicle shall have the 32854
child properly secured in accordance with the manufacturer's 32855
instructions in a child restraint system that meets federal motor 32856
vehicle safety standards: 32857

(1) A child who is less than four years of age; 32858

(2) A child who weighs less than forty pounds. 32859

(C) The director of public safety shall adopt such rules as 32860
are necessary to carry out this section. 32861

(D) The failure of an operator of a motor vehicle to secure a 32862
child in a child restraint system as required by this section is 32863
not negligence imputable to the child, is not admissible as 32864
evidence in any civil action involving the rights of the child 32865
against any other person allegedly liable for injuries to the 32866
child, is not to be used as a basis for a criminal prosecution of 32867
the operator of the motor vehicle other than a prosecution for a 32868
violation of this section, and is not admissible as evidence in 32869
any criminal action involving the operator of the motor vehicle 32870
other than a prosecution for a violation of this section. 32871

(E) This section does not apply when an emergency exists that 32872
threatens the life of any person operating a motor vehicle and to 32873
whom this section otherwise would apply or the life of any child 32874
who otherwise would be required to be restrained under this 32875

section.

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(F) If a person who is not a resident of this state is charged with a violation of division (A) or (B) of this section and does not prove to the court, by a preponderance of the evidence, that the person's use or nonuse of a child restraint system was in accordance with the law of the state of which the person is a resident, the court shall impose the fine levied by division (H)(2) of section 4511.99 of the Revised Code.

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(G) There is hereby created in the state treasury the "child highway safety fund," consisting of fines imposed pursuant to divisions (H)(1) and (2) of section 4511.99 of the Revised Code for violations of divisions (A) and (B) of this section. The money in the fund shall be used by the department of health only to defray the cost of ~~verifying~~ designating hospitals as pediatric trauma centers under section ~~3702.161~~ 3727.081 of the Revised Code and to establish and administer a child highway safety program. The purpose of the program shall be to educate the public about child restraint systems generally and the importance of their proper use. The program also shall include a process for providing child restraint systems to persons who meet the eligibility criteria established by the department, and a toll-free telephone number the public may utilize to obtain information about child restraint systems and their proper use.

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The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt any rules necessary to carry out this section, including rules establishing the criteria a person must meet in order to receive a child restraint system under the department's child restraint system program; provided that rules relating to the verification of pediatric trauma centers shall not be adopted under this section.

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Sec. 4519.03. (A) The owner of every snowmobile, off-highway

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motorcycle, and all-purpose vehicle required to be registered 32907
under section 4519.02 of the Revised Code shall file an 32908
application for registration with the registrar of motor vehicles 32909
or a deputy registrar, on blanks furnished by the registrar for 32910
that purpose and containing all of the following information: 32911

(1) A brief description of the snowmobile, off-highway 32912
motorcycle, or all-purpose vehicle, including the name of the 32913
manufacturer, the factory or model number, and the vehicle 32914
identification number; 32915

(2) The name, residence, and business address of the owner; 32916

(3) A statement that the snowmobile, off-highway motorcycle, 32917
or all-purpose vehicle is equipped as required by section 4519.20 32918
of the Revised Code, and any rule adopted thereunder. The 32919
statement shall include a check list of the required equipment 32920
items in such form as the registrar shall prescribe. 32921

The application shall be signed by the owner of the 32922
snowmobile, off-highway motorcycle, or all-purpose vehicle and 32923
shall be accompanied by a fee as provided in division (C) of 32924
section 4519.04 of the Revised Code. 32925

If the application is not in proper form, or if the vehicle 32926
for which registration is sought does not appear to be equipped as 32927
required by section 4519.20 of the Revised Code or any rule 32928
adopted thereunder, the registration shall be refused and no 32929
registration sticker shall be issued. 32930

(B) On and after ~~the effective date of this amendment~~ July 1, 32931
1999, no certificate of registration or renewal of such a 32932
certificate shall be issued for an off-highway motorcycle or 32933
all-purpose vehicle required to be registered under section 32934
4519.02 of the Revised Code, and no certificate of registration 32935
issued under this chapter for an off-highway motorcycle or 32936
all-purpose vehicle that is sold or otherwise transferred shall be 32937

transferred to the new owner of the off-highway motorcycle or 32938
all-purpose vehicle as permitted by division (B) of section 32939
4519.05 of the Revised Code, unless a certificate of title has 32940
been issued under this chapter for the motorcycle or vehicle, and 32941
the owner or new owner, as the case may be, presents the 32942
certificate of title or a memorandum certificate of title for 32943
inspection at the time the owner or new owner first submits a 32944
registration application, registration renewal application, or 32945
registration transfer application for the motorcycle or vehicle on 32946
or after ~~the effective date of this amendment~~ July 1, 1999. 32947

(C) When the owner of an off-highway motorcycle or 32948
all-purpose vehicle first registers it in the owner's name, and a 32949
certificate of title has been issued for the motorcycle or 32950
vehicle, the owner shall present for inspection a certificate of 32951
title or memorandum certificate of title showing title to the 32952
off-highway motorcycle or all-purpose vehicle in the name of the 32953
owner. If, when the owner of such a motorcycle or vehicle first 32954
makes application to register it in the owner's name, the 32955
application is not in proper form or if the certificate of title 32956
or memorandum certificate of title does not accompany the 32957
registration, the registration shall be refused and neither a 32958
certificate of registration nor a registration sticker shall be 32959
issued. When a certificate of registration and registration 32960
sticker are issued upon the first registration of an off-highway 32961
motorcycle or all-purpose vehicle by or on behalf of the owner, 32962
the official issuing them shall indicate the issuance with a stamp 32963
on the certificate of title or memorandum certificate of title. 32964

(D) Each deputy registrar shall be allowed a fee of ~~two~~ 32965
~~dollars and twenty-five cents~~ three dollars commencing on July 1, 32966
2001, three dollars and twenty-five cents commencing on January 1, 32967
2003, and three dollars and fifty cents commencing on January 1, 32968
2004, for each application or renewal application received by the 32969

deputy registrar, which shall be for the purpose of compensating 32970
the deputy registrar for services, and office and rental expense, 32971
as may be necessary for the proper discharge of the deputy 32972
registrar's duties in the receiving of applications and the 32973
issuing of certificates of registration. 32974

Each deputy registrar, upon receipt of any application for 32975
registration, together with the registration fee, shall transmit 32976
the fee, together with the original and duplicate copy of the 32977
application, to the registrar in such manner and at such times as 32978
the registrar, subject to the approval of the director of public 32979
safety and the treasurer of state, shall prescribe by rule. 32980

Sec. 4519.10. (A) The purchaser of an off-highway motorcycle 32981
or all-purpose vehicle, upon application and proof of purchase, 32982
may obtain a temporary license placard for it. The application for 32983
such a placard shall be signed by the purchaser of the off-highway 32984
motorcycle or all-purpose vehicle. The temporary license placard 32985
shall be issued only for the applicant's use of the off-highway 32986
motorcycle or all-purpose vehicle to enable the applicant to 32987
operate it legally while proper title and a registration sticker 32988
are being obtained and shall be displayed on no other off-highway 32989
motorcycle or all-purpose vehicle. A temporary license placard 32990
issued under this section shall be in a form prescribed by the 32991
registrar of motor vehicles, shall differ in some distinctive 32992
manner from a placard issued under section 4503.182 of the Revised 32993
Code, shall be valid for a period of thirty days from the date of 32994
issuance, and shall not be transferable or renewable. The placard 32995
either shall consist of or be coated with such material as will 32996
enable it to remain legible and relatively intact despite the 32997
environmental conditions to which the placard is likely to be 32998
exposed during the thirty-day period for which it is valid. The 32999
purchaser of an off-highway motorcycle or all-purpose vehicle 33000
shall attach the temporary license placard to it, in a manner 33001

prescribed by rules the registrar shall adopt, so that the placard 33002
numerals or letters are clearly visible. 33003
33004

The fee for a temporary license placard issued under this 33005
section shall be two dollars. If the placard is issued by a deputy 33006
registrar, the deputy registrar shall charge an additional fee of 33007
~~two dollars and twenty-five cents~~ three dollars commencing on July 33008
1, 2001, three dollars and twenty-five cents commencing on January 33009
1, 2003, and three dollars and fifty cents commencing on January 33010
1, 2004, which the deputy registrar shall retain. The deputy 33011
registrar shall transmit each two-dollar fee received by the 33012
deputy registrar under this section to the registrar, who shall 33013
pay the two dollars to the treasurer of state for deposit into the 33014
state bureau of motor vehicles fund established by section 4501.25 33015
of the Revised Code. 33016

(B) The registrar may issue temporary license placards to a 33017
dealer to be issued to purchasers for use on vehicles sold by the 33018
dealer, in accordance with rules prescribed by the registrar. The 33019
dealer shall notify the registrar within forty-eight hours of 33020
proof of issuance on a form prescribed by the registrar. 33021

The fee for each such placard issued by the registrar to a 33022
dealer shall be two dollars plus a fee of two dollars and 33023
twenty-five cents. 33024

Sec. 4519.56. (A) An application for a certificate of title 33025
shall be sworn to before a notary public or other officer 33026
empowered to administer oaths by the lawful owner or purchaser of 33027
the off-highway motorcycle or all-purpose vehicle and shall 33028
contain at least the following information in a form and together 33029
with any other information the registrar of motor vehicles may 33030
require: 33031

(1) Name, address, and social security number or employer's 33032

tax identification number of the applicant;	33033
(2) Statement of how the off-highway motorcycle or all-purpose vehicle was acquired;	33034 33035
(3) Name and address of the previous owner;	33036
(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;	33037 33038 33039
(5) If there are no outstanding liens, mortgages, or other encumbrances, a statement of that fact;	33040 33041
(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.	33042 33043 33044
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.	33045 33046 33047 33048 33049 33050 33051 33052 33053 33054
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	33055 33056 33057 33058 33059 33060 33061 33062 33063

state highway patrol shall assess a fee of fifty dollars for 33064
affixing the number to the off-highway motorcycle or all-purpose 33065
vehicle and shall deposit each such fee in the state highway 33066
safety fund established by section 4501.06 of the Revised Code. 33067

(B) Except in the case of a new off-highway motorcycle or 33068
all-purpose vehicle sold by a dealer licensed under Chapter 4517. 33069
of the Revised Code title to which is evidenced by a 33070
manufacturer's or importer's certificate, if the application for a 33071
certificate of title refers to an off-highway motorcycle or 33072
all-purpose vehicle that contains a permanent identification 33073
number placed thereon by the manufacturer, but for which no 33074
certificate of title previously has been issued by this state, the 33075
application shall be accompanied by a physical inspection 33076
certificate issued by the department of public safety verifying 33077
the make, year, series or model, if any, body type, and 33078
manufacturer's vehicle identification number of the off-highway 33079
motorcycle or all-purpose vehicle for which the certificate of 33080
title is desired. The physical inspection certificate shall be in 33081
such form as is designated by the registrar. The physical 33082
inspection shall be made at a deputy registrar's office or at an 33083
established place of business operated by a licensed motor vehicle 33084
dealer. The deputy registrar or motor vehicle dealer may charge a 33085
maximum fee of ~~one dollar and fifty cents~~ three dollars commencing 33086
on July 1, 2001, three dollars and twenty-five cents commencing on 33087
January 1, 2003, and three dollars and fifty cents commencing on 33088
January 1, 2004, for conducting the physical inspection. 33089

The clerk of the court of common pleas shall charge a fee of 33090
one dollar and fifty cents for the processing of each physical 33091
inspection certificate. The clerk shall retain fifty cents of the 33092
one dollar and fifty cents so charged and shall pay the remaining 33093
one dollar to the registrar by monthly returns, which shall be 33094
forwarded to the registrar not later than the fifth day of the 33095

month next succeeding that in which the certificate is received by 33096
the clerk. The registrar shall pay such remaining sums into the 33097
state bureau of motor vehicles fund established by section 4501.25 33098
of the Revised Code. 33099

Sec. 4519.69. If the application for a certificate of title 33100
refers to an off-highway motorcycle or all-purpose vehicle last 33101
previously registered in another state, the application shall be 33102
accompanied by a physical inspection certificate issued by the 33103
department of public safety verifying the make, year, series or 33104
model, if any, body type, and manufacturer's identification number 33105
of the off-highway motorcycle or all-purpose vehicle for which the 33106
certificate of title is desired. The physical inspection 33107
certificate shall be in such form as is designated by the 33108
registrar of motor vehicles. The physical inspection of the 33109
off-highway motorcycle or all-purpose vehicle shall be made at a 33110
deputy registrar's office, or at an established place of business 33111
operated by a licensed motor vehicle dealer. Additionally, the 33112
physical inspection of a salvage off-highway motorcycle or 33113
all-purpose vehicle owned by an insurance company may be made at 33114
an established place of business operated by a salvage motor 33115
vehicle dealer licensed under Chapter 4738. of the Revised Code. 33116
The deputy registrar, the motor vehicle dealer, or the salvage 33117
motor vehicle dealer may charge a maximum fee of ~~one dollar and~~ 33118
~~fifty cents~~ three dollars commencing on July 1, 2001, three 33119
dollars and twenty-five cents commencing on January 1, 2003, and 33120
three dollars and fifty cents commencing on January 1, 2004, for 33121
conducting the physical inspection. 33122

The clerk of the court of common pleas shall charge a fee of 33123
one dollar and fifty cents for the processing of each physical 33124
inspection certificate. The clerk shall retain fifty cents of the 33125
one dollar and fifty cents so charged and shall pay the remaining 33126
one dollar to the registrar by monthly returns, which shall be 33127

forwarded to the registrar not later than the fifth day of the 33128
month next succeeding that in which the certificate is received by 33129
the clerk. The registrar shall pay such remaining sums into the 33130
state treasury to the credit of the state bureau of motor vehicles 33131
fund established in section 4501.25 of the Revised Code. 33132

Sec. 4701.10. (A) The accountancy board, upon application, 33133
shall issue Ohio permits to practice public accounting to holders 33134
of the CPA certificate of certified public accountant issued under 33135
section 4701.06 or 4701.061 of the Revised Code and to persons 33136
registered under sections 4701.07 and 4701.09 of the Revised Code 33137
or the PA registration. Subject to division ~~(D)~~(H)(1) of this 33138
section, there shall be a triennial Ohio permit fee in an amount 33139
to be determined by the board not to exceed one hundred fifty 33140
dollars. All Ohio permits shall expire on the last day of December 33141
of the year assigned by the board and, subject to division 33142
~~(D)~~(H)(1) of this section, shall be renewed triennially for a 33143
period of three years by certificate holders and registrants in 33144
good standing upon payment of a triennial renewal fee not to 33145
exceed one hundred fifty dollars. ~~For the purpose of implementing~~ 33146
~~this section and enforcing section 4701.11 of the Revised Code,~~ 33147
~~the board may issue an Ohio permit for less than three years'~~ 33148
~~duration. A prorated fee shall be determined by the board for that~~ 33149
~~Ohio permit.~~ 33150

(B) The accountancy board may issue Ohio registrations to 33151
holders of the CPA certificate and the PA registration who are not 33152
engaged in the practice of public accounting. Such persons shall 33153
not convey to the general public that they are actively engaged in 33154
the practice of public accounting in this state. Subject to 33155
division (H)(1) of this section, there shall be a triennial Ohio 33156
registration fee in an amount to be determined by the board but 33157
not exceeding fifty-five dollars. All Ohio registrations shall 33158
expire on the last day of December of the year assigned by the 33159

board and, subject to division (H)(1) of this section, shall be 33160
renewed triennially for a period of three years upon payment by 33161
certificate holders and registrants in good standing of a renewal 33162
fee not to exceed fifty-five dollars. 33163

(C) Any person who receives a CPA certificate and who applies 33164
for an initial Ohio permit or Ohio registration more than sixty 33165
days after issuance of the CPA certificate may, at the board's 33166
discretion, be subject to a late filing fee not exceeding one 33167
hundred dollars. 33168

(D) Any person to whom the board has issued an Ohio permit 33169
who is engaged in the practice of public accounting and who fails 33170
to renew the permit by the expiration date shall be subject to a 33171
late filing fee not exceeding one hundred dollars for each full 33172
month or part of a month after the expiration date in which such 33173
person did not possess a permit, up to a maximum of one thousand 33174
two hundred dollars. The board may waive or reduce the late filing 33175
fee for just cause upon receipt of a written request from such 33176
person. 33177

(E) Any person to whom the board has issued an Ohio permit or 33178
Ohio registration who is not engaged in the practice of public 33179
accounting and who fails to renew the permit or registration by 33180
the expiration date shall be subject to a late filing fee not 33181
exceeding fifty dollars for each full month or part of a month 33182
after the expiration date in which such person did not possess a 33183
permit or registration, up to a maximum of three hundred dollars. 33184
The board may waive or reduce the late filing fee for just cause 33185
upon receipt of a written request from such person. 33186

(F) Failure of ~~any a~~ CPA certificate holder or registrant ~~PA~~ 33187
~~registration holder~~ to apply for a ~~triennial~~ either an Ohio permit 33188
~~to practice~~ or an Ohio registration within ~~three years~~ one year 33189
from the expiration date of the Ohio permit ~~to practice~~ or Ohio 33190
~~registration~~ last obtained or renewed, or ~~three years~~ one year 33191

from the date upon which the CPA certificate holder ~~or registrant~~ 33192
was granted a CPA certificate ~~or registration~~, shall result in 33193
suspension of the CPA certificate or PA registration until all 33194
fees required under divisions (D) and (E) of this section have 33195
been paid, unless the board determines the failure to have been 33196
due to excusable neglect. In that case, the ~~renewal fee or the fee~~ 33197
for the issuance or renewal of the ~~original~~ Ohio permit or Ohio 33198
registration, as the case may be, shall be the amount that the 33199
board shall determine, but not in excess of fifty dollars plus the 33200
fee for each triennial period or part of a period the certificate 33201
holder or registrant did not have either an Ohio permit or an Ohio 33202
registration. 33203

~~(B) All certificate holders and registrants who are not in 33204
the practice of public accounting in this state shall register 33205
with the board every three years at a fee, not to exceed 33206
fifty-five dollars, established by the board. Such persons shall 33207
not convey to the general public that they are actively engaged in 33208
the practice of public accounting in this state. 33209~~

~~(C)(G) The board shall suspend the certificate or 33210
registration of any person failing to obtain an Ohio permit in 33211
accordance with this section, except that the board by rule may 33212
exempt persons from the requirement of holding an Ohio permit or 33213
Ohio registration for specified reasons, including, but not 33214
limited to, retirement, health reasons, military service, foreign 33215
residency, or other just cause. 33216~~

~~(D)(H)(1) On and after January 1, 1995, the The board, by 33217
rule adopted in accordance with Chapter 119. of the Revised Code, 33218
shall increase: 33219~~

~~(a) May provide for the issuance of Ohio permits and Ohio 33220
registrations for less than three years' duration at prorated 33221
fees; 33222~~

~~(b) Shall add a surcharge to the triennial Ohio permit and 33223~~

~~renewal Ohio registration~~ fee imposed pursuant to this section by 33224
of at least fifteen dollars but no more than thirty dollars ~~for a~~ 33225
~~three-year Ohio permit or Ohio registration, at least ten dollars~~ 33226
~~but no more than twenty dollars for a two-year Ohio permit or Ohio~~ 33227
~~registration, and at least five dollars but no more than ten~~ 33228
~~dollars for a one-year Ohio permit or Ohio registration.~~ 33229

(2) ~~Beginning with the first quarter of 1995 and each~~ Each 33230
quarter ~~thereafter~~, the board, for the purpose provided in section 33231
4743.05 of the Revised Code, shall certify to the director of 33232
budget and management the number of ~~triennial~~ Ohio permits and 33233
Ohio registrations issued or renewed under this chapter during the 33234
preceding quarter and the amount equal to that number times the 33235
amount ~~by which~~ of the ~~triennial~~ surchage added to each Ohio 33236
permit and ~~renewal Ohio registration~~ fee ~~is increased~~ by the board 33237
under division ~~(D)~~(H)(1) of this section. 33238

Sec. 4701.16. (A) After notice and hearing as provided in 33239
Chapter 119. of the Revised Code, the accountancy board may 33240
discipline as described in division (B) of this section a person 33241
holding an Ohio permit, an Ohio registration, a firm registration, 33242
a CPA certificate, or a PA registration or any other person whose 33243
activities are regulated by the board for any one or any 33244
combination of the following causes: 33245

(1) Fraud or deceit in obtaining a firm registration or in 33246
obtaining a CPA certificate, a PA registration, an Ohio permit, or 33247
an Ohio registration; 33248

(2) Dishonesty, fraud, or gross negligence in the practice of 33249
public accounting; 33250

(3) Violation of any of the provisions of section 4701.14 of 33251
the Revised Code; 33252

(4) Violation of a rule of professional conduct promulgated 33253
by the board under the authority granted by this chapter; 33254

(5) Conviction of a felony under the laws of any state or of the United States;	33255 33256
(6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States;	33257 33258 33259
(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;	33260 33261 33262 33263 33264
(8) Suspension or revocation of the right to practice before any state or federal agency;	33265 33266
(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;	33267 33268 33269 33270
(10) Conduct discreditable to the public accounting profession or to the holder of an Ohio permit, Ohio registration, or foreign certificate;	33271 33272 33273
(11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code.	33274 33275
(B) For any of the reasons specified in division (A) of this section, the board may do any of the following:	33276 33277
(1) Revoke, suspend, or refuse to renew any CPA certificate or PA registration or any Ohio permit, Ohio registration, or firm registration;	33278 33279 33280
(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;	33281 33282 33283
(3) Publicly censure a registered firm or a holder of a CPA	33284

certificate, a PA registration, an Ohio permit, or an Ohio	33285
registration;	33286
(4) Levy against a registered firm or a holder of a CPA	33287
certificate, a PA registration, an Ohio permit, or an Ohio	33288
registration a penalty or fine not to exceed one <u>five</u> thousand	33289
dollars for each offense. Any fine shall be reasonable and in	33290
relation to the severity of the offense.	33291
(5) In the case of violations of division (A)(2) or (4) of	33292
this section, require completion of remedial continuing education	33293
programs prescribed by the board in addition to those required by	33294
section 4701.11 of the Revised Code;	33295
(6) In the case of violations of division (A)(2) or (4) of	33296
this section, require the holder of a CPA certificate, PA	33297
registration, or firm registration to submit to a peer review by a	33298
professional committee designated by the board, which committee	33299
shall report to the board concerning that holder's compliance with	33300
generally accepted accounting principles, generally accepted	33301
auditing standards, or other generally accepted technical	33302
standards;	33303
(7) Revoke or suspend the privileges to offer or render	33304
attest services in this state or to use a CPA title or designation	33305
in this state of an individual who holds a foreign certificate.	33306
(C) If the board levies a fine against or suspends the	33307
certificate of a person or registration of a person or firm for a	33308
violation of division (A)(2) or (4) of this section, it may waive	33309
all or any portion of the fine or suspension if the holder of the	33310
CPA certificate, PA registration, or firm registration complies	33311
fully with division (B)(5) or (6) of this section.	33312
Sec. 4707.01. As used in sections 4707.01 to 4707.22 and	33313
4707.99 of the Revised Code:	33314

(A) "Auction" means a sale of real or personal property, 33315
goods, or chattels by means of verbal exchange or physical gesture 33316
between an auctioneer or apprentice auctioneer and members of ~~his~~ 33317
the audience, the exchanges and gestures consisting of a series of 33318
invitations for offers made by the auctioneer and offers by 33319
members of the audience, with the right to acceptance of offers 33320
with the auctioneer or apprentice auctioneer. 33321

(B) "Auctioneer" means any person who engages, or who by 33322
advertising or otherwise holds ~~himself~~ self out as being able to 33323
engage, in the calling for, recognition of, and the acceptance of, 33324
offers for the purchase of real or personal property, goods, or 33325
chattels at auction either directly or through the use of other 33326
licensed auctioneers or apprentice auctioneers. 33327

(C) "Apprentice auctioneer" means any individual who is 33328
sponsored by an auctioneer to deal or engage in any activities 33329
mentioned in division (A) of this section. 33330

(D) "Auction company" means any person, excluding licensed 33331
auctioneers, who does business solely in ~~his~~ the auctioneer's 33332
individual name, who sells, either directly or through agents, 33333
real or personal property, goods, or chattels at auction, or who 33334
arranges, sponsors, manages, conducts, or advertises auctions and 33335
who was licensed as an auction company by the department of 33336
~~commerce~~ agriculture as of May 1, 1991. An auction company does 33337
not mean either of the following: 33338

(1) A sale barn or livestock auction market that is used 33339
exclusively for the auctioneering of livestock and is licensed by 33340
the department of agriculture under Chapter 943. of the Revised 33341
Code; 33342

(2) A business that is licensed by the bureau of motor 33343
vehicles under Chapter 4517. of the Revised Code and is 33344
exclusively engaged in the auction sale of motor vehicles to 33345

dealers licensed by either the bureau of motor vehicles or a 33346
bureau of motor vehicles of another jurisdiction or its 33347
equivalent. 33348

(E) "Special auctioneer" means any person who is licensed as 33349
an auction company by the department of ~~commerce~~ agriculture as of 33350
May 1, 1991, and currently is subject to section 4707.071 of the 33351
Revised Code. 33352

Sec. 4707.011. The department of ~~commerce~~ agriculture shall 33353
administer this chapter ~~through the division of real estate and~~ 33354
~~professional licensing and the superintendent of real estate and~~ 33355
~~professional licensing.~~ 33356

Sec. 4707.02. No person shall act as an auctioneer, 33357
apprentice auctioneer, or special auctioneer within this state 33358
without a license issued by the department of ~~commerce~~ 33359
agriculture. No auction shall be conducted in this state except by 33360
an auctioneer licensed by the department. 33361

The department shall not issue or renew a license if the 33362
applicant or licensee has been convicted of a felony or crime 33363
involving fraud in this or another state at any time during the 33364
ten years immediately preceding application or renewal. 33365

This section does not apply to: 33366

(A) Sales at auction conducted by or under the direction of 33367
any public authority, or sales required by law to be at auction 33368
other than sales pursuant to a judicial order or decree; 33369

(B) The owner of any real or personal property desiring to 33370
sell the property at auction, provided that the property was not 33371
acquired for the purpose of resale. 33372

Sec. 4707.03. A state auctioneers commission shall be created 33373

within the department of ~~commerce~~ agriculture as follows: 33374

(A) The governor, with the advice and consent of the senate, 33375
shall appoint a commission consisting of three members, each of 33376
whom immediately prior to the date of ~~his~~ appointment has been a 33377
resident of this state for five years, and whose vocation for a 33378
period of at least five years has been that of an auctioneer. 33379
Terms of office shall be for three years, commencing on the tenth 33380
day of October and ending on the ninth day of October. Each member 33381
shall hold office from the date of ~~his~~ appointment until the end 33382
of the term for which ~~he was~~ appointed. Any member appointed to 33383
fill a vacancy occurring prior to the expiration of the term for 33384
which ~~his~~ the member's predecessor was appointed shall hold office 33385
for the remainder of such term. Any member shall continue in 33386
office subsequent to the expiration date of ~~his~~ the member's term 33387
until ~~his~~ the member's successor takes office, or until a period 33388
of sixty days has elapsed, whichever occurs first. 33389

(B) At no time shall there be more than two members of the 33391
same political party serving on the commission. 33392

Sec. 4707.04. (A) The state auctioneers commission shall, 33393
upon qualification of the member appointed in each year, select 33394
from its members a ~~chairman~~ chairperson, and shall serve in an 33395
advisory capacity to the department of ~~commerce~~ agriculture for 33396
the purpose of carrying out sections 4707.01 to 4707.22 of the 33397
Revised Code. The commission shall meet not less than four times 33398
annually. 33399

(B) Each commissioner shall receive ~~his~~ the commissioner's 33400
actual and necessary expenses incurred in the discharge of such 33401
duties. 33402

Sec. 4707.05. All fees and charges collected by the 33403

department of ~~commerce~~ agriculture pursuant to this chapter shall 33404
be paid into the state treasury to the credit of the auctioneers 33405
fund, which is hereby created. All expenses incurred by the 33406
department in administering this chapter shall be paid out of the 33407
fund. The total expenses incurred by the department in the 33408
administration of this chapter shall not exceed the total fees, 33409
charges, fines, and penalties imposed under sections 4707.08, 33410
4707.10, and 4707.99 of the Revised Code and paid to the treasurer 33411
of state. The department may conduct education programs for the 33412
enlightenment and benefit of all auctioneers who have paid fees 33413
pursuant to sections 4707.08 and 4707.10 of the Revised Code. 33414

Out of the moneys credited pursuant to this section, the fund 33415
shall be assessed a proportionate share of the administrative 33416
costs of the department in accordance with procedures prescribed 33417
by the director of ~~commerce~~ agriculture and approved by the 33418
director of budget and management. The assessment shall be paid 33419
from the auctioneers fund to the division of administration fund. 33420

Sec. 4707.06. The department of ~~commerce~~ agriculture shall 33421
maintain a record of the names and addresses of all auctioneers 33422
and apprentice auctioneers, and special auctioneers licensed by 33423
the department. This record shall also include a list of all 33424
persons whose licenses have been suspended or revoked, as well as 33425
any other information relative to the enforcement of sections 33426
4707.01 to 4707.22 of the Revised Code, as the department may deem 33427
of interest to the public. 33428

Sec. 4707.07. (A) The department of ~~commerce~~ agriculture may 33429
grant auctioneers' licenses to those persons deemed qualified by 33430
the department. Each person who applies for an auctioneer's 33431
license shall furnish to the department, on forms provided by the 33432
department, satisfactory proof that the applicant: 33433

(1) Has a good reputation; 33434

(2) Is of trustworthy character;	33435
(3) Has attained the age of at least eighteen years;	33436
(4) Has done one of the following:	33437
(a) Met the apprenticeship requirements set forth in section 4707.09 of the Revised Code;	33438 33439
(b) Met the requirements of section 4707.12 of the Revised Code.	33440 33441
(5) Has a general knowledge of the following:	33442
(a) The requirements of the Revised Code relative to auctioneers;	33443 33444
(b) The auction profession;	33445
(c) The principles involved in conducting an auction.	33446
(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.	33447 33448 33449 33450
(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.	33451 33452 33453 33454 33455
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.	33456 33457 33458 33459 33460 33461 33462 33463

(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

fact the principal owner and shall identify a definite place of 33496
business as required in section 4707.14 of the Revised Code. A 33497
person licensed as an auctioneer shall not be entitled to a 33498
special auctioneer's license. 33499

(C) A special auctioneer's license issued under this section 33500
to the principal owner of a former auction company does not 33501
entitle the principal owner or former auction company to conduct 33502
auctions at any location other than the definite place of business 33503
required in section 4707.14 of the Revised Code. Notwithstanding 33504
section 4707.10 of the Revised Code, the department of agriculture 33505
shall not issue a new special auctioneer's license if the definite 33506
place of business identified by the licensee in the licensee's 33507
initial application for a special auctioneer license has changed 33508
or if the name under which the licensee is doing business has 33509
changed. No person other than an owner, officer, member, or agent 33510
of the former auction company who personally has himself passed 33511
the examination prescribed in section 4707.08 of the Revised Code 33512
and been licensed as an auctioneer shall engage in the calling 33513
for, recognition of, and the acceptance of, offers for the 33514
purchase of real or personal property, goods, or chattels at 33515
auction in connection with a former auction company that has been 33516
issued a special auctioneer's license. 33517

(D) A person licensed as a special auctioneer shall not 33518
engage in the sale of real property at auction. 33519

Sec. 4707.072. The department of ~~commerce~~ agriculture may 33520
grant one-auction licenses to any nonresident person deemed 33521
qualified by the department. Any person who applies for a 33522
one-auction license shall attest, on forms provided by the 33523
department, and furnish to the department, satisfactory proof that 33524
the license applicant or any auctioneer affiliated with the 33525
applicant meets the following requirements: 33526

(A) Has a good reputation;	33527
(B) Is of trustworthy character;	33528
(C) Has attained the age of at least eighteen years;	33529
(D) Has a general knowledge of the requirements of the Revised Code relative to auctioneers, the auction profession, and the principles involved in conducting an auction;	33530 33531 33532
(E) Has two years of professional auctioneering experience immediately preceding the date of application and the experience includes the personal conduct by the applicant of at least twelve auction sales in any state, or has met the requirements of section 4707.12 of the Revised Code;	33533 33534 33535 33536 33537
(F) Has paid a fee of one hundred dollars, which shall be credited to the auctioneers fund;	33538 33539
(G) Has provided proof of the bond required under section 4707.11 of the Revised Code.	33540 33541
Sec. 4707.08. (A) The department of commerce <u>agriculture</u> shall hold written examinations four times each year for the purpose of testing the qualifications required for obtaining a license under section 4707.07 of the Revised Code and twelve times each year for obtaining a license under section 4707.09 of the Revised Code. In addition to the written examination, auctioneer license applicants shall pass an oral examination administered by the state auctioneers commission on the same date and at the same location as the written examination. An examination shall not be required for the renewal of any license unless such license has been revoked, suspended, or allowed to expire without renewal, in which case the applicant shall take and pass the appropriate examinations offered by the department.	33542 33543 33544 33545 33546 33547 33548 33549 33550 33551 33552 33553 33554
An examination fee of twenty-five dollars shall be collected from each person taking the auctioneer examination and fifteen	33555 33556

dollars from each person taking the apprentice auctioneer
examination to defray expenses of holding such examinations. 33557
33558

(B) All applications and proofs must be filed by each 33559
applicant before the scheduled date of examination, and must be 33560
accompanied by a bond and license fee. 33561

Sec. 4707.09. The department of ~~commerce~~ agriculture may 33562
grant apprentice auctioneers' licenses to those persons deemed 33563
qualified by the department. Every applicant for an apprentice 33564
auctioneer's license must pass an examination relating to the 33565
skills, knowledge, and statutes and regulations governing 33566
auctioneers. Every applicant for an apprentice auctioneer's 33567
license shall furnish to the department, on forms provided by the 33568
department, satisfactory proof that the applicant: 33569

(A) Has a good reputation; 33570

(B) Is of trustworthy character; 33571

(C) Has attained the age of at least eighteen years; 33572

(D) Has obtained a written promise of a licensed auctioneer 33573
to sponsor the applicant during ~~his~~ the applicant's 33574
apprenticeship. 33575

Before an apprentice may take the auctioneer's license 33576
examination, ~~he~~ the apprentice shall serve an apprenticeship of at 33577
least twelve months, successfully complete a course of study in 33578
auctioneering at an institution that is approved every three years 33579
by the state auctioneers commission, and conduct, as a bid caller, 33580
at least twelve auction sales under the direct supervision of the 33581
sponsoring licensed auctioneer, which sales shall be certified by 33582
the licensed auctioneer on the apprentice's application for an 33583
auctioneer's license. 33584

If an auctioneer intends to terminate ~~his~~ sponsorship of an 33585
apprentice auctioneer, the sponsoring auctioneer shall notify the 33586

apprentice auctioneer of ~~his~~ the sponsoring auctioneer's intention 33587
by certified mail, return receipt requested, at least ten days 33588
prior to the effective date of termination and, at the same time, 33589
shall deliver or mail by certified mail to the department of 33590
~~commerce~~ agriculture a copy of the termination notice and the 33591
license of the apprentice auctioneer. No apprentice auctioneer 33592
shall perform any acts under authority of ~~his~~ the apprentice's 33593
license after the effective date of the termination until ~~he~~ the 33594
apprentice receives a new license bearing the name and address of 33595
~~his~~ the apprentice's new sponsor. No more than one license shall 33596
be issued to any apprentice auctioneer for the same period of 33597
time. 33598

No licensed auctioneer shall have under ~~his~~ the licensed 33599
auctioneer's sponsorship more than two apprentice auctioneers at 33600
one time. 33601

An apprentice auctioneer may terminate ~~his~~ the apprentice's 33602
sponsorship with an auctioneer by notifying the auctioneer of ~~his~~ 33603
the apprentice's intention by certified mail, return receipt 33604
requested, at least ten days prior to the effective date of 33605
termination. At the same time, ~~he~~ the apprentice shall deliver or 33606
mail by certified mail to the department of ~~commerce~~ agriculture a 33607
copy of the termination notice. Upon receiving the termination 33608
notice, the sponsoring auctioneer shall promptly deliver or mail 33609
by certified mail to the department the license of the apprentice 33610
auctioneer. 33611

The termination of a sponsorship, regardless of who initiates 33612
the termination, shall not be cause for an apprentice auctioneer 33613
to lose credit for any certified sales ~~he~~ the apprentice conducted 33614
or apprenticeship time ~~he~~ the apprentice served under the direct 33615
supervision of the former sponsor. 33616

Sec. 4707.10. (A) The fee for each auctioneer's, apprentice 33617

auctioneer's, or special auctioneer's license issued by the 33618
department of ~~commerce~~ agriculture is one hundred dollars, and the 33619
annual renewal fee for any such license is one hundred dollars. 33620
All licenses expire annually on the last day of June of each year 33621
and shall be renewed according to the standard renewal procedures 33622
of Chapter 4745. of the Revised Code, or the procedures of this 33623
section. Any licensee under this chapter who wishes to renew ~~his~~ 33624
the licensee's license but fails to do so before the first day of 33625
July shall reapply for licensure in the same manner and pursuant 33626
to the same requirements as for initial licensure, unless before 33627
the first day of September of the year of expiration, the former 33628
licensee pays to the department, in addition to the regular 33629
renewal fee, a late renewal penalty of one hundred dollars. 33630

(B) Any person who fails to renew ~~his~~ the person's license 33631
before the first day of July is prohibited from engaging in any 33632
activity specified or comprehended in section 4707.01 of the 33633
Revised Code until such time as ~~his~~ the person's license is 33634
renewed or a new license is issued. Renewal of a license between 33635
the first day of July and the first day of September does not 33636
relieve any person from complying with this division. The 33637
department may refuse to renew the license of or issue a new 33638
license to any person who violates this division. 33639

(C) The department shall prepare and deliver to each licensee 33640
a permanent license certificate and an annual renewal card, the 33641
appropriate portion of which shall be carried on the person of the 33642
licensee at all times when engaged in any type of auction 33643
activity, and part of which shall be posted with the permanent 33644
certificate in a conspicuous location at the licensee's place of 33645
business. 33646

(D) Notice in writing shall be given to the department by 33647
each auctioneer or apprentice auctioneer licensee of any change of 33648
principal business location or any change or addition to the name 33649

or names under which business is conducted, whereupon the 33650
department shall issue a new license for the unexpired period. Any 33651
change of business location or change or addition of names without 33652
notification to the department shall automatically cancel any 33653
license previously issued. For each new auctioneer or apprentice 33654
auctioneer license issued upon the occasion of a change in 33655
business location or a change in or an addition of names under 33656
which business is conducted, the department may collect a fee of 33657
ten dollars for each change in location, or name or each added 33658
name unless the notification of the change occurs concurrently 33659
with the renewal application. 33660

Sec. 4707.11. Each application for an auctioneer's, 33661
apprentice auctioneer's, or auction company license shall be 33662
accompanied by a bond in the sum of ten thousand dollars, except 33663
that: 33664

(A) An individual licensed as an auctioneer under this 33665
chapter that applies for an auction company license shall not be 33666
required to file a bond for the auction company license if the 33667
applicant has filed a bond in connection with the auctioneer's 33668
license. 33669

(B) A partnership, association, or corporation that applies 33670
for an auction company license shall file a blanket bond in the 33671
name of such partnership, association, or corporation in an amount 33672
equal to ten thousand dollars times the number of members, 33673
employees, or officers thereof who are authorized to perform the 33674
functions of an auctioneer as agents of the applicant. The maximum 33675
total amount payable under such blanket bond for a failure of each 33676
such individual member or officer of the applicant to conduct 33677
business in accordance with sections 4707.01 to 4707.22 of the 33678
Revised Code shall be ten thousand dollars. 33679

(C) A licensed auctioneer member, employee, or officer of a 33680

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, 33712
apprentice auctioneer, or special auctioneer within the state by 33713
conforming to this chapter. 33714

The department of ~~commerce~~ agriculture may, within its 33715
discretion, waive the testing and schooling requirements for a 33716
nonresident, provided ~~he~~ the nonresident holds a valid auctioneer 33717
or apprentice auctioneer license issued by a state with which the 33718
department has entered into a reciprocal licensing agreement. 33719
Nonresidents wishing to so operate in this state shall make 33720
application in writing to the department and furnish the 33721
department with proof of their ability to conduct an auction, 33722
proof of license and bond if they reside in a state with these 33723
requirements, as well as other information which the department 33724
may request. 33725

This section does not apply to nonresident auctioneers who 33726
reside in states under the laws of which similar recognition and 33727
courtesies are not extended to licensed auctioneers of this state. 33728

Sec. 4707.13. Any nonresident who applies for permission to 33729
operate as an auctioneer within this state shall file an 33730
irrevocable consent with the department of ~~commerce~~ agriculture 33731
that suits and actions may be commenced against such applicant in 33732
any court of competent jurisdiction within this state by service 33733
of process upon the secretary of state. Said consent shall agree 33734
that the service of such process shall be held in all courts to be 33735
valid and binding as if service had been made upon the applicant 33736
within this state. 33737

Sec. 4707.15. The department of ~~commerce~~ agriculture may 33738
suspend or revoke the license of any auctioneer, apprentice 33739

auctioneer, or special auctioneer for any of the following causes:	33740
(A) Obtaining a license through false or fraudulent representation;	33741 33742
(B) Making any substantial misrepresentation in an application for an auctioneer's, apprentice auctioneer's, or special auctioneer's license;	33743 33744 33745
(C) A continued course of misrepresentation or for making false promises through agents, advertising, or otherwise;	33746 33747
(D) Failing to account for or remit, within a reasonable time, any money belonging to others that comes into his <u>the licensee's</u> possession, and for commingling funds of others with his <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;	33748 33749 33750 33751 33752 33753 33754 33755
(E) Paying valuable consideration to any person who has violated this chapter;	33756 33757
(F) Conviction in a court of competent jurisdiction of this state or any other state of a criminal offense involving fraud or a felony;	33758 33759 33760
(G) Violation of this chapter;	33761
(H) Failure to furnish voluntarily at the time of execution, copies of all written instruments prepared by the auctioneer;	33762 33763
(I) Any conduct of an auctioneer which demonstrates bad faith, dishonesty, incompetency, or untruthfulness;	33764 33765
(J) Any other conduct that constitutes improper, fraudulent, or dishonest dealings;	33766 33767
(K) Failing prior to the sale at public auction to enter into a written contract with the owner or consignee of any property to	33768 33769

be sold, containing the terms and conditions upon which such 33770
licensee received the property for sale; 33771

(L) The use of any power of attorney to circumvent this 33772
chapter; 33773

(M) Failure to display a notice conspicuously at the clerk's 33774
desk or on a bid card that clearly states the terms and conditions 33775
of the sale, the name of the auctioneer or special auctioneer 33776
conducting the sale, and that the auctioneer or special auctioneer 33777
is licensed by the department of ~~commerce~~ agriculture and has 33778
filed a bond; 33779

(N) Failure to notify the department of any conviction of a 33780
felony or crime involving fraud within fifteen days of conviction; 33781

(O) Acting in the capacity of an auctioneer, whether for 33782
valuable consideration or not, for any special auctioneer that is 33783
not licensed under this chapter. 33784

Sec. 4707.152. In lieu of suspending or revoking a license 33785
under section 4707.15 of the Revised Code, the department of 33786
~~commerce~~ agriculture may issue a written reprimand to any licensee 33787
who violates any provision of this chapter. 33788

Sec. 4707.16. (A) The department of ~~commerce~~ agriculture may, 33789
upon its own motion, and shall upon the verified written complaint 33790
of any person, investigate the actions of any auctioneer, 33791
apprentice auctioneer, or special auctioneer, any applicant for an 33792
auctioneer's, apprentice auctioneer's, or special auctioneer's 33793
license, or any person who assumes to act in that capacity, if the 33794
complaint, together with other evidence presented in connection 33795
with it, makes out a prima-facie case. 33796

If the department determines that any such applicant is not 33797
entitled to receive a license, a license shall not be granted to 33798

such applicant, and if the department determines that any licensee 33799
is guilty of a violation of section 4707.14 or 4707.15 of the 33800
Revised Code, the department may suspend or revoke the license. 33801
Any auctioneer, apprentice auctioneer, or special auctioneer who 33802
has had ~~his~~ the auctioneer's, apprentice auctioneer's, or special 33803
auctioneer's license revoked shall not be issued another such 33804
license for a period of two years from the date of revocation. 33805

(B) The department ~~of commerce~~ may investigate complaints 33806
concerning the violation of sections 4707.02 and 4707.15 of the 33807
Revised Code and may subpoena witnesses in connection with such 33808
investigations as provided in this section. The department may 33809
make application to the court of common pleas for an order 33810
enjoining the violation of sections 4707.02 and 4707.15 of the 33811
Revised Code, and upon a showing by the department that any 33812
licensed auctioneer, apprentice auctioneer, or special auctioneer 33813
has violated or is about to violate section 4707.15 of the Revised 33814
Code, or any person has violated or is about to violate section 33815
4707.02 of the Revised Code, an injunction, restraining order, or 33816
other order as may be appropriate shall be granted by the court. 33817

(C) The department ~~of commerce~~ may compel by subpoena the 33818
attendance of witnesses to testify in relation to any matter over 33819
which it has jurisdiction and which is the subject of inquiry and 33820
investigation by it, and require the production of any book, 33821
paper, or document pertaining to such matter. In case any person 33822
fails to file any statement or report, obey any subpoena, give 33823
testimony, or produce any books, records, or papers as required by 33824
such a subpoena, the court of common pleas of any county in the 33825
state, upon application made to it by the department, shall compel 33826
obedience by attachment proceedings for contempt, as in the case 33827
of disobedience of the requirements of a subpoena issued from such 33828
court, or a refusal to testify therein. 33829

(D) When the department determines that a person not licensed 33830

under this chapter is engaged in or is believed to be engaged in 33831
activities for which a license is required under this chapter, the 33832
department may issue an order to that person requiring ~~him~~ the 33833
person to show cause as to why ~~he~~ the person should not be subject 33834
to licensing under this chapter. If the department, after a 33835
hearing, determines that the activities in which the person is 33836
engaged are subject to licensing under this chapter, the 33837
department may issue a cease-and-desist order which shall describe 33838
the person and activities which are subject to the order. A 33839
cease-and-desist order issued under this section shall be 33840
enforceable in and may be appealed to the common pleas courts of 33841
this state under Chapter 119. of the Revised Code. 33842

Sec. 4707.19. The department of ~~commerce~~ agriculture may make 33843
reasonable rules necessary for the implementation of the 33844
provisions of this chapter pursuant to Chapter 119. of the Revised 33845
Code. The department may hear testimony in matters relating to the 33846
duties imposed on it, and any person authorized by the director of 33847
~~commerce~~ agriculture may administer oaths. The department may 33848
require other proof of the honesty, truthfulness, and good 33849
reputation of any person named in the application for an 33850
auctioneer's, apprentice auctioneer's, or special auctioneer's 33851
license before admitting the applicant to an examination or 33852
issuing a license. 33853

Sec. 4707.20. (A) No person shall act as an auctioneer or 33854
special auctioneer on a sale at auction until the person has first 33855
entered into a written contract or agreement in duplicate with the 33856
owner or consignee of any property to be sold, containing the 33857
terms and conditions upon which the licensee receives or accepts 33858
the property for sale at auction. The contracts or agreements 33859
shall, for a period of two years, be kept on file in the office of 33860
every person so licensed. No apprentice auctioneer shall be 33861

authorized to enter into such contract or agreement without the 33862
written consent of the apprentice auctioneer's sponsoring 33863
auctioneer and all contracts or agreements shall be made in the 33864
name of and on behalf of the sponsoring auctioneer. 33865

(B) On all contracts or agreements between an auctioneer or 33866
special auctioneer and the owner or consignee, there shall appear 33867
a prominent statement indicating that the auctioneer or special 33868
auctioneer is licensed by the department of ~~commerce~~ agriculture, 33869
and is bonded in favor of the state. 33870

(C) The auctioneer or special auctioneer who contracts with 33871
the owner is liable for the settlement of all money received, 33872
including the payment of all expenses incurred only by the 33873
licensee and the distribution of all funds, in connection with an 33874
auction. 33875

Sec. 4707.21. No auctioneer, apprentice auctioneer, or 33876
special auctioneer shall willfully neglect or refuse to furnish 33877
the department of ~~commerce~~ agriculture statistics or other 33878
information in ~~his~~ the auctioneer's, apprentice auctioneer's, or 33879
special auctioneer's possession or under ~~his~~ the auctioneer's, 33880
apprentice auctioneer's, or special auctioneer's control, which ~~he~~ 33881
the auctioneer, apprentice auctioneer, or special auctioneer is 33882
authorized to collect; nor shall ~~he~~ the auctioneer, apprentice 33883
auctioneer, or special auctioneer neglect or refuse, for more than 33884
thirty days, to answer questions submitted on circulars; nor shall 33885
~~he~~ the auctioneer, apprentice auctioneer, or special auctioneer 33886
knowingly answer any such questions falsely; nor shall ~~he~~ the 33887
auctioneer, apprentice auctioneer, or special auctioneer refuse to 33888
obey subpoenas and give testimony. Licensees shall keep records 33889
relative to any auction sale for at least two years from the date 33890
of sale. These records shall include settlement sheets, written 33891
contracts, and copies of any advertising that lists the items for 33892
sale. 33893

Sec. 4707.23. On receipt of a notice pursuant to section 33894
3123.43 of the Revised Code, the department of ~~commerce~~ 33895
agriculture shall comply with sections 3123.41 to 3123.50 of the 33896
Revised Code and any applicable rules adopted under section 33897
3123.63 of the Revised Code with respect to a license issued 33898
pursuant to this chapter. 33899

Sec. 4707.99. (A) Whoever acts as an auctioneer, apprentice 33900
auctioneer, or special auctioneer as defined in section 4707.01 of 33901
the Revised Code, without first obtaining a license, upon 33902
conviction thereof, shall be fined not less than one hundred nor 33903
more than one thousand dollars, or imprisoned not more than ninety 33904
days, or both. 33905

(B) Whoever violates this chapter or any rule promulgated by 33906
the department of ~~commerce~~ agriculture in the administration of 33907
this chapter, for the violation of which no penalty is provided, 33908
shall be fined not less than fifty nor more than two hundred 33909
dollars. 33910

(C) Whoever violates section 4707.151 of the Revised Code 33911
shall be fined not more than fifty thousand dollars, or imprisoned 33912
not more than one year, or both. 33913

Sec. 4713.10. The state board of cosmetology shall charge and 33914
collect the following fees: 33915

(A) For application to take the examination for a license to 33916
practice cosmetology, or any branch thereof, twenty-one dollars; 33917

(B) For the re-examination of any applicant who has 33918
previously failed to pass the examination, ~~fourteen~~ twenty-one 33919
dollars; 33920

(C) For the issuance or renewal of a cosmetology, manicurist, 33921
or esthetics instructor's license, thirty dollars; 33922

(D) For the issuance or renewal of a managing cosmetologist's, managing manicurist's, or managing esthetician's license, thirty dollars;	33923 33924 33925
(E) For the issuance or renewal of a cosmetology school license, two hundred fifty dollars;	33926 33927
(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;	33928 33929 33930 33931
(G) For the renewal of a beauty salon, nail salon, or esthetics salon license, fifty dollars;	33932 33933
(H) For the issuance or renewal of a cosmetologist's, manicurist's, or esthetician's license, thirty dollars;	33934 33935
(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;	33936 33937 33938
(J) For the issuance of a license under section 4713.09 of the Revised Code, sixty dollars;	33939 33940
(K) For the issuance of a duplicate of any license, fifteen dollars;	33941 33942
(L) For the preparation and mailing of a licensee's records to another state for a reciprocity license, fifty dollars;	33943 33944
(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.	33945 33946 33947
Each applicant shall, in addition to the fees specified, furnish the applicant's own models.	33948 33949
Sec. 4715.03. (A) The state dental board shall organize by the election from its members of a president and a secretary. It	33950 33951

shall hold meetings monthly at least eight months a year at such 33952
times and places as the board designates. A majority of the 33953
members of the board shall constitute a quorum. The board shall 33954
make such reasonable rules as it determines necessary pursuant to 33955
Chapter 119. of the Revised Code. 33956

(B) A concurrence of a majority of the members of the board 33957
shall be required to grant, refuse, suspend, place on probationary 33958
status, revoke, refuse to renew, or refuse to reinstate a license 33959
or censure a license holder. 33960

(C) The board shall adopt rules establishing standards for 33961
the safe practice of dentistry and dental hygiene by qualified 33962
practitioners and shall, through its policies and activities, 33963
promote such practice. 33964

The board shall adopt rules in accordance with Chapter 119. 33965
of the Revised Code establishing universal blood and body fluid 33966
precautions that shall be used by each person licensed under this 33967
chapter who performs exposure prone invasive procedures. The rules 33968
shall define and establish requirements for universal blood and 33969
body fluid precautions that include the following: 33970

(1) Appropriate use of hand washing; 33971

(2) Disinfection and sterilization of equipment; 33972

(3) Handling and disposal of needles and other sharp 33973
instruments; 33974

(4) Wearing and disposal of gloves and other protective 33975
garments and devices. 33976

(D) The board shall administer and enforce the provisions of 33977
this chapter. The board shall investigate evidence which appears 33978
to show that any person has violated any provision of this 33979
chapter. Any person may report to the board under oath any 33980
information such person may have appearing to show a violation of 33981
any provision of this chapter. In the absence of bad faith, any 33982

person who reports such information or who testifies before the 33983
board in any disciplinary proceeding conducted pursuant to Chapter 33984
119. of the Revised Code is not liable for civil damages as a 33985
result of ~~his~~ making the report or providing testimony. If after 33986
investigation the board determines that there are reasonable 33987
grounds to believe that a violation of this chapter has occurred, 33988
the board shall conduct disciplinary proceedings pursuant to 33989
Chapter 119. of the Revised Code or provide for a license holder 33990
to participate in the quality intervention program established 33991
under section 4715.031 of the Revised Code. The board shall not 33992
dismiss any complaint or terminate any investigation except by a 33993
majority vote of its members. For the purpose of any disciplinary 33994
proceeding or any investigation conducted ~~prior to a disciplinary~~ 33995
~~proceeding~~ under this division, the board may administer oaths, 33996
order the taking of depositions, issue subpoenas, compel the 33997
attendance and testimony of persons at depositions and compel the 33998
production of books, accounts, papers, documents, or other 33999
tangible things. The hearings and investigations of the board 34000
shall be considered civil actions for the purposes of section 34001
2305.251 of the Revised Code. Notwithstanding section 121.22 of 34002
the Revised Code, proceedings of the board relative to the 34003
investigation of a complaint or the determination whether there 34004
are reasonable grounds to believe that a violation of this chapter 34005
has occurred are confidential and are not subject to discovery in 34006
any civil action. 34007

(E) The board shall examine or cause to be examined eligible 34008
applicants to practice dentistry and dental hygiene. The board may 34009
distinguish by rule different classes of qualified personnel 34010
according to skill levels and require all or only certain of these 34011
classes of qualified personnel to be examined and certified by the 34012
board. 34013

(F) In accordance with Chapter 119. of the Revised Code, the 34014

board shall adopt, and may amend or rescind, rules establishing 34015
the eligibility criteria, the application and permit renewal 34016
procedures, and safety standards applicable to a dentist licensed 34017
under this chapter who applies for a permit to employ or use 34018
conscious intravenous sedation. These rules shall include all of 34019
the following: 34020

(1) The eligibility requirements and application procedures 34021
for an eligible dentist to obtain a conscious intravenous sedation 34022
permit; 34023

(2) The minimum educational and clinical training standards 34024
required of applicants, which shall include satisfactory 34025
completion of an advanced cardiac life support course; 34026

(3) The facility equipment and inspection requirements; 34027

(4) Safety standards; 34028

(5) Requirements for reporting adverse occurrences. 34029

Sec. 4715.031. (A) The state dental board shall develop and 34030
implement a quality intervention program. The board may propose 34031
that the holder of a license issued by the board participate in 34032
the program if the board determines pursuant to an investigation 34033
conducted under section 4715.03 of the Revised Code that there are 34034
reasonable grounds to believe the license holder has violated a 34035
provision of this chapter due to a clinical or communication 34036
problem that could be improved through participation in the 34037
program and determines that the license holder's participation in 34038
the program is appropriate. The board shall refer a license holder 34039
who agrees to participate in the program to an educational and 34040
assessment service provider selected by the board. 34041

The board shall select educational and assessment service 34042
providers, which may include quality intervention program panels 34043
of case reviewers. A provider selected by the board to provide 34044

services to a license holder shall recommend to the board the 34045
educational and assessment services the license holder should 34046
receive under the program. The license holder may begin 34047
participation in the program if the board approves the services 34048
the provider recommends. The license holder shall pay the amounts 34049
charged by the provider for the services. 34050

The board shall monitor a license holder's progress in the 34051
program and determine whether the license holder has successfully 34052
completed the program. If the board determines that the license 34053
holder has successfully completed the program, it may continue to 34054
monitor the license holder, take other action it considers 34055
appropriate, or both. If the board determines that the license 34056
holder has not successfully completed the program, it shall 34057
commence disciplinary proceedings against the license holder under 34058
section 4715.03 of the Revised Code. 34059

The board may adopt rules in accordance with Chapter 119. of 34060
the Revised Code to further implement the quality intervention 34061
program. 34062

Sec. 4715.13. Applicants for licenses to practice dentistry 34063
or for a general anesthesia permit or a conscious intravenous 34064
sedation permit shall pay to the secretary of the state dental 34065
board the following fees: 34066

(A) For license by examination, one hundred ~~forty-one~~ ninety 34067
dollars if issued in an odd-numbered year or ~~two~~ three hundred 34068
~~thirty-five~~ seventeen dollars if issued in an even-numbered year; 34069

(B) For license by endorsement, one hundred ~~forty-one~~ ninety 34070
dollars if issued in an odd-numbered year or ~~two~~ three hundred 34071
~~thirty-five~~ seventeen dollars if issued in an even-numbered year; 34072

(C) For duplicate license, to be granted upon proof of loss 34073
of the original, ~~fifteen~~ twenty dollars; 34074

(D) For a general anesthesia permit, ~~ninety-four~~ one hundred
twenty-seven dollars; 34075
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(E) For a conscious intravenous sedation permit, ~~ninety-four~~
one hundred twenty-seven dollars. 34077
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The fee in division (A) of this section may be refunded to an 34079
applicant who is unavoidably prevented from attending the 34080
examination, or the applicant may be examined at the next regular 34081
or special meeting of the board without an additional fee. 34082

An applicant who fails the first examination may be 34083
re-examined at the next regular or special meeting of the board 34084
without an additional fee. 34085

Sec. 4715.14. (A) Each person who is licensed to practice 34086
dentistry in Ohio shall, on or before the first day of January of 34087
each even-numbered year, register with the state dental board. The 34088
registration shall be made on a form prescribed by the board and 34089
furnished by the secretary, shall include the licensee's name, 34090
address, license number, and such other reasonable information as 34091
the board may consider necessary, and shall include payment of a 34092
biennial registration fee of ~~one~~ two hundred ~~sixty-three~~ twenty 34093
dollars. This fee shall be paid to the treasurer of state. All 34094
such registrations shall be in effect for the two-year period 34095
beginning on the first day of January of the even-numbered year 34096
and ending on the last day of December of the following 34097
odd-numbered year, and shall be renewed in accordance with the 34098
standard renewal procedure of sections 4745.01 to 4745.03 of the 34099
Revised Code. The failure of a licensee to renew the licensee's 34100
registration in accordance with this section shall result in an 34101
automatic suspension of the licensee's license to practice 34102
dentistry. 34103

(B) Any dentist whose license has been suspended under this 34104
section may be reinstated by the payment of the biennial 34105

registration fee and in addition thereto ~~sixty~~ eighty-one dollars 34106
to cover costs of the reinstatement; excepting that to any 34107
licensed dentist who desires to temporarily retire from practice, 34108
and who has given the board notice in writing to that effect, the 34109
board shall grant such a retirement, provided only that at that 34110
time all previous registration fees and additional costs of 34111
reinstatement have been paid. 34112

(C) Each dentist licensed to practice, whether a resident or 34113
not, shall notify the secretary in writing of any change in the 34114
dentist's office address or employment within ten days after such 34115
change has taken place. On the first day of July of every 34116
even-numbered year, the secretary shall issue a printed roster of 34117
the names and addresses so registered. 34118

Sec. 4715.16. (A) Upon payment of a fee of ~~seven~~ ten dollars 34119
~~and fifty cents~~, the state dental board may without examination 34120
issue a limited resident's license to any person who is a graduate 34121
of a dental college, is authorized to practice in another state or 34122
country or qualified to take the regular licensing examination in 34123
this state, and furnishes the board satisfactory proof of having 34124
been appointed a dental resident at an accredited dental college 34125
in this state or at an accredited program of a hospital in this 34126
state, but has not yet been licensed as a dentist by the board. 34127
Any person receiving a limited resident's license may practice 34128
dentistry only in connection with programs operated by the dental 34129
college or hospital at which the person is appointed as a resident 34130
as designated on the person's limited resident's license, and only 34131
under the direction of a licensed dentist who is a member of the 34132
dental staff of the college or hospital or a dentist holding a 34133
current limited teaching license issued under division (B) of this 34134
section, and only on bona fide patients of such programs. The 34135
holder of a limited resident's license may be disciplined by the 34136
board pursuant to section 4715.30 of the Revised Code. 34137

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(B) Upon payment of ~~seventy-five~~ one hundred one dollars and upon application endorsed by an accredited dental college in this state, the board may without examination issue a limited teaching license to a dentist who is a graduate of a dental college, is authorized to practice dentistry in another state or country, and has full-time appointment to the faculty of the endorsing dental college. A limited teaching license is subject to annual renewal in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code, and automatically expires upon termination of the full-time faculty appointment. A person holding a limited teaching license may practice dentistry only in connection with programs operated by the endorsing dental college. The board may discipline the holder of a limited teaching license pursuant to section 4715.30 of the Revised Code.

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(C)(1) As used in this division:

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(a) "Continuing dental education practicum" or "practicum" means a course of instruction, approved by the American dental association, Ohio dental association, or academy of general dentistry, that is designed to improve the clinical skills of a dentist by requiring the dentist to participate in clinical exercises on patients.

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(b) "Director" means the person responsible for the operation of a practicum.

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(2) Upon payment of ~~seventy-five~~ one hundred one dollars and application endorsed by the director of a continuing dental education practicum, the board shall, without examination, issue a temporary limited continuing education license to a resident of a state other than Ohio who is licensed to practice dentistry in such state and is in good standing, is a graduate of an accredited dental college, and is registered to participate in the endorsing practicum. The determination of whether a dentist is in good

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standing shall be made by the board. 34170

A dentist holding a temporary limited continuing education 34171
license may practice dentistry only on residents of the state in 34172
which the dentist is permanently licensed or on patients referred 34173
by a dentist licensed pursuant to section 4715.12 or 4715.15 of 34174
the Revised Code to an instructing dentist licensed pursuant to 34175
one of those sections, and only while participating in a required 34176
clinical exercise of the endorsing practicum on the premises of 34177
the facility where the practicum is being conducted. 34178

Practice under a temporary limited continuing education 34179
license shall be under the direct supervision and full 34180
professional responsibility of an instructing dentist licensed 34181
pursuant to section 4715.12 or 4715.15 of the Revised Code, shall 34182
be limited to the performance of those procedures necessary to 34183
complete the endorsing practicum, and shall not exceed thirty days 34184
of actual patient treatment in any year. 34185

(3) A director of a continuing dental education practicum who 34186
endorses an application for a temporary limited continuing 34187
education license shall, prior to making the endorsement, notify 34188
the state dental board in writing of the identity of the sponsors 34189
and the faculty of the practicum and the dates and locations at 34190
which it will be offered. The notice shall also include a brief 34191
description of the course of instruction. The board may prohibit a 34192
continuing dental education practicum from endorsing applications 34193
for temporary limited continuing education licenses if the board 34194
determines that the practicum is engaged in activities that 34195
constitute a threat to public health and safety or do not 34196
constitute bona fide continuing dental education, or that the 34197
practicum permits activities which otherwise violate this chapter. 34198
Any continuing dental education practicum prohibited from 34199
endorsing applications may request an adjudication pursuant to 34200
Chapter 119. of the Revised Code. 34201

A temporary limited continuing education license shall be 34202
valid only when the dentist is participating in the endorsing 34203
continuing dental education practicum and shall expire at the end 34204
of one year. If the dentist fails to complete the endorsing 34205
practicum in one year, the board may, upon the dentist's 34206
application and payment of a fee of seventy-five dollars, renew 34207
the temporary limited continuing education license for a 34208
consecutive one-year period. Only two renewals may be granted. The 34209
holder of a temporary limited continuing education license may be 34210
disciplined by the board pursuant to section 4715.30 of the 34211
Revised Code. 34212

(D) The board shall act either to approve or to deny any 34213
application for a limited license pursuant to division (A), (B), 34214
or (C) of this section not later than sixty days of the date the 34215
board receives the application. 34216

Sec. 4715.21. Each person who desires to practice as a dental 34217
hygienist shall file with the secretary of the state dental board 34218
a written application for a license, under oath, upon the form 34219
prescribed. Such applicant shall furnish satisfactory proof of 34220
being at least eighteen years of age and of good moral character. 34221
An applicant shall present a diploma or certificate of graduation 34222
from an accredited dental hygiene school and shall pay the 34223
examination fee of ~~seventy-one~~ ninety-six dollars if the license 34224
is issued in an odd-numbered year or one hundred ~~nine~~ forty-seven 34225
dollars if issued in an even-numbered year. Those passing such 34226
examination as the board prescribes relating to dental hygiene 34227
shall receive a certificate of registration entitling them to 34228
practice. If an applicant fails to pass the first examination the 34229
applicant may apply for a re-examination at the next regular or 34230
special examination meeting of the board. 34231

No applicant shall be admitted to more than two examinations 34232

without first presenting satisfactory proof that the applicant has 34233
successfully completed such refresher courses in an accredited 34234
dental hygiene school as the state dental board may prescribe. 34235

An accredited dental hygiene school shall be one accredited 34236
by the council on dental education of the American dental 34237
association or whose educational standards are recognized by the 34238
council on dental education of the American dental association and 34239
approved by the state dental board. 34240

Sec. 4715.24. (A) Each person who is licensed to practice as 34241
a dental hygienist in Ohio shall, on or before the first day of 34242
January of each even-numbered year, register with the state dental 34243
board. The registration shall be made on a form prescribed by the 34244
board and furnished by the secretary, shall include the licensee's 34245
name, address, license number, and such other reasonable 34246
information as the board may consider necessary, and shall include 34247
payment of a biennial registration fee of ~~seventy-five~~ one hundred 34248
one dollars. This fee shall be paid to the treasurer of state. All 34249
such registrations shall be in effect for the two-year period 34250
beginning on the first day of January of each even-numbered year 34251
and ending on the last day of December of the following 34252
odd-numbered year, and shall be renewed in accordance with the 34253
standard renewal procedure of sections 4745.01 to 4745.03 of the 34254
Revised Code. The failure of a licensee to renew registration in 34255
accordance with this section shall result in the automatic 34256
suspension of the licensee's license to practice as a dental 34257
hygienist. 34258

(B) Any dental hygienist whose license has been suspended 34259
under this section may be reinstated by the payment of the 34260
biennial registration fee and in addition thereto ~~twenty-three~~ 34261
thirty-one dollars to cover the costs of reinstatement. 34262

(C) The license of a dental hygienist shall be exhibited in a 34263

conspicuous place in the room in which the dental hygienist 34264
practices. Each dental hygienist licensed to practice, whether a 34265
resident or not, shall notify the secretary in writing of any 34266
change in the dental hygienist's office address or employment 34267
within ten days after the change takes place. 34268

Sec. 4715.27. The state dental board may issue a license to 34269
an applicant who furnishes satisfactory proof of being at least 34270
eighteen years of age, of good moral character and who 34271
demonstrates, to the satisfaction of the board, knowledge of the 34272
laws, regulations, and rules governing the practice of a dental 34273
hygienist; who proves, to the satisfaction of the board, intent to 34274
practice as a dental hygienist in this state; who is a graduate 34275
from an accredited school of dental hygiene and who holds a 34276
license by examination from a similar dental board, and who passes 34277
an examination as prescribed by the board relating to dental 34278
hygiene. 34279

Upon payment of ~~forty-three~~ fifty-eight dollars and upon 34280
application endorsed by an accredited dental hygiene school in 34281
this state, the state dental board may without examination issue a 34282
teacher's certificate to a dental hygienist, authorized to 34283
practice in another state or country. A teacher's certificate 34284
shall be subject to annual renewal in accordance with the standard 34285
renewal procedure of sections 4745.01 to 4745.03 of the Revised 34286
Code, and shall not be construed as authorizing anything other 34287
than teaching or demonstrating the skills of a dental hygienist in 34288
the educational programs of the accredited dental hygiene school 34289
which endorsed the application. 34290

Sec. 4717.02. (A) There is hereby created the board of 34291
embalmers and funeral directors consisting of seven members to be 34292
appointed by the governor with the advice and consent of the 34293
senate. ~~Four~~ Five members shall be licensed embalmers and 34294

practicing funeral directors, each with at least ten consecutive 34295
years of experience in this state immediately preceding the date 34296
of the person's appointment. ~~One member; one of these members~~ 34297
shall be knowledgeable and experienced in operating a crematory 34298
~~and is not required to be, but may be, a licensed embalmer or~~ 34299
~~funeral director.~~ Two members shall represent the public; at least 34300
one of ~~the two~~ these members shall be at least sixty years of age. 34301

(B) Terms of office are for five years, commencing on the 34303
first day of July and ending on the last day of June. Each member 34304
shall hold office from the date of the member's appointment until 34305
the end of the term for which the member was appointed. Before 34306
entering upon the duties of the office, each member shall take and 34307
file with the secretary of state an oath of office as required by 34308
Section 7 of Article XV, Ohio Constitution. 34309

(C) The governor may remove a member of the board for neglect 34310
of duty, incompetency, or immoral conduct. Vacancies shall be 34311
filled in the manner provided for original appointments. Any 34312
member appointed to fill a vacancy occurring prior to the 34313
expiration date of the term for which the member's predecessor was 34314
appointed shall hold office as a member for the remainder of that 34315
term. A member shall continue in office subsequent to the 34316
expiration date of the member's term until the member's successor 34317
takes office, or until a period of sixty days has elapsed, 34318
whichever occurs first. 34319

(D) Each member of the board shall receive an amount fixed 34320
under division (J) of section 124.15 of the Revised Code for each 34321
day, not to exceed sixty days per year, employed in the discharge 34322
of the member's duties as a board member, together with any 34323
necessary expenses incurred in the performance of those duties. 34324

Sec. 4717.07. (A) The board of embalmers and funeral 34325

directors shall charge and collect the following fees:	34326
(1) For the issuance of an initial embalmer's or funeral director's license, five dollars;	34327 34328
(2) For the issuance of an embalmer or funeral director registration, twenty-five dollars;	34329 34330
(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;	34331 34332
(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;	34333 34334 34335
(5) For the <u>biennial</u> renewal of an embalmer's or funeral director's license, sixty <u>one hundred twenty</u> dollars;	34336 34337
(6) For the <u>initial</u> issuance and renewal 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>	34338 34339 34340 34341
(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;	34342 34343 34344 34345
(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;	34346 34347 34348 34349
(9) For the <u>initial</u> issuance and renewal 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>	34350 34351 34352 34353
(10) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)(9)	34354 34355

of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement; 34356
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(11) For the initial issuance ~~and renewal~~ of a license to operate a crematory facility, one hundred dollars and biennial renewal of a license to operate a crematory facility, two hundred dollars; 34358
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(12) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)(11) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement; 34362
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(13) For the issuance of a duplicate of a license issued under this chapter, four dollars. 34366
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(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter. 34368
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(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent. 34372
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Sec. 4717.08. (A) Every license issued under this chapter expires on the last day of December of ~~the~~ each even-numbered year ~~of its issuance~~ and shall be renewed on or before that date according to the standard license renewal procedure set forth in Chapter 4745. of the Revised Code. Licenses not renewed by the last day of December of each even-numbered year are lapsed. 34377
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(B) A holder of a lapsed license to operate a funeral home, license to operate an embalming facility, or license to operate a crematory facility may reinstate the license with the board by 34383
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paying the lapsed license fee established under section 4717.07 of 34386
the Revised Code. 34387

(C) A holder of a lapsed embalmer's or funeral director's 34388
license may reinstate the license with the board by paying the 34389
lapsed license fee established under section 4717.07 of the 34390
Revised Code, except that if the license is lapsed for more than 34391
one hundred eighty days after its expiration date, the holder also 34392
shall take and pass the Ohio laws examination for each license as 34393
a condition for reinstatement. 34394

Sec. 4717.09. (A) Every two years, licensed embalmers and 34395
funeral directors shall attend between twelve and thirty hours of 34396
educational programs as a condition for renewal of their licenses. 34397
The board of embalmers and funeral directors shall ~~determine, by~~ 34398
~~rule, the educational programs that meet the continuing education~~ 34399
~~requirements and the number of hours a licensee shall attend~~ adopt 34400
rules governing the administration and enforcement of the 34401
continuing education requirements of this section. The board may 34402
contract with a professional organization or association or other 34403
third party to assist it in performing functions necessary to 34404
administer and enforce the continuing education requirements of 34405
this section. A professional organization or association or other 34406
third party with whom the board so contracts may charge a 34407
reasonable fee for performing these functions to licensees or to 34408
the persons who provide continuing education programs. 34409

(B) A person holding both an embalmer's license and a funeral 34410
director's license need meet only the continuing education 34411
requirements established by the board for one or the other of 34412
those licenses in order to satisfy the requirement of division (A) 34413
of this section. 34414

(C) The board shall not renew the license of a licensee who 34415
fails to meet the continuing education requirements of this 34416

section and who has not been granted a waiver or exemption under 34417
division (D) of this section. 34418

(D) Any licensee who fails to meet the continuing education 34419
requirements of this section because of undue hardship or 34420
disability, or who is not actively engaged in the practice of 34421
funeral directing or embalming in this state, may apply to the 34422
board for a waiver or an exemption. The board shall determine, by 34423
rule, the procedures for applying for a waiver or an exemption 34424
from continuing education requirements under this section and 34425
under what conditions a waiver or an exemption may be granted. 34426

Sec. 4723.062. The board of nursing may solicit and accept 34427
grants and services to develop and maintain a program that 34428
addresses patient safety and health care issues related to the 34429
supply of and demand for nurses and other health care workers. The 34430
board shall not solicit or accept a grant or service that 34431
interferes with the board's independence or objectivity. 34432

All money received by the board under this section shall be 34433
deposited into the nursing special issue fund which is hereby 34434
created in the state treasury. The board shall use money in the 34435
fund to pay the costs it incurs in implementing this section. 34436

Sec. 4723.08. (A) The board of nursing may impose fees not to 34437
exceed the following limits: 34438

(1) For application for licensure by examination to practice 34439
nursing as a registered nurse or as a licensed practical nurse, 34440
fifty dollars; 34441

(2) For application for licensure by endorsement to practice 34442
nursing as a registered nurse or as a licensed practical nurse, 34443
fifty dollars; 34444

(3) For application for a certificate of authority to 34445

practice nursing as a certified registered nurse anesthetist,	34446
clinical nurse specialist, certified nurse-midwife, or certified	34447
nurse practitioner, one hundred dollars;	34448
(4) For application for a temporary dialysis technician	34449
certificate, the amount specified in rules adopted under section	34450
4723.79 of the Revised Code;	34451
(5) For application for a full dialysis technician	34452
certificate, the amount specified in rules adopted under section	34453
4723.79 of the Revised Code;	34454
(6) For application for a certificate to prescribe, fifty	34455
dollars;	34456
(7) For verification of a nursing license, certificate of	34457
authority, or dialysis technician certificate to another	34458
jurisdiction, fifteen dollars;	34459
(8) For providing a replacement copy of a nursing license,	34460
certificate of authority, or dialysis technician certificate,	34461
fifteen dollars;	34462
(9) For biennial renewal of a nursing license <u>that expires on</u>	34463
<u>or before August 31, 2003</u> , thirty-five dollars;	34464
(10) Except as provided in division (C) of this section, for	34465
<u>For biennial renewal of a nursing license that expires on or after</u>	34466
<u>September 1, 2003, forty-five dollars;</u>	34467
(11) <u>For biennial renewal of a certificate of authority to</u>	34468
<u>practice nursing as a certified registered nurse anesthetist,</u>	34469
<u>clinical nurse specialist, certified nurse mid-wife, or certified</u>	34470
<u>nurse practitioner that expires on or before August 31, 2005, one</u>	34471
<u>hundred dollars;</u>	34472
(12) <u>For</u> biennial renewal of a certificate of authority to	34473
practice nursing as a certified registered nurse anesthetist,	34474
clinical nurse specialist, certified nurse-midwife, or certified	34475

nurse practitioner <u>that expires on or after September 1, 2005,</u>	34476
eighty-five dollars;	34477
(11) (13) For renewal of a certificate to prescribe, fifty	34478
dollars;	34479
(12) (14) For biennial renewal of a dialysis technician	34480
certificate, the amount specified in rules adopted under section	34481
4723.79 of the Revised Code;	34482
(13) (15) For processing a late application for renewal of a	34483
nursing license, certificate of authority, or dialysis technician	34484
certificate, fifty dollars;	34485
(14) (16) For application for authorization to approve	34486
continuing nursing education programs and courses from an	34487
applicant accredited by a national accreditation system for	34488
nursing, five hundred dollars;	34489
(15) (17) For application for authorization to approve	34490
continuing nursing education programs and courses from an	34491
applicant not accredited by a national accreditation system for	34492
nursing, one thousand dollars;	34493
(16) (18) For each year for which authorization to approve	34494
continuing nursing education programs and courses is renewed, one	34495
hundred fifty dollars;	34496
(17) (19) For application for approval to operate a dialysis	34497
training program, the amount specified in rules adopted under	34498
section 4723.79 of the Revised Code;	34499
(18) (20) For reinstatement of a lapsed <u>nursing license or,</u>	34500
certificate of authority, <u>or dialysis technician certificate,</u> one	34501
hundred dollars;	34502
(19) (21) For written verification of a nursing license,	34503
certificate of authority, or dialysis technician certificate,	34504
other than verification to another jurisdiction, five dollars. The	34505

board may contract for services pertaining to this verification 34506
process and the collection of the fee, and may permit the 34507
contractor to retain a portion of the fees as compensation, before 34508
any amounts are deposited into the state treasury. 34509

(22) For processing a check returned to the board by a 34510
financial institution as noncollectible, twenty-five dollars. 34511

(B) Each quarter, for purposes of transferring funds under 34512
section 4743.05 of the Revised Code to the nurse education 34513
assistance fund created in section 3333.28 of the Revised Code, 34514
the board of nursing shall certify to the director of budget and 34515
management the number of biennial licenses renewed under this 34516
chapter during the preceding quarter and the amount equal to that 34517
number times five dollars. 34518

~~(C) The fee for biennial renewal of a certificate of 34519
authority to practice nursing as a certified nurse-midwife, 34520
certified registered nurse anesthetist, certified nurse 34521
practitioner, or clinical nurse specialist that expires on or 34522
before August 31, 2005, is one hundred dollars. 34523~~

Sec. 4723.32. This chapter does not prohibit any of the 34524
following: 34525

(A) The practice of nursing by a student currently enrolled 34526
in and actively pursuing completion of a prelicensure nursing 34527
education program approved by the board of nursing, if the 34528
student's practice is under the auspices of the program and the 34529
student acts under the supervision of a registered nurse serving 34530
for the program as a faculty member, teaching assistant, or 34531
preceptor; 34532

(B) The rendering of medical assistance to a licensed 34533
physician, licensed dentist, or licensed podiatrist by a person 34534
under the direction, supervision, and control of such licensed 34535
physician, dentist, or podiatrist; 34536

(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, 34568
and one of the following is the case: 34569

(1) The individual is engaging in the practice of nursing by 34570
discharging official duties while employed by or under contract 34571
with the United States government or any agency thereof; 34572

(2) The individual is engaging in the practice of nursing as 34573
an employee of an individual, agency, or corporation located in 34574
the other jurisdiction in a position with employment 34575
responsibilities that include transporting patients into, out of, 34576
or through this state, as long as each trip in this state does not 34577
exceed seventy-two hours; 34578

(3) The individual is consulting with an individual licensed 34579
in this state to practice any health-related profession; 34580

(4) The individual is engaging in activities associated with 34581
teaching in this state as a guest lecturer at or for a nursing 34582
education program, continuing nursing education program, or 34583
in-service presentation; 34584

(5) The individual is conducting evaluations of nursing care 34585
that are undertaken on behalf of an accrediting organization, 34586
including the national league for nursing accrediting committee, 34587
the joint commission on accreditation of healthcare organizations, 34588
or any other nationally recognized accrediting organization; 34589

(6) The individual is providing nursing care to an individual 34590
who is in this state on a temporary basis, not to exceed six 34591
months in any one calendar year, if the nurse is directly employed 34592
by or under contract with the individual or a guardian or other 34593
person acting on the individual's behalf; 34594

(7) The individual is providing nursing care during any 34595
disaster, natural or otherwise, that has been officially declared 34596
to be a disaster by a public announcement issued by an appropriate 34597
federal, state, county, or municipal official. 34598

Sec. 4723.79. The board of nursing shall adopt rules to 34599
administer and enforce sections 4723.71 to 4723.79 of the Revised 34600
Code. The board shall adopt the rules in accordance with Chapter 34601
119. of the Revised Code. The rules shall establish or specify all 34602
of the following: 34603

(A) The application process, fee, and requirements for 34604
approval, reapproval, and withdrawing the approval of a dialysis 34605
training program under section 4723.74 of the Revised Code. The 34606
requirements shall include standards that must be satisfied 34607
regarding curriculum, length of training, and instructions in 34608
patient care. 34609

(B) The application process, fee, and requirements for 34610
issuance of a certificate under section 4723.75 of the Revised 34611
Code, except that the amount of the fee shall be no greater than 34612
the fee charged under division (A)(1) of section 4723.08 of the 34613
Revised Code; 34614

(C) The application process, fee, and requirements for 34615
issuance of a temporary certificate under section 4723.76 of the 34616
Revised Code; 34617

(D) The process for approval of testing organizations under 34618
section 4723.751 of the Revised Code; 34619

(E) Subjects to be included in a certification examination 34620
provided for in division (B)(1) of section 4723.75 of the Revised 34621
Code; 34622

(F) The schedule, fees, and continuing education requirements 34623
for renewal of a certificate under section 4723.77 of the Revised 34624
Code, except that the fee for the renewal of a certificate shall 34625
be no greater than the fee charged under division (A)(9) of 34626
section 4723.08 of the Revised Code or, effective September 1, 34627
2003, division (A)(10) of that section; 34628

(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~~ 34690
~~to satisfying the criteria of division (A) of this section, he and~~ 34691
has successfully completed either of the following: 34692

(1) Two years of supervised experience under a licensed 34693
dispensing optician, optometrist, or physician engaged in the 34694
practice of ophthalmology, up to one year of which may be 34695
continuous experience of not less than thirty hours a week in an 34696
optical laboratory; 34697

(2) A two-year college level program in optical dispensing 34698
that has been approved by the board and that includes, but is not 34699
limited to, courses of study in mathematics, science, English, 34700
anatomy and physiology of the eye, applied optics, ophthalmic 34701
optics, measurement and inspection of lenses, lens grinding and 34702
edging, ophthalmic lens design, keratometry, and the fitting and 34703
adjusting of spectacle lenses and frames and contact lenses, 34704
including methods of fitting contact lenses and post-fitting care. 34705

~~(C) A registered apprentice or a student in an approved~~ 34706
~~college level program in optical dispensing may take the~~ 34707
~~qualifying examination after completion of one year of the~~ 34708
~~apprenticeship or program but shall not be eligible for licensure~~ 34709
~~until he has completed the second year of the apprenticeship or~~ 34710
~~program.~~ 34711

~~(D)~~ Any person who desires to obtain a license to practice as 34712
an ocularist shall file a properly completed written application 34713
with the board accompanied by the appropriate fee and proof that 34714
the applicant has met the requirements for licensure. The board 34715
shall establish, by rule, the application fee and the minimum 34716
requirements for licensure, including education, examination, or 34717
experience standards recognized by the board as national standards 34718
for ocularists. The board shall issue a license to practice as an 34719
ocularist to an applicant who satisfies the requirements of this 34720
division and rules adopted pursuant to this division. 34721

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Sec. 4725.49. (A) The Ohio optical dispensers board shall 34723
~~examine each applicant eligible for examination under section~~ 34724
~~4725.48 of the Revised Code. The board~~ may provide for the 34725
examination of applicants by designing, preparing, and 34726
administering the qualifying examinations or by contracting with a 34727
testing service that is nationally recognized as being capable of 34728
determining competence to dispense optical aids as a licensed 34729
spectacle dispensing optician, a licensed contact lens dispensing 34730
optician, or a licensed spectacle-contact lens dispensing 34731
optician. Any examination used shall be designed to measure 34732
specific performance requirements, be professionally constructed 34733
and validated, and be independently and objectively administered 34734
and scored in order to determine the applicant's competence to 34735
dispense optical aids. 34736

(B) The board shall ensure that it, or the testing service it 34737
contracts with, does all of the following: 34738

(1) Provides public notice as to the date, time, and place 34739
for each examination at least ninety days prior to the 34740
examination; 34741

(2) Offers each qualifying examination at least twice each 34742
year in Columbus, except as provided in division (C) of this 34743
section; 34744

(3) Provides to each applicant all forms necessary to apply 34745
for examination; 34746

(4) Provides all materials and equipment necessary for the 34747
applicant to take the examination. 34748

(C) If the number of applicants for any qualifying 34749
examination is less than ten, the examination may be postponed. 34750
The board or testing service shall provide the applicant with 34751

written notification of the postponement and of the next date the
examination is scheduled to be administered. 34752
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(D) No limitation shall be placed upon the number of times 34754
that an applicant may repeat any qualifying examination, except 34755
that, if an applicant fails an examination for a third time, the 34756
board may require that the applicant, prior to retaking the 34757
examination, undergo additional study in the areas of the 34758
examination in which ~~he~~ the applicant experienced difficulty. 34759

Sec. 4729.65. (A) Except as provided in division (B) of this 34760
section, all receipts of the state board of pharmacy, from any 34761
source, shall be deposited into the state treasury to the credit 34762
of the ~~occupational licensing and regulatory~~ pharmacy board 34763
operating fund, which is hereby created. All moneys derived from 34764
fees the board is entitled to collect under this chapter shall be 34765
deposited to the credit of the fund. All moneys deposited into the 34766
state treasury pursuant to this section shall be used solely for 34767
the administration and enforcement of this chapter. All vouchers 34768
of the board shall be approved by the president or executive 34769
director of the board, or both, as authorized by the board. All 34770
initial issuance fees and renewal fees required by sections 34771
4729.01 to 4729.54 of the Revised Code shall be payable by the 34772
applicant at the time of making application. 34773

(B)(1) There is hereby created in the state treasury the 34774
board of pharmacy drug law enforcement fund. All moneys that are 34775
derived from any fines, mandatory fines, or forfeited bail to 34776
which the board may be entitled under Chapter 2925., division 34777
(C)(1) of section 2923.42, or division (B)(5) of section 2925.42 34778
of the Revised Code and all moneys that are derived from 34779
forfeitures of property to which the board may be entitled 34780
pursuant to Chapter 2925. of the Revised Code, section 2923.32, 34781
2923.35, 2923.44, 2923.45, 2923.46, or 2933.43 of the Revised 34782

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

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 34846
the individual is authorized to practice osteopathic medicine and 34847
surgery pursuant to the laws of this state. If the individual 34848
holds a medical degree other than the degree of doctor of medicine 34849
or doctor of osteopathic medicine, the certificate shall indicate 34850
the diploma, degree, or other document issued by the medical 34851
school or institution the individual attended and shall state that 34852
the individual is authorized to practice medicine and surgery 34853
pursuant to the laws of this state. 34854

(D) The certificate shall be prominently displayed in the 34855
certificate holder's office or place where a major portion of the 34856
certificate holder's practice is conducted and shall entitle the 34857
holder to practice either medicine and surgery or osteopathic 34858
medicine and surgery provided the certificate holder maintains 34859
current registration as required by section 4731.281 of the 34860
Revised Code and provided further that such certificate has not 34861
been revoked, suspended, or limited by action of the state medical 34862
board pursuant to this chapter. 34863

(E) An affirmative vote of not less than six members of the 34864
board is required for the issuance of a certificate. 34865

~~(F) If an individual receives an initial or renewed training 34866
certificate under section 4731.291 of the Revised Code and not 34867
later than four months thereafter applies for a certificate under 34868
this section, the fee required by division (B)(1) of this section 34869
shall be reduced by the amount of the fee paid for the training 34870
certificate. 34871~~

Sec. 4731.53. At the time an applicant files an application, 34873
the applicant shall file with the secretary of the state medical 34874
board evidence of preliminary education showing that the applicant 34875
has satisfactorily completed at least two years of collegiate work 34876
in an approved college of arts and sciences in addition to high 34877

school graduation. When the entrance examiner finds the 34878
preliminary education of the applicant sufficient, the entrance 34879
examiner shall issue a certificate of preliminary examination upon 34880
the payment to the treasurer of the board of a fee of thirty-five 34881
dollars. Such certificate shall be attested by the secretary. 34882

The applicant shall also present a diploma from a college of 34883
podiatric medicine and surgery in good standing as defined by the 34884
board at the time the diploma was issued. The applicant shall 34885
present an affidavit that the applicant is the person named in the 34886
diploma and is the lawful possessor thereof stating the 34887
applicant's age, residence, the school at which the applicant 34888
obtained education in podiatric medicine and surgery, the time 34889
spent in the study of podiatric medicine and surgery, and such 34890
other facts as the board may require. 34891

The applicant shall also present proof of completion of one 34892
year of postgraduate training in a podiatric internship, 34893
residency, or clinical fellowship program accredited by the 34894
council on podiatric medical education or the American podiatric 34895
medical association. 34896

Sec. 4731.573. (A) An individual seeking to pursue an 34897
internship, residency, or clinical fellowship program in podiatric 34898
medicine and surgery in this state, who does not hold a 34899
certificate to practice podiatric medicine and surgery issued 34900
under this chapter, shall apply to the state medical board for a 34901
training certificate. The application shall be made on forms that 34902
the board shall furnish and shall be accompanied by an application 34903
fee of seventy-five dollars. 34904

An applicant for a training certificate shall furnish to the 34905
board all of the following: 34906

(1) Evidence satisfactory to the board that the applicant is 34907

at least eighteen years of age and is of good moral character; 34908

(2) Evidence satisfactory to the board that the applicant has 34909
been accepted or appointed to participate in this state in one of 34910
the following: 34911

(a) An internship or residency program accredited by either 34912
the council on podiatric medical education or the American 34913
podiatric medical association; 34914

(b) A clinical fellowship program at an institution with a 34915
residency program accredited by either the council on podiatric 34916
medical education or the American podiatric medical association 34917
that is in a clinical field the same as or related to the clinical 34918
field of the fellowship program. 34919

(3) Information identifying the beginning and ending dates of 34920
the period for which the applicant has been accepted or appointed 34921
to participate in the internship, residency, or clinical 34922
fellowship program; 34923

(4) Any other information that the board requires. 34924

(B) If no grounds for denying a certificate under section 34925
4731.22 of the Revised Code apply and the applicant meets the 34926
requirements of division (A) of this section, the board shall 34927
issue a training certificate to the applicant. The board shall not 34928
require an examination as a condition of receiving a training 34929
certificate. 34930

A training certificate issued pursuant to this section shall 34931
be valid only for the period of one year, but may in the 34932
discretion of the board and upon application duly made, be renewed 34933
annually for a maximum of five years. The fee for renewal of a 34934
training certificate shall be thirty-five dollars. 34935

The board shall maintain a register of all individuals who 34936
hold training certificates. 34937

(C) The holder of a valid training certificate shall be 34938
entitled to perform such acts as may be prescribed by or 34939
incidental to the holder's internship, residency, or clinical 34940
fellowship program, but the holder shall not be entitled otherwise 34941
to engage in the practice of podiatric medicine and surgery in 34942
this state. The holder shall limit activities under the 34943
certificate to the programs of the hospitals or facilities for 34944
which the training certificate is issued. The holder shall train 34945
only under the supervision of the podiatrists responsible for 34946
supervision as part of the internship, residency, or clinical 34947
fellowship program. A training certificate may be revoked by the 34948
board upon proof, satisfactory to the board, that the holder 34949
thereof has engaged in practice in this state outside the scope of 34950
the internship, residency, or clinical fellowship program for 34951
which the training certificate has been issued, or upon proof, 34952
satisfactory to the board, that the holder thereof has engaged in 34953
unethical conduct or that there are grounds for action against the 34954
holder under section 4731.22 of the Revised Code. 34955

(D) The board may adopt rules as the board finds necessary to 34956
effect the purpose of this section. 34957

Sec. 4734.20. (A) Except for persons seeking to practice 34959
chiropractic under a special limited license issued pursuant to 34960
section 4734.27 of the Revised Code, each person seeking to 34961
practice chiropractic in this state shall apply in writing to the 34962
state chiropractic board for a license to practice chiropractic. 34963
The application shall be made under oath, on a form prescribed by 34964
the board, and shall be accompanied by a fee of two hundred fifty 34965
dollars. 34966

(B) Except as provided in sections 4734.23 and 4734.24 of the 34967
Revised Code, to receive a chiropractic license, an applicant must 34968
meet the following conditions: 34969

(1) The applicant must be at least twenty-one years of age, 34970
be of good moral character, and possess a high school education or 34971
its equivalent. 34972

(2) The applicant must have successfully completed, prior to 34973
matriculation at a school or college of chiropractic, at least two 34974
years of college credit in the arts and sciences at a college or 34975
university accredited by a state or regional accrediting 34976
organization recognized by the board, except that the board may 34977
adopt rules in accordance with Chapter 119. of the Revised Code 34978
that require completion of additional years of college credit or 34979
receipt of a college degree in an area specified in the rules. 34980

(3) The applicant must be a graduate of and hold the degree 34981
of doctor of chiropractic from a school or college of chiropractic 34982
approved by the board under section 4734.21 of the Revised Code. 34983
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(4) The applicant must have received one of the following 34985
from the national board of chiropractic examiners, as appropriate 34986
according to the date of the applicant's graduation from a school 34987
or college of chiropractic: 34988

(a) If the applicant graduated on or after January 1, 1970, 34989
but before January 1, 1989, a "diplomate certificate" or 34990
"certificate of attainment" evidencing passage of parts I and II 34991
and the physiotherapy section of the national board's 34992
examinations; 34993

(b) If the applicant graduated on or after January 1, 1989, 34994
but before January 1, ~~2000~~ 2002, a "certificate of attainment" 34995
evidencing passage of parts I, II, and III and the physiotherapy 34996
section of the national board's examinations; 34997

(c) If the applicant graduated on or after January 1, ~~2000~~ 34998
2002, a "certificate of attainment" evidencing passage of parts I, 34999
II, III, and IV and the physiotherapy section of the national 35000

board's examinations. 35001

(5) The applicant must have passed the board's jurisprudence 35002
examination conducted under section 4734.22 of the Revised Code. 35003

(C) The board shall issue a license to practice chiropractic 35004
to each applicant who files a complete application, pays all 35005
applicable fees, and meets the conditions specified in division 35006
(B) of this section. The burden of proof is on the applicant, to 35007
prove by clear and convincing evidence to the board, that the 35008
applicant meets the conditions for receipt of the license. 35009

The board may conduct any investigation it considers 35010
appropriate to verify an applicant's credentials, moral character, 35011
and fitness to receive a license. In conducting an investigation, 35012
the board may request information from the records maintained by 35013
the federal bureau of investigation, the bureau of criminal 35014
identification and investigation, and any other repositories of 35015
criminal records held in this or another state. The board may 35016
charge the applicant a fee for conducting the investigation. The 35017
amount of the fee shall not exceed the expenses the board incurs 35018
in conducting the investigation and may include any fees that must 35019
be paid to obtain information in the criminal record. 35020

Sec. 4736.12. (A) The state board of sanitarian registration 35021
shall charge the following fees: 35022

(1) To apply as a sanitarian-in-training, ~~fifty-five~~ 35023
fifty-seven dollars; 35024

(2) For sanitarians-in-training to apply for registration as 35025
sanitarians, ~~fifty-five~~ fifty-seven dollars. The applicant shall 35026
pay this fee only once regardless of the number of times the 35027
applicant takes an examination required under section 4736.08 of 35028
the Revised Code. 35029

(3) For persons other than sanitarians-in-training to apply 35030

for registration as sanitarians, including persons meeting the 35031
requirements of section 4736.16 of the Revised Code, one hundred 35032
~~ten~~ fourteen dollars. The applicant shall pay this fee only once 35033
regardless of the number of times the applicant takes an 35034
examination required under section 4736.08 of the Revised Code. 35035

(4) The renewal fee for registered sanitarians shall be fixed 35036
by the board and shall not exceed ~~fifty-eight~~ sixty-one dollars. 35037
35038

(5) The renewal fee for sanitarians-in-training shall be 35039
fixed by the board and shall not exceed ~~fifty-eight~~ sixty-one 35040
dollars. 35041

(6) For late application for renewal, twenty-five dollars. 35042

The board of sanitarian registration, with the approval of 35043
the controlling board, may establish fees in excess of the amounts 35044
provided in this section, provided that such fees do not exceed 35045
the amounts permitted by this section by more than fifty per cent. 35046

(B) The board of sanitarian registration shall charge 35047
separate fees for examinations as required by section 4736.08 of 35048
the Revised Code, provided that the fees are not in excess of the 35049
actual cost to the board of conducting the examinations. 35050

(C) The board of sanitarian registration may adopt rules 35051
establishing fees for all of the following: 35052

(1) Application for the registration of a training agency 35053
approved under rules adopted by the board pursuant to section 35054
4736.11 of the Revised Code and for the annual registration 35055
renewal of an approved training agency. 35056

(2) Application for the review of continuing education hours 35057
submitted for the board's approval by approved training agencies 35058
or by registered sanitarians or sanitarians-in-training. 35059

Sec. 4736.14. The state board of sanitarian registration may, 35060
upon application and proof of valid registration, issue a 35061
certificate of registration to any ~~resident of this state~~ person 35062
who is or has been registered as a sanitarian by any other state, 35063
if the requirements of that state at the time of such registration 35064
are determined by the board to be at least equivalent to the 35065
requirements of this chapter. 35066

Sec. 4743.05. Except as otherwise provided in ~~sections~~ 35067
section 4701.20, ~~and 4729.65~~ of the Revised Code, all money 35068
collected under Chapters 3773., 4701., 4703., 4709., 4713., 4715., 35069
4717., 4723., 4725., ~~4729.7~~ 4732., 4733., 4734., 4736., 4741., 35070
4753., 4755., 4757., 4759., and 4761. of the Revised Code, and 35071
until December 31, 2004, money collected under Chapter 4779. of 35072
the Revised Code, shall be paid into the state treasury to the 35073
credit of the occupational licensing and regulatory fund, which is 35074
hereby created for use in administering such chapters. ~~Money~~ 35075
~~deposited to the credit of the fund under section 4731.24 of the~~ 35076
~~Revised Code shall be used until July 1, 1998, for administering~~ 35077
~~Chapters 4730. and 4731. of the Revised Code.~~ 35078

At the end of each quarter, the director of budget and 35079
management shall transfer from the occupational licensing and 35080
regulatory fund to the nurse education assistance fund created in 35081
section 3333.28 of the Revised Code the amount certified to the 35082
director under division (B) of section 4723.08 of the Revised 35083
Code. 35084

~~At the end of the first quarter of 1995 and at the end of~~ 35085
~~each quarter thereafter,~~ the director shall transfer from the 35086
occupational licensing and regulatory fund to the certified public 35087
accountant education assistance fund created in section 4701.26 of 35088
the Revised Code the amount certified to the director under 35089
division ~~(D)~~(H)(2) of section 4701.10 of the Revised Code. 35090

Sec. 4755.01. As used in sections 4755.01 to 4755.12 and 35091
section 4755.99 of the Revised Code: 35092

(A) "Occupational therapy" means the evaluation of learning 35093
and performance skills and the analysis, selection, and adaptation 35094
of activities for an individual whose abilities to cope with daily 35095
living, perform tasks normally performed at ~~his~~ the individual's 35096
stage of development, and perform vocational tasks are threatened 35097
or impaired by developmental deficiencies, the aging process, 35098
environmental deprivation, or physical, psychological, or social 35099
injury or illness, through specific techniques which include: 35100

(1) Planning and implementing activities and programs to 35101
improve sensory and motor functioning at the level of performance 35102
normal for the individual's stage of development; 35103

(2) Teaching skills, behaviors, and attitudes crucial to the 35104
individual's independent, productive, and satisfying social 35105
functioning; 35106

(3) Designing, fabricating, applying, recommending, and 35107
instructing in the use of selected orthotic or prosthetic devices 35108
and other equipment which assists the individual to adapt to ~~his~~ 35109
the individual's potential or actual impairment; 35110

(4) Analyzing, selecting, and adapting activities to maintain 35111
the individual's optimal performance of tasks and to prevent 35112
further disability; 35113

(5) Administration of topical drugs that have been prescribed 35114
by a licensed health professional authorized to prescribe drugs, 35115
as defined in section 4729.01 of the Revised Code. 35116

(B) "Occupational therapist" means a person who is licensed 35117
to practice occupational therapy and who offers such services to 35118
the public under any title incorporating the words "occupational 35119
therapy," "occupational therapist," or any similar title or 35120

description of services. 35121

(C) "Occupational therapy assistant" means a person licensed 35122
to apply the more standard occupational therapy techniques under 35123
the general supervision of an occupational therapist. 35124

Sec. 4761.05. (A) The Ohio respiratory care board shall issue 35125
a license to any applicant who complies with the requirements of 35126
section 4761.04 of the Revised Code, files the prescribed 35127
application form, and pays the fee or fees required under section 35128
4761.07 of the Revised Code. The license entitles the holder to 35129
practice respiratory care. The licensee shall display the license 35130
in a conspicuous place at the licensee's principal place of 35131
business. 35132

(B)(1) The board shall issue a limited permit to any 35133
applicant who meets the requirements of division (A)(1) of section 35134
4761.04 of the Revised Code, files the prescribed application 35135
form, pays the fee required under section 4761.07 of the Revised 35136
Code, and meets either of the following requirements: 35137

(a) Is enrolled in and is in good standing in a respiratory 35138
care educational program approved by the board that meets the 35139
requirements of division (A)(2) of section 4761.04 of the Revised 35140
Code leading to a degree or certificate of completion or is a 35141
graduate of the program; 35142

(b) Is employed as a provider of respiratory care in this 35143
state and was employed as a provider of respiratory care in this 35144
state prior to March 14, 1989. 35145

(2) The limited permit authorizes the holder to provide 35146
respiratory care under the supervision of a respiratory care 35147
professional. A person issued a limited permit under division 35148
(B)(1)(a) of this section may practice respiratory care under the 35149
limited permit for not more than the earliest of the following: 35150

(a) Three years after the date the limited permit is issued; 35151

(b) One year following the date of receipt of a certificate 35152
of completion from a board-approved respiratory care education 35153
program; 35154

(c) Until the holder ~~completes~~ or discontinues participation 35155
in the educational program. 35156

The board may extend the term of a limited permit in cases of 35157
unusual hardship. The holder seeking an extension shall petition 35158
the board in the form and manner prescribed by the board in rules 35159
adopted under section 4761.03 of the Revised Code. This division 35160
does not require a student enrolled in an educational program 35161
leading to a degree or certificate of completion in respiratory 35162
care approved by the board to obtain a limited permit to perform 35163
any duties that are part of the required course of study. 35164

(3) A person issued a limited permit under division (B)(1)(b) 35165
of this section may practice under a limited permit for not more 35166
than three years, except that this restriction does not apply to a 35167
permit holder who, on March 14, 1989, has been employed as a 35168
provider of respiratory care for an average of not less than 35169
twenty-five hours per week for a period of not less than five 35170
years by a hospital. 35171

(C) All holders of licenses and limited permits issued under 35172
this section shall display, in a conspicuous place on their 35173
persons, information that identifies the type of authorization 35174
under which they practice. 35175

Sec. 4771.22. The Ohio athletic commission shall deposit all 35176
money it receives under this chapter to the credit of the athlete 35177
agents registration fund, which is hereby created in the state 35178
treasury. The commission shall use the fund to administer and 35179
enforce this chapter. 35180

Sec. 4775.01. As used in this chapter:	35181
(A) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.	35182 35183
(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>	35184 35185 35186 35187 35188
(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>	35189 35190 35191 35192 35193 35194 35195 35196 35197 35198
(D) <u>"Motor vehicle collision repair operator" means a</u> 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, <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, but does not mean any of the following:</u>	35199 35200 35201 35202 35203 35204 35205 35206 35207
(1) An employee, other than a manager, of a motor vehicle collision repair operator;	35208 35209
(2) A motor vehicle dealer licensed pursuant to sections	35210

4517.01 to 4517.45 of the Revised Code;	35211
(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;	35212 35213 35214
(4) A motor vehicle auction owner licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code;	35215 35216
(5) A motor vehicle leasing dealer licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code;	35217 35218
(6) A motor vehicle salvage dealer licensed pursuant to sections 4738.01 to 4738.18 <u>Chapter 4738.</u> of the Revised Code;	35219 35220
(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;	35221 35222 35223 35224 35225
(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;	35226 35227 35228 35229 35230
(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;	35231 35232 35233 35234
(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.	35235 35236 35237 35238 35239
(C) <u>(E)</u> "Motor vehicle collision repair facility" means a	35240

~~business~~ location ~~in~~ from which five or more separate motor 35241
vehicle collision repairs are performed ~~for the general public on~~ 35242
motor vehicles in a twelve-month period, commencing with the day 35243
of the month in which the first such repair is made. 35244

Sec. 4775.02. (A) No person shall act as a motor vehicle 35245
collision repair operator unless the person is registered in 35246
accordance with this chapter. 35247

(B) Any person or entity that conducts or attempts to conduct 35248
business as a motor vehicle collision repair operator in violation 35249
of this chapter performs an unfair and deceptive act or practice 35250
in violation of section 1345.02 of the Revised Code. 35251

Sec. 4775.08. (A) The initial and annual renewal fee for a 35252
motor vehicle collision repair registration certificate and for a 35253
temporary motor vehicle collision repair registration certificate 35254
is one hundred fifty dollars for each business location at which 35255
the motor vehicle collision repair operator conducts business as 35256
an operator, except that the board of motor vehicle collision 35257
repair registration, with the approval of the controlling board, 35258
may establish fees in excess of or less than that amount, provided 35259
that such fees do not exceed or are not less than that amount by 35260
more than fifty per cent. 35261

The board shall adjust the fees as necessary in order to 35262
provide for the expenses associated with carrying out this chapter 35263
without causing an excessive build-up of surplus funds in the 35264
motor vehicle collision repair registration fund, which is hereby 35265
created in the state treasury. 35266

(B) If the board has notified or attempted to notify a motor 35267
vehicle collision repair operator that the operator is required to 35268
be registered under this chapter, and the operator fails to 35269
register, the initial fee for the registration of such an 35270

unregistered operator for each business location at which the 35271
operator conducts business as an operator, is the initial fee then 35272
in effect plus an additional amount equal to the initial fee then 35273
in effect for each calendar year that the operator is not 35274
registered after the board has notified or attempted to notify the 35275
operator. 35276

(C) The board shall deposit all fees and fines collected 35277
under this chapter into the motor vehicle collision repair 35278
registration fund, which is hereby created in the state treasury. 35279
The board shall use the fund solely for the administration and 35280
enforcement of this chapter. 35281

Sec. 4775.99. (A) Whoever violates section 4775.02 of the 35282
Revised Code shall be fined not more than one thousand dollars on 35283
a first offense. On each subsequent offense, the offender shall be 35284
fined not less than one thousand nor more than five thousand 35285
dollars. 35286

(B) After conducting an investigation and upon establishing 35287
that a violation of section 4775.02 of the Revised Code has 35288
occurred, the board of motor vehicle collision repair 35289
registration, in addition to any other action it may take or any 35290
other penalty imposed pursuant to this chapter, may impose an 35291
administrative fine on the person or entity that committed the 35292
violation in an amount of not more than one thousand dollars on a 35293
first offense. On each subsequent offense, the board may impose an 35294
administrative fine of not less than one thousand dollars nor more 35295
than five thousand dollars. If the administrative fine is not 35296
paid, the attorney general, upon the board's request, shall 35297
commence a civil action to collect the administrative fine. 35298

Sec. 4779.01. As used in this chapter: 35299

(A) "Accommodative" means designed with the primary goal of 35300

conforming to the anatomy of a particular individual. 35301

(B) "Full-time" means not less than one thousand six hundred 35302
hours per year. 35303

(C) "Inlay" means any removable material on which the foot 35304
rests inside a shoe and that may be an integral design component 35305
of the shoe. 35306

(D) "Orthotics" means the evaluation, measurement, design, 35307
fabrication, assembly, fitting, adjusting, servicing, or training 35308
in the use of an orthotic or pedorthic device, or the repair, 35309
replacement, adjustment, or service of an existing orthotic or 35310
pedorthic device. It does not include upper extremity adaptive 35311
equipment used to facilitate the activities of daily living, 35312
finger splints, wrist splints, prefabricated elastic or fabric 35313
abdominal supports with or without metal or plastic reinforcing 35314
stays and other prefabricated soft goods requiring minimal 35315
fitting, nontherapeutic accommodative inlays, shoes that are not 35316
manufactured or modified for a particular individual, 35317
prefabricated foot care products, durable medical equipment, 35318
dental appliances, pedorthic devices, or devices implanted into 35319
the body by a physician. 35320

(E) "Orthotic device" means a custom fabricated or fitted 35321
medical device used to support, correct, or alleviate 35322
neuromuscular or musculoskeletal dysfunction, disease, injury, or 35323
deformity. 35324

(F) "Pedorthics" means the evaluation, measurement, design, 35325
fabrication, assembly, fitting, adjusting, servicing, or training 35326
in the use of a pedorthic device, or the repair, replacement, 35327
adjustment, or servicing of a pedorthic device. 35328

(G) "Pedorthics device" means a custom fabricated or fitted 35329
therapeutic shoe, shoe modification for therapeutic purposes, 35330
prosthetic filler of the forefoot, or foot orthosis for use from 35331

the apex of the ~~medical malleus~~ medial malleolus and below. It 35332
does not include an arch support, a nontherapeutic accommodative 35333
inlay, nontherapeutic accommodative footwear, prefabricated 35334
footcare products, or unmodified, over-the-counter shoes. 35335

(H) "Prosthetics" means the evaluation, measurement, design, 35336
fabrication, assembly, fitting, adjusting, servicing, or training 35337
in the use of a prosthesis or pedorthic device, or the repair, 35338
replacement, adjustment, or service of a prosthesis or pedorthic 35339
device. 35340

(I) "Prosthesis" means a custom fabricated or fitted medical 35341
device used to replace a missing appendage or other external body 35342
part. It includes an artificial limb, hand, or foot, but does not 35343
include devices implanted into the body by a physician, artificial 35344
eyes, intraocular lenses, dental appliances, ostomy products, 35345
cosmetic devices such as breast prostheses, eyelashes, wigs, or 35346
other devices that do not have a significant impact on the 35347
musculoskeletal functions of the body. 35348

Sec. 4779.02. (A) Except as provided in division (B) of this 35349
section, no person shall practice or represent that the person is 35350
authorized to practice orthotics, prosthetics, or pedorthics 35351
unless the person holds a current, valid license issued or renewed 35352
under this chapter. 35353

(B) Division (A) of this section does not apply to any of the 35354
following: 35355

(1) An individual who holds a current, valid license, 35356
certificate, or registration issued under Chapter 4723., 4730., 35357
4731., 4734., or 4755. of the Revised Code and is practicing 35358
within the individual's scope of practice under statutes and rules 35359
regulating the individual's profession; 35360

(2) An individual who practices orthotics, prosthetics, or 35361

pedorthics as an employee of the federal government and is engaged 35362
in the performance of duties prescribed by statutes and 35363
regulations of the United States; 35364

(3) An individual who provides orthotic, prosthetic, or 35365
pedorthic services under the supervision of a licensed orthotist, 35366
prosthetist, or pedorthist in accordance with section 4779.04 of 35367
the Revised Code; 35368

(4) An individual who provides orthotic, prosthetic, or 35369
pedorthic services as part of an educational, certification, or 35370
residency program approved by the board under sections 4779.25 to 35371
4779.27 of the Revised Code; 35372

(5) An individual who provides orthotic, prosthetic, or 35373
pedorthic services under the direct supervision of an individual 35374
authorized under Chapter 4731. of the Revised Code to practice 35375
medicine and surgery or osteopathic medicine and surgery. 35376

Sec. 4779.16. The state board of orthotics, prosthetics, and 35377
pedorthics shall issue a license under section 4779.09 of the 35378
Revised Code to practice orthotics, prosthetics, orthotics and 35379
prosthetics, or pedorthics without examination to an applicant who 35380
meets the requirements of divisions (A) and (B) of this section: 35381

(A) Not later than July 27, 2001, applies to the board in 35382
accordance with section 4779.09 of the Revised Code; 35383

(B)(1) In the case of an applicant for a license to practice 35384
orthotics, is actively practicing or teaching orthotics on October 35385
27, 2000, and complies with division (B)~~(2)~~(1)(a) or (b) of this 35386
section: 35387

(a) The applicant meets all of the following requirements: 35388

(i) Holds a bachelor's degree or higher from a nationally 35389
accredited college or university in the United States; 35390

(ii) Has completed a certificate program in orthotics	35391
approved by the board under section 4779.26 of the Revised Code;	35392
(iii) Is certified in orthotics by the American board for	35393
certification in orthotics and prosthetics, the board of	35394
orthotist/prosthetist certification, or an equivalent successor	35395
organization recognized by the board;	35396
(iv) Has completed a residency program approved by the board	35397
under section 4779.27 of the Revised Code.	35398
(b) The individual meets both of the following requirements:	35399
(i) Has a minimum of three years of documented, full-time	35400
experience practicing or teaching orthotics;	35401
(ii) Has passed the certification examination in orthotics	35402
developed by the American board of certification in orthotics and	35403
prosthetics, the board of orthotist/prosthetist certification, or	35404
an equivalent organization recognized by the board.	35405
(2) In the case of an applicant for a license to practice	35406
prosthetics, is actively practicing or teaching prosthetics on	35407
October 27, 2000, and complies with division (B)(2)(a) or (b) of	35408
this section:	35409
(a) The applicant meets all of the following requirements:	35410
(i) Holds a bachelor's degree or higher from a nationally	35411
accredited college or university in the United States;	35412
(ii) Has completed a certificate program in prosthetics	35413
approved by the board under section 4779.26 of the Revised Code;	35414
(iii) Is certified in prosthetics by the American board for	35415
certification in orthotics and prosthetics, the board of	35416
orthotist/prosthetist certification, or an equivalent successor	35417
organization recognized by the board;	35418
(iv) Has completed a residency program approved by the board	35419

under section 4779.27 of the Revised Code.	35420
(b) The applicant meets both of the following requirements:	35421
(i) Has a minimum of three years of documented, full-time experience practicing or teaching prosthetics;	35422 35423
(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.	35424 35425 35426 35427
(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:	35428 35429 35430
(a) The applicant meets all of the following requirements:	35431
(i) Holds a bachelor's degree or higher from an accredited college or university in the United States;	35432 35433
(ii) Has completed a certificate program in orthotics and prosthetics approved by the board under section 4779.26 of the Revised Code;	35434 35435 35436
(iii) Has completed a residency program in orthotics and prosthetics approved under section 4779.27 of the Revised Code;	35437 35438
(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;	35439 35440 35441 35442
(b) The applicant meets both of the following requirements:	35443
(i) Has a minimum of six years of documented, full-time experience practicing or teaching orthotics and prosthetics;	35444 35445
(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	35446 35447 35448

certification, or an equivalent organization recognized by the board. 35449
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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. 35451
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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. 35455
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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. 35462
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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. 35469
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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 35476
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following:	35479
(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;	35480 35481 35482 35483
(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;	35484 35485 35486 35487
(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.	35488 35489 35490 35491 35492
Sec. 4779.26. The state board of orthotics, prosthetics, and pedorthics shall recognize a certificate program in orthotics, prosthetics, or orthotics and prosthetics if the program satisfies all of the following requirements:	35493 35494 35495 35496
(A) Meets the requirements in divisions (B), (C), (D), (E), (F), (K), and (L) of section 4779.24 <u>4779.25</u> of the Revised Code;	35497 35498
(B) In the case of a certificate program in orthotics, the program does all of the following:	35499 35500
(1) Provides not less than two semesters or three quarters of instruction in orthotics;	35501 35502
(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;	35503 35504 35505 35506 35507
(3) Meets the requirements in divisions (G) and (H) of	35508

section 4779.25 of the Revised Code.	35509
(C) In the case of a certificate program in prosthetics, the program does all of the following:	35510 35511
(1) Provides not less than two semesters or three quarters of instruction in prosthetics;	35512 35513
(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;	35514 35515 35516 35517 35518
(3) Meets the requirements in divisions (F) and (I) of section 4779.25 of the Revised Code.	35519 35520
(D) In the case of a certificate program in orthotics and prosthetics, the program does both of the following:	35521 35522
(1) Provides not less than two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics;	35523 35524 35525
(2) Meets the requirements in divisions (H) and (I) of section 4779.25 of the Revised Code.	35526 35527
<u>Sec. 4905.071.</u> (A) <u>As used in this section, "personal information" has the same meaning as in section 1347.01 of the Revised Code.</u>	35528 35529 35530
(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>	35531 35532 35533 35534 35535 35536 35537

(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

two years after that date, and three shall be for a term ending 35569
three years after that date. Thereafter, terms of office shall be 35570
for three years, each term ending on the same day of the same 35571
month of the year as did the term that it succeeds. Each member 35572
shall hold office from the date of the member's appointment until 35573
the end of the term for which the member was appointed. Any member 35574
appointed to fill a vacancy occurring prior to the expiration of 35575
the term for which the member's predecessor was appointed shall 35576
hold office for the remainder of that term. Any member shall 35577
continue in office subsequent to the expiration date of the 35578
member's term until the member's successor takes office. 35579

The governing board ~~shall meet within thirty days after all~~ 35580
~~appointments have been made and select from among its membership a~~ 35581
~~chairperson and vice chairperson.~~ The board shall meet at least 35582
every other third month thereafter of the year. Meetings may be 35583
held more often at the request of a majority of the members or 35584
upon call of the chairperson. A At the first meeting of each year, 35585
the board shall select a chairperson and vice-chairperson. With 35586
the approval of the board, the chairperson may designate the 35587
vice-chairperson to perform the duties of the chairperson, 35588
including those provided in section 4901.021 of the Revised Code. 35589

A majority of the members constitutes a quorum. No action 35590
shall be taken without the concurrence of a majority of the full 35591
membership of the board. The consumers' counsel shall at all times 35592
remain responsible to the governing board. Members of the board 35593
shall be compensated at the rate of one hundred fifty dollars per 35594
board meeting attended in person, not to exceed one thousand two 35595
hundred dollars per year. All members shall be reimbursed for 35596
actual and necessary expenses incurred in the performance of ~~the~~ 35597
their official duties. 35598

The board shall submit to the general assembly no later than 35599
the first day of April, annually, a report outlining the 35600

expenditures of the office of consumers' counsel, a full record of 35601
participation in any and all proceedings, and an outline of other 35602
relevant activities of the office. 35603

Sec. 4921.18. (A) Every motor transportation company or 35604
common carrier by motor vehicle operating in this state shall, at 35605
the time of the issuance of a certificate of public convenience 35606
and necessity to it and annually thereafter on or between the 35607
first and the fifteenth days of July of each year, pay to the 35608
public utilities commission, for and on behalf of the treasurer of 35609
state, the following taxes: 35610

(1) For each motor-propelled or motor-drawn vehicle used for 35611
transporting persons, ~~multiply the normal number of passengers~~ 35612
~~that can be seated at one time in each such vehicle by four thirty~~ 35613
dollars; 35614

(2) For each commercial tractor, as defined in section 35615
4501.01 of the Revised Code, used for transporting property, 35616
thirty dollars; 35617

(3) For each motor truck transporting property, twenty 35618
dollars; 35619

~~(4) For each motor-propelled vehicle used for transporting 35620
both persons and property simultaneously, the tax shall be 35621
computed on the basis of either property transportation or 35622
passenger capacity, and the basis which yields the greater revenue 35623
shall apply. 35624~~

(B) A trailer used by a motor transportation company or 35625
common carrier by motor vehicle shall not be taxed under this 35626
section. 35627

(C) The annual tax levied by this section does not apply in 35628
those cases where the commission finds that the movement of 35629
agricultural commodities or foodstuffs produced therefrom requires 35630

a temporary and seasonal use of vehicular equipment for a period 35631
of not more than ninety days. In such event the tax on such 35632
vehicular equipment shall be twenty-five per cent of the annual 35633
tax levied by this section. If any vehicular equipment is used in 35634
excess of such ninety-day period the annual tax levied by this 35635
section shall be paid. 35636

(D) Any motor-propelled or motor-drawn vehicle used for 35637
transporting persons, commercial tractor as defined in section 35638
4501.01 of the Revised Code, or motor truck used for the 35639
transportation of property, with respect to which the tax imposed 35640
by this section has been paid, may be used by another motor 35641
transportation company or common carrier, or by a private motor 35642
carrier or contract carrier, without further payment of the tax 35643
imposed by this section or by section 4923.11 of the Revised Code. 35644

(E) The commission shall account for the taxes collected 35645
pursuant to this section, and shall pay such taxes to the 35646
treasurer of state pursuant to section 4923.12 of the Revised Code 35647
on or before the fifteenth day of each month for the taxes 35648
collected in each preceding month. 35649

(F) All taxes levied upon the issuance of a certificate to 35650
any motor transportation company or common carrier by motor 35651
vehicle shall be reckoned as from the beginning of the quarter in 35652
which such certificate is issued or the use of equipment under any 35653
existing certificate began. 35654

Sec. 4923.11. (A) Every private motor carrier or contract 35655
carrier by motor vehicle operating in this state shall, at the 35656
time of the issuance of its permit, and annually thereafter on or 35657
between the first and fifteenth days of July of each year, pay to 35658
the public utilities commission for and on behalf of the treasurer 35659
of state, the following taxes: 35660

(1) For each motor-propelled or motor-drawn vehicle used for 35661

transporting persons, ~~multiply the normal number of passengers~~ 35662
~~that can be seated at one time in each such vehicle by four thirty~~ 35663
dollars; 35664

(2) For each commercial tractor, as defined in section 35665
4501.01 of the Revised Code, used for transporting property, 35666
thirty dollars; 35667

(3) For each motor truck transporting property, twenty 35668
dollars; 35669

~~(4) For each motor-propelled vehicle used for transporting 35670
both persons and property simultaneously, the tax shall be 35671
computed on the basis of either property transportation or 35672
passenger capacity, and the basis which yields the greater revenue 35673
shall apply. 35674~~

(B) A trailer used by a private motor carrier or contract 35675
carrier by motor vehicle shall not be taxed under this section. 35676

(C) The annual tax levied by this section does not apply in 35677
those cases where the commission finds that the movement of 35678
agricultural commodities or foodstuffs produced from agricultural 35679
commodities requires a temporary and seasonal use of vehicular 35680
equipment for a period of not more than ninety days. In that event 35681
the tax on such vehicular equipment shall be twenty-five per cent 35682
of the annual tax levied by this section. If any vehicular 35683
equipment is used in excess of such ninety-day period the annual 35684
tax levied by this section shall be paid. 35685

(D) Any motor-propelled or motor-drawn vehicle used for 35686
transporting persons, commercial tractor as defined in section 35687
4501.01 of the Revised Code, or motor truck used for the 35688
transportation of property, with respect to which the tax imposed 35689
by this section has been paid, may be used by a motor 35690
transportation company or common carrier, or by another private 35691
motor carrier or contract carrier, without further payment of the 35692

tax imposed by this section or by section 4921.18 of the Revised Code.	35693 35694
(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.	35695 35696 35697 35698 35699
(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.	35700 35701 35702 35703 35704
Sec. 5101.14. (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.	35705 35706 35707 35708 35709
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.	35710 35711 35712
(B)(1) The funds distributed under this section shall be used for the following:	35713 35714
(a) Home-based services to children and families;	35715
(b) Protective services to children;	35716
(c) To find, develop, and approve adoptive homes;	35717
(d) Short-term, out-of-home care and treatment for children;	35718
(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	35719 35720 35721

voluntary temporary custody agreement entered into under division 35722
(A) of section 5103.15 of the Revised Code or in the legal custody 35723
of a public children services agency or the caretaker relative 35724
pursuant to an allegation or adjudication of abuse, neglect, or 35725
dependency made under Chapter 2151. of the Revised Code; 35726

(f) Other services a public children services agency 35727
considers necessary to protect children from abuse, neglect, or 35728
dependency. 35729

(2) No funds distributed under this section shall be used for 35730
the costs of maintaining a child in a children's home owned and 35731
operated by the county. 35732

(C) In each fiscal year, the amount of funds available for 35733
distribution under this section shall be allocated to counties as 35734
follows: 35735

(1) If the amount is less than the amount initially 35736
appropriated for the immediately preceding fiscal year, each 35737
county shall receive an amount equal to the percentage of the 35738
funding it received in the immediately preceding fiscal year, 35739
exclusive of any releases from or additions to the allocation or 35740
any sanctions imposed under this section; 35741

(2) If the amount is equal to the amount initially 35742
appropriated for the immediately preceding fiscal year, each 35743
county shall receive an amount equal to the amount it received in 35744
the preceding fiscal year, exclusive of any releases from or 35745
additions to the allocation or any sanctions imposed under this 35746
section; 35747

(3) If the amount is greater than the amount initially 35748
appropriated for the immediately preceding fiscal year, each 35749
county shall receive the amount determined under division (C)(2) 35750
of this section as a base allocation, plus a percentage of the 35751
amount that exceeds the amount initially appropriated for the 35752

immediately preceding fiscal year. The amount exceeding the amount 35753
initially appropriated in the immediately preceding fiscal year 35754
shall be allocated to the counties as follows: 35755

(a) Twelve per cent divided equally among all counties; 35756

(b) Forty-eight per cent in the ratio that the number of 35757
residents of the county under the age of eighteen bears to the 35758
total number of such persons residing in this state; 35759

(c) Forty per cent in the ratio that the number of residents 35760
of the county with incomes under the federal poverty guideline 35761
bears to the total number of such persons in this state. 35762

As used in division (C)(3)(c) of this section, "federal 35763
poverty guideline" means the poverty guideline as defined by the 35764
United States office of management and budget and revised by the 35765
United States secretary of health and human services in accordance 35766
with section 673 of the "Community Services Block Grant Act," 95 35767
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 35768

(D) The director of job and family services may adopt rules 35769
as necessary for the allocation of funds under this section. The 35770
rules shall be adopted in accordance with section 111.15 of the 35771
Revised Code. 35772

(E)(1) As used in this division, "services to children" 35773
~~includes only~~ means children's protective services, home-based 35774
services to children and families, foster home services, 35775
residential treatment services, adoptive services, and independent 35776
living services. 35777

(2) Except as otherwise provided in this section, the 35778
allocation of funds for a fiscal year to a county under this 35779
section shall be reduced by the department if in the preceding 35780
calendar year the total amount expended for services to children 35781
from local funds ~~and funds distributed to the county under section~~ 35782
~~5101.46 of the Revised Code~~ was less than the total expended from 35783

~~those sources~~ that source in the second preceding calendar year. 35784
The reduction shall be equal to the difference between the total 35785
expended in the preceding calendar year and the total expended in 35786
the second preceding calendar year. 35787

The determination of whether the amount expended for services 35788
to children was less in the preceding calendar year than in the 35789
second preceding calendar year shall not include a difference due 35790
to any of the following factors to the extent that the difference 35791
does not exceed the amount attributable to that factor: 35792

(a) An across-the-board reduction in the county budget as a 35793
whole; 35794

(b) A reduced or failed levy specifically earmarked for 35795
children services; 35796

~~(c) A reduced allocation of funds to the county under section 35797
5101.24 of the Revised Code;~~ 35798

~~(d) The closure of, or a reduction in the operating capacity 35799
of, a children's home owned and operated by the county. 35800~~

(3) Funds withheld under this division may be reallocated by 35801
the department to other counties. The department may grant whole 35802
or partial waivers of the provisions of this division. 35803

(F) Children who are in the temporary or permanent custody of 35804
a certified public or private nonprofit agency or institution, or 35805
who are in adoptions subsidized under division (B) of section 35806
5153.163 of the Revised Code are eligible for medical assistance 35807
through the medical assistance program established under section 35808
5111.01 of the Revised Code. 35809

(G) Within ninety days after the end of each fiscal year, 35810
each county shall return any unspent funds to the department. 35811

~~(H) The department shall prepare an annual report detailing 35812
on a county-by-county basis the services provided with funds 35813~~

~~distributed under this section. The report shall be submitted to 35814
the general assembly by the thirtieth day of September each year 35815
and also shall be made available to the public. 35816~~

(F) In accordance with Chapter 119. of the Revised Code, the 35817
director shall adopt, and may amend and rescind, rules prescribing 35818
reports on expenditures to be submitted by the counties as 35819
necessary for the implementation of this section. 35820

Sec. 5101.141. (A) The department of job and family services 35821
shall act as the single state agency to administer federal 35822
payments for foster care and adoption assistance made pursuant to 35823
Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 35824
670 (1980), as amended. The director of job and family services 35825
shall adopt rules to implement this authority. Internal management 35826
rules governing financial and administrative requirements 35827
applicable to public children services agencies, private child 35828
placing agencies, and private noncustodial agencies shall be 35829
adopted in accordance with section 111.15 of the Revised Code. 35830
Rules establishing eligibility, program participation, and other 35831
requirements shall be adopted in accordance with Chapter 119. of 35832
the Revised Code. A public children services agency to which the 35833
department distributes Title IV-E funds shall administer the funds 35834
in accordance with those rules. 35835

(B)(1) The county, on behalf of each child eligible for 35836
foster care maintenance payments under Title IV-E of the "Social 35837
Security Act," shall make payments to cover the cost of providing 35838
all of the following: 35839

(a) The child's food, clothing, shelter, daily supervision, 35840
and school supplies; 35841

(b) The child's personal incidentals; 35842

(c) Reasonable travel to the child's home for visitation. 35843

(2) In addition to payments made under division (B)(1) of 35844
this section, the county may, on behalf of each child eligible for 35845
foster care maintenance payments under Title IV-E of the "Social 35846
Security Act," make payments to cover the cost of providing the 35847
following: 35848

(a) Liability insurance with respect to the child; 35849

(b) If the county is participating in the demonstration 35850
project established under division (A) of section 5101.142 of the 35851
Revised Code, services provided under the project. 35852

(3) With respect to a child who is in a child-care 35853
institution, including any type of group home designed for the 35854
care of children or any privately operated program consisting of 35855
two or more certified foster homes operated by a common 35856
administrative unit, the foster care maintenance payments made by 35857
the county on behalf of the child shall include the reasonable 35858
cost of the administration and operation of the institution, group 35859
home, or program, as necessary to provide the items described in 35860
divisions (B)(1) and (2) of this section. 35861

(C) To the extent that either foster care maintenance 35862
payments under division (B) of this section or Title IV-E adoption 35863
assistance payments for maintenance costs require the expenditure 35864
of county funds, the board of county commissioners shall report 35865
the nature and amount of each expenditure of county funds to the 35866
department. 35867

(D) The department shall distribute to public children 35868
services agencies that incur and report such expenditures federal 35869
financial participation received for administrative and training 35870
costs incurred in the operation of foster care maintenance and 35871
adoption assistance programs. The department may withhold not more 35872
than ~~two~~ three per cent of the federal financial participation 35873
received. The funds withheld may be used only to fund the Ohio 35874

child welfare training program established under section 5153.60 35875
of the Revised Code and the university partnership program for 35876
college and university students majoring in social work who have 35877
committed to work for a public children services agency upon 35878
graduation. The funds withheld shall be in addition to any 35879
administration and training cost for which the department is 35880
reimbursed through its own cost allocation plan. 35881

(E) All federal financial participation funds received by a 35882
county pursuant to this section shall be deposited into the 35883
county's children services fund created pursuant to section 35884
5101.144 of the Revised Code. 35885

(F) The department shall periodically publish and distribute 35886
the maximum amounts that the department will reimburse public 35887
children services agencies for making payments on behalf of 35888
children eligible for foster care maintenance payments. 35889

(G) The department, by and through its director, is hereby 35890
authorized to develop, participate in the development of, 35891
negotiate, and enter into one or more interstate compacts on 35892
behalf of this state with agencies of any other states, for the 35893
provision of medical assistance and other social services to 35894
children in relation to whom all of the following apply: 35895

(1) They have special needs. 35896

(2) This state or another state that is a party to the 35897
interstate compact is providing adoption assistance on their 35898
behalf. 35899

(3) They move into this state from another state or move out 35900
of this state to another state. 35901

Sec. 5101.145. (A) For the purposes of this section, "Title 35902
IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 35903
42 U.S.C.A. 670 (1980). 35904

(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

made before a reduction under this section. No reduction shall be 35935
made under this section if the amount of the refund is less than 35936
twenty-five dollars after any reduction under section 5747.12 of 35937
the Revised Code. A reduction under this section shall be made 35938
before any part of the refund is contributed under section 35939
5747.113 of the Revised Code to the natural areas and preserves 35940
fund or the nongame and endangered wildlife fund, or is credited 35941
under section 5747.12 of the Revised Code against tax due in any 35942
subsequent year. 35943

The director and the tax commissioner, by rules adopted in 35944
accordance with Chapter 119. of the Revised Code, shall establish 35945
procedures to implement this division. The procedures shall 35946
provide for notice to a recipient of assistance and an opportunity 35947
for the recipient to be heard before the recipient's income tax 35948
refund is reduced. 35949

(B) The director of job and family services may enter into 35950
agreements with the federal government to collect overpayments of 35951
assistance from refunds of federal income taxes that are payable 35952
to recipients of the overpayments. 35953

Sec. ~~5101.071~~ 5101.251. (A) Not later than ninety days after 35954
~~the effective date of this section~~ December 8, 1994, the director 35955
of job and family services shall develop and provide a training 35956
program to assist caseworkers in county departments of job and 35957
family services and public children services agencies in 35958
understanding the dynamics of domestic violence and the 35959
relationship domestic violence has to child abuse. ~~The program~~ 35960
~~shall be coordinated with other department of job and family~~ 35961
~~services programs regarding family violence.~~ 35962

(B) Not later than ninety days after ~~the effective date of~~ 35963
~~this section~~ December 9, 1994, the director of job and family 35964
services shall adopt internal management rules in accordance with 35965

section 111.15 of the Revised Code establishing policies for 35966
dealing with domestic violence and the victims of domestic 35967
violence. The rules shall include all of the following: 35968

(1) A rule designating types and categories of employees of 35969
county departments of job and family services and employees of 35970
public children services agencies to receive training in the 35971
handling of domestic violence cases and a policy for the training 35972
of the designated types and categories of employees in the 35973
handling of those cases. 35974

(2) Guidelines directing how county departments of job and 35975
family services and county children services boards shall respond 35976
to identified domestic violence problems and to the needs of 35977
children directly or indirectly involved in situations involving 35978
domestic violence. 35979

(C) Each county department of job and family services and 35980
each public children services agency shall require its employees 35981
to complete the training described in divisions (A) and (B) of 35982
this section in accordance with the rules adopted by the director 35983
of job and family services pursuant to division (B) of this 35984
section. 35985

Sec. 5101.36. Any application for public assistance gives a 35986
right of subrogation to the department of job and family services 35987
for any workers' compensation benefits payable to a person who is 35988
subject to a support order, as defined in section 3119.01 of the 35989
Revised Code, on behalf of the applicant, to the extent of any 35990
public assistance payments made on the applicant's behalf. If the 35991
director of job and family services, in consultation with a child 35992
support enforcement agency and the administrator of the bureau of 35993
workers' compensation, determines that a person responsible for 35994
support payments to a recipient of public assistance is receiving 35995
workers' compensation, the director shall notify the administrator 35996

of the amount of the benefit to be paid to the department of job and family services. 35997
35998

For purposes of this section, "public assistance" means 35999
medical assistance provided through the medical assistance program 36000
established under section 5111.01 of the Revised Code⁷ⁱ Ohio works 36001
first provided under Chapter 5107. of the Revised Code⁷ⁱ 36002
prevention, retention, and contingency ~~assistance~~ benefits and 36003
services provided under Chapter 5108. of the Revised Code⁷ⁱ or 36004
disability assistance provided under Chapter 5115. of the Revised 36005
Code. 36006

Sec. 5101.50. (A) As used in this section and in sections 36007
5101.51 to ~~5101.518~~ 5101.5110 of the Revised Code: 36008

(1) "Children's health insurance program" means the program 36009
~~authorized~~ authorized by Title XXI of the "Social Security Act," 36010
111 Stat. 552 (1997), 42 U.S.C.A. 1397aa. 36011

(2) "Federal poverty guidelines" has the same meaning as in 36012
section 5101.46 of the Revised Code. 36013

(B) The director of job and family services may continue to 36014
operate the children's health insurance program initially 36015
authorized by an executive order issued under section 107.17 of 36016
the Revised Code as long as federal financial participation is 36017
available for the program. If operated, the program shall provide 36018
health assistance to uninsured individuals under nineteen years of 36019
age with family incomes not exceeding one hundred fifty per cent 36020
of the federal poverty guidelines. In accordance with 42 U.S.C.A. 36021
1397aa, the director may provide for the health assistance to meet 36022
the requirements of 42 U.S.C.A. 1397cc, to be provided under the 36023
medicaid program established under Chapter 5111. of the Revised 36024
Code, or to be a combination of both. 36025

Sec. 5101.5110. (A) The director of job and family services 36026
may submit a waiver request to the United States secretary of 36027
health and human services to provide health assistance to any 36028
individual who meets all of the following requirements: 36029

(1) Is the parent of a child under nineteen years of age who 36030
resides with the parent and is eligible for health assistance 36031
under the children's health insurance program part I or II or the 36032
medicaid program established under Chapter 5111. of the Revised 36033
Code; 36034

(2) Is uninsured; 36035

(3) Has a family income that does not exceed one hundred per 36036
cent of the federal poverty guidelines. 36037

(B) A waiver request the director submits under division (A) 36038
of this section may seek federal funds allotted to the state under 36039
Title XXI of the "Social Security Act," 111 Stat. 558 (1997), 42 36040
U.S.C.A. 1397dd, as amended, that are not otherwise used to fund 36041
the children's health insurance program parts I and II. 36042

(C) If a waiver request the director submits under division 36043
(A) of this section is granted, the director may adopt rules in 36044
accordance with Chapter 119. of the Revised Code as necessary for 36045
the efficient administration of the program authorization by the 36046
waiver. 36047

Sec. 5101.521. When the body of a dead person is found in a 36048
township or municipal corporation, and such person was not an 36049
inmate of a correctional, benevolent, or charitable institution of 36050
this state, and the body is not claimed by any person for private 36051
interment or cremation at the person's own expense, or delivered 36052
for the purpose of medical or surgical study or dissection in 36053
accordance with section 1713.34 of the Revised Code, ~~or the person~~ 36054
~~was not eligible for burial assistance under section 5101.52 of~~ 36055

~~the Revised Code~~, it shall be disposed of as follows: 36056

(A) If the person was a legal resident of the county, the 36057
proper officers of the township or municipal corporation in which 36058
the person's body was found shall cause it to be buried or 36059
cremated at the expense of the township or municipal corporation 36060
in which the person had a legal residence at the time of death. 36061

(B) If the person had a legal residence in any other county 36062
of the state at the time of death, the superintendent of the 36063
county home of the county in which such body was found shall cause 36064
it to be buried or cremated at the expense of the township or 36065
municipal corporation in which the person had a legal residence at 36066
the time of death. 36067

(C) If the person was an inmate of a correctional institution 36068
of the county or a patient or resident of a benevolent institution 36069
of the county, the person had no legal residence in the state, or 36070
the person's legal residence is unknown, the superintendent shall 36071
cause the person to be buried or cremated at the expense of the 36072
county. 36073

Such officials shall provide, at the grave of the person or, 36074
if the person's cremated remains are buried, at the grave of the 36075
person's cremated remains, a stone or concrete marker on which the 36076
person's name and age, if known, and date of death shall be 36077
inscribed. 36078

A political subdivision is not relieved of its duty to bury 36079
or cremate a person at its expense under this section when the 36080
body is claimed by an indigent person. 36081

Sec. 5101.54. (A) The director of job and family services 36082
shall administer the food stamp program in accordance with the 36083
"Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 36084
amended. The department may: 36085

- (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

work activities, developmental activities, and alternative work 36117
activities established under sections 5107.40 to 5107.69 of the 36118
Revised Code that are comparable to programs authorized by 7 36119
U.S.C.A. 2015(d)(4). The rules may reference rules adopted under 36120
section 5107.05 of the Revised Code governing work activities, 36121
developmental activities, and alternative work activities 36122
established under sections 5107.40 to 5107.69 of the Revised Code. 36123
36124

(8) Adopt rules in accordance with section 111.15 of the 36125
Revised Code that are consistent with the Food Stamp Act of 1977, 36126
as amended, and regulations adopted thereunder governing the 36127
following: 36128

(a) Eligibility requirements for the food stamp program; 36129

(b) Sanctions for failure to comply with eligibility 36130
requirements; 36131

(c) Allotment of food stamp ~~coupons~~ benefits; 36132

(d) To the extent permitted under federal statutes and 36133
regulations, a system under which some or all recipients of food 36134
stamp benefits subject to employment and training requirements 36135
established by rules adopted under division (A)(7) of this section 36136
receive food stamp benefits after satisfying the requirements; 36137

(e) Administration of the program by county departments of 36138
job and family services; 36139

(f) Other requirements necessary for the efficient 36140
administration of the program. 36141

(9) Submit a plan to the United States secretary of 36142
agriculture for the department of job and family services to 36143
operate a simplified food stamp program pursuant to 7 U.S.C.A. 36144
2035 under which requirements governing the Ohio works first 36145
program established under Chapter 5107. of the Revised Code also 36146
govern the food stamp program in the case of households receiving 36147

food stamp benefits and participating in Ohio works first. 36148

(B) Except while in the custody of the United States postal 36149
service, food stamps and any document necessary to obtain food 36150
stamps are the property of the department of job and family 36151
services from the time they are received in accordance with 36152
federal regulations by the department from the federal agency 36153
responsible for such delivery until they are received by a 36154
household entitled to receive them or by the authorized 36155
representative of the household. 36156

(C) A household that is entitled to receive food stamps under 36157
the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 36158
amended, and that is determined to be in immediate need of food 36159
assistance, shall receive certification of eligibility for program 36160
benefits, pending verification, within twenty-four hours, or, if 36161
mitigating circumstances occur, within seventy-two hours, after 36162
application, if: 36163

(1) The results of the application interview indicate that 36164
the household will be eligible upon full verification; 36165

(2) Information sufficient to confirm the statements in the 36166
application has been obtained from at least one additional source, 36167
not a member of the applicant's household. Such information shall 36168
be recorded in the case file, and shall include: 36169

(a) The name of the person who provided the name of the 36170
information source; 36171

(b) The name and address of the information source; 36172

(c) A summary of the information obtained. 36173

The period of temporary eligibility shall not exceed one 36174
month from the date of certification of temporary eligibility. If 36175
eligibility is established by full verification, benefits shall 36176
continue without interruption as long as eligibility continues. 36177

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;	36208
(4) Require reports and information from each county	36209
department of job and family services as may be necessary or	36210
advisable regarding the Ohio works first program and the	36211
prevention, retention, and contingency program;	36212
(5) Afford a fair hearing in accordance with section 5101.35	36213
of the Revised Code to any applicant for, or participant or former	36214
participant of, the Ohio works first program or the prevention,	36215
retention, and contingency program aggrieved by a decision	36216
regarding either program;	36217
(6) Administer and expend, pursuant to Chapters 5107. and	36218
5108. of the Revised Code, any sums appropriated by the general	36219
assembly for the purpose of those chapters and all sums paid to	36220
the state by the secretary of the treasury of the United States as	36221
authorized by Title IV-A of the "Social Security Act," 49 Stat.	36222
620 (1935), 42 U.S.C. 301, as amended;	36223
(7) Conduct investigations as are necessary regarding the	36224
Ohio works first program and the prevention, retention, and	36225
contingency program;	36226
(8) Enter into reciprocal agreements with other states	36227
relative to the provision of Ohio works first and prevention,	36228
retention, and contingency to residents and nonresidents;	36229
(9) Contract with a private entity to conduct an independent	36230
on-going evaluation of the Ohio works first program and the	36231
prevention, retention, and contingency program. The contract must	36232
require the private entity to do all of the following:	36233
(a) Examine issues of process, practice, impact, and	36234
outcomes;	36235
(b) Study former participants of Ohio works first who have	36236
not participated in Ohio works first for at least one year to	36237

determine whether they are employed, the type of employment in 36238
which they are engaged, the amount of compensation they are 36239
receiving, whether their employer provides health insurance, 36240
whether and how often they have received ~~assistance~~ benefits or 36241
services under the prevention, retention, and contingency program, 36242
and whether they are successfully self sufficient; 36243

(c) Provide the department ~~an initial report of the~~ 36244
~~evaluation not later than two years after October 1, 1997, and~~ 36245
~~provide subsequent~~ with reports at times the department specifies. 36246

~~(10) Not later than March 1, 1998, and the first day of each~~ 36247
~~September and March thereafter until September 1, 2001, prepare a~~ 36248
~~county by county report concerning individuals who cease to~~ 36249
~~participate in Ohio works first that contains the reasons the~~ 36250
~~individuals ceased to participate, including employment, marital~~ 36251
~~status, and relocation;~~ 36252

~~(11)~~ Not later than January 1, 2001, and the first day of 36253
each January and July thereafter, prepare a report containing 36254
information on the following: 36255

(a) ~~A county by county breakdown of individuals who cease to~~ 36256
~~participate in Ohio works first and the reasons the individuals~~ 36257
~~ceased to participate, including~~ Individuals exhausting the time 36258
limits for participation set forth in section 5107.18 of the 36259
Revised Code. 36260

(b) Individuals who have been exempted from the time limits 36261
set forth in section 5107.18 of the Revised Code and the reasons 36262
for the exemption. 36263

~~(12)~~(11) Not later than January 1, 2001, and on a quarterly 36264
basis thereafter until December 1, 2003, prepare, to the extent 36265
the necessary data is available to the department, a report based 36266
on information determined under section 5107.80 of the Revised 36267
Code that states how many former Ohio works first participants 36268

entered the workforce during the most recent previous quarter for 36269
which the information is known and includes information regarding 36270
the earnings of those former participants. The report shall 36271
include a county-by-county breakdown and shall not contain the 36272
names or social security numbers of former participants. 36273

(B) The department shall provide copies of the reports it 36274
receives under division (A)(9) of this section and prepares under 36275
divisions (A)(10), (11), and (12) of this section to the governor, 36276
the president and minority leader of the senate, and the speaker 36277
and minority leader of the house of representatives. The 36278
department shall provide copies of the reports to any private or 36279
government entity on request. 36280

(C) An authorized representative of the department or a 36281
county department of job and family services shall have access to 36282
all records and information bearing thereon for the purposes of 36283
investigations conducted pursuant to this section. 36284

Sec. 5101.821. Except as otherwise approved by the director 36285
of budget and management, the department of job and family 36286
services shall deposit federal funds received under Title IV-A of 36287
the "Social Security Act," 42 U.S.C.A. 601, 110 Stat. 2113 (1996), 36288
into the temporary assistance for needy families (TANF) federal 36289
fund, which is hereby created in the state treasury. The 36290
department shall use money in the fund for the Ohio works first 36291
program established under Chapter 5107. of the Revised Code; the 36292
prevention, retention, and contingency program established under 36293
Chapter 5108. of the Revised Code; and any other purposes 36294
consistent with Title IV-A, federal regulations, federal waivers 36295
granted by the United States secretary of health and human 36296
services, state law, the Title IV-A state plan and amendments 36297
submitted to the United States secretary of health and human 36298
services under section 5101.80 of the Revised Code, and rules 36299
adopted by the department under section 5107.05 of the Revised 36300

Code. 36301

Sec. 5101.83. (A) As used in this section: 36302

(1) "Assistance group" has the same meaning as in sections 36303
5107.02 and 5108.01 of the Revised Code, except that it also means 36304
a group provided benefits and services under the prevention, 36305
retention, and contingency program because the members of the 36306
group share a common need for benefits and services. 36307

(2) "Fraudulent assistance" means assistance and service, 36308
including cash assistance, provided under the Ohio works first 36309
program established under Chapter 5107., or benefits and services 36310
provided under the prevention, retention, and contingency program 36311
established under Chapter 5108. of the Revised Code, to or on 36312
behalf of an assistance group that is provided as a result of 36313
fraud by a member of the assistance group, including an 36314
intentional violation of the program's requirements. "Fraudulent 36315
assistance" does not include assistance or ~~services~~ services to or 36316
on ~~be half~~ behalf of an assistance group that is provided as a 36317
result of an error that is the fault of a county department of job 36318
and family services or the state department of job and family 36319
services. 36320

(B) If a county director of job and family services 36321
determines that an assistance group has received fraudulent 36322
assistance, the assistance group is ineligible to participate in 36323
the Ohio works first program or the prevention, retention, and 36324
contingency program until a member of the assistance group repays 36325
the cost of the fraudulent assistance. If a member repays the cost 36326
of the fraudulent assistance and the assistance group otherwise 36327
meets the eligibility requirements for the Ohio works first 36328
program or the prevention, retention, and contingency program, the 36329
assistance group shall not be denied the opportunity to 36330

participate in the program. 36331

This section does not limit the ability of a county 36332
department of job and family services to recover erroneous 36333
payments under section 5107.76 of the Revised Code. 36334

The state department of job and family services shall adopt 36335
rules in accordance with Chapter 119. of the Revised Code to 36336
implement this section. 36337

Sec. 5101.85. As used in sections 5101.851 to ~~5101.854~~ 36338
5101.853 of the Revised Code, "kinship caregiver" means any of the 36339
following who is eighteen years of age or older and is caring for 36340
a child in place of the child's parents: 36341

(A) The following individuals related by blood or adoption to 36342
the child: 36343

(1) Grandparents, including grandparents with the prefix 36344
"great," "great-great," or "great-great-great"; 36345

(2) Siblings; 36346

(3) Aunts, uncles, nephews, and nieces, including such 36347
relatives with the prefix "great," "great-great," "grand," or 36348
"great-grand"; 36349

(4) First cousins and first cousins once removed. 36350

(B) Stepparents and stepsiblings of the child; 36351

(C) Spouses and former spouses of individuals named in 36352
divisions (A) and (B) of this section; 36353

(D) A legal guardian of the child; 36354

(E) A legal custodian of the child. 36355

Sec. ~~5101.853~~ 5101.851. ~~(A) As used in this section,~~ 36356
~~"qualified state expenditures" has the meaning provided by section~~ 36357
~~409(a)(7)(B)(i) of the "Personal Responsibility and Work~~ 36358

~~Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42~~ 36359

~~U.S.C.A. 609(a)(7)(B)(i).~~ 36360

~~(B) Using qualified state expenditures and based on the~~ 36361

~~recommendations of the kinship care services planning council, the~~ 36362

~~The department of job and family services shall~~ may establish a 36363

~~program providing support services to kinship caregivers statewide~~ 36364

program of kinship care navigators to assist kinship caregivers 36365

who are seeking information regarding, or assistance obtaining, 36366

services and benefits available at the state and local level that 36367

addresses address the needs of those caregivers residing in each 36368

county. The department shall establish the program no later than 36369

March 31, 2000. The program shall provide to kinship caregivers 36370

information and referral services and assistance obtaining support 36371

services that include including the following: 36372

~~(1)(A)~~ (A) Publicly funded child day-care; 36373

~~(2)(B)~~ (B) Respite care; 36374

~~(3)(C)~~ (C) Training related to caring for special needs children; 36375

36376

~~(4)(D)~~ (D) A toll-free telephone number that may be called to 36377

obtain basic information about the rights of, and services 36378

available to, kinship caregivers; 36379

~~(5)(E)~~ (E) Legal services. 36380

Sec. 5101.852. Within available funds, the department of job 36381

and family services shall make payments to public children 36382

services agencies for the purpose of permitting the agencies to 36383

provide kinship care navigator information and referral services 36384

and assistance obtaining support services to kinship caregivers 36385

pursuant to the kinship care navigator program. The department may 36386

provide training and technical assistance concerning the needs of 36387

kinship caregivers to employees of public children services 36388

agencies and to persons or entities that serve kinship caregivers 36389
or perform the duties of a kinship care navigator and are under 36390
contract with an agency. 36391

Sec. ~~5101.854~~ 5101.853. The department of job and family 36392
services ~~shall~~ may adopt rules in accordance with Chapter 119. of 36393
the Revised Code to implement the kinship care navigators program 36394
to ~~provide support services to kinship caregivers. To the extent~~ 36395
~~permitted by federal law and the Revised Code, the rules may~~ 36396
~~expand eligibility for programs administered by the department in~~ 36397
~~a manner making kinship caregivers eligible for the programs. The~~ 36398
rules shall be adopted under Chapter 119. of the Revised Code, 36399
except that rules governing fiscal and administrative matters 36400
related to implementation of the navigators program are internal 36401
management rules and shall be adopted under section 111.15 of the 36402
Revised Code. 36403

Sec. 5103.031. (A) Except as provided in section 5103.033 of 36404
the Revised Code, the department of job and family services may 36405
not issue a certificate under section 5103.03 of the Revised Code 36406
to a foster home unless the foster caregiver successfully 36407
completes the following amount of preplacement training through 36408
the Ohio child welfare training program or a preplacement training 36409
program operated under section 5103.034 of the Revised Code: 36410

(1) If the foster home is a family foster home, at least 36411
twelve hours; 36412

(2) If the foster home is a specialized foster home, at least 36413
thirty-six hours. 36414

(B) No child may be placed in a family foster home unless the 36415
foster caregiver completes at least twelve additional hours of 36416
preplacement training through the Ohio child welfare training 36417

program or a preplacement training program operated under section 36418
5103.034 of the Revised Code. 36419

Sec. 5103.033. The department of job and family services may 36420
issue or renew a certificate under section 5103.03 of the Revised 36421
Code to a foster home for the care of a child who is in the 36422
custody of a public children services agency or private child 36423
placing agency pursuant to an agreement entered into under section 36424
5103.15 of the Revised Code regarding a child who was less than 36425
six months of age on the date the agreement was executed if the 36426
foster caregiver successfully completes the following amount of 36427
training: 36428

(A) For an initial certificate, at least twelve hours of 36429
preplacement training through the Ohio child welfare training 36430
program or a preplacement training program operated under section 36431
5103.034 of the Revised Code; 36432

(B) For renewal of a certificate, at least twelve hours each 36433
year of continuing training in accordance with the foster 36434
caregiver's needs assessment and continuing training plan 36435
developed and implemented under section ~~5103.034~~ 5103.035 of the 36436
Revised Code. 36437

Sec. 5103.036. For the purpose of determining whether a 36438
foster caregiver has satisfied the requirement of section 5103.031 36439
or 5103.032 of the Revised Code, a recommending agency shall 36440
accept training obtained from the Ohio child welfare training 36441
program or pursuant to a preplacement training program or 36442
continuing training program operated under section 5103.034 of the 36443
Revised Code regardless of whether the agency operated the 36444
preplacement training program or continuing training program. The 36445
agency may require that the foster caregiver successfully complete 36446
additional training as a condition of the agency recommending that 36447
the department of job and family services certify or recertify the 36448

foster caregiver's foster home under section 5103.03 of the Revised Code. 36449
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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.~~ 36451
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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: 36471
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(A) The Ohio child welfare training program; 36474

(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~~ 36475
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The reimbursement shall be on a per diem basis and limited to 36480
the cost associated with the trainer, obtaining a site at which 36481
the training is provided, and the administration of the training. 36482
A reimbursement rate shall be the same regardless of whether the 36483
training program is operated by the Ohio child welfare training 36484
program or a public children services agency, private child 36485
placing agency, or private noncustodial agency. 36486

Sec. 5103.0314. The department of job and family services 36487
shall not reimburse a recommending agency for the cost of any 36488
training the agency requires a foster caregiver to undergo as a 36489
condition of the agency recommending the department certify or 36490
recertify the foster caregiver's foster home under section 5103.03 36491
of the Revised Code if the training is in addition to the minimum 36492
training required by section 5103.031 or 5103.032 of the Revised 36493
Code. 36494

Sec. 5103.0316. Not later than ninety days after ~~the~~ 36495
~~effective date of this section~~ January 1, 2001, the department of 36496
job and family services shall adopt rules in accordance with 36497
Chapter 119. of the Revised Code as necessary for the efficient 36498
administration of sections 5103.031 to 5103.0316 of the Revised 36499
Code. The rules shall provide for all of the following: 36500

(A) For the purpose of section 5103.038 of the Revised Code, 36501
the date by which a public children services agency, private child 36502
placing agency, or private noncustodial agency that seeks to 36503
operate a preplacement training program or continuing training 36504
program under section 5103.034 of the Revised Code must submit to 36505
the department a proposal outlining the program; 36506

(B) Requirements governing the department's reimbursement of 36507
the Ohio child welfare training program and public children 36508
services agencies, private child placing agencies, and private 36509

noncustodial agencies under ~~section~~ sections 5103.0312 and 36510
5103.0313 of the Revised Code; 36511

(C) Any other matter the department considers appropriate. 36512

Sec. 5103.07. The department of job and family services shall 36513
administer funds received under Title IV-B of the "Social Security 36514
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 620, as amended, and the 36515
"Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 36516
U.S.C.A. 5101, as amended, ~~and the "Family Violence Prevention and~~ 36517
~~Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10401, as~~ 36518
~~amended.~~ In administering these funds, the department may 36519
establish a child welfare services program, and a child abuse and 36520
neglect prevention and adoption reform program, ~~and a family~~ 36521
~~violence prevention program.~~ The department has all powers 36522
necessary for the adequate administration of these funds and 36523
programs. The director of job and family services may adopt 36524
internal management rules in accordance with section 111.15 of the 36525
Revised Code ~~and issue appropriate orders~~ as necessary for the 36526
~~adequate administration of these funds and programs~~ to carry out 36527
the purposes of this section. 36528

Sec. 5104.341. (A) Except as provided in division (B) of this 36529
section, both of the following apply: 36530

(1) An eligibility determination made under section 5104.34 36531
of the Revised Code for publicly funded child day-care is valid 36532
for one year; 36533

(2) ~~A~~ The county department of job and family services shall 36534
redetermine the appropriate level of a fee charged under division 36535
(B) of section 5104.34 of the Revised Code ~~shall not be changed~~ 36536
every six months during the one-year period, unless a caretaker 36537
parent requests that the fee be reduced due to changes in income, 36538
family size, or both and the county department of job and family 36539

services approves the reduction. 36540

(B) Division (A) of this section does not apply in either of 36541
the following circumstances: 36542

(1) The publicly funded child day-care is provided under 36543
division (B)(4) of section 5104.35 of the Revised Code; 36544

(2) The recipient of the publicly funded child day-care 36545
ceases to be eligible for publicly funded child day-care. 36546

Sec. 5107.02. As used in this chapter: 36547

(A) "Adult" means an individual who is not a minor child. 36548

(B) "Assistance group" means a group of individuals treated 36549
as a unit for purposes of determining eligibility for and the 36550
amount of assistance provided under Ohio works first. 36551

(C) "Custodian" means an individual who has legal custody, as 36552
defined in section 2151.011 of the Revised Code, of a minor child 36553
or comparable status over a minor child created by a court of 36554
competent jurisdiction in another state. 36555

(D) "Guardian" means an individual that is granted authority 36556
by a probate court pursuant to Chapter 2111. of the Revised Code, 36557
or a court of competent jurisdiction in another state, to exercise 36558
parental rights over a minor child to the extent provided in the 36559
court's order and subject to residual parental rights of the minor 36560
child's parents. 36561

(E) "Minor child" means either of the following: 36562

(1) An individual who has not attained age eighteen; 36563

(2) An individual who has not attained age nineteen and is a 36564
full-time student in a secondary school or in the equivalent level 36565
of vocational or technical training. 36566

(F) "Minor head of household" means a minor child who is a 36567
either of the following: 36568

<u>(1) At least six months pregnant and a member of an</u>	36569
<u>assistance group that does not include an adult;</u>	36570
<u>(2) A parent of a child included in the same assistance group</u>	36571
<u>that does not include an adult.</u>	36572
(G) <u>"Ohio works first"</u> means the program established by this	36573
chapter known as temporary assistance for needy families in Title	36574
IV-A.	36575
(H) <u>"Payment standard"</u> means the amount specified in rules	36576
adopted under section 5107.05 of the Revised Code that is the	36577
maximum amount of cash assistance an assistance group may receive	36578
under Ohio works first from state and federal funds.	36579
(I) <u>"Specified relative"</u> means the following individuals who	36580
are age eighteen or older:	36581
(1) The following individuals related by blood or adoption:	36582
(a) Grandparents, including grandparents with the prefix	36583
<u>"great," "great-great," or "great-great-great";</u>	36584
(b) Siblings;	36585
(c) Aunts, uncles, nephews, and nieces, including such	36586
relatives with the prefix <u>"great," "great-great," "grand," or</u>	36587
<u>"great-grand";</u>	36588
(d) First cousins and first cousins once removed.	36589
(2) Stepparents and stepsiblings;	36590
(3) Spouses and former spouses of individuals named in	36591
division (I)(1) or (2) of this section.	36592
(J) <u>"Title IV-A"</u> or <u>"Title IV-D"</u> means Title IV-A or Title	36593
IV-D of the <u>"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.</u>	36594
<u>301, as amended.</u>	36595
Sec. 5107.10. (A) As used in this section:	36596

(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. 36597
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(2) "Gross income" means gross earned income and gross unearned income. 36600
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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. 36602
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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. 36611
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(C) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements: 36617
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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: 36619
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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; 36621
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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 36626
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the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 36628
as amended, or federal, state, or local adoption assistance; 36629

(c) A specified relative residing with and caring for a minor 36630
child who is related to the specified relative in a manner that 36631
makes the specified relative a specified relative and receives 36632
supplemental security income or federal, state, or local foster 36633
care or adoption assistance; 36634

(d) A woman at least six months pregnant. 36635

(2) The assistance group must meet the income requirements 36636
established by division (D) of this section. 36637

(3) No member of the assistance group may be involved in a 36638
strike. 36639

(4) The assistance group must satisfy the requirements for 36640
Ohio works first established by this chapter and sections ~~5101.19,~~ 36641
5101.58, 5101.59, and 5101.83 of the Revised Code. 36642

(5) The assistance group must meet requirements for Ohio 36643
works first established by rules adopted under section 5107.05 of 36644
the Revised Code. 36645

(D)(1) Except as provided in division (D)(3) of this section, 36646
to determine whether an assistance group is initially eligible to 36647
participate in Ohio works first, a county department of job and 36648
family services shall do the following: 36649

(a) Determine whether the assistance group's gross income 36650
exceeds the following amount: 36651

Size of Assistance Group	Gross Income	
1	\$423	36653
2	\$537	36654
3	\$630	36655
4	\$750	36656
5	\$858	36657

6	\$942	36658
7	\$1,038	36659
8	\$1,139	36660
9	\$1,241	36661
10	\$1,343	36662
11	\$1,440	36663
12	\$1,542	36664
13	\$1,643	36665
14	\$1,742	36666
15	\$1,844	36667

For each person in the assistance group that brings the 36668
assistance group to more than fifteen persons, add one hundred two 36669
dollars to the amount of gross income for an assistance group of 36670
fifteen specified in division (D)(1)(a) of this section. 36671

In making this determination, the county department shall 36672
disregard amounts that federal statutes or regulations and 36673
sections 5101.17 and 5117.10 of the Revised Code require be 36674
disregarded. The assistance group is ineligible to participate in 36675
Ohio works first if the assistance group's gross income, less the 36676
amounts disregarded, exceeds the amount specified in division 36677
(D)(1)(a) of this section. 36678

(b) If the assistance group's gross income, less the amounts 36679
disregarded pursuant to division (D)(1)(a) of this section, does 36680
not exceed the amount specified in that division, determine 36681
whether the assistance group's countable income is less than the 36682
payment standard. The assistance group is ineligible to 36683
participate in Ohio works first if the assistance group's 36684
countable income equals or exceeds the payment standard. 36685

(2) To determine whether an assistance group participating in 36686
Ohio works first continues to be eligible to participate, a county 36687
department of job and family services shall determine whether the 36688
assistance group's countable income continues to be less than the 36689

payment standard. In making this determination, the county 36690
department shall disregard the first two hundred fifty dollars and 36691
fifty per cent of the remainder of the assistance group's gross 36692
earned income. No amounts shall be disregarded from the assistance 36693
group's gross unearned income. The assistance group ceases to be 36694
eligible to participate in Ohio works first if its countable 36695
income, less the amounts disregarded, equals or exceeds the 36696
payment standard. 36697

(3) If an assistance group reapplies to participate in Ohio 36698
works first not more than four months after ceasing to 36699
participate, a county department of job and family services shall 36700
use the income requirement established by division (D)(2) of this 36701
section to determine eligibility for resumed participation rather 36702
than the income requirement established by division (D)(1) of this 36703
section. 36704

(E)(1) An assistance group may continue to participate in 36705
Ohio works first even though a public children services agency 36706
removes the assistance group's minor children from the assistance 36707
group's home due to abuse, neglect, or dependency if the agency 36708
does both of the following: 36709

(a) Notifies the county department of job and family services 36710
at the time the agency removes the children that it believes the 36711
children will be able to return to the assistance group within six 36712
months; 36713

(b) Informs the county department at the end of each of the 36714
first five months after the agency removes the children that the 36715
parent, guardian, custodian, or specified relative of the children 36716
is cooperating with the case plans prepared for the children under 36717
section 2151.412 of the Revised Code and that the agency is making 36718
reasonable efforts to return the children to the assistance group. 36719

(2) An assistance group may continue to participate in Ohio 36720

works first pursuant to division (E)(1) of this section for not 36721
more than six payment months. This division does not affect the 36722
eligibility of an assistance group that includes a woman at least 36723
six months pregnant. 36724

Sec. 5107.14. An assistance group is ineligible to 36725
participate in Ohio works first unless the minor head of household 36726
or each adult member of the assistance group, not later than 36727
thirty days after applying for or undergoing a redetermination of 36728
eligibility for the program, enters into a written 36729
self-sufficiency contract with the county department of job and 36730
family services. The contract shall set forth the rights and 36731
responsibilities of the assistance group as applicants for and 36732
participants of the program, including work responsibilities 36733
established under sections 5107.40 to 5107.69 of the Revised Code 36734
and other requirements designed to assist the assistance group in 36735
achieving self sufficiency and personal responsibility. The county 36736
department shall provide without charge a copy of the contract to 36737
each assistance group member who signs it. 36738

Each self-sufficiency contract shall include, based on 36739
appraisals conducted under section 5107.41 of the Revised Code and 36740
assessments conducted under section 5107.70 of the Revised Code, 36741
the following: 36742

(A) The assistance group's plan, developed under section 36743
5107.41 of the Revised Code, to achieve the goal of self 36744
sufficiency and personal responsibility through unsubsidized 36745
employment within the time limit for participating in Ohio works 36746
first established by section 5107.18 of the Revised Code; 36747

(B) Work activities, developmental activities, and 36748
alternative work activities to which members of the assistance 36749
group are assigned under sections 5107.40 to 5107.69 of the 36750
Revised Code; 36751

(C) The responsibility of a caretaker member of the 36752
assistance group to cooperate in establishing a minor child's 36753
paternity and establishing, modifying, and enforcing a support 36754
order for the child in accordance with section 5107.22 of the 36755
Revised Code; 36756

(D) Other responsibilities that members of the assistance 36757
group must satisfy to participate in Ohio works first and the 36758
consequences for failure or refusal to satisfy the 36759
responsibilities; 36760

(E) An agreement that the assistance group will comply with 36761
the conditions of participating in Ohio works first established by 36762
this chapter and sections ~~5101.19~~, 5101.58, 5101.59, and 5101.83 36763
of the Revised Code; 36764

(F) Assistance and services the county department will 36765
provide to the assistance group; 36766

(G) Assistance and services the child support enforcement 36767
agency and public children services agency will provide to the 36768
assistance group pursuant to a plan of cooperation entered into 36769
under section 307.983 of the Revised Code; 36770

(H) Other provisions designed to assist the assistance group 36771
in achieving self sufficiency and personal responsibility; 36772

(I) Procedures for assessing whether responsibilities are 36773
being satisfied and whether the contract should be amended; 36774

(J) Procedures for amending the contract. 36775

Sec. 5107.18. (A) Except as provided in divisions (B), (C), 36776
(D), and (E) of this section, an assistance group is ineligible to 36777
participate in Ohio works first if the assistance group includes 36778
an ~~adult~~ individual who has participated in the program for 36779
thirty-six months as any of the following: an adult head of 36780
household, minor head of household, or spouse of an adult head of 36781

household or minor head of household. The time limit applies 36782
regardless of whether the thirty-six months are consecutive. 36783

(B) An assistance group that has ceased to participate in 36784
Ohio works first pursuant to division (A) of this section for at 36785
least twenty-four months, whether consecutive or not, may reapply 36786
to participate in the program if good cause exists as determined 36787
by the county department of job and family services. Good cause 36788
may include losing employment, inability to find employment, 36789
divorce, domestic violence considerations, and unique personal 36790
circumstances. The assistance group must provide a county 36791
department of job and family services verification acceptable to 36792
the county department of whether any members of the assistance 36793
group had employment during the period the assistance group was 36794
not participating in Ohio works first and the amount and sources 36795
of the assistance group's income during that period. If a county 36796
department is satisfied that good cause exists for the assistance 36797
group to reapply to participate in Ohio works first, the 36798
assistance group may reapply. Except as provided in divisions (C), 36799
(D), and (E) of this section, the assistance group may not 36800
participate in Ohio works first for more than twenty-four 36801
additional months. The time limit applies regardless of whether 36802
the twenty-four months are consecutive. 36803

(C) In determining the number of months a parent or pregnant 36804
woman has received assistance under Title IV-A, a county 36805
department of job and family services shall disregard any month 36806
during which the parent or pregnant woman was a minor child but 36807
was neither a minor head of household nor married to the head of 36808
an assistance group. 36809

(D) In determining the number of months an adult has received 36810
assistance under Title IV-A, a county department of job and family 36811
services shall disregard any month during which the adult lived on 36812
an Indian reservation or in an Alaska native village, as those 36813

terms are used in 42 U.S.C.A. 608(a)(7)(D), if, during the month, 36814
at least one thousand individuals lived on the reservation or in 36815
the village and at least fifty per cent of the adults living on 36816
the reservation or in the village were unemployed. 36817

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(E) A county department of job and family services may exempt 36819
not more than twenty per cent of the average monthly number of 36820
Ohio works first ~~participants~~ assistance groups from the time 36821
limit established by this section on the grounds that the county 36822
department determines that the time limit is a hardship. In the 36823
case of the time limit established by division (A) of this 36824
section, a county department may not exempt an assistance group 36825
until the group has exhausted its thirty-six months of cash 36826
assistance. 36827

(F) The department of job and family services shall 36828
continually monitor the percentage of the average monthly number 36829
of Ohio works first ~~participants~~ assistance groups in each county 36830
that is exempted under division (E) of this section from the time 36831
limit established by this section. On determining that the 36832
percentage in any county equals or exceeds eighteen per cent, the 36833
department shall immediately notify the county department of job 36834
and family services. 36835

(G) Only participation in Ohio works first on or after 36836
October 1, 1997, applies to the time limit established by this 36837
section. The time limit applies regardless of the source of 36838
funding for the program. Assistance under Title IV-A provided by 36839
any state applies to the time limit. The time limit is a lifetime 36840
limit. No assistance group shall receive assistance under the 36841
program in violation of the time limit for assistance under Title 36842
IV-A established by section 408(a)(7) of the "Social Security 36843
Act," as amended by the "Personal Responsibility and Work 36844
Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42 36845

U.S.C.A. 608 (a)(7).

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Sec. 5108.01. As used in this chapter:

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(A) "Assistance group" means a group of individuals treated as a unit for purposes of determining eligibility for the prevention, retention, and contingency program.

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~~(B) "Minor child" means either of the following:~~

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~~(1) An individual who has not attained age eighteen;~~

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~~(2) An individual who has not attained age nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.~~

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~~(C)~~ "Prevention, retention, and contingency program" means the program established by this chapter and funded in part with federal funds provided under Title IV-A.

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~~(D)~~(C) "Title IV-A" means Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

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Sec. ~~5108.06~~ 5108.03. Under the prevention, retention, and contingency program, ~~an assistance group that includes at least one minor child or a pregnant woman and meets the program's eligibility requirements~~ a county department of job and family services shall receive assistance or provide benefits and services needed that individuals need to overcome immediate barriers to achieving or maintaining self sufficiency and personal responsibility. A county department shall provide the benefits and services in accordance with either the model design for the program that the department of job and family services develops under section 5108.05 of the Revised Code or the county department's own policies for the program developed under section 5108.06 of the Revised Code.

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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

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.

The model design and a county department's policies may specify benefits and services that a county department may provide for the general public, including billboards that promote the prevention, and reduction in the incidence, of out-of-wedlock pregnancies or encourage the formation and maintenance of two-parent families.

The model design and a county department's policies must be consistent with Title IV-A, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, and amendments to the plan. All benefits and services to be provided under the model design or a county department's policies must be allowable uses of federal Title IV-A funds as specified in 42 U.S.C.A. 604(a), except that they may not be "assistance" as defined in 45 C.F.R. 260.31(a). The benefits and services shall be benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance.

Sec. 5108.08. Benefits and services provided under the prevention, retention, and contingency program are inalienable whether by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other like process.

Sec. 5108.09. When a state hearing under division (B) of section 5101.35 of the Revised Code or an administrative appeal under division (C) of that section is held regarding the prevention, retention, and contingency program, the hearing officer, director of job and family services, or director's designee shall base the decision in the hearing or appeal on the following:

(A) If the county department of job and family services involved in the hearing or appeal adopted the department of job

and family services' model design for the program developed under 36967
section ~~5108.07~~ 5108.05 of the Revised Code, the model design; 36968

(B) If the county department developed its own policies for 36969
the program, the county department's written statement of policies 36970
adopted under section ~~5108.08~~ 5108.06 of the Revised Code and any 36971
amendments the county department adopted to the statement. 36972

Sec. 5108.10. An assistance group seeking to participate in 36973
the prevention, retention, and contingency program shall apply to 36974
a county department of job and family services using an 36975
application containing information the county department requires. 36976

When a county department receives an application for 36977
participation in the prevention, retention, and contingency 36978
program, it shall promptly make an investigation and record of the 36979
circumstances of the applicant in order to ascertain the facts 36980
surrounding the application and to obtain such other information 36981
as may be required. On completion of the investigation, the county 36982
department shall determine whether the applicant is eligible to 36983
participate, the ~~assistance~~ benefits or services the applicant 36984
should receive, and the approximate date when participation is to 36985
begin. 36986

Sec. 5111.01. As used in this chapter, "medical assistance 36987
program" or "medicaid" means the program that is authorized by 36988
this ~~section~~ chapter and provided by the department ~~if~~ of job and 36989
family services under this chapter, Title XIX of the "Social 36990
Security Act," ~~49~~ 79 Stat. ~~620~~ 286 (~~1935~~ 1965), 42 U.S.C.A. ~~301~~ 36991
1396, as amended, and the waivers of Title XIX requirements 36992
granted to the department by the health care financing 36993
administration of the United States department of health and human 36994
services. 36995

The department of job and family services shall act as the 36996

single state agency to supervise the administration of the 36997
medicaid program. As the single state agency, the department shall 36998
comply with 42 C.F.R. 431.10(e). The department's rules governing 36999
medicaid are binding on other agencies that administer components 37000
of the medicaid program. No agency may establish, by rule or 37001
otherwise, a policy governing medicaid that is inconsistent with a 37002
medicaid policy established, in rule or otherwise, by the director 37003
of job and family services. 37004

(A) The department of job and family services may provide 37005
medical assistance under the medicaid program as long as federal 37006
funds are provided for such assistance, to the following: 37007

(1) Families with children that meet either of the following 37008
conditions: 37009

(a) The family meets the income, resource, and family 37010
composition requirements in effect on July 16, 1996, for the 37011
former aid to dependent children program as those requirements 37012
were established by Chapter 5107. of the Revised Code, federal 37013
waivers granted pursuant to requests made under former section 37014
5101.09 of the Revised Code, and rules adopted by the department 37015
or any changes the department makes to those requirements in 37016
accordance with paragraph (a)(2) of section 114 of the "Personal 37017
Responsibility and Work Opportunity Reconciliation Act of 1996," 37018
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 37019
implementing section 5111.019 of the Revised Code. An adult loses 37020
eligibility for medical assistance under division (A)(1)(a) of 37021
this section pursuant to division (E) of section 5107.16 of the 37022
Revised Code. 37023

(b) The family does not meet the requirements specified in 37024
division (A)(1)(a) of this section but is eligible for medical 37025
assistance pursuant to section 5101.18 of the Revised Code. 37026

(2) Aged, blind, and disabled persons who meet the following 37027

conditions: 37028

(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. 37029
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(b) Do not receive aid under Title XVI, but meet any of the following criteria: 37037
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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; 37039
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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; 37048
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(iii) Are eligible for medical assistance pursuant to section 5101.18 of the Revised Code. 37051
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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; 37053
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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 37056
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eligibility requirements for the program. The director shall adopt 37059
rules in accordance with Chapter 119. of the Revised Code 37060
specifying which Ohio works first requirements shall be waived for 37061
the purpose of providing medicaid eligibility under division 37062
(A)(4) of this section. 37063

(B) If funds are appropriated for such purpose by the general 37064
assembly, the department may provide medical assistance to persons 37065
in groups designated by federal law as groups to which a state, at 37066
its option, may provide medical assistance under the medicaid 37067
program. 37068

(C) The department may expand eligibility for medical 37069
assistance to include individuals under age nineteen with family 37070
incomes at or below one hundred fifty per cent of the federal 37071
poverty guidelines, except that the eligibility expansion shall 37072
not occur unless the department receives the approval of the 37073
federal government. The department may implement the eligibility 37074
expansion authorized under this division on any date selected by 37075
the department, but not sooner than January 1, 1998. 37076

(D) In addition to any other authority or requirement to 37077
adopt rules under this chapter, the director may adopt rules in 37078
accordance with section 111.15 of the Revised Code as the director 37079
considers necessary to establish standards, procedures, and other 37080
requirements regarding the provision of medical assistance. The 37081
rules may establish requirements to be followed in applying for 37082
medical assistance, making determinations of eligibility for 37083
medical assistance, and verifying eligibility for medical 37084
assistance. The rules may include special conditions as the 37085
department determines appropriate for making applications, 37086
determining eligibility, and verifying eligibility for any medical 37087
assistance that the department may provide pursuant to division 37088
(C) of this section and section 5111.014 or 5111.019 of the 37089
Revised Code. 37090

Sec. 5111.0110. (A) The director of job and family services shall submit to the United States secretary of health and human services an amendment to the state medicaid plan to implement the "Breast and Cervical Cancer Prevention and Treatment Act of 2000," 114 Stat. 1381, 42 U.S.C.A. 1396a, as amended, to provide medical assistance to women who meet all of the following requirements:

(1) Are under age sixty-five;

(2) Are not otherwise eligible for medicaid;

(3) Have been screened for breast and cervical cancer under the centers for disease control and prevention breast and cervical cancer early detection program established under 42 U.S.C.A. 300k in accordance with 42 U.S.C.A. 300n;

(4) Need treatment for breast or cervical cancer;

(5) Are not otherwise covered under creditable coverage, as defined in 42 U.S.C.A. 300gg(c).

(B) If the United States secretary of health and human services approves the state medicaid plan amendment submitted under division (A) of this section, the director of job and family services shall implement the amendment. The medical assistance provided under the amendment shall be limited to medical assistance provided during the period in which a woman who meets the requirements of division (A) of this section requires treatment for breast or cervical cancer.

Sec. 5111.022. (A) The state plan for providing medical assistance under Title XIX of the "Social Security Act," 49 Stat. 620, 42 U.S.C.A. 301, as amended, shall include provision of the following mental health services when provided by facilities described in division (B) of this section:

(1) Outpatient mental health services, including, but not

limited to, preventive, diagnostic, therapeutic, rehabilitative, 37120
and palliative interventions rendered to individuals in an 37121
individual or group setting by a mental health professional in 37122
accordance with a plan of treatment appropriately established, 37123
monitored, and reviewed; 37124

(2) Partial-hospitalization mental health services of three 37125
to fourteen hours per service day, rendered by persons directly 37126
supervised by a mental health professional; 37127

(3) Unscheduled, emergency mental health services of a kind 37128
ordinarily provided to persons in crisis when rendered by persons 37129
supervised by a mental health professional. 37130

(B) Services shall be included in the state plan only when 37131
provided by community mental health facilities that have quality 37132
assurance programs accredited by the joint commission on 37133
accreditation of healthcare organizations or certified by the 37134
department of mental health or department of job and family 37135
services. 37136

(C) The comprehensive annual plan shall certify the 37137
availability of sufficient unencumbered community mental health 37138
state subsidy and local funds to match Title XIX reimbursement 37139
funds earned by the facilities. Reimbursement for eligible 37140
services shall be based on the prospective cost of providing the 37141
services as developed in standards adopted as part of the 37142
comprehensive annual plan. 37143

(D) As used in this section, "mental health professional" 37144
means a person qualified to work with mentally ill persons under 37145
the ~~minimum~~ standards established by the director of mental health 37146
pursuant to section ~~5119.61~~ 5119.611 of the Revised Code. 37147

(E) With respect to services established by division (A) of 37148
this section, the department of job and family services shall 37149
enter into a separate contract with the department of mental 37150

health. The terms of the contract between the department of job
and family services and the department of mental health shall
specify both of the following:

(1) That the department of mental health and boards of
alcohol, drug addiction, and mental health services shall provide
state and local matching funds for Title XIX of the "Social
Security Act," for reimbursement of services established by
division (A) of this section;

(2) How the community mental health facilities described in
division (B) of this section will be paid for providing the
services established by division (A) of this section.

Sec. 5111.041. (A) As used in this section, "habilitation:

(1) "Habilitation center" means a habilitation center
certified under section 5123.041 of the Revised Code by the
director of mental retardation and developmental disabilities ~~for~~
~~the provision of to provide~~ habilitation center services under
this section.

(2) "Habilitation center services" means services provided by
a habilitation center.

(B) ~~Habilitation centers shall verify the availability of~~
~~matching funds for Title XIX of the Social Security Act for~~
~~reimbursement of habilitation services as defined in section~~
5123.041 of the Revised Code and such matching funds shall be
provided in accordance with 42 C.F.R. 433.45 To the extent
provided in rules adopted under division (C) of this section and
permitted by the availability of funds, the medicaid program shall
cover habilitation center services.

(C) The director of job and family services shall adopt rules
in accordance with Chapter 119. of the Revised Code governing the
medicaid program's coverage of habilitation center services. The

<u>rules shall establish or provide for all of the following:</u>	37181
	37182
<u>(1) The requirements a habilitation center must meet to obtain certification under section 5123.041 of the Revised Code;</u>	37183
	37184
<u>(2) Making habilitation center services available to medicaid recipients with a medical need for the services;</u>	37185
	37186
<u>(3) The amount, duration, and scope of the medicaid program's coverage of the habilitation center services, including all of the following:</u>	37187
	37188
	37189
<u>(a) The conditions under which the medicaid program covers the habilitation center services;</u>	37190
	37191
<u>(b) The amount the medicaid program pays for the habilitation center services or the method by which the amount is determined;</u>	37192
	37193
	37194
<u>(c) The manner in which the medicaid program pays for the habilitation center services.</u>	37195
	37196
<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>	37197
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	37199
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	37201
	37202
<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>	37203
	37204
	37205
<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>	37206
	37207
	37208
<u>(3) The habilitation center services are provided by a habilitation center with a medicaid provider agreement.</u>	37209
	37210

(4) No school district is required to pay the nonfederal share under division (E) of this section. 37211
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(E) A school district shall pay the nonfederal share of medicaid expenditures for habilitation center services if all of the following apply: 37213
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37215

(1) The habilitation center services are provided to a medicaid recipient who is a student enrolled in a school of the district; 37216
37217
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(2) The habilitation center services are included in the student's individualized education program provided under section 3323.08 of the Revised Code; 37219
37220
37221

(3) The school district has a medicaid provider agreement to provide habilitation center services; 37222
37223

(4) The habilitation center services are provided by a habilitation center with a medicaid provider agreement. 37224
37225

(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. 37226
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Sec. 5111.042. The departments of mental retardation and developmental disabilities and job and family services may approve, reduce, deny, or terminate a service included in the individualized service plan developed for a medicaid recipient 37237
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37240

with mental retardation or other developmental disability who is 37241
eligible for medicaid case management services. The departments 37242
shall consider the recommendations a county board of mental 37243
retardation and developmental disabilities makes under division 37244
(B)(1) of section 5126.055 of the Revised Code. If either 37245
department approves, reduces, denies, or terminates a service, 37246
that department shall timely notify the medicaid recipient that 37247
the recipient may request a hearing under section 5101.35 of the 37248
Revised Code. 37249

Sec. 5111.081. The prescription drug rebates fund is hereby 37250
created in the state treasury. All rebates paid by drug 37251
manufacturers to the department of job and family services in 37252
accordance with a rebate agreement required by 42 U.S.C.A. 1396r-8 37253
shall be credited to the fund. The department of job and family 37254
services shall use money credited to the fund to pay for medicaid 37255
services and contracts. 37256

Sec. 5111.17. (A) As used in this section, "community-based 37257
clinic" means a clinic that provides prenatal, family planning, 37258
well child, or primary care services and is funded in whole or in 37259
part by the state or federal government. 37260

(B) On receipt of a waiver from the United States department 37261
of health and human services of any federal requirement that would 37262
otherwise be violated, the department of job and family services 37263
shall ~~may~~ establish in Franklin, Hamilton, and Lucas some or all 37264
counties a managed care system under which designated recipients 37265
of medical assistance are required to obtain ~~medical~~ health care 37266
services from providers designated by the department. ~~The~~ 37267
~~department may stagger implementation of the managed care system,~~ 37268
~~but the system shall be implemented in at least one county not~~ 37269
~~later than January 1, 1995, and in all three counties not later~~ 37270
~~than July 1, 1996.~~ 37271

~~(C)(B) The department, by rule adopted under this section, 37272
may require any recipients in any other county to receive all or 37273
some of their care through managed care organizations that 37274
contract with the department and are paid by the department 37275
pursuant to a capitation or other risk-based methodology 37276
prescribed in the rules, and to receive their care only from 37277
providers designated by the organizations may enter into contracts 37278
with managed care organizations to authorize the organizations to 37279
provide, or arrange for the provision of, health care services to 37280
medical assistance recipients participating in a managed care 37281
system established under this section. 37282~~

~~(D) In accordance with rules adopted under division (G) of 37283
this section, the department may issue requests for proposals from 37284
managed care organizations interested in contracting with the 37285
department to provide managed care to participating medical 37286
assistance recipients. 37287~~

~~(E) A health insuring corporation under contract with the 37288
department under this section may enter into an agreement with any 37289
community-based clinic for the provision of medical services to 37290
medical assistance recipients participating in the managed care 37291
system if the clinic is willing to accept the terms, conditions, 37292
and payment procedures established by the health insuring 37293
corporation. 37294~~

~~(F)(C) For the purpose of determining the amount the 37295
department pays hospitals under section 5112.08 of the Revised 37296
Code and the amount of disproportionate share hospital payments 37297
paid by the medicare program established under Title XVIII of the 37298
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 37299
amended, each managed care organization under contract with the 37300
department to provide managed care hospital services to 37301
participating medical assistance recipients shall keep detailed 37302
records for each hospital with which it contracts about the cost 37303~~

to the hospital of providing the care, payments made by the 37304
organization to the hospital for the care, utilization of hospital 37305
services by medical assistance recipients participating in managed 37306
care, and other utilization data required by the department. 37307

~~(G)~~(D) The director of job and family services ~~shall~~ may 37308
adopt rules in accordance with Chapter 119. of the Revised Code to 37309
implement this section. 37310

Sec. 5111.171. (A) The department of job and family services 37311
may provide financial incentive awards to managed care 37312
organizations that contract with the department under section 37313
5111.17 of the Revised Code to provide health care services to 37314
participating medical assistance recipients and that meet or 37315
exceed performance standards specified in provider agreements or 37316
rules adopted by the department. The department may specify in a 37317
contract with a managed care organization the amounts of financial 37318
incentive awards, methodology for distributing awards, types of 37319
awards, and standards for administration by the department. 37320

(B) There is hereby created in the state treasury the health 37321
care compliance fund. The fund shall consist of all fines imposed 37322
on and collected from managed care organizations for failure to 37323
meet performance standards or other requirements specified in 37324
provider agreements or rules adopted by the department. All 37325
investment earnings of the fund shall be credited to the fund. 37326
Moneys credited to the fund shall be used solely for the following 37327
purposes: 37328

(1) To reimburse managed care organizations that have paid 37329
fines for failures to meet performance standards or other 37330
requirements and that have come into compliance by meeting 37331
requirements as specified by the department; 37332

(2) To provide financial incentive awards established 37333
pursuant to division (A) of this section and specified in 37334

contracts between managed care organizations and the department. 37335

Sec. 5111.231. (A)(1) The department of job and family 37336
services shall determine case-mix scores for nursing facilities 37337
using data for each resident, regardless of payment source, from a 37338
resident assessment instrument specified in rules adopted in 37339
accordance with Chapter 119. of the ~~Revised~~ Revised Code pursuant 37340
to section ~~19119~~ 1919(e)(5) of the "Social Security Act," 49 Stat. 37341
620 (1935), 42 U.S.C.A. 1396r(e)(5), as amended, and the case-mix 37342
values established by the United States department of health and 37343
human services. Except as modified in rules adopted under division 37344
(A)(1)(c) of this section, the department also shall use the 37345
grouper methodology used on June 30, 1999, by the United States 37346
department of health and human services for prospective payment of 37347
skilled nursing facilities under the medicare program established 37348
by Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 37349
42 U.S.C.A. 301, as amended. The director of job and family 37350
services may adopt rules in accordance with Chapter 119. of the 37351
Revised Code that do any of the following: 37352

(a) Adjust the case-mix values to reflect changes in relative 37353
wage differentials that are specific to this state; 37354

(b) Express all of the case-mix values in numeric terms that 37355
are different from the terms specified by the United States 37356
department of health and human services but that do not alter the 37357
relationship of the case-mix values to one another; 37358

(c) Modify the grouper methodology as follows: 37359

(i) Establish a different hierarchy for assigning residents 37360
to case-mix categories under the methodology; 37361

(ii) Prohibit the use of the index maximizer element of the 37362
methodology; 37363

(iii) Incorporate changes to the methodology the United 37364

States department of health and human services makes after June 30, 1999+ 37365
37366

~~(iv) Make other changes the medicaid long-term care reimbursement study council established by section 5111.34 of the Revised Code approves. 37367
37368
37369~~

(2) The department shall determine case-mix scores for 37370
intermediate care facilities for the mentally retarded using data 37371
for each resident, regardless of payment source, from a resident 37372
assessment instrument and grouper methodology prescribed in rules 37373
adopted in accordance with Chapter 119. of the Revised Code and 37374
expressed in case-mix values established by the department in 37375
those rules. ~~The department may change the grouper methodology 37376
prescribed in rules in effect on June 30, 1999, only if the 37377
medicaid long-term care reimbursement study council approves the 37378
change. 37379~~

(B) Not later than fifteen days after the end of each 37380
calendar quarter, each nursing facility and intermediate care 37381
facility for the mentally retarded shall submit to the department 37382
the complete assessment data, from the instrument specified in 37383
rules adopted under division (A) of this section, for each 37384
resident, regardless of payment source, who was in the facility or 37385
on hospital or therapeutic leave from the facility on the last day 37386
of the quarter. 37387

Except as provided in division (C) of this section, the 37388
department, after the end of each calendar year and pursuant to 37389
procedures specified in rules adopted in accordance with Chapter 37390
119. of the Revised Code, shall calculate an annual average 37391
case-mix score for each nursing facility and intermediate care 37392
facility for the mentally retarded using the facility's quarterly 37393
case-mix scores for that calendar year. 37394

(C)(1) If a facility does not timely submit information for a 37395

calendar quarter necessary to calculate its case-mix score, or 37396
submits incomplete or inaccurate information for a calendar 37397
quarter, the department may assign the facility a quarterly 37398
average case-mix score that is five per cent less than the 37399
facility's quarterly average case-mix score for the preceding 37400
calendar quarter. If the facility was subject to an exception 37401
review under division (C) of section 5111.27 of the Revised Code 37402
for the preceding calendar quarter, the department may assign a 37403
quarterly average case-mix score that is five per cent less than 37404
the score determined by the exception review. If the facility was 37405
assigned a quarterly average case-mix score for the preceding 37406
quarter, the department may assign a quarterly average case-mix 37407
score that is five per cent less than that score assigned for the 37408
preceding quarter. 37409

The department may use a quarterly average case-mix score 37410
assigned under division (C)(1) of this section, instead of a 37411
quarterly average case-mix score calculated based on the 37412
facility's submitted information, to calculate the facility's rate 37413
for direct care costs being established under section 5111.23 of 37414
the Revised Code for one or more months, as specified in rules 37415
adopted under division (D) of this section, of the quarter for 37416
which the rate established under section 5111.23 of the Revised 37417
Code will be paid. 37418

Before taking action under division (C)(1) of this section, 37419
the department shall permit the facility a reasonable period of 37420
time, specified in rules adopted under division (D) of this 37421
section, to correct the information. In the case of an 37422
intermediate care facility for the mentally retarded, the 37423
department shall not assign a quarterly average case-mix score due 37424
to late submission of corrections to assessment information unless 37425
the facility fails to submit corrected information prior to the 37426
eighty-first day after the end of the calendar quarter to which 37427

the information pertains. In the case of a nursing facility, the 37428
department shall not assign a quarterly average case-mix score due 37429
to late submission of corrections to assessment information unless 37430
the facility fails to submit corrected information prior to the 37431
earlier of the eighty-first day after the end of the calendar 37432
quarter to which the information pertains or the deadline for 37433
submission of such corrections established by regulations adopted 37434
by the United States department of health and human services under 37435
Titles XVIII and XIX of the Social Security Act. 37436

(2) If a facility is paid a rate calculated using a quarterly 37437
average case-mix score assigned under division (C)(1) of this 37438
section for more than six months in a calendar year, the 37439
department may assign the facility a cost per case-mix unit that 37440
is five per cent less than the facility's actual or assigned cost 37441
per case-mix unit for the preceding calendar year. The department 37442
may use the assigned cost per case-mix unit, instead of 37443
calculating the facility's actual cost per case-mix unit in 37444
accordance with section 5111.23 of the Revised Code, to establish 37445
the facility's rate for direct care costs for the following fiscal 37446
year. 37447

(3) The department shall take action under division (C)(1) or 37448
(2) of this section only in accordance with rules adopted under 37449
division (D) of this section. The department shall not take an 37450
action that affects rates for prior payment periods except in 37451
accordance with sections 5111.27 and 5111.28 of the Revised Code. 37452

(D) The director may adopt rules in accordance with Chapter 37453
119. of the Revised Code that do any of the following: 37454

(1) Specify the medium or media through which the completed 37455
assessment information shall be submitted; 37456

(2) Establish procedures under which the department will 37457
review assessment information for accuracy and notify the facility 37458

of any information that requires correction; 37459

(3) Establish procedures for facilities to correct assessment 37460
information. The procedures may prohibit an intermediate care 37461
facility for the mentally retarded from submitting corrected 37462
assessment information, for the purpose of calculating its annual 37463
average case-mix score, more than two calendar quarters after the 37464
end of the quarter to which the information pertains or, if the 37465
information pertains to the quarter ending the thirty-first day of 37466
December, after the thirty-first day of the following March. The 37467
procedures may limit the content of corrections by nursing 37468
facilities in the manner required by regulations adopted by the 37469
United States department of health and human services under Titles 37470
XVIII and XIX of the Social Security Act and prohibit a nursing 37471
facility from submitting corrected assessment information, for the 37472
purpose of calculating its annual average case-mix score, more 37473
than the earlier of the following: 37474
37475

(a) Two calendar quarters after the end of the quarter to 37476
which the information pertains or, if the information pertains to 37477
the quarter ending the thirty-first day of December, after the 37478
thirty-first day of the following March; 37479

(b) The deadline for submission of such corrections 37480
established by regulations adopted by the United States department 37481
of health and human services under Titles XVIII and XIX of the 37482
Social Security Act. 37483

(4) Specify when and how the department will assign case-mix 37484
scores or costs per case-mix unit under division (C) of this 37485
section if information necessary to calculate the facility's 37486
average annual or quarterly case-mix score is not provided or 37487
corrected in accordance with the procedures established by the 37488
rules. Notwithstanding any other provision of sections 5111.20 to 37489
5111.32 of the Revised Code, the rules also may provide for 37490

exclusion of case-mix scores assigned under division (C) of this 37491
section from calculation of the facility's annual average case-mix 37492
score and the maximum cost per case-mix unit for the facility's 37493
peer group. 37494

Sec. 5111.25. (A) The department of job and family services 37495
shall pay each eligible nursing facility a per resident per day 37496
rate for its reasonable capital costs established prospectively 37497
each fiscal year for each facility. Except as otherwise provided 37498
in sections 5111.20 to 5111.32 of the Revised Code, the rate shall 37499
be based on the facility's capital costs for the calendar year 37500
preceding the fiscal year in which the rate will be paid. The rate 37501
shall equal the sum of divisions (A)(1) to (3) of this section: 37502

(1) The lesser of the following: 37503
37504

(a) Eighty-eight and sixty-five one-hundredths per cent of 37505
the facility's desk-reviewed, actual, allowable, per diem cost of 37506
ownership and eighty-five per cent of the facility's actual, 37507
allowable, per diem cost of nonextensive renovation determined 37508
under division (F) of this section; 37509

(b) Eighty-eight and sixty-five one-hundredths per cent of 37510
the following limitation: 37511

(i) For the fiscal year beginning July 1, 1993, sixteen 37512
dollars per resident day; 37513

(ii) For the fiscal year beginning July 1, 1994, sixteen 37514
dollars per resident day, adjusted to reflect the rate of 37515
inflation for the twelve-month period beginning July 1, 1992, and 37516
ending June 30, 1993, using the consumer price index for shelter 37517
costs for all urban consumers for the north central region, 37518
published by the United States bureau of labor statistics; 37519

(iii) For subsequent fiscal years, the limitation in effect 37520

during the previous fiscal year, adjusted to reflect the rate of 37521
inflation for the twelve-month period beginning on the first day 37522
of July for the calendar year preceding the calendar year that 37523
precedes the fiscal year and ending on the following thirtieth day 37524
of June, using the consumer price index for shelter costs for all 37525
urban consumers for the north central region, published by the 37526
United States bureau of labor statistics. 37527

(2) Any efficiency incentive determined under division (D) of 37528
this section; 37529

(3) Any amounts for return on equity determined under 37530
division (H) of this section. 37531

Buildings shall be depreciated using the straight line method 37532
over forty years or over a different period approved by the 37533
department. Components and equipment shall be depreciated using 37534
the straight-line method over a period designated in rules adopted 37535
by the director of job and family services in accordance with 37536
Chapter 119. of the Revised Code, consistent with the guidelines 37537
of the American hospital association, or over a different period 37538
approved by the department. Any rules adopted under this division 37539
that specify useful lives of buildings, components, or equipment 37540
apply only to assets acquired on or after July 1, 1993. 37541
Depreciation for costs paid or reimbursed by any government agency 37542
shall not be included in cost of ownership or renovation unless 37543
that part of the payment under sections 5111.20 to 5111.32 of the 37544
Revised Code is used to reimburse the government agency. 37545

(B) The capital cost basis of nursing facility assets shall 37546
be determined in the following manner: 37547

(1) For purposes of calculating the rate to be paid for the 37548
fiscal year beginning July 1, 1993, for facilities with dates of 37549
licensure on or before June 30, 1993, the capital cost basis shall 37550
be equal to the following: 37551

(a) For facilities that have not had a change of ownership 37552
during the period beginning January 1, 1993, and ending June 30, 37553
1993, the desk-reviewed, actual, allowable capital cost basis that 37554
is listed on the facility's cost report for the cost reporting 37555
period ending December 31, 1992, plus the actual, allowable 37556
capital cost basis of any assets constructed or acquired after 37557
December 31, 1992, but before July 1, 1993, if the aggregate 37558
capital costs of those assets would increase the facility's rate 37559
for capital costs by twenty or more cents per resident per day. 37560

(b) For facilities that have a date of licensure or had a 37561
change of ownership during the period beginning January 1, 1993, 37562
and ending June 30, 1993, the actual, allowable capital cost basis 37563
of the person or government entity that owns the facility on June 37564
30, 1993. 37565

Capital cost basis shall be calculated as provided in 37566
division (B)(1) of this section subject to approval by the United 37567
States health care financing administration of any necessary 37568
amendment to the state plan for providing medical assistance. 37569

The department shall include the actual, allowable capital 37570
cost basis of assets constructed or acquired during the period 37571
beginning January 1, 1993, and ending June 30, 1993, in the 37572
calculation for the facility's rate effective July 1, 1993, if the 37573
aggregate capital costs of the assets would increase the 37574
facility's rate by twenty or more cents per resident per day and 37575
the facility provides the department with sufficient documentation 37576
of the costs before June 1, 1993. If the facility provides the 37577
documentation after that date, the department shall adjust the 37578
facility's rate to reflect the costs of the assets one month after 37579
the first day of the month after the department receives the 37580
documentation. 37581

(2) Except as provided in division (B)(4) of this section, 37582
for purposes of calculating the rates to be paid for fiscal years 37583

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

another provider who is a related party, the capital cost basis of 37615
the asset shall be adjusted as specified in division (B)(4) of 37616
this section for a transfer to a provider that is not a related 37617
party if all of the following conditions are met: 37618

(a) The related party is a relative of owner; 37619

(b) Except as provided in division (B)(5)(c)(ii) of this 37620
section, the provider making the transfer retains no ownership 37621
interest in the facility; 37622

(c) The department of job and family services determines that 37623
the transfer is an arm's length transaction pursuant to rules the 37624
department shall adopt in accordance with Chapter 119. of the 37625
Revised Code no later than December 31, 2000. The rules shall 37626
provide that a transfer is an arm's length transaction if all of 37627
the following apply: 37628

(i) Once the transfer goes into effect, the provider that 37629
made the transfer has no direct or indirect interest in the 37630
provider that acquires the facility or the facility itself, 37631
including interest as an owner, officer, director, employee, 37632
independent contractor, or consultant, but excluding interest as a 37633
creditor. 37634

(ii) The provider that made the transfer does not reacquire 37635
an interest in the facility except through the exercise of a 37636
creditor's rights in the event of a default. If the provider 37637
reacquires an interest in the facility in this manner, the 37638
department shall treat the facility as if the transfer never 37639
occurred when the department calculates its reimbursement rates 37640
for capital costs. 37641

(iii) The transfer satisfies any other criteria specified in 37642
the rules. 37643

(d) Except in the case of hardship caused by a catastrophic 37644
event, as determined by the department, or in the case of a 37645

provider making the transfer who is at least sixty-five years of 37646
age, not less than twenty years have elapsed since, for the same 37647
facility, the capital cost basis was adjusted most recently under 37648
division (B)(5) of this section or actual, allowable cost of 37649
ownership was determined most recently under division (C)(9) of 37650
this section. 37651

(C) As used in this division, "lease expense" means lease 37652
payments in the case of an operating lease and depreciation 37653
expense and interest expense in the case of a capital lease. As 37654
used in this division, "new lease" means a lease, to a different 37655
lessee, of a nursing facility that previously was operated under a 37656
lease. 37657

(1) Subject to the limitation specified in division (A)(1) of 37658
this section, for a lease of a facility that was effective on May 37659
27, 1992, the entire lease expense is an actual, allowable cost of 37660
ownership during the term of the existing lease. The entire lease 37661
expense also is an actual, allowable cost of ownership if a lease 37662
in existence on May 27, 1992, is renewed under either of the 37663
following circumstances: 37664

(a) The renewal is pursuant to a renewal option that was in 37665
existence on May 27, 1992; 37666

(b) The renewal is for the same lease payment amount and 37667
between the same parties as the lease in existence on May 27, 37668
1992. 37669

(2) Subject to the limitation specified in division (A)(1) of 37670
this section, for a lease of a facility that was in existence but 37671
not operated under a lease on May 27, 1992, actual, allowable cost 37672
of ownership shall include the lesser of the annual lease expense 37673
or the annual depreciation expense and imputed interest expense 37674
that would be calculated at the inception of the lease using the 37675
lessor's entire historical capital asset cost basis, adjusted by 37676

the lesser of the following amounts: 37677

(a) One-half of the change in construction costs during the 37678
time the lessor held each asset until the beginning of the lease, 37679
as calculated by the department using the "Dodge building cost 37680
indexes, northeastern and north central states," published by 37681
Marshall and Swift; 37682

(b) One-half of the change in the consumer price index for 37683
all items for all urban consumers, as published by the United 37684
States bureau of labor statistics, during the time the lessor held 37685
each asset until the beginning of the lease. 37686

(3) Subject to the limitation specified in division (A)(1) of 37687
this section, for a lease of a facility with a date of licensure 37688
on or after May 27, 1992, that is initially operated under a 37689
lease, actual, allowable cost of ownership shall include the 37690
annual lease expense if there was a substantial commitment of 37691
money for construction of the facility after December 22, 1992, 37692
and before July 1, 1993. If there was not a substantial commitment 37693
of money after December 22, 1992, and before July 1, 1993, actual, 37694
allowable cost of ownership shall include the lesser of the annual 37695
lease expense or the sum of the following: 37696

(a) The annual depreciation expense that would be calculated 37697
at the inception of the lease using the lessor's entire historical 37698
capital asset cost basis; 37699

(b) The greater of the lessor's actual annual amortization of 37700
financing costs and interest expense at the inception of the lease 37701
or the imputed interest expense calculated at the inception of the 37702
lease using seventy per cent of the lessor's historical capital 37703
asset cost basis. 37704

(4) Subject to the limitation specified in division (A)(1) of 37705
this section, for a lease of a facility with a date of licensure 37706
on or after May 27, 1992, that was not initially operated under a 37707

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.

(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. 37801
37802

(iii) The lease satisfies any other criteria specified in the rules. 37803
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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. 37805
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(10) This division does not apply to leases of specific items of equipment. 37812
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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: 37814
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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; 37818
37819
37820

(b) The applicable amount specified in division (E) of this section. 37821
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(2) The efficiency incentive paid to a nursing facility shall not exceed the greater of the following: 37823
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(a) The efficiency incentive the facility was paid during the fiscal year ending June 30, 1994; 37825
37826

(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 37827
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year for which the efficiency incentive is determined and ending 37831
on the thirtieth day of the following June, using the consumer 37832
price index for shelter costs for all urban consumers for the 37833
north central region, as published by the United States bureau of 37834
labor statistics. 37835

(3) For purposes of calculating the efficiency incentive, 37836
depreciation for costs that are paid or reimbursed by any 37837
government agency shall be considered as costs of ownership, and 37838
renovation costs that are paid under division (F) of this section 37839
shall not be considered costs of ownership. 37840

(E) The following amounts shall be used to calculate 37841
efficiency incentives for nursing facilities under this section: 37842

(1) For facilities with dates of licensure prior to January 37843
1, 1958, four dollars and twenty-four cents per patient day; 37844

(2) For facilities with dates of licensure after December 31, 37845
1957, but prior to January 1, 1968: 37846

(a) Five dollars and twenty-four cents per patient day if the 37847
cost of construction was three thousand five hundred dollars or 37848
more per bed; 37849

(b) Four dollars and twenty-four cents per patient day if the 37850
cost of construction was less than three thousand five hundred 37851
dollars per bed. 37852

(3) For facilities with dates of licensure after December 31, 37853
1967, but prior to January 1, 1976: 37854

(a) Six dollars and twenty-four cents per patient day if the 37855
cost of construction was five thousand one hundred fifty dollars 37856
or more per bed; 37857

(b) Five dollars and twenty-four cents per patient day if the 37858
cost of construction was less than five thousand one hundred fifty 37859
dollars per bed, but exceeded three thousand five hundred dollars 37860

per bed;	37861
(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.	37862 37863 37864
(4) For facilities with dates of licensure after December 31, 1975, but prior to January 1, 1979:	37865 37866
(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;	37867 37868 37869
(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;	37870 37871 37872 37873
(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;	37874 37875 37876 37877
(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.	37878 37879 37880
(5) For facilities with dates of licensure after December 31, 1978, but prior to January 1, 1981:	37881 37882
(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;	37883 37884 37885
(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;	37886 37887 37888 37889
(c) Six dollars and twenty-four cents per patient day if the	37890

cost of construction was six thousand eight hundred dollars or 37891
less per bed but exceeded five thousand one hundred fifty dollars 37892
per bed; 37893

(d) Five dollars and twenty-four cents per patient day if the 37894
cost of construction was five thousand one hundred fifty dollars 37895
or less but exceeded three thousand five hundred dollars per bed; 37896
37897

(e) Four dollars and twenty-four cents per patient day if the 37898
cost of construction was three thousand five hundred dollars or 37899
less per bed. 37900

(6) For facilities with dates of licensure in 1981 or any 37901
year thereafter prior to December 22, 1992, the following amount: 37902

(a) For facilities with construction costs less than seven 37903
thousand six hundred twenty-five dollars per bed, the applicable 37904
amounts for the construction costs specified in divisions 37905
(E)(5)(b) to (e) of this section; 37906

(b) For facilities with construction costs of seven thousand 37907
six hundred twenty-five dollars or more per bed, six dollars per 37908
patient day, provided that for 1981 and annually thereafter prior 37909
to December 22, 1992, department shall do both of the following to 37910
the six-dollar amount: 37911

(i) Adjust the amount for fluctuations in construction costs 37912
calculated by the department using the "Dodge building cost 37913
indexes, northeastern and north central states," published by 37914
Marshall and Swift, using 1980 as the base year; 37915

(ii) Increase the amount, as adjusted for inflation under 37916
division (E)(6)(b)(i) of this section, by one dollar and 37917
seventy-four cents. 37918

(7) For facilities with dates of licensure on or after 37919
January 1, 1992, seven dollars and ninety-seven cents, adjusted 37920

for fluctuations in construction costs between 1991 and 1993 as 37921
calculated by the department using the "Dodge building cost 37922
indexes, northeastern and north central states," published by 37923
Marshall and Swift, and then increased by one dollar and 37924
seventy-four cents. 37925

For the fiscal year that begins July 1, 1994, each of the 37926
amounts listed in divisions (E)(1) to (7) of this section shall be 37927
increased by twenty-five cents. For the fiscal year that begins 37928
July 1, 1995, each of those amounts shall be increased by an 37929
additional twenty-five cents. For subsequent fiscal years, each of 37930
those amounts, as increased for the prior fiscal year, shall be 37931
adjusted to reflect the rate of inflation for the twelve-month 37932
period beginning on the first day of July of the calendar year 37933
preceding the calendar year that precedes the fiscal year and 37934
ending on the following thirtieth day of June, using the consumer 37935
price index for shelter costs for all urban consumers for the 37936
north central region, as published by the United States bureau of 37937
labor statistics. 37938

If the amount established for a nursing facility under this 37939
division is less than the amount that applied to the facility 37940
under division (B) of former section 5111.25 of the Revised Code, 37941
as the former section existed immediately prior to December 22, 37942
1992, the amount used to calculate the efficiency incentive for 37943
the facility under division (D)(2) of this section shall be the 37944
amount that was calculated under division (B) of the former 37945
section. 37946

(F) Beginning July 1, 1993, regardless of the facility's date 37947
of licensure or the date of the nonextensive renovations, the rate 37948
for the costs of nonextensive renovations for nursing facilities 37949
shall be eighty-five per cent of the desk-reviewed, actual, 37950
allowable, per diem, nonextensive renovation costs. This division 37951
applies to nonextensive renovations regardless of whether they are 37952

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

renovation. Nonextensive renovation costs shall not be included in 37985
costs of ownership, and a nonextensive renovation shall not affect 37986
the date of licensure for purposes of calculating the efficiency 37987
incentive under divisions (D) and (E) of this section. 37988

(G) The owner of a nursing facility operating under a 37989
provider agreement shall provide written notice to the department 37990
of job and family services at least forty-five days prior to 37991
entering into any contract of sale for the facility or voluntarily 37992
terminating participation in the medical assistance program. After 37993
the date on which a transaction of sale is closed, the owner shall 37994
refund to the department the amount of excess depreciation paid to 37995
the facility by the department for each year the owner has 37996
operated the facility under a provider agreement and prorated 37997
according to the number of medicaid patient days for which the 37998
facility has received payment. If a nursing facility is sold after 37999
five or fewer years of operation under a provider agreement, the 38000
refund to the department shall be equal to the excess depreciation 38001
paid to the facility. If a nursing facility is sold after more 38002
than five years but less than ten years of operation under a 38003
provider agreement, the refund to the department shall equal the 38004
excess depreciation paid to the facility multiplied by twenty per 38005
cent, multiplied by the difference between ten and the number of 38006
years that the facility was operated under a provider agreement. 38007
If a nursing facility is sold after ten or more years of operation 38008
under a provider agreement, the owner shall not refund any excess 38009
depreciation to the department. The owner of a facility that is 38010
sold or that voluntarily terminates participation in the medical 38011
assistance program also shall refund any other amount that the 38012
department properly finds to be due after the audit conducted 38013
under this division. For the purposes of this division, 38014
"depreciation paid to the facility" means the amount paid to the 38015
nursing facility for cost of ownership pursuant to this section 38016

less any amount paid for interest costs, amortization of financing 38017
costs, and lease expenses. For the purposes of this division, 38018
"excess depreciation" is the nursing facility's depreciated basis, 38019
which is the owner's cost less accumulated depreciation, 38020
subtracted from the purchase price net of selling costs but not 38021
exceeding the amount of depreciation paid to the facility. 38022

38023
A cost report shall be filed with the department within 38024
ninety days after the date on which the transaction of sale is 38025
closed or participation is voluntarily terminated. The report 38026
shall show the accumulated depreciation, the sales price, and 38027
other information required by the department. The department shall 38028
provide for a bank, trust company, or savings and loan association 38029
to hold in escrow the amount of the last two monthly payments to a 38030
nursing facility made pursuant to division (A)(1) of section 38031
5111.22 of the Revised Code before a sale or termination of 38032
participation ~~shall be held in escrow by a bank, trust company, or~~ 38033
~~savings and loan association, except that if~~ or, if the owner 38034
fails, within the time required by this division, to notify the 38035
department before entering into a contract of sale for the 38036
facility, the amount of the first two monthly payments made to the 38037
facility after the department learns of the contract, regardless 38038
of whether a new owner is in possession of the facility. If the 38039
amount the owner will be required to refund under this section is 38040
likely to be less than the amount of the ~~last~~ two monthly payments 38041
otherwise put into escrow under this division, the department 38042
shall take one of the following actions instead of withholding the 38043
amount of the ~~last~~ two monthly payments: 38044

(1) In the case of an owner that owns other facilities that 38045
participate in the medical assistance program, obtain a promissory 38046
note in an amount sufficient to cover the amount likely to be 38047
refunded; 38048

(2) In the case of all other owners, withhold the amount of 38049
the last monthly payment to the nursing facility or, if the owner 38050
fails, within the time required by this division, to notify the 38051
department before entering into a contract of sale for the 38052
facility, the amount of the first monthly payment made to the 38053
facility after the department learns of the contract, regardless 38054
of whether a new owner is in possession of the facility. 38055

The department shall, within ninety days following the filing 38056
of the cost report, audit the cost report and issue an audit 38057
report to the owner. The department also may audit any other cost 38058
report that the facility has filed during the previous three 38059
years. In the audit report, the department shall state its 38060
findings and the amount of any money owed to the department by the 38061
nursing facility. The findings shall be subject to adjudication 38062
conducted in accordance with Chapter 119. of the Revised Code. No 38063
later than fifteen days after the owner agrees to a settlement, 38064
any funds held in escrow less any amounts due to the department 38065
shall be released to the owner and amounts due to the department 38066
shall be paid to the department. If the amounts in escrow are less 38067
than the amounts due to the department, the balance shall be paid 38068
to the department within fifteen days after the owner agrees to a 38069
settlement. If the department does not issue its audit report 38070
within the ninety-day period, the department shall release any 38071
money held in escrow to the owner. For the purposes of this 38072
section, a transfer of corporate stock, the merger of one 38073
corporation into another, or a consolidation does not constitute a 38074
sale. 38075

If a nursing facility is not sold or its participation is not 38076
terminated after notice is provided to the department under this 38077
division, the department shall order any payments held in escrow 38078
released to the facility upon receiving written notice from the 38079
owner that there will be no sale or termination. After written 38080

notice is received from a nursing facility that a sale or
termination will not take place, the facility shall provide notice
to the department at least forty-five days prior to entering into
any contract of sale or terminating participation at any future
time.

(H) The department shall pay each eligible proprietary
nursing facility a return on the facility's net equity computed at
the rate of one and one-half times the average interest rate on
special issues of public debt obligations issued to the federal
hospital insurance trust fund for the cost reporting period,
except that no facility's return on net equity shall exceed ~~one~~
dollar fifty cents per patient day.

When calculating the rate for return on net equity, the
department shall use the greater of the facility's inpatient days
during the applicable cost reporting period or the number of
inpatient days the facility would have had during that period if
its occupancy rate had been ninety-five per cent.

(I) If a nursing facility would receive a lower rate for
capital costs for assets in the facility's possession on July 1,
1993, under this section than it would receive under former
section 5111.25 of the Revised Code, as the former section existed
immediately prior to December 22, 1992, the facility shall receive
for those assets the rate it would have received under the former
section for each fiscal year beginning on or after July 1, 1993,
until the rate it would receive under this section exceeds the
rate it would have received under the former section. Any facility
that receives a rate calculated under the former section 5111.25
of the Revised Code for assets in the facility's possession on
July 1, 1993, also shall receive a rate calculated under this
section for costs of any assets it constructs or acquires after
July 1, 1993.

Sec. 5111.251. (A) The department of job and family services 38112
shall pay each eligible intermediate care facility for the 38113
mentally retarded for its reasonable capital costs, a per resident 38114
per day rate established prospectively each fiscal year for each 38115
intermediate care facility for the mentally retarded. Except as 38116
otherwise provided in sections 5111.20 to 5111.32 of the Revised 38117
Code, the rate shall be based on the facility's capital costs for 38118
the calendar year preceding the fiscal year in which the rate will 38119
be paid. The rate shall equal the sum of the following: 38120

(1) The facility's desk-reviewed, actual, allowable, per diem 38121
cost of ownership for the preceding cost reporting period, limited 38122
as provided in divisions (C) and (F) of this section; 38123

(2) Any efficiency incentive determined under division (B) of 38124
this section; 38125

(3) Any amounts for renovations determined under division (D) 38126
of this section; 38127

(4) Any amounts for return on equity determined under 38128
division (I) of this section. 38129

Buildings shall be depreciated using the straight line method 38130
over forty years or over a different period approved by the 38131
department. Components and equipment shall be depreciated using 38132
the straight line method over a period designated by the director 38133
of job and family services in rules adopted in accordance with 38134
Chapter 119. of the Revised Code, consistent with the guidelines 38135
of the American hospital association, or over a different period 38136
approved by the department of job and family services. Any rules 38137
adopted under this division that specify useful lives of 38138
buildings, components, or equipment apply only to assets acquired 38139
on or after July 1, 1993. Depreciation for costs paid or 38140
reimbursed by any government agency shall not be included in costs 38141
of ownership or renovation unless that part of the payment under 38142

sections 5111.20 to 5111.32 of the Revised Code is used to 38143
reimburse the government agency. 38144

(B) The department of job and family services shall pay to 38145
each intermediate care facility for the mentally retarded an 38146
efficiency incentive equal to fifty per cent of the difference 38147
between any desk-reviewed, actual, allowable cost of ownership and 38148
the applicable limit on cost of ownership payments under division 38149
(C) of this section. For purposes of computing the efficiency 38150
incentive, depreciation for costs paid or reimbursed by any 38151
government agency shall be considered as a cost of ownership, and 38152
the applicable limit under division (C) of this section shall 38153
apply both to facilities with more than eight beds and facilities 38154
with eight or fewer beds. The efficiency incentive paid to a 38155
facility with eight or fewer beds shall not exceed three dollars 38156
per patient day, adjusted annually for the inflation rate for the 38157
twelve-month period beginning on the first day of July of the 38158
calendar year preceding the calendar year that precedes the fiscal 38159
year for which the efficiency incentive is determined and ending 38160
on the thirtieth day of the following June, using the consumer 38161
price index for shelter costs for all urban consumers for the 38162
north central region, as published by the United States bureau of 38163
labor statistics. 38164

(C) Cost of ownership payments to intermediate care 38165
facilities for the mentally retarded with more than eight beds 38166
shall not exceed the following limits: 38167

(1) For facilities with dates of licensure prior to January 38168
1, 1958, not exceeding two dollars and fifty cents per patient 38169
day; 38170

(2) For facilities with dates of licensure after December 31, 38171
1957, but prior to January 1, 1968, not exceeding: 38172

(a) Three dollars and fifty cents per patient day if the cost 38173

of construction was three thousand five hundred dollars or more	38174
per bed;	38175
(b) Two dollars and fifty cents per patient day if the cost	38176
of construction was less than three thousand five hundred dollars	38177
per bed.	38178
(3) For facilities with dates of licensure after December 31,	38179
1967, but prior to January 1, 1976, not exceeding:	38180
(a) Four dollars and fifty cents per patient day if the cost	38181
of construction was five thousand one hundred fifty dollars or	38182
more per bed;	38183
(b) Three dollars and fifty cents per patient day if the cost	38184
of construction was less than five thousand one hundred fifty	38185
dollars per bed, but exceeds three thousand five hundred dollars	38186
per bed;	38187
(c) Two dollars and fifty cents per patient day if the cost	38188
of construction was three thousand five hundred dollars or less	38189
per bed.	38190
(4) For facilities with dates of licensure after December 31,	38191
1975, but prior to January 1, 1979, not exceeding:	38192
(a) Five dollars and fifty cents per patient day if the cost	38193
of construction was six thousand eight hundred dollars or more per	38194
bed;	38195
(b) Four dollars and fifty cents per patient day if the cost	38196
of construction was less than six thousand eight hundred dollars	38197
per bed but exceeds five thousand one hundred fifty dollars per	38198
bed;	38199
(c) Three dollars and fifty cents per patient day if the cost	38200
of construction was five thousand one hundred fifty dollars or	38201
less per bed, but exceeds three thousand five hundred dollars per	38202
bed;	38203

(d) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	38204 38205 38206
(5) For facilities with dates of licensure after December 31, 1978, but prior to January 1, 1980, not exceeding:	38207 38208
(a) Six dollars per patient day if the cost of construction was seven thousand six hundred twenty-five dollars or more per bed;	38209 38210 38211
(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;	38212 38213 38214 38215
(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;	38216 38217 38218
(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;	38219 38220 38221
(e) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	38222 38223 38224
(6) For facilities with dates of licensure after December 31, 1979, but prior to January 1, 1981, not exceeding:	38225 38226
(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;	38227 38228 38229
(b) Six dollars per patient day if the beds were originally licensed as nursing home beds by the department of health.	38230 38231
(7) For facilities with dates of licensure after December 31, 1980, but prior to January 1, 1982, not exceeding:	38232 38233

(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;	38234 38235 38236
(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.	38237 38238 38239
(8) For facilities with dates of licensure after December 31, 1981, but prior to January 1, 1983, not exceeding:	38240 38241
(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;	38242 38243 38244
(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.	38245 38246 38247
(9) For facilities with dates of licensure after December 31, 1982, but prior to January 1, 1984, not exceeding:	38248 38249
(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;	38250 38251 38252
(b) Seven dollars and nine cents per patient day if the beds were originally licensed as nursing home beds by the department of health.	38253 38254 38255
(10) For facilities with dates of licensure after December 31, 1983, but prior to January 1, 1985, not exceeding:	38256 38257
(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;	38258 38259 38260 38261
(b) Seven dollars and twenty-three cents per patient day if the beds were originally licensed as nursing home beds by the	38262 38263

department of health.	38264
(11) For facilities with dates of licensure after December 31, 1984, but prior to January 1, 1986, not exceeding:	38265 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 38268 38269 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 38272 38273
(12) For facilities with dates of licensure after December 31, 1985, but prior to January 1, 1987, not exceeding:	38274 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 38277 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 38280 38281
(13) For facilities with dates of licensure after December 31, 1986, but prior to January 1, 1988, not exceeding:	38282 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 38285 38286 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 38289 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 38292 38293

(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;	38294 38295 38296
(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;	38297 38298 38299
(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;	38300 38301 38302
(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;	38303 38304 38305
(19) For facilities with dates of licensure after December 31, 1992, not exceeding fourteen dollars and twenty-eight cents per patient day.	38306 38307 38308
(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	38309 38310 38311 38312 38313 38314 38315 38316 38317 38318 38319 38320 38321 38322 38323 38324

regardless of whether they are made by an owner or a lessee. If 38325
the tenancy of a lessee that has made renovations ends before the 38326
depreciation expense for the renovation costs has been fully 38327
reported, the former lessee shall not report the undepreciated 38328
balance as an expense. 38329

For a nonextensive renovation to qualify for payment under 38330
this division, both of the following conditions must be met: 38331

(1) At least five years have elapsed since the date of 38332
licensure or date of an extensive renovation of the portion of the 38333
facility that is proposed to be renovated, except that this 38334
condition does not apply if the renovation is necessary to meet 38335
the requirements of federal, state, or local statutes, ordinances, 38336
rules, or policies. 38337

(2) The provider has obtained prior approval from the 38338
department of job and family services. The provider shall submit a 38339
plan that describes in detail the changes in capital assets to be 38340
accomplished by means of the renovation and the timetable for 38341
completing the project. The time for completion of the project 38342
shall be no more than eighteen months after the renovation begins. 38343
The director of job and family services shall adopt rules in 38344
accordance with Chapter 119. of the Revised Code that specify 38345
criteria and procedures for prior approval of renovation projects. 38346
No provider shall separate a project with the intent to evade the 38347
characterization of the project as a renovation or as an extensive 38348
renovation. No provider shall increase the scope of a project 38349
after it is approved by the department of job and family services 38350
unless the increase in scope is approved by the department. 38351

(E) The amounts specified in divisions (C) and (D) of this 38352
section shall be adjusted beginning July 1, 1993, for the 38353
estimated inflation for the twelve-month period beginning on the 38354
first day of July of the calendar year preceding the calendar year 38355
that precedes the fiscal year for which rate will be paid and 38356

ending on the thirtieth day of the following June, using the 38357
consumer price index for shelter costs for all urban consumers for 38358
the north central region, as published by the United States bureau 38359
of labor statistics. 38360

(F)(1) For facilities of eight or fewer beds that have dates 38361
of licensure or have been granted project authorization by the 38362
department of mental retardation and developmental disabilities 38363
before July 1, 1993, and for facilities of eight or fewer beds 38364
that have dates of licensure or have been granted project 38365
authorization after that date if the facilities demonstrate that 38366
they made substantial commitments of funds on or before that date, 38367
cost of ownership shall not exceed eighteen dollars and thirty 38368
cents per resident per day. The eighteen-dollar and thirty-cent 38369
amount shall be increased by the change in the "Dodge building 38370
cost indexes, northeastern and north central states," published by 38371
Marshall and Swift, during the period beginning June 30, 1990, and 38372
ending July 1, 1993, and by the change in the consumer price index 38373
for shelter costs for all urban consumers for the north central 38374
region, as published by the United States bureau of labor 38375
statistics, annually thereafter. 38376

(2) For facilities with eight or fewer beds that have dates 38377
of licensure or have been granted project authorization by the 38378
department of mental retardation and developmental disabilities on 38379
or after July 1, 1993, for which substantial commitments of funds 38380
were not made before that date, cost of ownership payments shall 38381
not exceed the applicable amount calculated under division (F)(1) 38382
of this section, if the department of job and family services 38383
gives prior approval for construction of the facility. If the 38384
department does not give prior approval, cost of ownership 38385
payments shall not exceed the amount specified in division (C) of 38386
this section. 38387

(3) Notwithstanding divisions (D) and (F)(1) and (2) of this 38388

section, the total payment for cost of ownership, cost of 38389
ownership efficiency incentive, and capitalized costs of 38390
renovations for an intermediate care facility for the mentally 38391
retarded with eight or fewer beds shall not exceed the sum of the 38392
limitations specified in divisions (C) and (D) of this section. 38393

(G) Notwithstanding any provision of this section or section 38394
5111.24 of the Revised Code, the director of job and family 38395
services may adopt rules in accordance with Chapter 119. of the 38396
Revised Code that provide for a calculation of a combined maximum 38397
payment limit for indirect care costs and cost of ownership for 38398
intermediate care facilities for the mentally retarded with eight 38399
or fewer beds. 38400

(H) After June 30, 1980, the owner of an intermediate care 38401
facility for the mentally retarded operating under a provider 38402
agreement shall provide written notice to the department of job 38403
and family services at least forty-five days prior to entering 38404
into any contract of sale for the facility or voluntarily 38405
terminating participation in the medical assistance program. After 38406
the date on which a transaction of sale is closed, the owner shall 38407
refund to the department the amount of excess depreciation paid to 38408
the facility by the department for each year the owner has 38409
operated the facility under a provider agreement and prorated 38410
according to the number of medicaid patient days for which the 38411
facility has received payment. If an intermediate care facility 38412
for the mentally retarded is sold after five or fewer years of 38413
operation under a provider agreement, the refund to the department 38414
shall be equal to the excess depreciation paid to the facility. If 38415
an intermediate care facility for the mentally retarded is sold 38416
after more than five years but less than ten years of operation 38417
under a provider agreement, the refund to the department shall 38418
equal the excess depreciation paid to the facility multiplied by 38419
twenty per cent, multiplied by the number of years less than ten 38420

that a facility was operated under a provider agreement. If an
intermediate care facility for the mentally retarded is sold after
ten or more years of operation under a provider agreement, the
owner shall not refund any excess depreciation to the department.
For the purposes of this division, "depreciation paid to the
facility" means the amount paid to the intermediate care facility
for the mentally retarded for cost of ownership pursuant to this
section less any amount paid for interest costs. For the purposes
of this division, "excess depreciation" is the intermediate care
facility for the mentally retarded's depreciated basis, which is
the owner's cost less accumulated depreciation, subtracted from
the purchase price 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 for an
intermediate care facility for the mentally retarded subject to
this division. 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 an intermediate care facility for the mentally
retarded made pursuant to division (A)(1) of section 5111.22 of
the Revised Code before a sale or voluntary 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 38453
otherwise put into escrow under this division, the department 38454
shall take one of the following actions instead of withholding the 38455
amount of the ~~last~~ two monthly payments: 38456

(1) In the case of an owner that owns other facilities that 38458
participate in the medical assistance program, obtain a promissory 38459
note in an amount sufficient to cover the amount likely to be 38460
refunded; 38461

(2) In the case of all other owners, withhold the amount of 38462
the last monthly payment to the intermediate care facility for the 38463
mentally retarded or, if the owner fails, within the time required 38464
by this division, to notify the department before entering into a 38465
contract of sale for the facility, the amount of the first monthly 38466
payment made to the facility after the department learns of the 38467
contract, regardless of whether a new owner is in possession of 38468
the facility. 38469

The department shall, within ninety days following the filing 38470
of the cost report, audit the report and issue an audit report to 38471
the owner. The department also may audit any other cost reports 38472
for the facility that have been filed during the previous three 38473
years. In the audit report, the department shall state its 38474
findings and the amount of any money owed to the department by the 38475
intermediate care facility for the mentally retarded. The findings 38476
shall be subject to an adjudication conducted in accordance with 38477
Chapter 119. of the Revised Code. No later than fifteen days after 38478
the owner agrees to a settlement, any funds held in escrow less 38479
any amounts due to the department shall be released to the owner 38480
and amounts due to the department shall be paid to the department. 38481
If the amounts in escrow are less than the amounts due to the 38482
department, the balance shall be paid to the department within 38483
fifteen days after the owner agrees to a settlement. If the 38484

department does not issue its audit report within the ninety-day 38485
period, the department shall release any money held in escrow to 38486
the owner. For the purposes of this section, a transfer of 38487
corporate stock, the merger of one corporation into another, or a 38488
consolidation does not constitute a sale. 38489
38490

If an intermediate care facility for the mentally retarded is 38491
not sold or its participation is not terminated after notice is 38492
provided to the department under this division, the department 38493
shall order any payments held in escrow released to the facility 38494
upon receiving written notice from the owner that there will be no 38495
sale or termination of participation. After written notice is 38496
received from an intermediate care facility for the mentally 38497
retarded that a sale or termination of participation will not take 38498
place, the facility shall provide notice to the department at 38499
least forty-five days prior to entering into any contract of sale 38500
or terminating participation at any future time. 38501

(I) The department of job and family services shall pay each 38502
eligible proprietary intermediate care facility for the mentally 38503
retarded a return on the facility's net equity computed at the 38504
rate of one and one-half times the average of interest rates on 38505
special issues of public debt obligations issued to the federal 38506
hospital insurance trust fund for the cost reporting period. No 38507
facility's return on net equity paid under this division shall 38508
exceed one dollar per patient day. 38509

In calculating the rate for return on net equity, the 38510
department shall use the greater of the facility's inpatient days 38511
during the applicable cost reporting period or the number of 38512
inpatient days the facility would have had during that period if 38513
its occupancy rate had been ninety-five per cent. 38514

(J)(1) Except as provided in division (J)(2) of this section, 38515
if a provider leases or transfers an interest in a facility to 38516

another provider who is a related party, the related party's 38517
allowable cost of ownership shall include the lesser of the 38518
following: 38519

(a) The annual lease expense or actual cost of ownership, 38520
whichever is applicable; 38521

(b) The reasonable cost to the lessor or provider making the 38522
transfer. 38523

(2) If a provider leases or transfers an interest in a 38524
facility to another provider who is a related party, regardless of 38525
the date of the lease or transfer, the related party's allowable 38526
cost of ownership shall include the annual lease expense or actual 38527
cost of ownership, whichever is applicable, subject to the 38528
limitations specified in divisions (B) to (I) of this section, if 38529
all of the following conditions are met: 38530

(a) The related party is a relative of owner; 38531

(b) In the case of a lease, if the lessor retains any 38532
ownership interest, it is, except as provided in division 38533
(J)(2)(d)(ii) of this section, in only the real property and any 38534
improvements on the real property; 38535

(c) In the case of a transfer, the provider making the 38536
transfer retains, except as provided in division (J)(2)(d)(iv) of 38537
this section, no ownership interest in the facility; 38538

(d) The department of job and family services determines that 38539
the lease or transfer is an arm's length transaction pursuant to 38540
rules the department shall adopt in accordance with Chapter 119. 38541
of the Revised Code no later than December 31, 2000. The rules 38542
shall provide that a lease or transfer is an arm's length 38543
transaction if all of the following, as applicable, apply: 38544

(i) In the case of a lease, once the lease goes into effect, 38545
the lessor has no direct or indirect interest in the lessee or, 38546

except as provided in division (J)(2)(b) of this section, the 38547
facility itself, including interest as an owner, officer, 38548
director, employee, independent contractor, or consultant, but 38549
excluding interest as a lessor. 38550

(ii) In the case of a lease, the lessor does not reacquire an 38551
interest in the facility except through the exercise of a lessor's 38552
rights in the event of a default. If the lessor reacquires an 38553
interest in the facility in this manner, the department shall 38554
treat the facility as if the lease never occurred when the 38555
department calculates its reimbursement rates for capital costs. 38556
38557

(iii) In the case of a transfer, once the transfer goes into 38558
effect, the provider that made the transfer has no direct or 38559
indirect interest in the provider that acquires the facility or 38560
the facility itself, including interest as an owner, officer, 38561
director, employee, independent contractor, or consultant, but 38562
excluding interest as a creditor. 38563

(iv) In the case of a transfer, the provider that made the 38564
transfer does not reacquire an interest in the facility except 38565
through the exercise of a creditor's rights in the event of a 38566
default. If the provider reacquires an interest in the facility in 38567
this manner, the department shall treat the facility as if the 38568
transfer never occurred when the department calculates its 38569
reimbursement rates for capital costs. 38570

(v) The lease or transfer satisfies any other criteria 38571
specified in the rules. 38572

(e) Except in the case of hardship caused by a catastrophic 38573
event, as determined by the department, or in the case of a lessor 38574
or provider making the transfer who is at least sixty-five years 38575
of age, not less than twenty years have elapsed since, for the 38576
same facility, allowable cost of ownership was determined most 38577

recently under this division. 38578

Sec. 5111.262. ~~Costs~~ For costs incurred during calendar year 38579
2000 and thereafter, costs reported in nursing facilities' cost 38580
reports for purchased nursing services shall be allowable direct 38581
care costs up to ~~the following amounts:~~ 38582

~~(A) For costs incurred during calendar year 1992, twenty per~~ 38583
~~cent of the nursing facility's direct care costs specified in the~~ 38584
~~cost report for services provided that year by registered nurses,~~ 38585
~~licensed practical nurses, and nurse aides who are employees of~~ 38586
~~the facility, plus one-half of the amount by which the reported~~ 38587
~~costs for purchased nursing services exceed that percentage;~~ 38588

~~(B) For costs incurred during calendar year 1993, fifteen per~~ 38589
~~cent of the nursing facility's costs specified in the cost report~~ 38590
~~for services provided that year by registered nurses, licensed~~ 38591
~~practical nurses, and nurse aides who are employees of the~~ 38592
~~facility, plus one-half of the amount by which the reported costs~~ 38593
~~for purchased nursing services exceed that percentage;~~ 38594

~~(C) For costs incurred during calendar year 1994 and each~~ 38595
~~calendar year thereafter, ten~~ twenty per cent of the nursing 38596
facility's costs specified in the cost report for services 38597
provided that year by registered nurses, licensed practical 38598
nurses, and nurse aides who are employees of the facility, plus 38599
one-half of the amount by which the reported costs for purchased 38600
nursing services exceed that percentage. 38601

Sec. 5111.28. (A) If a provider properly amends its cost 38602
report under section 5111.27 of the Revised Code and the amended 38603
report shows that the provider received a lower rate under the 38604
original cost report than it was entitled to receive, the 38605
department shall adjust the provider's rate prospectively to 38606
reflect the corrected information. The department shall pay the 38607

adjusted rate beginning two months after the first day of the 38608
month after the provider files the amended cost report. If the 38609
department finds, from an exception review of resident assessment 38610
information conducted after the effective date of the rate for 38611
direct care costs that is based on the assessment information, 38612
that inaccurate assessment information resulted in the provider 38613
receiving a lower rate than it was entitled to receive, the 38614
department prospectively shall adjust the provider's rate 38615
accordingly and shall make payments using the adjusted rate for 38616
the remainder of the calendar quarter for which the assessment 38617
information is used to determine the rate, beginning one month 38618
after the first day of the month after the exception review is 38619
completed. 38620

(B) If the provider properly amends its cost report under 38621
section 5111.27 of the Revised Code, the department makes a 38622
finding based on an audit under that section, or the department 38623
makes a finding based on an exception review of resident 38624
assessment information conducted under that section after the 38625
effective date of the rate for direct care costs that is based on 38626
the assessment information, any of which results in a 38627
determination that the provider has received a higher rate than it 38628
was entitled to receive, the department shall recalculate the 38629
provider's rate using the revised information. The department 38630
shall apply the recalculated rate to the periods when the provider 38631
received the incorrect rate to determine the amount of the 38632
overpayment. The provider shall refund the amount of the 38633
overpayment. 38634

In addition to requiring a refund under this division, the 38635
department may charge the provider interest at the applicable rate 38636
specified in this division from the time the overpayment was made. 38637

(1) If the overpayment resulted from costs reported for 38638
calendar year 1993, the interest shall be no greater than one and 38639

one-half times the average bank prime rate. 38640

(2) If the overpayment resulted from costs reported for 38641
subsequent calendar years: 38642

(a) The interest shall be no greater than two times the 38643
average bank prime rate if the overpayment was equal to or less 38644
than one per cent of the total medicaid payments to the provider 38645
for the fiscal year for which the incorrect information was used 38646
to establish a rate. 38647

(b) The interest shall be no greater than two and one-half 38648
times the current average bank prime rate if the overpayment was 38649
greater than one per cent of the total medicaid payments to the 38650
provider for the fiscal year for which the incorrect information 38651
was used to establish a rate. 38652

~~(3) The department shall determine the average bank prime 38653
rate using statistical release H.15, "selected interest rates," a 38654
weekly publication of the federal reserve board, or any successor 38655
publication. If statistical release H.15, or its successor, ceases 38656
to contain the bank prime rate information or ceases to be 38657
published, the department shall request a written statement of the 38658
average bank prime rate from the federal reserve bank of Cleveland 38659
or the federal reserve board. 38660~~

(C) The department also may impose the following penalties: 38661

(1) If a provider does not furnish invoices or other 38662
documentation that the department requests during an audit within 38663
sixty days after the request, no more than the greater of one 38664
thousand dollars per audit or twenty-five per cent of the 38665
cumulative amount by which the costs for which documentation was 38666
not furnished increased the total medicaid payments to the 38667
provider during the fiscal year for which the costs were used to 38668
establish a rate; 38669

(2) If an owner fails to provide notice of sale of the 38670

facility or voluntary termination of participation in the medical 38671
assistance program, as required by section 5111.25 or 5111.251 of 38672
the Revised Code, no more than ~~two~~ the current average bank prime 38673
rate plus four per cent of the last two monthly payments. 38674

(D) If the provider continues to participate in the medical 38675
assistance program, the department shall deduct any amount that 38676
the provider is required to refund under this section, and the 38677
amount of any interest charged or penalty imposed under this 38678
section, from the next available payment from the department to 38679
the provider. The department and the provider may enter into an 38680
agreement under which the amount, together with interest, is 38681
deducted in installments from payments from the department to the 38682
provider. 38683

(E) The department shall transmit refunds and penalties to 38684
the treasurer of state for deposit in the general revenue fund. 38685

(F) For the purpose of this section, the department shall 38686
determine the average bank prime rate using statistical release 38687
H.15, "selected interest rates," a weekly publication of the 38688
federal reserve board, or any successor publication. If 38689
statistical release H.15, or its successor, ceases to contain the 38690
bank prime rate information or ceases to be published, the 38691
department shall request a written statement of the average bank 38692
prime rate from the federal reserve bank of Cleveland or the 38693
federal reserve board. 38694

Sec. 5111.29. (A) The director of job and family services 38695
shall adopt rules in accordance with Chapter 119. of the Revised 38696
Code that establish a process under which a nursing facility or 38697
intermediate care facility for the mentally retarded, or a group 38698
or association of facilities, may seek reconsideration of rates 38699
established under sections 5111.23 to 5111.28 of the Revised Code, 38700
including a rate for direct care costs recalculated before the 38701

effective date of the rate as a result of an exception review of 38702
resident assessment information conducted under section 5111.27 of 38703
the Revised Code. 38704

(1) Except as provided in divisions (A)(2) to (4) of this 38705
section, the only issue that a facility, group, or association may 38706
raise in the rate reconsideration shall be whether the rate was 38707
calculated in accordance with sections 5111.23 to 5111.28 of the 38708
Revised Code and the rules adopted under those sections. The rules 38709
shall permit a facility, group, or association to submit written 38710
arguments or other materials that support its position. The rules 38711
shall specify time frames within which the facility, group, or 38712
association and the department must act. If the department 38713
determines, as a result of the rate reconsideration, that the rate 38714
established for one or more facilities is less than the rate to 38715
which it is entitled, the department shall increase the rate. If 38716
the department has paid the incorrect rate for a period of time, 38717
the department shall pay the facility the difference between the 38718
amount it was paid for that period and the amount it should have 38719
been paid. 38720

(2) The rules shall provide that during a fiscal year, the 38721
department, by means of the rate reconsideration process, may 38722
increase a facility's rate as calculated under sections 5111.23 to 38723
5111.28 of the Revised Code if the facility demonstrates that its 38724
actual, allowable costs have increased because of extreme 38725
circumstances. A facility may qualify for a rate increase only if 38726
its per diem, actual, allowable costs have increased to a level 38727
that exceeds its total rate, including any efficiency incentive 38728
and return on equity payment. The rules shall specify the 38729
circumstances that would justify a rate increase under division 38730
(A)(2) of this section. The In the case of nursing facilities, the 38731
rules shall provide that the extreme circumstances include 38732
increased security costs for an inner-city nursing facility and an 38733

increase in workers' compensation experience rating of greater 38734
than five per cent for a facility that has an appropriate claims 38735
management program but do not include a change of ownership that 38736
results from bankruptcy, foreclosure, or findings of violations of 38737
certification requirements by the department of health. In the 38738
case of intermediate care facilities for the mentally retarded, 38739
the rules shall provide that the extreme circumstances include, 38740
but are not limited to, renovations approved under division (D) of 38741
section 5111.251 of the Revised Code, an increase in workers' 38742
compensation experience rating of greater than five per cent for a 38743
facility that has an appropriate claims management program, 38744
increased security costs for an inner-city facility, and a change 38745
of ownership that results from bankruptcy, foreclosure, or 38746
findings of violations of certification requirements by the 38747
department of health. An increase under division (A)(2) of this 38748
section is subject to any rate limitations or maximum rates 38749
established by sections 5111.23 to 5111.28 of the Revised Code for 38750
specific cost centers. Any rate increase granted under division 38751
(A)(2) of this section shall take effect on the first day of the 38752
first month after the department receives the request. 38753

(3) The rules shall provide that the department, through the 38754
rate reconsideration process, may increase a facility's rate as 38755
calculated under sections 5111.23 to 5111.28 of the Revised Code 38756
if the department, in its sole discretion, determines that the 38757
rate as calculated under those sections works an extreme hardship 38758
on the facility. 38759

(4) The rules shall provide that when beds certified for the 38760
medical assistance program are added to an existing facility, 38761
replaced at the same site, or subject to a change of ownership or 38762
lease, the department, through the rate reconsideration process, 38763
shall increase the facility's rate for capital costs 38764
proportionately, as limited by any applicable limitation under 38765

section 5111.25 or 5111.251 of the Revised Code, to account for 38766
the costs of the beds that are added, replaced, or subject to a 38767
change of ownership or lease. The department shall make this 38768
increase one month after the first day of the month after the 38769
department receives sufficient documentation of the costs. Any 38770
rate increase granted under division (A)(4) of this section after 38771
June 30, 1993, shall remain in effect until the effective date of 38772
a rate calculated under section 5111.25 or 5111.251 of the Revised 38773
Code that includes costs incurred for a full calendar year for the 38774
bed addition, bed replacement, or change of ownership or lease. 38775
The facility shall report double accumulated depreciation in an 38776
amount equal to the depreciation included in the rate adjustment 38777
on its cost report for the first year of operation. During the 38778
term of any loan used to finance a project for which a rate 38779
adjustment is granted under division (A)(4) of this section, if 38780
the facility is operated by the same provider, the facility shall 38781
subtract from the interest costs it reports on its cost report an 38782
amount equal to the difference between the following: 38783

(a) The actual, allowable interest costs for the loan during 38784
the calendar year for which the costs are being reported; 38785

(b) The actual, allowable interest costs attributable to the 38786
loan that were used to calculate the rates paid to the facility 38787
during the same calendar year. 38788

(5) The department's decision at the conclusion of the 38789
reconsideration process shall not be subject to any administrative 38790
proceedings under Chapter 119. or any other provision of the 38791
Revised Code. 38792

(B) Any audit disallowance that the department makes as the 38793
result of an audit under section 5111.27 of the Revised Code, any 38794
adverse finding that results from an exception review of resident 38795
assessment information conducted under that section after the 38796
effective date of the facility's rate that is based on the 38797

assessment information, and any penalty the department imposes 38798
under division (C) of section 5111.28 of the Revised Code shall be 38799
subject to an adjudication conducted in accordance with Chapter 38800
119. of the Revised Code. 38801

Sec. 5111.34. (A) There is hereby created the nursing 38802
facility reimbursement study council consisting of the following 38803
thirteen members: 38804

(1) The director of job and family services; 38805

(2) The director of health; 38806

(3) The director of aging; 38807

(4) Two members of the house of representatives, appointed by 38808
the speaker of the house of representatives; 38809

(5) Two members of the senate, appointed by the president of 38810
the senate; 38811

(6) Two representatives of each of the following 38812
organizations, appointed by their respective governing bodies: 38813

(a) The Ohio academy of nursing homes; 38814

(b) The association of Ohio philanthropic homes and housing 38815
for the aging; 38816

(c) The Ohio health care association. 38817

Initial appointments of members described in divisions 38818
(A)(4), (5), and (6) of this section shall be made no later than 38819
ninety days after the effective date of this section. Vacancies in 38820
any of those appointments shall be filled in the same manner as 38821
original appointments. The members described in divisions (A)(4), 38822
(5), and (6) of this section shall serve at the pleasure of the 38823
official or governing body appointing the member. The members 38824
described in divisions (A)(1), (2), and (3) of this section shall 38825
serve for as long as they hold the position that qualifies them 38826

for membership on the council. The speaker of the house of 38827
representatives and the president of the senate jointly shall 38828
appoint the chairperson of the council. Members of the council 38829
shall serve without compensation. 38830

(B) The council shall review, on an ongoing basis, the system 38831
established by sections 5111.20 to 5111.32 of the Revised Code for 38832
reimbursing nursing facilities under the medical assistance 38833
program. The council shall recommend any changes it determines are 38834
necessary. The council periodically shall report its activities, 38835
findings, and recommendations to the governor, the speaker of the 38836
house of representatives, and the president of the senate. 38837
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Sec. 5111.63. For the purposes of this section, "facility," 38839
"medicare," and "medicaid" have the same meanings as in section 38840
3721.10 of the Revised Code. 38841

The department of health shall be the designee of the 38842
department of job and family services for the purpose of 38843
conducting a hearing pursuant to section 3721.162 of the Revised 38844
Code concerning a facility's decision to transfer or discharge a 38845
resident if the resident is a medicaid recipient or medicare 38846
beneficiary. 38847

Sec. 5111.85. (A) As used in this section, "medicaid waiver 38848
component" means a component of the medicaid program authorized by 38849
a waiver granted by the United States department of health and 38850
human services under section 1115 or 1915 of the "Social Security 38851
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1315 or 1396n. "Medicaid 38852
waiver component" does not include a managed care system 38853
established under section 5111.17 of the Revised Code. 38854

(B) The director of job and family services may adopt rules 38855
under Chapter 119. of the Revised Code governing medicaid waiver 38856

<u>components that establish all of the following:</u>	38857
<u>(1) Eligibility requirements for the medicaid waiver components;</u>	38858
<u>(2) The type, amount, duration, and scope of services the medicaid waiver components provide;</u>	38859
<u>(3) The conditions under which the medicaid waiver components cover services;</u>	38860
<u>(4) The amount the medicaid waiver components pay for services or the method by which the amount is determined;</u>	38861
<u>(5) The manner in which the medicaid waiver components pay for services;</u>	38862
<u>(6) Safeguards for the health and welfare of medicaid recipients receiving services under a medicaid waiver component;</u>	38863
<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>	38864
<u>(8) Other policies necessary for the efficient administration of the medicaid waiver components.</u>	38865
<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>	38866
<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>	38867
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determines pursuant to a review that a person or government entity 38887
has violated a rule governing a medicaid waiver component, the 38888
director may establish a corrective action plan for the violator 38889
and impose fiscal, administrative, or both types of sanctions on 38890
the violator in accordance with rules adopted under division (B) 38891
of this section. 38892

Sec. 5111.86. The department of job and family services may 38893
enter into interagency agreements with one or more other state 38894
agencies to have the state agency administer one or more 38895
components of the medicaid program, or one or more aspects of a 38896
component, under the department's supervision. A state agency that 38897
enters into such an interagency agreement shall comply with any 38898
rules the director of job and family services has adopted 38899
governing the component, or aspect of the component, that the 38900
state agency is to administer, including any rules establishing 38901
review, audit, and corrective action plan requirements. 38902

A state agency that enters into an interagency agreement with 38903
the department under this section shall reimburse the department 38904
for the nonfederal share of the cost to the department of 38905
performing, or contracting for the performance of, a fiscal audit 38906
of the component of the medicaid program, or aspect of the 38907
component, that the state agency administers if rules governing 38908
the component, or aspect of the component, require that a fiscal 38909
audit be conducted. 38910

There is hereby created in the state treasury the medicaid 38911
administrative reimbursement fund. The department shall use money 38912
in the fund to pay for the nonfederal share of the cost of a 38913
fiscal audit for which a state agency is required by this section 38914
to reimburse the department. The department shall deposit the 38915
reimbursements into the fund. 38916

Sec. 5111.87. As used in this section and section 5111.871 of 38917
the Revised Code, "intermediate care facility for the mentally 38918
retarded" has the same meaning as in section 5111.20 of the 38919
Revised Code. 38920

The director of job and family services may apply to the 38921
United States secretary of health and human services for one or 38922
more medicaid waivers under which home and community-based 38923
services are provided to individuals with mental retardation or 38924
other developmental disability as an alternative to placement in 38925
an intermediate care facility for the mentally retarded. Before 38926
the director applies for a waiver under this section, the director 38927
shall seek, accept, and consider public comments. 38928

Sec. ~~5111.87~~ 5111.871. The department of job and family 38929
services shall enter into an interagency agreement with the 38930
department of mental retardation and developmental disabilities 38931
under section 5111.86 of the Revised Code with regard to the 38932
component of the medicaid program established by the department of 38933
job and family services under ~~a waiver~~ one or more waivers from 38934
the United States secretary of health and human services pursuant 38935
to section 1915 of the "Social Security Act," 49 Stat. 620 (1935), 38936
42 U.S.C.A. 1396n, as amended, to provide eligible ~~medical~~ 38937
~~assistance~~ medicaid recipients with home ~~or~~ and community-based 38938
services as an alternative to placement in an intermediate care 38939
facility for the mentally retarded ~~as defined in section 5111.20~~ 38940
~~of the Revised Code.~~ The agreement shall provide for the 38941
department of mental retardation and developmental disabilities to 38942
administer the ~~program~~ component in accordance with the terms of 38943
the waiver. The ~~departments~~ directors of job and family services 38944
and mental retardation and developmental disabilities shall adopt 38945
rules in accordance with Chapter 119. of the Revised Code 38946
governing the ~~program~~ component. 38947

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. 38948
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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. 38955
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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. 38967
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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 38973
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consider all of the following: 38979

(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; 38980
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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; 38985
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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. 38988
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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: 38992
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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; 39003
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(2) The collection of consumer-specific information through 39008

an assessment instrument the department of mental retardation and developmental disabilities shall provide to the department of job and family services; 39009
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(3) With the information collected pursuant to divisions (A)(1) and (2) of this section, an analysis of that information, and other information the director determines relevant, methods and standards for calculating the fee schedules that do all of the following: 39012
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(a) Assure that the fees are consistent with efficiency, economy, and quality of care; 39017
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(b) Consider the intensity of consumer resource need; 39019

(c) Recognize variations in different geographic areas regarding the resources necessary to assure the health and welfare of consumers; 39020
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(d) Recognize variations in environmental supports available to consumers. 39023
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(B) As part of the process of adopting rules under this section, the director shall consult with the director of mental retardation and developmental disabilities, representatives of county boards of mental retardation and developmental disabilities, persons who provide the home and community-based services, and other persons and government entities the director identifies. 39025
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(C) The directors of job and family services and mental retardation and developmental disabilities shall review the rules adopted under this section at times they determine to ensure that the methods and standards established by the rules for calculating the fee schedules continue to do everything that division (A)(3) of this section requires. 39032
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Sec. 5119.01. The director of mental health is the chief 39038

executive and administrative officer of the department of mental 39039
health. The director may establish procedures for the governance 39040
of the department, conduct of its employees and officers, 39041
performance of its business, and custody, use, and preservation of 39042
departmental records, papers, books, documents, and property. 39043
Whenever the Revised Code imposes a duty upon or requires an 39044
action of the department or any of its institutions, the director 39045
shall perform the action or duty in the name of the department, 39046
except that the medical director appointed pursuant to section 39047
5119.07 of the Revised Code shall be responsible for decisions 39048
relating to medical diagnosis, treatment, rehabilitation, quality 39049
assurance, and the clinical aspects of the following: licensure of 39050
hospitals and residential facilities, research, community mental 39051
health plans, and delivery of mental health services. 39052

The director shall: 39053

(A) Adopt rules for the proper execution of the powers and 39054
duties of the department with respect to the institutions under 39055
its control, and require the performance of additional duties by 39056
the officers of the institutions as necessary to fully meet the 39057
requirements, intents, and purposes of this chapter. In case of an 39058
apparent conflict between the powers conferred upon any managing 39059
officer and those conferred by such sections upon the department, 39060
the presumption shall be conclusive in favor of the department. 39061

(B) Adopt rules for the nonpartisan management of the 39063
institutions under the department's control. An officer or 39064
employee of the department or any officer or employee of any 39065
institution under its control who, by solicitation or otherwise, 39066
exerts influence directly or indirectly to induce any other 39067
officer or employee of the department or any of its institutions 39068
to adopt the exerting officer's or employee's political views or 39069
to favor any particular person, issue, or candidate for office 39070

shall be removed from the exerting officer's or employee's office 39071
or position, by the department in case of an officer or employee, 39072
and by the governor in case of the director. 39073

(C) Appoint such employees, including the medical director, 39074
as are necessary for the efficient conduct of the department, and 39075
prescribe their titles and duties; 39076

(D) Prescribe the forms of affidavits, applications, medical 39077
certificates, orders of hospitalization and release, and all other 39078
forms, reports, and records that are required in the 39079
hospitalization or admission and release of all persons to the 39080
institutions under the control of the department, or are otherwise 39081
required under this chapter or Chapter 5122. of the Revised Code; 39082

(E) Contract with hospitals licensed by the department under 39083
section 5119.20 of the Revised Code for the care and treatment of 39084
mentally ill patients, or with persons, organizations, or agencies 39085
for the custody, supervision, care, or treatment of mentally ill 39086
persons receiving services elsewhere than within the enclosure of 39087
a hospital operated under section 5119.02 of the Revised Code; 39088

(F) Exercise the powers and perform the duties relating to 39089
community mental health facilities and services that are assigned 39090
to the director under this chapter and Chapter 340. of the Revised 39091
Code; 39092

~~(G) Adopt rules under Chapter 119. of the Revised Code for 39093
the establishment of minimum standards, including standards for 39094
use of seclusion and restraint, of mental health services that are 39095
not inconsistent with nationally recognized applicable standards 39096
and that facilitate participation in federal assistance programs; 39097~~

~~(H)~~ Develop and implement clinical evaluation and monitoring 39098
of services that are operated by the department; 39099

~~(I)~~(H) At the director's discretion, adopt rules establishing 39100
standards for the adequacy of services provided by community 39101

mental health facilities, and certify the compliance of such 39102
facilities with the standards for the purpose of authorizing their 39103
participation in the health care plans of health insuring 39104
corporations under Chapter 1751. and sickness and accident 39105
insurance policies issued under Chapter 3923. of the Revised 39106
Code. The director shall cease to certify such compliance two 39107
years after the effective date of this amendment. The director 39108
shall rescind the rules after the date the director ceases to 39109
certify such compliance. 39110

~~(J)~~(I) Adopt rules establishing standards for the performance 39111
of evaluations by a forensic center or other psychiatric program 39112
or facility of the mental condition of defendants ordered by the 39113
court under section 2919.271, or 2945.371 of the Revised Code, and 39114
for the treatment of defendants who have been found incompetent to 39115
stand trial and ordered by the court under section 2945.38, 39116
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 39117
treatment in facilities; 39118

~~(K)~~(J) On behalf of the department, have the authority and 39119
responsibility for entering into contracts and other agreements; 39120

~~(L)~~(K) Prepare and publish regularly a state mental health 39121
plan that describes the department's philosophy, current 39122
activities, and long-term and short-term goals and activities; 39123

~~(M)~~(L) Adopt rules in accordance with Chapter 119. of the 39124
Revised Code specifying the supplemental services that may be 39125
provided through a trust authorized by section 1339.51 of the 39126
Revised Code; 39127

~~(N)~~(M) Adopt rules in accordance with Chapter 119. of the 39128
Revised Code establishing standards for the maintenance and 39129
distribution to a beneficiary of assets of a trust authorized by 39130
section 1339.51 of the Revised Code; 39131

~~(O) As used in division (I) of this section: 39132~~

~~(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.

- (4) Design and set criteria for the determination of severe mental disability; 39164
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- (5) Establish ~~criteria~~ standards for evaluation of mental health programs; 39166
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- (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; 39168
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- (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; 39173
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- (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; 39177
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- (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; 39180
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- (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. 39186
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- (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 39191
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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

of this amendment, a community mental health facility certified by 39226
the department of mental health pursuant to division ~~(I)~~(H) of 39227
section 5119.01 of the Revised Code. 39228

(b) ~~Mental~~ "Community mental health services" means any of 39229
the services listed in section 340.09 of the Revised Code. 39230

(c) "Personal care services" means services including, but 39231
not limited to, the following: 39232

(i) Assisting residents with activities of daily living; 39233

(ii) Assisting residents with self-administration of 39234
medication in accordance with rules adopted under this section; 39235

(iii) Preparing special diets, other than complex therapeutic 39236
diets, for residents pursuant to the instructions of a physician 39237
or a licensed dietitian, in accordance with rules adopted under 39238
this section. 39239

"Personal care services" does not include "skilled nursing 39240
care" as defined in section 3721.01 of the Revised Code. A 39241
facility need not provide more than one of the services listed in 39242
division (A)(1)(c) of this section to be considered to be 39243
providing personal care services. 39244

(d) "Residential facility" means a publicly or privately 39245
operated home or facility that provides one of the following: 39246

(i) Room and board, personal care services, and community 39247
mental health services to one or more persons with mental illness 39248
or persons with severe mental disabilities who are referred by or 39249
are receiving community mental health services from a community 39250
mental health agency, hospital, or practitioner; 39251

(ii) Room and board and personal care services to one or two 39252
persons with mental illness or persons with severe mental 39253
disabilities who are referred by or are receiving community mental 39254
health services from a community mental health agency, hospital, 39255

or practitioner; 39256

(iii) Room and board to five or more persons with mental 39257
illness or persons with severe mental disabilities who are 39258
referred by or are receiving community mental health services from 39259
a community mental health agency, hospital, or practitioner. 39260

The following are not residential facilities: the residence 39261
of a relative or guardian of a mentally ill individual, a hospital 39262
subject to licensure under section 5119.20 of the Revised Code, a 39263
residential facility as defined in section 5123.19 of the Revised 39264
Code, a facility providing care for a child in the custody of a 39265
public children services agency or a private agency certified 39266
under section 5103.03 of the Revised Code, a foster care facility 39267
subject to section 5103.03 of the Revised Code, an adult care 39268
facility subject to licensure under Chapter 3722. of the Revised 39269
Code, and a nursing home, residential care facility, or home for 39270
the aging subject to licensure under section 3721.02 of the 39271
Revised Code. 39272

(2) Nothing in division (A)(1)(d) of this section shall be 39273
construed to permit personal care services to be imposed on a 39274
resident who is capable of performing the activity in question 39275
without assistance. 39276

(3) Except in the case of a residential facility described in 39277
division (A)(1)(d)(i) of this section, members of the staff of a 39278
residential facility shall not administer medication to residents, 39279
all medication taken by residents of a residential facility shall 39280
be self-administered, and no person shall be admitted to or 39281
retained by a residential facility unless the person is capable of 39282
taking the person's own medication and biologicals, as determined 39283
in writing by the person's personal physician. Members of the 39284
staff of a residential facility may do any of the following: 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; 39288

(b) Assist a resident in the self-administration of 39289
medication by taking the medication from the locked area where it 39290
is stored, in accordance with rules adopted pursuant to this 39291
section, and handing it to the resident. If the resident is 39292
physically unable to open the container, a staff member may open 39293
the container for the resident. 39294

(c) Assist a physically impaired but mentally alert resident, 39295
such as a resident with arthritis, cerebral palsy, or Parkinson's 39296
disease, in removing oral or topical medication from containers 39297
and in consuming or applying the medication, upon request by or 39298
with the consent of the resident. If a resident is physically 39299
unable to place a dose of medicine to the resident's mouth without 39300
spilling it, a staff member may place the dose in a container and 39301
place the container to the mouth of the resident. 39302

(B) Every person operating or desiring to operate a 39303
residential facility shall apply for licensure of the facility to 39304
the department of mental health and shall send a copy of the 39305
application to the board of alcohol, drug addiction, and mental 39306
health services whose service district includes the county in 39307
which the person operates or desires to operate a residential 39308
facility. The board shall review such applications and recommend 39309
approval or disapproval to the department. Each recommendation 39310
shall be consistent with the board's community mental health plan. 39311

(C) The department of mental health shall inspect and license 39312
the operation of residential facilities. The department shall 39313
consider the past record of the facility and the applicant or 39314
licensee in arriving at its licensure decision. The department may 39315
issue full, probationary, and interim licenses. A full license 39316
shall expire two years after the date of issuance, a probationary 39317
license shall expire in a shorter period of time as prescribed by 39318
rule adopted by the director of mental health pursuant to Chapter 39319

119. of the Revised Code, and an interim license shall expire 39320
ninety days after the date of issuance. The department may refuse 39321
to issue or renew and may revoke a license if it finds the 39322
facility is not in compliance with rules adopted by the department 39323
pursuant to division (G) of this section or if any facility 39324
operated by the applicant or licensee has had repeated violations 39325
of statutes or rules during the period of previous licenses. 39326
Proceedings initiated to deny applications for full or 39327
probationary licenses or to revoke such licenses are governed by 39328
Chapter 119. of the Revised Code. 39329

(D) The department may issue an interim license to operate a 39330
residential facility if both of the following conditions are met: 39331

(1) The department determines that the closing of or the need 39332
to remove residents from another residential facility has created 39333
an emergency situation requiring immediate removal of residents 39334
and an insufficient number of licensed beds are available. 39335

(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
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An interim license shall be valid for ninety days and may be 39340
renewed by the director no more than twice. Proceedings initiated 39341
to deny applications for or to revoke interim licenses under this 39342
division are not subject to Chapter 119. of the Revised Code. 39343

(E) The department of mental health may conduct an inspection 39344
of a residential facility: 39345

(1) Prior to the issuance of a license to a prospective 39346
operator; 39347

(2) Prior to the renewal of any operator's license; 39348

(3) To determine whether a facility has completed a plan of 39349

correction required pursuant to this division and corrected	39350
deficiencies to the satisfaction of the department and in	39351
compliance with this section and rules adopted pursuant to it;	39352
(4) Upon complaint by any individual or agency;	39353
(5) At any time the director considers an inspection to be	39354
necessary in order to determine whether a residential facility is	39355
in compliance with this section and rules adopted pursuant to this	39356
section.	39357
In conducting inspections the department may conduct an	39358
on-site examination and evaluation of the residential facility,	39359
its personnel, activities, and services. The department shall have	39360
access to examine all records, accounts, and any other documents	39361
relating to the operation of the residential facility, and shall	39362
have access to the facility in order to conduct interviews with	39363
the operator, staff, and residents. Following each inspection and	39364
review, the department shall complete a report listing any	39365
deficiencies, and including, when appropriate, a time table within	39366
which the operator shall correct the deficiencies. The department	39367
may require the operator to submit a plan of correction describing	39368
how the deficiencies will be corrected.	39369
(F) No person shall do any of the following:	39370
(1) Operate a residential facility unless the facility holds	39371
a valid license;	39372
(2) Violate any of the conditions of licensure after having	39373
been granted a license;	39374
(3) Interfere with a state or local official's inspection or	39375
investigation of a residential facility;	39376
(4) Violate any of the provisions of this section or any	39377
rules adopted pursuant to this section.	39378
(G) The director shall adopt and may amend and rescind rules	39379

pursuant to Chapter 119. of the Revised Code, prescribing minimum 39380
standards for the health, safety, adequacy, and cultural 39381
specificity and sensitivity of treatment of and services for 39382
persons in residential facilities; establishing procedures for the 39383
issuance, renewal or revocation of the licenses of such 39384
facilities; establishing the maximum number of residents of a 39385
facility; establishing the rights of residents and procedures to 39386
protect such rights; and requiring an affiliation agreement 39387
approved by the board between a residential facility and a mental 39388
health agency. Such affiliation agreement must be consistent with 39389
the residential portion of the community mental health plan 39390
submitted pursuant to section 340.03 of the Revised Code. 39391

(H) The department may investigate any facility that has been 39392
reported to the department or that the department has reasonable 39393
cause to believe is operating as a residential facility without a 39394
valid license. 39395

(I) The department may withhold the source of any complaint 39396
reported as a violation of this act when the department determines 39397
that disclosure could be detrimental to the department's purposes 39398
or could jeopardize the investigation. The department may disclose 39399
the source of any complaint if the complainant agrees in writing 39400
to such disclosure and shall disclose the source upon order by a 39401
court of competent jurisdiction. 39402

(J) The director of mental health may petition the court of 39403
common pleas of the county in which a residential facility is 39404
located for an order enjoining any person from operating a 39405
residential facility without a license or from operating a 39406
licensed facility when, in the director's judgment, there is a 39407
real and present danger to the health or safety of any of the 39408
occupants of the facility. The court shall have jurisdiction to 39409
grant such injunctive relief upon a showing that the respondent 39410
named in the petition is operating a facility without a license or 39411

there is a real and present danger to the health or safety of any residents of the facility. 39412
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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. 39414
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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. 39424
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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: 39429
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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. 39433
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(1) The rules shall include all of the following: 39436

(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; 39437
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(b) For the purpose of division (A)~~(14)~~(16) of section 340.03 39441

of the Revised Code, rules governing the duties of mental health 39442
agencies and boards of alcohol, drug addiction, and mental health 39443
services under section 3722.18 of the Revised Code regarding 39444
referrals of individuals with mental illness or severe mental 39445
disability to adult care facilities and effective arrangements for 39446
ongoing mental health services for the individuals. The rules 39447
shall do at least the following: 39448

(i) Provide for agencies and boards to participate fully in 39449
the procedures owners and managers of adult care facilities must 39450
follow under division (A)(2) of section 3722.18 of the Revised 39451
Code; 39452

(ii) Specify the manner in which boards are accountable for 39453
ensuring that ongoing mental health services are effectively 39454
arranged for individuals with mental illness or severe mental 39455
disability who are referred by the board or mental health agency 39456
under contract with the board to an adult care facility. 39457

(c) Rules governing a board of alcohol, drug addiction, and 39458
mental health services when making a report to the director of 39459
health under section 3722.17 of the Revised Code regarding the 39460
quality of care and services provided by an adult care facility to 39461
a person with mental illness or a severe mental disability. 39462

(2) Rules may be adopted to govern the method of paying a 39463
community mental health facility described in division (B) of 39464
section 5111.022 of the Revised Code for providing services 39465
established by division (A) of that section. Such rules must be 39466
consistent with the contract entered into between the departments 39467
of ~~human~~ job and family services and mental health under division 39468
(E) of that section and include requirements ensuring appropriate 39469
service utilization. 39470

~~(B) Adopt rules requiring each public or private agency 39471
providing mental health services or facilities under a contract 39472
with a board of alcohol, drug addiction, and mental health 39473~~

~~services and any program operated by such a board to have a~~ 39474
~~written policy that addresses the rights of clients including all~~ 39475
~~of the following:~~ 39476

~~(1) The right to a copy of the agency's policy of client~~ 39477
~~rights;~~ 39478

~~(2) The right at all times to be treated with consideration~~ 39479
~~and respect for the client's privacy and dignity;~~ 39480

~~(3) The right to have access to the client's own psychiatric,~~ 39481
~~medical, or other treatment records unless access is specifically~~ 39482
~~restricted in the client's treatment plan for clear treatment~~ 39483
~~reasons;~~ 39484

~~(4) The right to have a client rights officer provided by the~~ 39485
~~board or agency advise the client of the client's rights,~~ 39486
~~including the client's rights under Chapter 5122. of the Revised~~ 39487
~~Code if the client is committed to the board or agency.~~ 39488

~~(C) Require each board of alcohol, drug addiction, and mental~~ 39489
~~health services to ensure that each contract agency establishes~~ 39490
~~grievance procedures available to all recipients of services or~~ 39491
~~applicants for services;~~ 39492

~~(D) Define minimum standards for qualifications of personnel,~~ 39493
~~professional services, and mental health professionals as defined~~ 39494
~~in section 340.02 of the Revised Code;~~ 39495

~~(E) Review and evaluate, and, taking into account the~~ 39496
~~findings and recommendations of the board of alcohol, drug~~ 39497
~~addiction, and mental health services of the district served by~~ 39498
~~the program and the requirements and priorities of the state~~ 39499
~~mental health plan, including the needs of residents of the~~ 39500
~~district now residing in state mental institutions, approve and~~ 39501
~~allocate funds to support community programs, and make~~ 39502
~~recommendations for needed improvements to boards of alcohol, drug~~ 39503
~~addiction, and mental health services;~~ 39504

~~(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.

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~~(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;

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~~(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;

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~~(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 39537
for which local funds are not available; 39538

~~(J)~~(G) Establish criteria by which a board of alcohol, drug 39539
addiction, and mental health services reviews and evaluates the 39540
quality, effectiveness, and efficiency of services provided 39541
through its community mental health plan. The criteria shall 39542
include requirements ensuring appropriate service utilization. The 39543
department shall assess a board's evaluation of services and the 39544
compliance of each board with this section, Chapter 340. or 39545
section 5119.62 of the Revised Code, and other state or federal 39546
law and regulations. The department, in cooperation with the 39547
board, periodically shall review and evaluate the quality, 39548
effectiveness, and efficiency of services provided through each 39549
board. The department shall collect information that is necessary 39550
to perform these functions. 39551

~~(K)~~(H) Develop and operate a community mental health 39552
information system. 39553

Boards of alcohol, drug abuse, and mental health services 39554
shall submit information requested by the department in the form 39555
and manner prescribed by the department. Information collected by 39556
the department shall include, but not be limited to, all of the 39557
following: 39558

(1) Information regarding units of services provided in whole 39559
or in part under contract with a board, including diagnosis and 39560
special needs, demographic information, the number of units of 39561
service provided, past treatment, financial status, and service 39562
dates in accordance with rules adopted by the department in 39563
accordance with Chapter 119. of the Revised Code; 39564

(2) Financial information other than price or price-related 39565
data regarding expenditures of boards and community mental health 39566
agencies, including units of service provided, budgeted and actual 39567
expenses by type, and sources of funds. 39568

Boards shall submit the information specified in division 39569
(K)(H)(1) of this section no less frequently than annually for 39570
each client, and each time the client's case is opened or closed. 39571
The department shall not collect any information for the purpose 39572
of identifying by name any person who receives a service through a 39573
board of alcohol, drug addiction, and mental health services, 39574
except as required by state or federal law to validate appropriate 39575
reimbursement. For the purposes of division (K)(H)(1) of this 39576
section, the department shall use an identification system that is 39577
consistent with applicable nationally recognized standards. 39578

(L)(I) Review each board's community mental health plan 39579
submitted pursuant to section 340.03 of the Revised Code and 39580
approve or disapprove it in whole or in part. Periodically, in 39581
consultation with representatives of boards and after considering 39582
the recommendations of the medical director, the director shall 39583
issue criteria for determining when a plan is complete, criteria 39584
for plan approval or disapproval, and provisions for conditional 39585
approval. The factors that the director considers may include, but 39586
are not limited to, the following: 39587

(1) The mental health needs of all persons residing within 39588
the board's service district, especially severely mentally 39589
disabled children, adolescents, and adults; 39590

(2) The demonstrated quality, effectiveness, efficiency, and 39591
cultural relevance of the services provided in each service 39592
district, the extent to which any services are duplicative of 39593
other available services, and whether the services meet the needs 39594
identified above; 39595

(3) The adequacy of the board's accounting for the 39596
expenditure of funds. 39597

If the director disapproves all or part of any plan, the 39598
director shall provide the board an opportunity to present its 39599

position. The director shall inform the board of the reasons for 39600
the disapproval and of the criteria that must be met before the 39601
plan may be approved. The director shall give the board a 39602
reasonable time within which to meet the criteria, and shall offer 39603
technical assistance to the board to help it meet the criteria. 39604

If the approval of a plan remains in dispute thirty days 39605
prior to the conclusion of the fiscal year in which the board's 39606
current plan is scheduled to expire, the board or the director may 39607
request that the dispute be submitted to a mutually agreed upon 39608
third-party mediator with the cost to be shared by the board and 39609
the department. The mediator shall issue to the board and the 39610
department recommendations for resolution of the dispute. Prior to 39611
the conclusion of the fiscal year in which the current plan is 39612
scheduled to expire, the director, taking into consideration the 39613
recommendations of the mediator, shall make a final determination 39614
and approve or disapprove the plan, in whole or in part. 39615

~~(M) Visit and evaluate any community mental health program,~~ 39616
~~agency, or facility, in cooperation with a board of alcohol, drug~~ 39617
~~addiction, and mental health services, to determine if the~~ 39618
~~services meet minimum standards pursuant to division (G) of~~ 39619
~~section 5119.01 of the Revised Code. If the director determines~~ 39620
~~that the services meet minimum standards, the director shall so~~ 39621
~~certify.~~ 39622

~~If the director determines that the services of any program,~~ 39623
~~agency, or facility that has a contract with a board do not meet~~ 39624
~~minimum standards, the director shall identify the areas of~~ 39625
~~noncompliance, specify what action is necessary to meet the~~ 39626
~~standards, and offer technical assistance to the board so that it~~ 39627
~~may assist the program, agency, or facility to meet minimum~~ 39628
~~standards. The director shall give the board a reasonable time~~ 39629
~~within which to demonstrate that the services meet minimum~~ 39630
~~standards or to bring the program or facility into compliance with~~ 39631

~~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

director may visit and shall evaluate the agency to determine 39662
whether its services satisfy the standards established by rules 39663
adopted under division (C) of this section. The director shall 39664
make the evaluation, and, if the director visits the agency, shall 39665
make the visit, in cooperation with the board of alcohol, drug 39666
addiction, and mental health services with which the agency seeks 39667
to contract. 39668

If the director determines that a community mental health 39669
agency's services satisfy the standards, the director shall 39670
certify the services. 39671

If the director determines that a community mental health 39672
agency's services do not satisfy the standards, the director shall 39673
identify the areas of noncompliance, specify what action is 39674
necessary to satisfy the standards, and offer technical assistance 39675
to the board of alcohol, drug addiction, and mental health 39676
services so that the board may assist the agency in satisfying the 39677
standards. The director shall give the agency a reasonable time 39678
within which to demonstrate that its services satisfy the 39679
standards or to bring the services into compliance with the 39680
standards. If the director concludes that the services continue to 39681
fail to satisfy the standards, the director may request that the 39682
board reallocate the funds for the community mental health 39683
services the agency was to provide to another community mental 39684
health agency whose community mental health services satisfy the 39685
standards. If the board does not reallocate those funds in a 39686
reasonable period of time, the director may withhold state and 39687
federal funds for the community mental health services and 39688
allocate those funds directly to a community mental health agency 39689
whose community mental health services satisfy the standards. 39690

(B) Each community mental health agency seeking certification 39691
of its community mental health services under this section shall 39692
pay a fee for the certification review required by this section. 39693

Fees shall be paid into the sale of goods and services fund 39694
created pursuant to section 5119.161 of the Revised Code. 39695
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(C) The director shall adopt rules in accordance with Chapter 39697
119. of the Revised Code to implement this section. The rules 39698
shall do all of the following: 39699

(1) Establish certification standards for community mental 39700
health services that are consistent with nationally recognized 39701
applicable standards and facilitate participation in federal 39702
assistance programs. The rules shall include as certification 39703
standards only requirements that improve the quality of services 39704
or the health and safety of clients of community mental health 39705
services. The standards shall address at a minimum all of the 39706
following: 39707

(a) Reporting major unusual incidents to the director; 39708

(b) Procedures for applicants for and clients of community 39709
mental health services to file grievances and complaints; 39710

(c) Seclusion; 39711

(d) Restraint; 39712

(e) Development of written policies addressing the rights of 39713
clients, including all of the following: 39714

(i) The right to a copy of the written policies addressing 39715
client rights; 39716

(ii) The right at all times to be treated with consideration 39717
and respect for the client's privacy and dignity; 39718

(iii) The right to have access to the client's own 39719
psychiatric, medical, or other treatment records unless access is 39720
specifically restricted in the client's treatment plan for clear 39721
treatment reasons; 39722

(iv) The right to have a client rights officer provided by 39723

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. 39724
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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; 39728
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(3) Establish the process for certification of community mental health services; 39731
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(4) Set the amount of certification review fees based on a portion of the cost of performing the review; 39733
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(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds. 39735
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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. 39737
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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 39746
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copy of the rule or amendment, if the rule or amendment pertains 39754
to minimum jail standards, by ordinary mail to the political 39755
subdivisions or affiliations of political subdivisions that 39756
operate jails to which the standards apply. 39757

(2) The rules promulgated in accordance with division (A)(1) 39758
of this section shall serve as criteria for the investigative and 39759
supervisory powers and duties vested by division (D) of this 39760
section in the division of parole and community services of the 39761
department of rehabilitation and correction or in another division 39762
of the department to which those powers and duties are assigned. 39763

(B) The director may initiate an action in the court of 39764
common pleas of the county in which a facility that is subject to 39765
the rules promulgated under division (A)(1) of this section is 39766
situated to enjoin compliance with the minimum standards for jails 39767
or with the minimum standards and minimum renovation, 39768
modification, and construction criteria for minimum security 39769
jails. 39770

(C) Upon the request of an administrator of a jail facility, 39771
the chief executive of a municipal corporation, or a board of 39772
county commissioners, the director of rehabilitation and 39773
correction or the director's designee shall grant a variance from 39774
the minimum standards for jails in Ohio for a facility that is 39775
subject to one of those minimum standards when the director 39776
determines that strict compliance with the minimum standards would 39777
cause unusual, practical difficulties or financial hardship, that 39778
existing or alternative practices meet the intent of the minimum 39779
standards, and that granting a variance would not seriously affect 39780
the security of the facility, the supervision of the inmates, or 39781
the safe, healthful operation of the facility. If the director or 39782
the director's designee denies a variance, the applicant may 39783
appeal the denial pursuant to section 119.12 of the Revised Code. 39784

(D) The following powers and duties shall be exercised by the 39785

division of parole and community services unless assigned to	39786
another division by the director:	39787
(1) The investigation and supervision of county and municipal	39788
jails, workhouses, minimum security jails, and other correctional	39789
institutions and agencies;	39790
(2) <u>The review and approval of plans submitted to the</u>	39791
<u>department of rehabilitation and correction pursuant to division</u>	39792
<u>(E) of this section;</u>	39793
(3) (4) The management and supervision of the adult parole	39794
authority created by section 5149.02 of the Revised Code;	39795
(3) (4) The review and approval of proposals for	39796
community-based correctional facilities and programs and district	39797
community-based correctional facilities and programs that are	39798
submitted pursuant to division (B) of section 2301.51 of the	39799
Revised Code;	39800
(4) (5) The distribution of funds made available to the	39801
division for purposes of assisting in the renovation, maintenance,	39802
and operation of community-based correctional facilities and	39803
programs and district community-based correctional facilities and	39804
programs in accordance with section 5120.112 of the Revised Code;	39805
(5) (6) The performance of the duty imposed upon the	39806
department of rehabilitation and correction in section 5149.31 of	39807
the Revised Code to establish and administer a program of	39808
subsidies to eligible municipal corporations, counties, and groups	39809
of contiguous counties for the development, implementation, and	39810
operation of community-based corrections programs;	39811
(6) (7) Licensing halfway houses and community residential	39812
centers for the care and treatment of adult offenders in	39813
accordance with section 2967.14 of the Revised Code;	39814
(7) (8) Contracting with a public or private agency or a	39815

department or political subdivision of the state that operates a 39816
licensed halfway house or community residential center for the 39817
provision of housing, supervision, and other services to parolees 39818
and probationers in accordance with section 2967.14 of the Revised 39819
Code. 39820

Other powers and duties may be assigned by the director of 39821
rehabilitation and correction to the division of parole and 39822
community services. This section does not apply to the department 39823
of youth services or its institutions or employees. 39824

(E) No plan for any new jail, workhouse, or lockup, or plan 39825
for a substantial addition or alteration to an existing jail, 39826
workhouse, or lockup, shall be adopted unless the officials 39827
responsible for adopting the plan have submitted it to the 39828
department of rehabilitation and correction for approval and the 39829
department has approved the plan as provided in division (D)(2) of 39830
this section. 39831

Sec. 5122.31. All certificates, applications, records, and 39832
reports made for the purpose of this chapter and sections 2945.38, 39833
2945.39, 2945.40, 2945.401, and 2945.402 of the Revised Code, 39834
other than court journal entries or court docket entries, and 39835
directly or indirectly identifying a patient or former patient or 39836
person whose hospitalization has been sought under this chapter, 39837
shall be kept confidential and shall not be disclosed by any 39838
person except: 39839

(A) If the person identified, or the person's legal guardian, 39840
if any, or if the person is a minor, the person's parent or legal 39841
guardian, consents, and if the disclosure is in the best interests 39842
of the person, as may be determined by the court for judicial 39843
records and by the chief clinical officer for medical records; 39844
39845

(B) When disclosure is provided for in this chapter or 39846

section 5123.60 of the Revised Code; 39847

(C) That hospitals, boards of alcohol, drug addiction, and 39848
mental health services, and community mental health agencies may 39849
release necessary medical information to insurers and other 39850
third-party payers, including government entities responsible for 39851
processing and authorizing payment, to obtain payment for goods 39852
and services furnished to the patient; 39853

(D) Pursuant to a court order signed by a judge; 39854

(E) That a patient shall be granted access to the patient's 39855
own psychiatric and medical records, unless access specifically is 39856
restricted in a patient's treatment plan for clear treatment 39857
reasons; 39858

(F) That hospitals and other institutions and facilities 39859
within the department of mental health may exchange psychiatric 39860
records and other pertinent information with other hospitals, 39861
institutions, and facilities of the department, and with community 39862
mental health agencies and boards of alcohol, drug addiction, and 39863
mental health services with which the department has a current 39864
agreement for patient care or services. Records and information 39865
that may be released pursuant to this division shall be limited to 39866
medication history, physical health status and history, financial 39867
status, summary of course of treatment in the hospital, summary of 39868
treatment needs, and a discharge summary, if any. 39869

(G) That a patient's family member who is involved in the 39870
provision, planning, and monitoring of services to the patient may 39871
receive medication information, a summary of the patient's 39872
diagnosis and prognosis, and a list of the services and personnel 39873
available to assist the patient and the patient's family, if the 39874
patient's treating physician determines that the disclosure would 39875
be in the best interests of the patient. No such disclosure shall 39876
be made unless the patient is notified first and receives the 39877

information and does not object to the disclosure. 39878

(H) That community mental health agencies may exchange 39879
psychiatric records and certain other information with the board 39880
of alcohol, drug addiction, and mental health services and other 39881
agencies in order to provide services to a person involuntarily 39882
committed to a board. Release of records under this division shall 39883
be limited to medication history, physical health status and 39884
history, financial status, summary of course of treatment, summary 39885
of treatment needs, and discharge summary, if any. 39886

(I) That information may be disclosed to the executor or the 39887
administrator of an estate of a deceased patient when the 39888
information is necessary to administer the estate; 39889

(J) That records in the possession of the Ohio historical 39890
society may be released to the closest living relative of a 39891
deceased patient upon request of that relative; 39892

(K) That information may be disclosed to staff members of the 39893
appropriate board or to staff members designated by the director 39894
of mental health for the purpose of evaluating the quality, 39895
effectiveness, and efficiency of services and determining if the 39896
services meet minimum standards. Information obtained during such 39897
evaluations shall not be retained with the name of any patient. 39898
39899

(L) That records pertaining to the patient's diagnosis, 39900
course of treatment, treatment needs, and prognosis shall be 39901
disclosed and released to the appropriate prosecuting attorney if 39902
the patient was committed pursuant to section 2945.38, 2945.39, 39903
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 39904
attorney designated by the board for proceedings pursuant to 39905
involuntary commitment under this chapter. 39906

(M) That the department of mental health may exchange 39907
psychiatric hospitalization records, other mental health treatment 39908

records, and other pertinent information with the department of 39909
rehabilitation and correction to ensure continuity of care for 39910
inmates who are receiving mental health services in an institution 39911
of the department of rehabilitation and correction. The department 39912
shall not disclose those records unless the inmate is notified, 39913
receives the information, and does not object to the disclosure. 39914
The release of records under this division is limited to records 39915
regarding an inmate's medication history, physical health status 39916
and history, summary of course of treatment, summary of treatment 39917
needs, and a discharge summary, if any. 39918

(N) That a community mental health agency that ceases to 39919
operate may transfer to either a community mental health agency 39920
that assumes its caseload or to the board of alcohol, drug 39921
addiction, and mental health services of the service district in 39922
which the patient resided at the time services were most recently 39923
provided any treatment records that have not been transferred 39924
elsewhere at the patient's request. 39925

(O) Before records are disclosed pursuant to divisions (C), 39926
(F), and (H) of this section, the custodian of the records shall 39927
attempt to obtain the patient's consent for the disclosure. No 39928
person shall reveal the contents of a medical record of a patient 39929
except as authorized by law. 39930

Sec. 5123.01. As used in this chapter: 39931

(A) "Chief medical officer" means the licensed physician 39932
appointed by the managing officer of an institution for the 39933
mentally retarded with the approval of the director of mental 39934
retardation and developmental disabilities to provide medical 39935
treatment for residents of the institution. 39936

(B) "Chief program director" means a person with special 39937
training and experience in the diagnosis and management of the 39938
mentally retarded, certified according to division (C) of this 39939

section in at least one of the designated fields, and appointed by 39940
the managing officer of an institution for the mentally retarded 39941
with the approval of the director to provide habilitation and care 39942
for residents of the institution. 39943

(C) "Comprehensive evaluation" means a study, including a 39944
sequence of observations and examinations, of a person leading to 39945
conclusions and recommendations formulated jointly, with 39946
dissenting opinions if any, by a group of persons with special 39947
training and experience in the diagnosis and management of persons 39948
with mental retardation or a developmental disability, which group 39949
shall include individuals who are professionally qualified in the 39950
fields of medicine, psychology, and social work, together with 39951
such other specialists as the individual case may require. 39952

(D) "Education" means the process of formal training and 39953
instruction to facilitate the intellectual and emotional 39954
development of residents. 39955

(E) "Habilitation" means the process by which the staff of 39956
the institution assists the resident in acquiring and maintaining 39957
those life skills that enable the resident to cope more 39958
effectively with the demands of the resident's own person and of 39959
the resident's environment and in raising the level of the 39960
resident's physical, mental, social, and vocational efficiency. 39961
Habilitation includes but is not limited to programs of formal, 39962
structured education and training. 39963

(F) "Habilitation center services" means services provided by 39964
a habilitation center certified by the department of mental 39965
retardation and developmental disabilities under section 5123.041 39966
of the Revised Code and covered by the medicaid program pursuant 39967
to rules adopted under section 5111.041 of the Revised Code. 39968

(G) "Health officer" means any public health physician, 39969
public health nurse, or other person authorized or designated by a 39970

city or general health district. 39971

~~(G)~~(H) "Home and community-based services" means 39972
medicaid-funded home and community-based services provided under a 39973
medicaid component the department of mental retardation and 39974
developmental disabilities administers pursuant to section 39975
5111.871 of the Revised Code. 39976

(I) "Indigent person" means a person who is unable, without 39977
substantial financial hardship, to provide for the payment of an 39978
attorney and for other necessary expenses of legal representation, 39979
including expert testimony. 39980

~~(H)~~(J) "Institution" means a public or private facility, or a 39981
part of a public or private facility, that is licensed by the 39982
appropriate state department and is equipped to provide 39983
residential habilitation, care, and treatment for the mentally 39984
retarded. 39985

~~(I)~~(K) "Licensed physician" means a person who holds a valid 39986
certificate issued under Chapter 4731. of the Revised Code 39987
authorizing the person to practice medicine and surgery or 39988
osteopathic medicine and surgery, or a medical officer of the 39989
government of the United States while in the performance of the 39990
officer's official duties. 39991

~~(J)~~(L) "Managing officer" means a person who is appointed by 39992
the director of mental retardation and developmental disabilities 39993
to be in executive control of an institution for the mentally 39994
retarded under the jurisdiction of the department. 39995

~~(K)~~(M) "Medicaid" has the same meaning as in section 5111.01 39996
of the Revised Code. 39997

(N) "Medicaid case management services" means case management 39998
services provided to an individual with mental retardation or 39999
other developmental disability that the state medicaid plan 40000
requires. 40001

(O) "Mentally retarded person" means a person having 40002
significantly subaverage general intellectual functioning existing 40003
concurrently with deficiencies in adaptive behavior, manifested 40004
during the developmental period. 40005

~~(I)~~(P) "Mentally retarded person subject to 40006
institutionalization by court order" means a person eighteen years 40007
of age or older who is at least moderately mentally retarded and 40008
in relation to whom, because of the person's retardation, either 40009
of the following conditions exist: 40010

(1) The person represents a very substantial risk of physical 40011
impairment or injury to self as manifested by evidence that the 40012
person is unable to provide for and is not providing for the 40013
person's most basic physical needs and that provision for those 40014
needs is not available in the community; 40015

(2) The person needs and is susceptible to significant 40016
habilitation in an institution. 40017

~~(M)~~(O) "A person who is at least moderately mentally 40018
retarded" means a person who is found, following a comprehensive 40019
evaluation, to be impaired in adaptive behavior to a moderate 40020
degree and to be functioning at the moderate level of intellectual 40021
functioning in accordance with standard measurements as recorded 40022
in the most current revision of the manual of terminology and 40023
classification in mental retardation published by the American 40024
association on mental retardation. 40025

~~(N)~~(R) As used in this division, "substantial functional 40026
limitation," "developmental delay," and "established risk" have 40027
the meanings established pursuant to section 5123.011 of the 40028
Revised Code. 40029

"Developmental disability" means a severe, chronic disability 40030
that is characterized by all of the following: 40031

(1) It is attributable to a mental or physical impairment or 40032

a combination of mental and physical impairments, other than a 40033
mental or physical impairment solely caused by mental illness as 40034
defined in division (A) of section 5122.01 of the Revised Code. 40035

(2) It is manifested before age twenty-two. 40036

(3) It is likely to continue indefinitely. 40037

(4) It results in one of the following: 40038

(a) In the case of a person under three years of age, at 40039
least one developmental delay or an established risk; 40040

(b) In the case of a person at least three years of age but 40041
under six years of age, at least two developmental delays or an 40042
established risk; 40043

(c) In the case of a person six years of age or older, a 40044
substantial functional limitation in at least three of the 40045
following areas of major life activity, as appropriate for the 40046
person's age: self-care, receptive and expressive language, 40047
learning, mobility, self-direction, capacity for independent 40048
living, and, if the person is at least sixteen years of age, 40049
capacity for economic self-sufficiency. 40050

(5) It causes the person to need a combination and sequence 40051
of special, interdisciplinary, or other type of care, treatment, 40052
or provision of services for an extended period of time that is 40053
individually planned and coordinated for the person. 40054

~~(O)~~(S) "Developmentally disabled person" means a person with 40055
a developmental disability. 40056

~~(P)~~(T) "State institution" means an institution that is 40057
tax-supported and under the jurisdiction of the department. 40058

~~(Q)~~(U) "Residence" and "legal residence" have the same 40059
meaning as "legal settlement," which is acquired by residing in 40060
Ohio for a period of one year without receiving general assistance 40061
prior to July 17, 1995, under former Chapter 5113. of the Revised 40062

Code, disability assistance under Chapter 5115. of the Revised 40063
Code, or assistance from a private agency that maintains records 40064
of assistance given. A person having a legal settlement in the 40065
state shall be considered as having legal settlement in the 40066
assistance area in which the person resides. No adult person 40067
coming into this state and having a spouse or minor children 40068
residing in another state shall obtain a legal settlement in this 40069
state as long as the spouse or minor children are receiving public 40070
assistance, care, or support at the expense of the other state or 40071
its subdivisions. For the purpose of determining the legal 40072
settlement of a person who is living in a public or private 40073
institution or in a home subject to licensing by the department of 40074
job and family services, the department of mental health, or the 40075
department of mental retardation and developmental disabilities, 40076
the residence of the person shall be considered as though the 40077
person were residing in the county in which the person was living 40078
prior to the person's entrance into the institution or home. 40079
Settlement once acquired shall continue until a person has been 40080
continuously absent from Ohio for a period of one year or has 40081
acquired a legal residence in another state. A woman who marries a 40082
man with legal settlement in any county immediately acquires the 40083
settlement of her husband. The legal settlement of a minor is that 40084
of the parents, surviving parent, sole parent, parent who is 40085
designated the residential parent and legal custodian by a court, 40086
other adult having permanent custody awarded by a court, or 40087
guardian of the person of the minor, provided that: 40088

(1) A minor female who marries shall be considered to have 40089
the legal settlement of her husband and, in the case of death of 40090
her husband or divorce, she shall not thereby lose her legal 40091
settlement obtained by the marriage. 40092

(2) A minor male who marries, establishes a home, and who has 40093
resided in this state for one year without receiving general 40094

assistance prior to July 17, 1995, under former Chapter 5113. of 40095
the Revised Code, disability assistance under Chapter 5115. of the 40096
Revised Code, or assistance from a private agency that maintains 40097
records of assistance given shall be considered to have obtained a 40098
legal settlement in this state. 40099

(3) The legal settlement of a child under eighteen years of 40100
age who is in the care or custody of a public or private child 40101
caring agency shall not change if the legal settlement of the 40102
parent changes until after the child has been in the home of the 40103
parent for a period of one year. 40104

No person, adult or minor, may establish a legal settlement 40105
in this state for the purpose of gaining admission to any state 40106
institution. 40107

~~(R)~~(V)(1) "Resident" means, subject to division (R)(2) of 40108
this section, a person who is admitted either voluntarily or 40109
involuntarily to an institution or other facility pursuant to 40110
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 40111
Code subsequent to a finding of not guilty by reason of insanity 40112
or incompetence to stand trial or under this chapter who is under 40113
observation or receiving habilitation and care in an institution. 40114

(2) "Resident" does not include a person admitted to an 40115
institution or other facility under section 2945.39, 2945.40, 40116
2945.401, or 2945.402 of the Revised Code to the extent that the 40117
reference in this chapter to resident, or the context in which the 40118
reference occurs, is in conflict with any provision of sections 40119
2945.37 to 2945.402 of the Revised Code. 40120

~~(S)~~(W) "Respondent" means the person whose detention, 40121
commitment, or continued commitment is being sought in any 40122
proceeding under this chapter. 40123

~~(T)~~(X) "Working day" and "court day" mean Monday, Tuesday, 40124
Wednesday, Thursday, and Friday, except when such day is a legal 40125

holiday. 40126

~~(U)~~(Y) "Prosecutor" means the prosecuting attorney, village 40127
solicitor, city director of law, or similar chief legal officer 40128
who prosecuted a criminal case in which a person was found not 40129
guilty by reason of insanity, who would have had the authority to 40130
prosecute a criminal case against a person if the person had not 40131
been found incompetent to stand trial, or who prosecuted a case in 40132
which a person was found guilty. 40133

~~(V)~~(Z) "Court" means the probate division of the court of 40134
common pleas. 40135

Sec. 5123.041. (A) As used in this section, "habilitation 40136
center" means a habilitation center certified under division (C) 40137
of this section for the provision of that provides habilitation 40138
center services under section 5111.041 of the Revised Code. 40139

(B) The department of mental retardation and developmental 40140
disabilities shall do all of the following pursuant to an 40141
interagency agreement with the department of job and family 40142
services entered into under section 5111.86 of the Revised Code: 40143

(1) Certify habilitation centers that meet the certification 40144
requirements established by rules adopted by the director of job 40145
and family services under section 5111.041 of the Revised Code; 40146

(2) Accept and process medicaid reimbursement claims from 40147
habilitation centers providing habilitation center services to 40148
medicaid recipients under section 5111.041 of the Revised Code; 40149

(3) With medicaid funds provided to the department from the 40150
department of job and family services, pay the medicaid 40151
reimbursement claims accepted and processed under division (B)(2) 40152
of this section; 40153

(4) Perform the other duties included in the interagency 40154
agreement. 40155

(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

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. 40186
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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. 40190
40191
40192
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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: 40194
40195
40196

(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; 40197
40198
40199
40200

(2) Revoke a certificate when required to do so by rules adopted under division (C) of this section. 40201
40202

(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: 40203
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(1) Ensuring that providers comply with section 5126.28 or 5126.281 of the Revised Code, as appropriate; 40212
40213

(2) Evaluating the services provided to ensure that they are provided in a quality manner advantageous to the individual 40214
40215

receiving the services. The procedures shall require that all of 40216
the following be considered as part of an evaluation: 40217

(a) The provider's experience and financial responsibility; 40218
40219

(b) The provider's ability to comply with standards for the 40220
home and community-based services that the provider provides; 40221

(c) The provider's ability to meet the needs of the 40222
individuals served; 40223

(d) Any other factor the director considers relevant. 40224

(3) Determining when to revoke a provider's certificate. The 40225
reasons for which a certificate may be revoked may include good 40226
cause, including misfeasance, malfeasance, nonfeasance, confirmed 40227
abuse or neglect, financial irresponsibility, or other conduct the 40228
director determines is injurious to individuals being served. 40229
40230

(4) Protecting due process rights. 40231

(D) The rules adopted under division (C) of this section 40232
shall allow a person or government entity to automatically satisfy 40233
a requirement for certification under this section if the person 40234
holds a current, valid license under section 5123.19 of the 40235
Revised Code to operate a residential facility and had to satisfy 40236
the requirement to obtain the residential facility license. 40237

(E) The records of an evaluation conducted in accordance with 40238
rules adopted under division (C)(2) of this section are public 40239
records for purposes of section 149.43 of the Revised Code and 40240
shall be made available on request of any person, including 40241
individuals being served, individuals seeking home or 40242
community-based services, and county boards of mental retardation 40243
and developmental disabilities. 40244

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

mechanisms or achieving the outcomes specified in its approved 40277
plan, the department may take action under division (G) of section 40278
5726.055 of the Revised Code. 40279

Sec. 5123.047. (A) The department of mental retardation and 40280
developmental disabilities shall pay the nonfederal share of 40281
medicaid expenditures for habilitation center services provided to 40282
an individual with mental retardation or other developmental 40283
disability unless section 5111.041 of the Revised Code requires a 40284
county board of mental retardation and developmental disabilities 40285
or a school district to pay the nonfederal share. 40286

(B) The department shall pay the nonfederal share of medicaid 40287
expenditures for medicaid case management services if either of 40288
the following apply: 40289

(1) The services are provided to an individual with mental 40290
retardation or other developmental disability who a county board 40291
has determined under section 5126.041 of the Revised Code is not 40292
eligible for county board services; 40293

(2) The services are provided to an individual with mental 40294
retardation or other developmental disability by a public or 40295
private agency with which the department has contracted under 40296
section 5123.56 of the Revised Code to provide protective services 40297
to the individual. 40298

(C) The department shall pay the nonfederal share of medicaid 40299
expenditures for home and community-based services if either of 40300
the following apply: 40301

(1) The services are provided to an individual with mental 40302
retardation or other developmental disability who a county board 40303
has determined under section 5126.041 of the Revised Code is not 40304
eligible for county board services; 40305

(2) The services are provided to an individual with mental 40306

retardation or other developmental disability given priority for 40307
the services pursuant to division (D)(2)(d) of section 5126.042 of 40308
the Revised Code. 40309

Sec. 5123.048. (A) For state fiscal year 2002, the department 40310
of mental retardation and developmental disabilities shall assign 40311
to a county board of mental retardation and developmental 40312
disabilities the nonfederal share of medicaid expenditures for 40313
habilitation center services that a private habilitation center 40314
provides if all of the following apply: 40315

(1) The individuals who receive the services also received 40316
the services from the center pursuant to a contract the center had 40317
with the department in state fiscal year 2001; 40318

(2) The county board determined under section 5126.041 of the 40319
Revised Code that the individuals who receive the services are 40320
eligible for county board services; 40321

(3) The county board contracts with the center to provide the 40322
services after the center's contract with the department ends. 40323

(B) The department shall also make the assignment under 40324
division (A) of this section for each successive state fiscal year 40325
that the county board contracts with the private habilitation 40326
center to provide the habilitation center services to the 40327
individuals who received the services pursuant to the contract the 40328
department had with the center in state fiscal year 2001. 40329

(C) The amount the department shall assign under divisions 40330
(A) and (B) of this section shall be adequate to ensure that the 40331
habilitation center services the individuals receive are 40332
comparable in scope to the habilitation center services they 40333
received when the private habilitation center was under contract 40334
with the department. The amount that the department assigns shall 40335
not be less than the amount the department paid the private 40336

habilitation center for the individuals under the contract the 40337
department had with the center in fiscal year 2001. 40338

(D) A county board shall use the assignment it receives under 40339
divisions (A) and (B) of this section to pay the nonfederal share 40340
of the medicaid expenditures for the habilitation center services 40341
the county board is required by division (D) of section 5111.041 40342
of the Revised Code to pay. 40343

Sec. 5123.049. The director of mental retardation and 40344
developmental disabilities shall adopt rules in accordance with 40345
Chapter 119. of the Revised Code governing the authorization and 40346
payment of home and community-based services, medicaid case 40347
management services, and habilitation center services. The rules 40348
shall provide for private providers of the services to receive one 40349
hundred per cent of the medicaid allowable payment amount and for 40350
government providers of the services to receive the federal share 40351
of the medicaid allowable payment, less the amount withheld as a 40352
fee under section 5123.0412 of the Revised Code and any amount 40353
that may be required by rules adopted under section 5123.0413 of 40354
the Revised Code to be deposited into the state MR/DD risk fund. 40355
The rules shall establish the process by which county boards of 40356
mental retardation and developmental disabilities shall certify 40357
and provide the nonfederal share of medicaid expenditures that the 40358
county board is required by division (A) of section 5126.056 of 40359
the Revised Code to pay. The process shall require a county board 40360
to certify that the county board has funding available at one time 40361
for two months costs for those expenditures. The process may 40362
permit a county board to certify that the county board has funding 40363
available at one time for more than two months costs for those 40364
expenditures. 40365

Sec. 5123.0410. An individual with mental retardation or 40366
other developmental disability who moves from one county in this 40367

state to another county in this state shall receive home and 40368
community-based services in the new county that are comparable in 40369
scope to the home and community-based services the individual 40370
receives in the prior county at the time the individual moves. If 40371
the county board serving the county to which the individual moves 40372
determines under section 5126.041 of the Revised Code that the 40373
individual is eligible for county board services, the county board 40374
shall ensure that the individual receives the comparable services. 40375
If the county board determines that the individual is not eligible 40376
for county board services, the department of mental retardation 40377
and developmental disabilities shall ensure that the individual 40378
receives the comparable services. 40379

If the home and community-based services that the individual 40380
receives at the time the individual moves include supported living 40381
or residential services, the department shall reduce the amount 40382
the department allocates to the county board serving the county 40383
the individual left for those supported living or residential 40384
services by an amount that equals the payment the department 40385
authorizes or projects, or both, for those supported living or 40386
residential services from the last day the individual resides in 40387
the county to the last day of the state fiscal year in which the 40388
individual moves. The department shall increase the amount the 40389
department allocates to the county board serving the county the 40390
individual moves to by the same amount. The department shall make 40391
the reduction and increase effective the day the department 40392
determines the individual has residence in the new county. The 40393
department shall determine the amount that is to be reduced and 40394
increased in accordance with the department's rules for 40395
authorizing payments for home and community-based services 40396
established adopted under section 5123.049 of the Revised Code. 40397
The department shall annualize the reduction and increase for the 40398
subsequent state fiscal year as necessary. 40399

Sec. 5123.0411. The department of mental retardation and 40400
developmental disabilities may bring a mandamus action against a 40401
county board of mental retardation and developmental disabilities 40402
that fails to pay the nonfederal share of medicaid expenditures 40403
that the county board is required by division (A) of section 40404
5126.056 of the Revised Code to pay. The department may bring the 40405
mandamus action in the court of common pleas of the county served 40406
by the county board or in the Franklin county court of common 40407
pleas. 40408

Sec. 5123.0412. (A) The department of mental retardation and 40409
developmental disabilities shall charge each county board of 40410
mental retardation and developmental disabilities an annual fee 40411
equal to one per cent of the total value of all medicaid paid 40412
claims for medicaid case management services and home and 40413
community-based services for which the county board contracts or 40414
provides itself. No county board shall pass the cost of a fee 40415
charged to the county board under this section on to a person or 40416
government entity with which the county board contracts to provide 40417
the services. 40418

(B) The fees collected under this section shall be deposited 40419
into the ODMR/DD administration and oversight fund and the ODJFS 40420
administration and oversight fund, both of which are hereby 40421
created in the state treasury. The portion of the fees to be 40422
deposited into the ODMR/DD administration and oversight fund and 40423
the portion of the fees to be deposited into the ODJFS 40424
administration and oversight fund shall be the portion specified 40425
in an interagency agreement entered into under division (C) of 40426
this section. The department of mental retardation and 40427
developmental disabilities shall use the money in the ODMR/DD 40428
administration and oversight fund and the department of job and 40429
family services shall use the money in the ODJFS administration 40430

and oversight fund for both of the following purposes: 40431

(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: 40432

(a) Eligibility determinations; 40433

(b) Training; 40434

(c) Fiscal management; 40435

(d) Claims processing; 40436

(e) Quality assurance oversight; 40437

(f) Other duties the departments identify. 40438

(2) Providing technical support to county boards' local administrative authority under section 5126.055 of the Revised Code for the services. 40439

(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: 40440

(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; 40441

(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. 40442

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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

developmental disabilities shall adopt rules in accordance with 40490
Chapter 119. of the Revised Code: 40491

(1) Designating positions of employment for which the 40492
director determines that certification or evidence of registration 40493
is required as a condition of employment in the department of 40494
mental retardation and developmental disabilities, entities that 40495
contract with the department or county boards of mental 40496
retardation and developmental disabilities to operate programs or 40497
provide services to persons with mental retardation and 40498
developmental disabilities, or other positions of employment in 40499
programs that serve those persons[†]. The rules shall designate the 40500
position of investigative agent, as defined in section 5126.20 of 40501
the Revised Code, as a position for which certification is 40502
required. 40503

(2) Establishing levels of certification or registration for 40504
each position for which certification or registration is required; 40505

(3) Establishing for each level of each position the 40506
requirements that must be met to obtain certification or 40507
registration, including standards regarding education, specialized 40508
training, and experience. The standards shall take into account 40509
the nature and needs of persons with mental retardation or a 40510
developmental disability and the specialized techniques needed to 40511
serve them. The requirements for an investigative agent shall be 40512
the same as the certification requirements for an investigative 40513
agent under section 5126.25 of the Revised Code. 40514

(4) Establishing renewal schedules and renewal requirements 40515
for certification and registration, including standards regarding 40516
education, specialized training, and experience[†]. The renewal 40517
requirements for an investigative agent shall be the same as the 40518
renewal requirements for an investigative agent under section 40519
5126.25 of the Revised Code. 40520

(5) Establishing procedures for denial, suspension, and 40521

revocation of a certificate or evidence of registration, including 40522
appeal procedures; 40523

(6) Establishing other requirements needed to carry out this 40524
section. 40525

(B) The director shall issue, renew, deny, suspend, or revoke 40526
a certificate or evidence of registration in accordance with rules 40527
adopted under this section. The director shall deny, suspend, or 40528
revoke a certificate or evidence of registration if the director 40529
finds, pursuant to an adjudication conducted in accordance with 40530
Chapter 119. of the Revised Code, that an applicant for or holder 40531
of a certificate or evidence of registration is guilty of 40532
intemperate, immoral, or other conduct unbecoming to the 40533
applicant's or holder's position, or is guilty of incompetence or 40534
negligence within the scope of the applicant's or holder's duties. 40535
The director shall deny or revoke a certificate or evidence of 40536
registration after the director finds, pursuant to an adjudication 40537
conducted in accordance with Chapter 119. of the Revised Code, 40538
that the applicant for or holder of the certificate or evidence of 40539
registration has been convicted of or pleaded guilty to any of the 40540
offenses listed or described in division (E) of section 5126.28 of 40541
the Revised Code, unless the individual meets standards for 40542
rehabilitation that the director establishes in the rules adopted 40543
under that section. Evidence supporting such allegations must be 40544
presented to the director in writing, and the director shall 40545
provide prompt notice of the allegations to the person who is the 40546
subject of the allegations. A denial, suspension, or revocation 40547
may be appealed in accordance with the procedures established in 40548
rules adopted under this section. 40549

(C) A person holding a valid certificate or evidence of 40551
registration under this section on the effective date of any rules 40552
adopted under this section that increase the certification or 40553

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

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.

At least two members shall have experience in the field of 40617
developmental disabilities, and at least two members shall have 40618
experience in the field of mental health. No member shall be a 40619
provider or related to a provider of services to mentally 40620
retarded, developmentally disabled, or mentally ill persons. ~~Terms~~ 40621

(3) Terms of office of the members of the commission shall be 40622
for three years, each term ending on the same day of the month of 40623
the year as did the term which it succeeds. Each member shall 40624
serve subsequent to the expiration of the member's term until a 40625
successor is appointed and qualifies, or until sixty days has 40626
elapsed, whichever occurs first. ~~All~~ No member shall serve more 40627
than two consecutive terms. 40628

All vacancies in the membership of the commission shall be 40629
filled in the manner prescribed for the regular appointments to 40630
the commission and shall be limited to the unexpired terms. ~~No 40631~~
~~member shall serve more than two consecutive terms.~~ 40632

(4) The commission shall meet at least four times each year. 40633
Members shall be reimbursed for their necessary and actual 40634
expenses incurred in the performance of their official duties. 40635

(5) The administrator of the legal rights service shall be 40636
appointed for a five-year term, subject to removal for mental or 40637
physical incapacity to perform the duties of the office, 40638
conviction of violation of any law relating to the administrator's 40639
powers and duties, or other good cause shown. 40640

The administrator shall be a person who has had special 40641
training and experience in the type of work with which the legal 40642
rights service is charged. If the administrator is not an 40643
attorney, the administrator shall seek legal counsel when 40644
appropriate. The salary of the administrator shall be established 40645
in accordance with section 124.14 of the Revised Code. 40646

(E) The legal rights service shall be completely independent 40647

of the department of mental health and the department of mental 40648
retardation and developmental disabilities and, notwithstanding 40649
section 109.02 of the Revised Code, shall also be independent of 40650
the office of the attorney general. The administrator of the legal 40651
rights service, staff, and attorneys designated by the 40652
administrator to represent persons detained, hospitalized, or 40653
institutionalized under this chapter or Chapter 5122. of the 40654
Revised Code shall have ready access to the following: 40655

(1) During normal business hours and at other reasonable 40656
times, ~~to~~ all records relating to expenditures of state and 40657
federal funds or to the commitment, care, treatment, and 40658
habilitation of all persons represented by the legal rights 40659
service, including those who may be represented pursuant to 40660
division (L) of this section, or persons detained, hospitalized, 40661
institutionalized, or receiving services under this chapter or 40662
Chapter 340., 5119., 5122., or 5126. of the Revised Code that are 40663
records maintained by the following entities providing services 40664
for those persons: departments; institutions; hospitals; community 40665
residential facilities; boards of alcohol, drug addiction, and 40666
mental health services; county boards of mental retardation and 40667
developmental disabilities; contract agencies of those boards; and 40668
any other entity providing services to persons who may be 40669
represented by the service pursuant to division (L) of this 40670
section; 40671

(2) ~~To any~~ Any records maintained in computerized data banks 40672
of the departments or boards or, in the case of persons who may be 40673
represented by the service pursuant to division (L) of this 40674
section, any other entity that provides services to those persons; 40675

(3) During their normal working hours, ~~to~~ personnel of the 40676
departments, facilities, boards, agencies, institutions, 40677
hospitals, and other service-providing entities; 40678

(4) At any time, ~~to~~ all persons detained, hospitalized, or 40679

institutionalized; persons receiving services under this chapter 40680
or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and 40681
persons who may be represented by the service pursuant to division 40682
(L) of this section. 40683

(F) The administrator of the legal rights service shall do 40684
the following: 40685

(1) Administer and organize the work of the legal rights 40686
service and establish administrative or geographic divisions as 40687
the administrator considers necessary, proper, and expedient; 40688

(2) Adopt and promulgate rules and prescribe duties for the 40689
efficient conduct of the business and general administration of 40690
the legal rights service; 40691

(3) Appoint and discharge employees, and hire ~~such~~ experts, 40692
consultants, advisors, or other professionally qualified persons 40693
as the administrator considers necessary to carry out the duties 40694
of the legal rights service; 40695

(4) Apply for and accept grants of funds, and accept 40696
charitable gifts and bequests; 40697

(5) Prepare and submit a budget to the general assembly for 40698
the operation of the legal rights service; 40699

(6) Enter into contracts and make ~~such~~ expenditures ~~as are~~ 40700
necessary for the efficient operation of the legal rights service; 40701

(7) Annually prepare a report of activities and submit copies 40702
of the report to the governor, the chief justice of the supreme 40703
court, the president of the senate, the speaker of the house of 40704
representatives, the director of mental health, and the director 40705
of mental retardation and developmental disabilities, and make the 40706
report available to the public. 40707

(G) The legal rights service may act directly or contract 40708
with other organizations or individuals for the provision of the 40709

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.

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. 40806

A written report of the evaluation team's findings and the 40807
county board's assessment shall be filed with the court. The 40808
reports shall, consistent with the rules of evidence, be accepted 40809
as probative evidence in any proceeding under section 5123.75 or 40810
5123.76 of the Revised Code. If the counsel for the person who is 40811
evaluated or assessed is known, the court shall send to the 40812
counsel a copy of the reports as soon as possible after they are 40813
filed and prior to any proceedings under section 5123.75 or 40814
5123.76 of the Revised Code. 40815

(B) ~~, if the division may the,,~~ Any person who is 40816
involuntarily detained in an institution or otherwise is in 40817
custody under this chapter shall be informed ~~the person~~ of the 40818
right to do the following: 40819

(1) Immediately make a reasonable number of telephone calls 40820
or use other reasonable means to contact an attorney, a physician, 40821
or both, to contact any other person or persons to secure 40822
representation by counsel, or to obtain medical assistance, and be 40823
provided assistance in making calls if the assistance is needed 40824
and requested; 40825

(2) Retain counsel and have independent expert evaluation 40826
and, if the person is an indigent person, be represented by 40827
court-appointed counsel and have independent expert evaluation at 40828
court expense; 40829

(3) Upon request, have a hearing to determine whether there 40830
is probable cause to believe that the person is a mentally 40831
retarded person subject to institutionalization by court order. 40832

(C) No person who is being treated by spiritual means through 40833
prayer alone in accordance with a recognized religious method of 40834
healing may be ordered detained or involuntarily committed unless 40835
the court has determined that the person represents a very 40836

substantial risk of self-impairment, self-injury, or impairment or 40837
injury to ~~self to~~ others. 40838

Sec. 5123.76. (A) The full hearing shall be conducted in a 40839
manner consistent with the procedures outlined in this chapter and 40840
with due process of law. The hearing shall be held by a judge of 40841
the probate division or, upon transfer by the judge of the probate 40842
division, by another judge of the court of common pleas, or a 40843
referee designated by the judge of the probate division. Any 40844
referee designated by the judge of the probate division must be an 40845
attorney. 40846

(1) The following shall be made available to counsel for the 40847
respondent: 40848

(a) All relevant documents, information, and evidence in the 40849
custody or control of the state or prosecutor; 40850

(b) All relevant documents, information, and evidence in the 40851
custody or control of the institution, facility, or program in 40852
which the respondent currently is held or in which the respondent 40853
has been held pursuant to these proceedings; 40854

(c) With the consent of the respondent, all relevant 40855
documents, information, and evidence in the custody or control of 40856
any institution or person other than the state. 40857

(2) The respondent has the right to be represented by counsel 40858
of the respondent's choice and has the right to attend the hearing 40859
except if unusual circumstances of compelling medical necessity 40860
exist that render the respondent unable to attend and the 40861
respondent has not expressed a desire to attend. 40862

(3) If the respondent is not represented by counsel and the 40863
court determines that the conditions specified in division (A)(2) 40864
of this section justify the respondent's absence and the right to 40865
counsel has not been validly waived, the court shall appoint 40866

counsel forthwith to represent the respondent at the hearing, 40867
reserving the right to tax costs of appointed counsel to the 40868
respondent unless it is shown that the respondent is indigent. If 40869
the court appoints counsel, or if the court determines that the 40870
evidence relevant to the respondent's absence does not justify the 40871
absence, the court shall continue the case. 40872

(4) The respondent shall be informed of the right to retain 40873
counsel, to have independent expert evaluation, and, if an 40874
indigent person, to be represented by court appointed counsel and 40875
have expert independent evaluation at court expense. 40876

(5) The hearing may be closed to the public unless counsel 40877
for the respondent requests that the hearing be open to the 40878
public. 40879

(6) Unless objected to by the respondent, the respondent's 40880
counsel, or the designee of the director of mental retardation and 40881
developmental disabilities, the court, for good cause shown, may 40882
admit persons having a legitimate interest in the proceedings. 40883

(7) The affiant under section 5123.71 of the Revised Code 40884
shall be subject to subpoena by either party. 40885

(8) The court shall examine the sufficiency of all documents 40886
filed and shall inform the respondent, if present, and the 40887
respondent's counsel of the nature of the content of the documents 40888
and the reason for which the respondent is being held or for which 40889
the respondent's placement is being sought. 40890

(9) The court shall receive only relevant, competent, and 40891
material evidence. 40892

(10) The designee of the director shall present the evidence 40893
for the state. In proceedings under this chapter, the attorney 40894
general shall present the comprehensive evaluation, assessment, 40895
diagnosis, prognosis, record of habilitation and care, if any, and 40896
less restrictive habilitation plans, if any. The attorney general 40897

does not have a similar presentation responsibility in connection 40898
with a person who has been found not guilty by reason of insanity 40899
and who is the subject of a hearing under section 2945.40 of the 40900
Revised Code to determine whether the person is a mentally 40901
retarded person subject to institutionalization by court order. 40902

(11) The respondent has the right to testify and the 40903
respondent or the respondent's counsel has the right to subpoena 40904
witnesses and documents and to present and cross-examine 40905
witnesses. 40906

(12) The respondent shall not be compelled to testify and 40907
shall be so advised by the court. 40908

(13) On motion of the respondent or the respondent's counsel 40909
for good cause shown, or upon the court's own motion, the court 40910
may order a continuance of the hearing. 40911

(14) To an extent not inconsistent with this chapter, the 40912
Rules of Civil Procedure shall be applicable. 40913

(B) Unless, upon completion of the hearing, the court finds 40914
by clear and convincing evidence that the respondent named in the 40915
affidavit is a mentally retarded person subject to 40916
institutionalization by court order, it shall order the 40917
respondent's discharge forthwith. 40918

(C) If, upon completion of the hearing, the court finds by 40919
clear and convincing evidence that the respondent is a mentally 40920
retarded person subject to institutionalization by court order, 40921
the court may order the respondent's discharge or order the 40922
respondent, for a period not to exceed ninety days, to any of the 40923
following: 40924

(1) A public institution, provided that commitment of the 40925
respondent to the institution will not cause the institution to 40926
exceed its licensed capacity determined in accordance with section 40927
5123.19 of the Revised Code and provided that such a placement is 40928

indicated by the comprehensive evaluation report filed pursuant to 40929
section 5123.71 of the Revised Code; 40930

(2) A private institution; 40931

(3) A county mental retardation program; 40932

(4) Receive private habilitation and care; 40933

(5) Any other suitable facility, program, or the care of any 40934
person consistent with the comprehensive evaluation, assessment, 40935
diagnosis, prognosis, and habilitation needs of the respondent. 40936

(D) Any order made pursuant to division (C)(2), (4), or (5) 40937
of this section shall be conditional upon the receipt by the court 40938
of consent by the facility, program, or person to accept the 40939
respondent. 40940

(E) In determining the place to which, or the person with 40941
whom, the respondent is to be committed, the court shall consider 40942
the comprehensive evaluation, assessment, diagnosis, and projected 40943
habilitation plan for the respondent, and shall order the 40944
implementation of the least restrictive alternative available and 40945
consistent with habilitation goals. 40946

(F) If, at any time it is determined by the director of the 40947
facility or program to which, or the person to whom, the 40948
respondent is committed that the respondent could be equally well 40949
habilitated in a less restrictive environment that is available, 40950
the following shall occur: 40951

(1) The respondent shall be released by the director of the 40952
facility or program or by the person forthwith and referred to the 40953
court together with a report of the findings and recommendations 40954
of the facility, program, or person. 40955

(2) The director of the facility or program or the person 40956
shall notify the respondent's counsel and the designee of the 40957
director of mental retardation and developmental disabilities. 40958

(3) The court shall dismiss the case or order placement in the less restrictive environment.

(G)(1) Except as provided in divisions (G)(2) and (3) of this section, any person who has been committed under this section may apply at any time during the ninety-day period for voluntary admission to an institution under section 5123.69 of the Revised Code. Upon admission of a voluntary resident, the managing officer immediately shall notify the court, the respondent's counsel, and the designee of the director in writing of that fact by mail or otherwise, and, upon receipt of the notice, the court shall dismiss the case. ~~is admitted~~

(2) ~~admitted~~ A person who is found incompetent to stand trial or not guilty by reason of insanity and who is committed pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code shall not be voluntarily admitted to an institution pursuant to division (G)(1) of this section until after the termination of the commitment, as described in division (J) of section 2945.401 of the Revised Code.

(H) If, at the end of any commitment period, the respondent has not already been discharged or has not requested voluntary admission status, the director of the facility or program, or the person to whose care the respondent has been committed, shall discharge the respondent forthwith, unless at least ten days before the expiration of that period the designee of the director of mental retardation and developmental disabilities or the prosecutor files an application with the court requesting continued commitment.

(1) An application for continued commitment shall include a written report containing a current comprehensive evaluation and assessment, a diagnosis, a prognosis, an account of progress and past habilitation, and a description of alternative habilitation settings and plans, including a habilitation setting that is the

least restrictive setting consistent with the need for 40991
habilitation. A copy of the application shall be provided to 40992
respondent's counsel. The requirements for notice under section 40993
5123.73 of the Revised Code and the provisions of divisions (A) to 40994
(E) of this section apply to all hearings on such applications. 40995

(2) A hearing on the first application for continued 40996
commitment shall be held at the expiration of the first ninety-day 40997
period. The hearing shall be mandatory and may not be waived. 40998

(3) Subsequent periods of commitment not to exceed one 40999
hundred eighty days each may be ordered by the court if the 41000
designee of the director of mental retardation and developmental 41001
disabilities files an application for continued commitment, after 41002
a hearing is held on the application or without a hearing if no 41003
hearing is requested and no hearing required under division (H)(4) 41004
of this section is waived. Upon the application of a person 41005
involuntarily committed under this section, supported by an 41006
affidavit of a licensed physician alleging that the person is no 41007
longer a mentally retarded person subject to institutionalization 41008
by court order, the court for good cause shown may hold a full 41009
hearing on the person's continued commitment prior to the 41010
expiration of any subsequent period of commitment set by the 41011
court. 41012

(4) A mandatory hearing shall be held at least every two 41013
years after the initial commitment. 41014

(5) If the court, after a hearing upon a request to continue 41015
commitment, finds that the respondent is a mentally retarded 41016
person subject to institutionalization by court order, the court 41017
may make an order pursuant to divisions (C), (D), and (E) of this 41018
section. 41019

(I) Notwithstanding the provisions of division (H) of this 41020
section, no person who is found to be a mentally retarded person 41021

subject to institutionalization by court order pursuant to 41022
division ~~(L)~~(P)(2) of section 5123.01 of the Revised Code shall be 41023
held under involuntary commitment for more than five years. 41024

(J) The managing officer admitting a person pursuant to a 41025
judicial proceeding, within ten working days of the admission, 41026
shall make a report of the admission to the department. 41027

~~entity entity entity entity~~ 41028

Sec. 5126.01. As used in this chapter: 41029

(A) ~~"Adult services" means a range of habilitation services 41030
designed to meet the individual needs of persons As used in this 41031
division, "adult" means an individual who are is eighteen years of 41032
age or over and are not enrolled in a program or service under 41033
Chapter 3323. of the Revised Code, and of persons an individual 41034
sixteen and or seventeen years of age who are is eligible for 41035
adult services under rules adopted by the director of mental 41036
retardation and developmental disabilities pursuant to Chapter 41037
119. of the Revised Code. Such services may include habilitation 41038
programs and services, sheltered employment providing a structured 41039
work environment, job training, job placement, supported 41040
employment, competitive employment, and planned therapeutic and 41041
work activities providing meaningful tasks designed to improve the 41042
effectiveness or degree with which an individual meets the 41043
standards of personal independence and social responsibility 41044
expected of the individual's age and cultural group 41045~~

(1) "Adult services" means services provided to an adult 41046
outside the home, except when they are provided within the home 41047
according to an individual's assessed needs and identified in an 41048
individual service plan, that support learning and assistance in 41049
the area of self-care, sensory and motor development, 41050
socialization, daily living skills, communication, community 41051
living, social skills, or vocational skills. 41052

<u>(2) "Adult services" includes all of the following:</u>	41053
<u>(a) Adult day habilitation services;</u>	41054
<u>(b) Adult day care;</u>	41055
<u>(c) Prevocational services;</u>	41056
<u>(d) Educational experiences and training obtained through</u>	41057
<u>entities and activities that are not expressly intended for</u>	41058
<u>individuals with mental retardation and developmental</u>	41059
<u>disabilities, including trade schools, vocational or technical</u>	41060
<u>schools, adult education, job exploration and sampling, unpaid</u>	41061
<u>work experience in the community, volunteer activities, and</u>	41062
<u>spectator sports.</u>	41063
<u>(3) "Adult services" does not include community or supported</u>	41064
<u>employment services.</u>	41065
<u>(B)(1) "Adult day habilitation services" means adult services</u>	41066
<u>that do the following:</u>	41067
<u>(a) Provide access to and participation in typical activities</u>	41068
<u>and functions of community life that are desired and chosen by the</u>	41069
<u>general population, including such activities and functions as</u>	41070
<u>opportunities to experience and participate in community</u>	41071
<u>exploration, companionship with friends and peers, leisure</u>	41072
<u>activities, hobbies, maintaining family contacts, community</u>	41073
<u>events, and activities where individuals without disabilities are</u>	41074
<u>involved;</u>	41075
<u>(b) Provide supports or a combination of training and</u>	41076
<u>supports that afford an individual a wide variety of opportunities</u>	41077
<u>to facilitate and build relationships and social supports in the</u>	41078
<u>community.</u>	41079
<u>(2) "Adult day habilitation services" includes all of the</u>	41080
<u>following:</u>	41081
<u>(a) Personal care services needed to ensure an individual's</u>	41082

<u>ability to experience and participate in vocational services,</u>	41083
<u>educational services, community activities, and any other adult</u>	41084
<u>day habilitation services;</u>	41085
<u>(b) Skilled services provided while receiving adult day</u>	41086
<u>habilitation services, including such skilled services as behavior</u>	41087
<u>management intervention, occupational therapy, speech and language</u>	41088
<u>therapy, physical therapy, and nursing services;</u>	41089
<u>(c) Training and education in self-determination designed to</u>	41090
<u>help the individual do one or more of the following: develop</u>	41091
<u>self-advocacy skills, exercise the individual's civil rights,</u>	41092
<u>acquire skills that enable the individual to exercise control and</u>	41093
<u>responsibility over the services received, and acquire skills that</u>	41094
<u>enable the individual to become more independent, integrated, or</u>	41095
<u>productive in the community;</u>	41096
<u>(d) Recreational and leisure activities identified in the</u>	41097
<u>individual's service plan as therapeutic in nature or assistive in</u>	41098
<u>developing or maintaining social supports;</u>	41099
<u>(e) Transportation necessary to access adult day habilitation</u>	41100
<u>services;</u>	41101
<u>(f) Program management, as described in section 5126.14 of</u>	41102
<u>the Revised Code.</u>	41103
<u>(3) "Adult day habilitation services" does not include the</u>	41104
<u>following:</u>	41105
<u>(a) Activities that are components of the provision of</u>	41106
<u>residential services, family support services, or supported living</u>	41107
<u>services;</u>	41108
<u>(b) Counseling and assistance provided to obtain housing,</u>	41109
<u>including such counseling as identifying options for either rental</u>	41110
<u>or purchase, identifying financial resources, assessing needs for</u>	41111
<u>environmental modifications, locating housing, and planning for</u>	41112

<u>ongoing management and maintenance of the housing selected.</u>	41113
<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>	41114
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<u>(1) Job training resulting in the attainment of competitive work, supported work in a typical work environment, or self-employment;</u>	41119
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<u>(2) Supervised work experience through an employer paid to provide the supervised work experience;</u>	41122
	41123
<u>(3) Ongoing work in a competitive work environment at a wage commensurate with workers without disabilities;</u>	41124
	41125
<u>(4) Ongoing supervision by an employer paid to provide the supervision.</u>	41126
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<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>	41128
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<u>"Developmental disability" means a severe, chronic disability that is characterized by all of the following:</u>	41132
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<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>	41134
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<u>(2) It is manifested before age twenty-two;</u>	41138
<u>(3) It is likely to continue indefinitely;</u>	41139
<u>(4) It results in one of the following:</u>	41140
<u>(a) In the case of a person under age three, at least one</u>	41141

developmental delay or an established risk; 41142

(b) In the case of a person at least age three but under age 41143
six, at least two developmental delays or an established risk; 41144

(c) In the case of a person age six or older, a substantial 41145
functional limitation in at least three of the following areas of 41146
major life activity, as appropriate for the person's age: 41147
self-care, receptive and expressive language, learning, mobility, 41148
self-direction, capacity for independent living, and, if the 41149
person is at least age sixteen, capacity for economic 41150
self-sufficiency. 41151

(5) It causes the person to need a combination and sequence 41152
of special, interdisciplinary, or other type of care, treatment, 41153
or provision of services for an extended period of time that is 41154
individually planned and coordinated for the person. 41155

~~(C)~~(E) "Early childhood services" means a planned program of 41156
habilitation designed to meet the needs of individuals with mental 41157
retardation or other developmental disabilities who have not 41158
attained compulsory school age. 41159

~~(D)~~(F)(1) "Environmental modifications" means the physical 41160
adaptations to an individual's home, specified in the individual's 41161
service plan, that are necessary to ensure the individual's 41162
health, safety, and welfare or that enable the individual to 41163
function with greater independence in the home, and without which 41164
the individual would require institutionalization. 41165

(2) "Environmental modifications" includes such adaptations 41166
as installation of ramps and grab-bars, widening of doorways, 41167
modification of bathroom facilities, and installation of 41168
specialized electric and plumbing systems necessary to accommodate 41169
the individual's medical equipment and supplies. 41170

(3) "Environmental modifications" does not include physical 41171
adaptations or improvements to the home that are of general 41172

utility or not of direct medical or remedial benefit to the 41173
individual, including such adaptations or improvements as 41174
carpeting, roof repair, and central air conditioning. 41175

(G) "Family support services" means the services provided 41176
under a family support services program operated under section 41177
5126.11 of the Revised Code. 41178

(H) "Habilitation" means the process by which the staff of 41179
the facility or agency assists an individual with mental 41180
retardation or other developmental disability in acquiring and 41181
maintaining those life skills that enable the individual to cope 41182
more effectively with the demands of the individual's own person 41183
and environment, and in raising the level of the individual's 41184
personal, physical, mental, social, and vocational efficiency. 41185
Habilitation includes, but is not limited to, programs of formal, 41186
structured education and training. 41187

(E)(I) "Habilitation center services" means services provided 41188
by a habilitation center certified by the department of mental 41189
retardation and developmental disabilities under section 5123.041 41190
of the Revised Code and covered by the medicaid program pursuant 41191
to rules adopted under section 5111.041 of the Revised Code. 41192

(J) "Home and community-based services" means medicaid-funded 41194
home and community-based services provided under a medicaid 41195
component the department of mental retardation and developmental 41196
disabilities administers pursuant to section 5111.871 of the 41197
Revised Code. 41198

(K) "Medicaid" has the same meaning as in section 5111.01 of 41199
the Revised Code. 41200

(L) "Medicaid case management services" means case management 41201
services provided to an individual with mental retardation or 41202
other developmental disability that the state medicaid plan 41203

requires. 41204

(M) "Mental retardation" means a mental impairment manifested 41205
during the developmental period characterized by significantly 41206
subaverage general intellectual functioning existing concurrently 41207
with deficiencies in the effectiveness or degree with which an 41208
individual meets the standards of personal independence and social 41209
responsibility expected of the individual's age and cultural 41210
group. 41211

~~(F)~~(N) "Residential services" means services to individuals 41212
with mental retardation or other developmental disabilities to 41213
provide housing, food, clothing, habilitation, staff support, and 41214
related support services necessary for the health, safety, and 41215
welfare of the individuals and the advancement of their quality of 41216
life. "Residential services" includes program management, as 41217
described in section 5126.14 of the Revised Code. 41218

~~(G)~~(O) "Resources" means available capital and other assets, 41219
including moneys received from the federal, state, and local 41220
governments, private grants, and donations; appropriately 41221
qualified personnel; and appropriate capital facilities and 41222
equipment. 41223

~~(H)~~(P) "Service and support administration" means the duties 41224
performed by a service and support administrator pursuant to 41225
section 5126.15 of the Revised Code. 41226

(O)(1) "Specialized medical, adaptive, and assistive 41227
equipment, supplies, and supports" means equipment, supplies, and 41228
supports that enable an individual to increase the ability to 41229
perform activities of daily living or to perceive, control, or 41230
communicate within the environment. 41231

(2) "Specialized medical, adaptive, and assistive equipment, 41232
supplies, and supports" includes the following: 41233

(a) Eating utensils, adaptive feeding dishes, plate guards, 41234

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

are related by blood or marriage;	41267
(2)(b) Encouraging the individual's participation in the community;	41268 41269
(3)(c) Promoting the individual's rights and autonomy;	41270
(4) Encouraging the increase of the individual's (d) <u>Assisting the individual in acquiring, retaining, and improving the skills and competence necessary to live successfully in the individual's residence.</u>	41271 41272 41273 41274
(2) "Supported living" includes the provision of <u>housing all of the following:</u>	41275 41276
(a) <u>Housing</u>, food, clothing, habilitation, staff support, professional services, and any related support services necessary <u>for to ensure</u> the health, safety, and welfare of the individual receiving the services;	41277 41278 41279 41280
(b) <u>A combination of life-long or extended-duration supervision, training, and other services essential to daily living, including assessment and evaluation and assistance with the cost of training materials, transportation, fees, and supplies;</u>	41281 41282 41283 41284 41285
(c) <u>Personal care services and homemaker services;</u>	41286
(d) <u>Household maintenance that does not include modifications to the physical structure of the residence;</u>	41287 41288
(e) <u>Respite care services;</u>	41289
(f) <u>Program management, as described in section 5126.14 of the Revised Code.</u>	41290 41291
Sec. 5126.035. (A) As used in this section:	41292
(1) <u>"Aggrieved party" means the party to a service contract that is aggrieved by an action the other party has taken or not taken under the service contract.</u>	41293 41294 41295

(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. 41296
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(3) "Parties" mean a county board of mental retardation and developmental disabilities and a provider that have a service contract with each other. 41301
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(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. 41304
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(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. 41307
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(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: 41312
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(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. 41316
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(2) Unless otherwise agreed to by both parties, the parties shall continue to operate under the contract in the manner they 41325
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have been operating until the mediation and arbitration process, 41327
including an appeal under division (B)(8) of this section, if any, 41328
is completed. 41329

(3) During the thirty days following the date the aggrieved 41330
party files the written notice of mediation and arbitration under 41331
division (B)(1) of this section, the parties may attempt to 41332
resolve the conflict informally. If the parties are able to 41333
resolve the conflict informally within this time, the aggrieved 41334
party shall rescind the written notice of mediation and 41335
arbitration filed under division (B)(1) of this section. 41336

(4) No later than thirty days after the date the aggrieved 41337
party files the written notice of mediation and arbitration under 41338
division (B)(1) of this section, the parties shall mutually select 41339
an individual to conduct the mediation and arbitration and 41340
schedule the first meeting of the mediation unless the parties 41341
informally resolve the conflict under division (B)(3) of this 41342
section. If the parties fail to select an individual to conduct 41343
the mediation and arbitration within the required time, the 41344
parties shall request that the chief justice of the supreme court 41345
of Ohio provide the parties a list of five retired judges who are 41346
willing to perform the mediation and arbitration duties. The chief 41347
justice shall create such a list and provide it to the parties. To 41348
select the retired judge to conduct the mediation and arbitration, 41349
the parties shall take turns, beginning with the aggrieved party, 41350
striking retired judges from the list. The retired judge remaining 41351
on the list after both parties have each stricken two retired 41352
judges from the list shall perform the mediation and arbitration 41353
duties, including scheduling the first meeting of mediation if the 41354
parties are unable to agree on a date for the first meeting. 41355

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(5) A stenographic record or tape recording and transcript of 41357
each mediation and arbitration meeting shall be maintained as part 41358

of the mediation and arbitration's official records. The parties shall share the cost of the mediation and arbitration, including the cost of the retired judge's services but excluding the cost of representation. 41359
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(6) The first mediation meeting shall be held no later than sixty days after the date the aggrieved party files the written notice of mediation and arbitration under division (B)(1) of this section unless the parties informally resolve the conflict under division (B)(3) of this section or the parties mutually agree to hold the first meeting at a later time. The mediation shall be conducted in the manner the parties mutually agree. If the parties are unable to agree on how the mediation is to be conducted, the retired judge selected under division (B)(4) of this section shall determine how it is to be conducted. The rules of evidence may be used. The retired judge shall attempt to resolve the conflict through the mediation process. The retired judge's resolution of the conflict may be applied retroactively. 41363
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(7) If the conflict is not resolved through the mediation process, the retired judge shall arbitrate the conflict. The parties shall present evidence to the retired judge in the manner the retired judge requires. The retired judge shall render a written decision based on the service contract, applicable law, and the preponderance of the evidence presented during the arbitration. The retired judge's decision may be applied retroactively. 41376
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(8) No later than thirty days after the retired judge renders a decision in an arbitration, the retired judge shall inform the parties of the decision and forward the decision, transcripts from each arbitration meeting, and a copy of all evidence presented to the retired judge during the arbitration to the department of mental retardation and developmental disabilities. 41384
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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: 41417

(1) "Biological risk" and "environmental risk" have the meanings established pursuant to section 5123.011 of the Revised Code. 41418
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(2) "Handicapped preschool child" has the same meaning as in 41421

section 3323.01 of the Revised Code. 41422

(3) "State institution" means all or part of an institution 41423
under the control of the department of mental retardation and 41424
developmental disabilities pursuant to section 5123.03 of the 41425
Revised Code and maintained for the care, treatment, and training 41426
of the mentally retarded. 41427

(B) Except as provided in division (C) of this section, each 41428
county board of mental retardation and developmental disabilities 41429
shall make eligibility determinations in accordance with the 41430
definition of "developmental disability" in section 5126.01 of the 41431
Revised Code. Pursuant to rules the department of mental 41432
retardation and developmental disabilities shall adopt in 41433
accordance with Chapter 119. of the Revised Code, a county board 41434
may establish eligibility for programs and services for either of 41435
the following: 41436

(1) Individuals under age six who have a biological risk or 41437
environmental risk of a developmental delay; 41438

(2) Any handicapped preschool child eligible for services 41439
under section 3323.02 of the Revised Code whose handicap is not 41440
attributable solely to mental illness as defined in section 41441
5122.01 of the Revised Code. 41442

(C)(1) A county board shall make determinations of 41443
eligibility for ~~case management services~~ service and support 41444
administration in accordance with rules adopted under section 41445
~~5126.15~~ 5126.08 of the Revised Code. 41446

(2) All persons who were eligible for services and enrolled 41447
in programs offered by a county board of mental retardation and 41448
developmental disabilities pursuant to this chapter on July 1, 41449
1991, shall continue to be eligible for those services and to be 41450
enrolled in those programs as long as they are in need of 41451
services. 41452

(3) A person who resided in a state institution on or before 41453
October 29, 1993, is eligible for programs and services offered by 41454
a county board of mental retardation and developmental 41455
disabilities, unless the person is determined by the county board 41456
not to be in need of those programs and services. 41457

(D) A county board shall refer a person who requests but is 41458
not eligible for programs and services offered by the board to 41459
other entities of state and local government or appropriate 41460
private entities that provide services. 41461

(E) Membership of a person on, or employment of a person by, 41462
a county board of mental retardation and developmental 41463
disabilities does not affect the eligibility of any member of that 41464
person's family for services provided by the board or by any 41465
entity under contract with the board. 41466

Sec. 5126.042. (A) As used in this section: 41467

(1) "Emergency" means any situation that creates for an 41468
individual with mental retardation or developmental disabilities a 41469
risk of substantial self-harm or substantial harm to others if 41470
action is not taken within thirty days. An "emergency" may include 41471
one or more of the following situations: 41472

(a) Loss of present residence for any reason, including legal 41473
action; 41474

(b) Loss of present caretaker for any reason, including 41475
serious illness of the caretaker, change in the caretaker's 41476
status, or inability of the caretaker to perform effectively for 41477
the individual; 41478

(c) Abuse, neglect, or exploitation of the individual; 41479

(d) Health and safety conditions that pose a serious risk to 41480
the individual or others of immediate harm or death; 41481

(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

an individual's emergency ~~or priority~~ status. 41513

In addition to maintaining waiting lists and service 41514
substitution lists, a board shall maintain a long-term service 41515
planning registry for individuals who wish to record their 41516
intention to request in the future a service they are not 41517
currently receiving. The purpose of the registry is to enable the 41518
board to document requests and to plan appropriately. The board 41519
may not place an individual on the registry who meets the 41520
conditions for receipt of services on an emergency ~~or priority~~ 41521
basis. 41522

(C) A county board shall establish a separate waiting list 41523
for each of the following categories of services, and may 41524
establish separate waiting lists within the waiting lists: 41525

(1) Early childhood services; 41526

(2) Educational programs for preschool and school age 41527
children; 41528

(3) Adult services; 41529

(4) ~~Case management services~~ service and support 41530
administration; 41531

(5) Residential services and supported living; 41532

(6) Transportation services; 41533

(7) Other services determined necessary and appropriate for 41534
persons with mental retardation or a developmental disability 41535
according to their individual habilitation or service plans; 41536

(8) Family support services provided under section 5126.11 of 41537
the Revised Code. 41538

(D) Except as provided in division (E) of this section, a 41539
county board shall do all of the following in accordance with the 41540
county board's plan approved under section 5123.046 of the Revised 41541
Code: 41542

(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: 41543
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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: 41547
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(i) Is twenty-two years of age or older; 41553

(ii) Receives supported living or family support services. 41554

(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: 41555
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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; 41560
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(ii) Receives adult services from the county board. 41563

(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: 41564
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(a) Does not receive residential services or supported living, either needs services in the individual's current living 41571
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arrangement or will need services in a new living arrangement, and 41573
has a primary caregiver who is sixty years of age or older; 41574

(b) Is less than twenty-two years of age, does not receive 41575
residential services or supported living, resides in the home of 41576
the individual's family, and has at least one of the following 41577
service needs that are unusual in scope or intensity: 41578

(i) Severe behavior problems for which a behavior support 41579
plan is needed; 41580

(ii) An emotional disorder for which anti-psychotic 41581
medication is needed; 41582

(iii) A medical condition that leaves the individual 41583
dependent on life-support medical technology; 41584

(iv) A condition affecting multiple body systems for which a 41585
combination of specialized medical, psychological, educational, or 41586
habilitation services are needed; 41587

(v) A condition the county board determines to be comparable 41588
in severity to any condition described in division (D)(1)(b)(i) to 41589
(iv) of this section and places the individual at significant risk 41590
of institutionalization. 41591

(c) Is twenty-two years of age or older and is determined by 41592
the county board to have intensive needs for residential services 41593
on an in-home or out-of-home basis; 41594

(d) Resides in an intermediate care facility for the mentally 41595
retarded or nursing facility, chooses to move to another setting, 41596
the department of mental retardation and developmental 41597
disabilities determines the individual is capable of residing in 41598
the other setting, and the county board has assessed the 41599
individual in accordance with the county board's medicaid local 41600
administrative authority under division (A)(1) of section 5126.055 41601
of the Revised Code. 41602

(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. 41603
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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. 41607
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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. 41610
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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. 41613
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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. 41621
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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 41629
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or service other than the one for which the individual is on the 41634
waiting list, the county board shall provide the program or 41635
service to the individual or place the individual on a waiting 41636
list for the program or service in accordance with the board's 41637
policy for waiting lists. 41638

When a program or service for which there is a waiting list 41639
becomes available, the county board shall reassess the service 41640
needs of the individual next scheduled on the waiting list to 41641
receive that program or service. If the reassessment demonstrates 41642
that the individual continues to need the program or service, the 41643
board shall offer the program or service to the individual. If it 41644
determines that an individual no longer needs a program or 41645
service, the county board shall remove the individual from the 41646
waiting list. If it determines that an individual needs a program 41647
or service other than the one for which the individual is on the 41648
waiting list, the county board shall provide the program or 41649
service to the individual or place the individual on a waiting 41650
list for the program or service in accordance with the board's 41651
policy for waiting lists. The county board shall notify the 41652
individual of the individual's placement and position on the 41653
waiting list on which the individual is placed. 41654

~~(E)(G)~~ A child subject to a determination made pursuant to 41655
section 121.38 of the Revised Code who requires the home ~~and or~~ 41656
community-based services provided through the ~~medical assistance~~ 41657
~~waiver programs operated~~ medicaid component that the department of 41658
mental retardation and developmental disabilities administers 41659
under ~~sections 5111.87 and 5111.88~~ section 5111.871 of the Revised 41660
Code shall receive services through ~~the waiver programs adopted~~ 41661
~~under Chapters 5111., 5123., and 5126. of the Revised Code that~~ 41662
medicaid component. For all other services, a child subject to a 41663
determination made pursuant to section 121.38 of the Revised Code 41664
shall be treated as an emergency by the county boards and shall 41665

not be subject to a waiting list. 41666

~~(F)~~(H) Not later than the fifteenth day of March of each 41667
even-numbered year, each county board shall prepare and submit to 41668
the director of mental retardation and developmental disabilities 41669
its recommendations for the funding of services for individuals 41670
with mental retardation and developmental disabilities and its 41671
proposals for reducing the waiting lists for services. 41672

~~(G)~~(I) The following shall take precedence over the 41673
applicable provisions of this section: 41674

(1) Medicaid rules and regulations; 41675

(2) Any specific requirements that may be contained within a 41676
medicaid state plan amendment or waiver program that a county 41677
board has authority to administer or with respect to which it has 41678
authority to provide services, programs, or supports. 41679

Sec. 5126.046. (A) Each county board of mental retardation 41680
and developmental disabilities that has medicaid local 41681
administrative authority under division (A) of section 5126.055 of 41682
the Revised Code for habilitation, vocational, or community 41683
employment services provided as part of home and community-based 41684
services shall create a list of all persons and government 41685
entities eligible to provide such habilitation, vocational, or 41686
community employment services. If the county board chooses and is 41687
eligible to provide such habilitation, vocational, or community 41688
employment services, the county board shall include itself on the 41689
list. The county board shall make the list available to each 41690
individual with mental retardation or other developmental 41691
disability who resides in the county and is eligible for such 41692
habilitation, vocational, or community employment services. The 41693
county board shall also make the list available to such 41694
individuals' families. 41695

An individual with mental retardation or other developmental 41696

disability who is eligible for habilitation, vocational, or 41697
community employment services may choose the provider of the 41698
services. 41699

If a county board has medicaid local administrative authority 41700
under division (A) of section 5126.055 of the Revised Code for 41701
habilitation, vocational, and community employment services 41702
provided as part of home and community-based services, the county 41703
board shall pay the nonfederal share of the habilitation, 41704
vocational, and community employment services when required by 41705
section 5126.056 of the Revised Code. The department of mental 41706
retardation and developmental disabilities shall pay the 41707
nonfederal share of such habilitation, vocational, and community 41708
employment services when required by section 5123.047 of the 41709
Revised Code. 41710

(B) Each month, the department of mental retardation and 41711
developmental disabilities shall create a list of all persons and 41712
government entities eligible to provide residential services and 41713
supported living. The department shall include on the list all 41714
residential facilities licensed under section 5123.19 of the 41715
Revised Code and all supported living providers certified under 41716
section 5126.431 of the Revised Code. The department shall 41717
distribute the monthly lists to county boards that have local 41718
administrative authority under division (A) of section 5126.055 of 41719
the Revised Code for residential services and supported living 41720
provided as part of home and community-based services. A county 41721
board that receives a list shall make it available to each 41722
individual with mental retardation or other developmental 41723
disability who resides in the county and is eligible for such 41724
residential services or supported living. The county board shall 41725
also make the list available to the families of those individuals. 41726

An individual who is eligible for residential services or 41727
supported living may choose the provider of the residential 41728

services or supported living. 41729

If a county board has medicaid local administrative authority 41730
under division (A) of section 5126.055 of the Revised Code for 41731
residential services and supported living provided as part of home 41732
and community-based services, the county board shall pay the 41733
nonfederal share of the residential services and supported living 41734
when required by section 5126.056 of the Revised Code. The 41735
department shall pay the nonfederal share of the residential 41736
services and supported living when required by section 5123.047 of 41737
the Revised Code. 41738

(C) If a county board that has medicaid local administrative 41739
authority under division (A) of section 5126.055 of the Revised 41740
Code for home and community-based services violates the right 41741
established by this section of an individual to choose a provider 41742
that is qualified and willing to provide services to the 41743
individual, the individual shall receive timely notice that the 41744
individual may request a hearing under section 5101.35 of the 41745
Revised Code. 41746

(D) The departments of mental retardation and developmental 41747
disabilities and job and family services shall adopt rules in 41748
accordance with Chapter 119. of the Revised Code governing the 41749
implementation of this section. The rules shall include procedures 41750
for individuals to choose their service providers. The rules shall 41751
not be limited by a provider selection system established under 41752
section 5126.42 of the Revised Code, including any pool of 41753
providers created pursuant to a provider selection system. 41754
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Sec. 5126.05. (A) Subject to the rules established by the 41756
director of mental retardation and developmental disabilities 41757
pursuant to Chapter 119. of the Revised Code for programs and 41758
services offered pursuant to this chapter, and subject to the 41759

rules established by the state board of education pursuant to 41760
Chapter 119. of the Revised Code for programs and services offered 41761
pursuant to Chapter 3323. of the Revised Code, the county board of 41762
mental retardation and developmental disabilities shall: 41763

(1) Administer and operate facilities, programs, and services 41764
as provided by this chapter and Chapter 3323. of the Revised Code 41765
and establish policies for their administration and operation; 41766
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(2) Coordinate, monitor, and evaluate existing services and 41768
facilities available to individuals with mental retardation and 41769
developmental disabilities; 41770

(3) Provide early childhood services, supportive home 41771
services, and adult services, according to the plan and priorities 41772
developed under section 5126.04 of the Revised Code; 41773

(4) Provide or contract for special education services 41774
pursuant to Chapters 3317. and 3323. of the Revised Code and 41775
ensure that related services, as defined in section 3323.01 of the 41776
Revised Code, are available according to the plan and priorities 41777
developed under section 5126.04 of the Revised Code; 41778

(5) Adopt a budget, authorize expenditures for the purposes 41779
specified in this chapter and do so in accordance with section 41780
319.16 of the Revised Code, approve attendance of board members 41781
and employees at professional meetings and approve expenditures 41782
for attendance, and exercise such powers and duties as are 41783
prescribed by the director; 41784

(6) Submit annual reports of its work and expenditures, 41785
pursuant to sections 3323.09 and 5126.12 of the Revised Code, to 41786
the director, the superintendent of public instruction, and the 41787
board of county commissioners at the close of the fiscal year and 41788
at such other times as may reasonably be requested; 41789

(7) Authorize all positions of employment, establish 41790

compensation, including but not limited to salary schedules and fringe benefits for all board employees, approve contracts of employment for management employees that are for a term of more than one year, employ legal counsel under section 309.10 of the Revised Code, and contract for employee benefits;

(8) Provide ~~case management services, as defined in rules adopted by the director of mental retardation and developmental disabilities,~~ service and support administration in accordance with section ~~5126.15~~ 5126.046 of the Revised Code;

(9) Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of mental retardation and developmental disabilities.

(B) To the extent that rules adopted under this section apply to the identification and placement of handicapped children under Chapter 3323. of the Revised Code, they shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised Code.

(C) Any county board may enter into contracts with other such boards and with public or private, nonprofit, or profit-making agencies or organizations of the same or another county, to provide the facilities, programs, and services authorized or required, upon such terms as may be agreeable, and in accordance with this chapter and Chapter 3323. of the Revised Code and rules adopted thereunder and in accordance with sections 307.86 and 5126.071 of the Revised Code.

(D) A county board may combine transportation for children and adults enrolled in programs and services offered under section 5126.12 with transportation for children enrolled in classes funded under section 3317.20 or units approved under section 3317.05 of the Revised Code.

(E) A county board may purchase all necessary insurance

policies, may purchase equipment and supplies through the 41822
department of administrative services or from other sources, and 41823
may enter into agreements with public agencies or nonprofit 41824
organizations for cooperative purchasing arrangements. 41825

(F) A county board may receive by gift, grant, devise, or 41826
bequest any moneys, lands, or property for the benefit of the 41827
purposes for which the board is established and hold, apply, and 41828
dispose of the moneys, lands, and property according to the terms 41829
of the gift, grant, devise, or bequest. All money received by 41830
gift, grant, bequest, or disposition of lands or property received 41831
by gift, grant, devise, or bequest shall be deposited in the 41832
county treasury to the credit of such board and shall be available 41833
for use by the board for purposes determined or stated by the 41834
donor or grantor, but may not be used for personal expenses of the 41835
board members. Any interest or earnings accruing from such gift, 41836
grant, devise, or bequest shall be treated in the same manner and 41837
subject to the same provisions as such gift, grant, devise, or 41838
bequest. 41839

(G) The board of county commissioners shall levy taxes and 41840
make appropriations sufficient to enable the county board of 41841
mental retardation and developmental disabilities to perform its 41842
functions and duties, and may utilize any available local, state, 41843
and federal funds for such purpose. 41844

Sec. 5126.051. (A) To the extent that resources are 41845
available, a county board of mental retardation and developmental 41846
disabilities ~~may~~ shall provide for or arrange residential services 41847
and supported living for individuals with mental retardation and 41848
developmental disabilities. 41849

A county board may acquire, convey, lease, or sell property 41850
for residential services and supported living and enter into loan 41851
agreements, including mortgages, for the acquisition of such 41852

property. A county board is not required to comply with provisions 41853
of Chapter 307. of the Revised Code providing for competitive 41854
bidding or sheriff sales in the acquisition, lease, conveyance, or 41855
sale of property under this division, but the acquisition, lease, 41856
conveyance, or sale must be at fair market value determined by 41857
appraisal of one or more disinterested persons appointed by the 41858
board. 41859

Any action taken by a county board under this division that 41860
will incur debt on the part of the county shall be taken in 41861
accordance with Chapter 133. of the Revised Code. A county board 41862
shall not incur any debt on the part of the county without the 41863
prior approval of the board of county commissioners. 41864

(B)(1) To the extent that resources are available, in 41865
addition to sheltered employment and work activities provided as 41866
adult services pursuant to division (A)(3) of section 5126.05 of 41867
the Revised Code, a county board of mental retardation and 41868
developmental disabilities may provide or arrange for job 41869
training, vocational evaluation, and community employment services 41870
to mentally retarded and developmentally disabled individuals who 41871
are age eighteen and older and not enrolled in a program or 41872
service under Chapter 3323. of the Revised Code or age sixteen or 41873
seventeen and eligible for adult services under rules adopted by 41874
the director of mental retardation and developmental disabilities 41875
under Chapter 119. of the Revised Code. These services shall be 41876
provided in accordance with the individual's individual service or 41877
habilitation plan and shall include support services specified in 41878
the plan. 41879

(2) A county board may, in cooperation with the Ohio 41880
rehabilitation services commission, seek federal funds for job 41881
training and community employment. 41882

(3) A county board may contract with any agency, board, or 41883
other entity that is accredited by the commission on accreditation 41884

of rehabilitation facilities to provide services. A county board 41885
that is accredited by the commission on accreditation of 41886
rehabilitation facilities may provide services for which it is 41887
certified by the commission. 41888

(C) To the extent that resources are available, a county 41889
board may provide services to an individual with mental 41890
retardation or other developmental disability in addition to those 41891
provided pursuant to this section, section 5126.05 of the Revised 41892
Code, or any other section of this chapter. The services shall be 41893
provided in accordance with the individual's habilitation or 41894
service plan and may be provided in collaboration with other 41895
entities of state or local government. 41896

Sec. 5126.053. (A) As used in this section, "effective tax 41897
rate" has the same meaning as in section 5126.16 of the Revised 41898
Code. 41899

(B) Notwithstanding sections 5126.12 and 5126.15 of the 41900
Revised Code with regard to the distribution of state subsidies to 41901
county boards of mental retardation and developmental 41902
disabilities, the department of mental retardation and 41903
developmental disabilities shall, except as provided in division 41904
(D) of this section, reduce the funds provided under those 41905
sections to a county board in each year that the board, on the 41906
first day of January of that year, has an effective tax rate of 41907
less than one and one-half mills for general operations for 41908
programs under which the board provides or arranges the following: 41909

(1) Early childhood services pursuant to section 5126.05 of 41910
the Revised Code for children under age three; 41911

(2) Adult services pursuant to section 5126.05 and division 41912
(B) of section 5126.051 of the Revised Code for individuals age 41913
sixteen or older; 41914

(3) ~~Case management services~~ Service and support 41915
administration pursuant to section 5126.15 of the Revised Code. 41916

(C) If a county board is subject to the reduction required by 41917
this section, payments to the county board under sections 5126.12 41918
and 5126.15 of the Revised Code shall be made in the same 41919
percentage that the board's effective tax rate is of one and 41920
one-half mills. 41921

(D) A county board subject to the reduction required by this 41922
section may appeal to the department for an exemption from the 41923
reduction. The board may present evidence of its attempts to 41924
obtain passage of levies and any other extenuating circumstances 41925
the board considers relevant. The department shall grant an 41926
exemption if it determines that the board has made good faith 41927
efforts to obtain an effective tax rate of at least one and 41928
one-half mills for general operations for programs under which the 41929
services described in division (B) of this section are provided 41930
and arranged or that there are extenuating circumstances. 41931

Sec. 5126.054. (A) Each county board of mental retardation 41932
and developmental disabilities shall, by resolution, develop a 41933
three-calendar year plan that includes all of the following 41934
components: 41935

(1) An assessment component that includes all of the 41936
following: 41937

(a) The number of individuals with mental retardation or 41938
other developmental disability residing in the county who need the 41939
level of care provided by an intermediate care facility for the 41940
mentally retarded, may seek home and community-based services, are 41941
given priority for the services pursuant to division (D) of 41942
section 5126.042 of the Revised Code; the service needs of those 41943
individuals; and the projected annualized cost for services; 41944

(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; 41945
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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. 41949
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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: 41953
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(a) The source and amount of funds available for the component; 41967
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(b) A plan and timeline for implementing the component with the medicaid providers under contract with the county board; 41969
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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. 41971
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(3) A component that provides for the implementation of habilitation center services, medicaid case management services, 41974
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and home and community-based services. A county board shall 41976
include all of the following in the component: 41977

(a) If the department of mental retardation and developmental 41978
disabilities or department of job and family services requires, an 41979
agreement to pay the nonfederal share of medicaid expenditures 41980
that the county board is required by division (A) of section 41981
5126.056 of the Revised Code to pay; 41982

(b) How the services are to be phased in over the period the 41983
plan covers, including how the county board will serve individuals 41984
on a waiting list established under division (C) of section 41985
5126.042 who are given priority status under division (D)(1) of 41986
that section; 41987

(c) Any agreement or commitment regarding the county board's 41988
funding of home and community-based services that the county board 41989
has with the department at the time the county board develops the 41990
component; 41991

(d) Assurances adequate to the department that the county 41992
board will comply with all of the following requirements: 41993

(i) To use any additional funds the county board receives for 41994
the services to improve the county board's resource capabilities 41995
for supporting such services available in the county at the time 41996
the component is developed and to expand the services to 41997
accommodate the unmet need for those services in the county; 41998

(ii) To employ a business manager who is either a new 41999
employee who has earned at least a bachelor's degree in business 42000
administration or a current employee who has the equivalent 42001
experience of a bachelor's degree in business administration. If 42002
the county board will employ a new employee, the county board 42003
shall include in the component a timeline for employing the 42004
employee. 42005

(iii) To employ or contract with a medicaid services manager 42006

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; 42039

(2) Submit the component required by division (A)(3) of this section to the department not later than November 1, 2001. 42040
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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. 42042
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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: 42046
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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: 42054
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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; 42061
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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 42067
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the department of mental retardation and developmental 42070
disabilities or department of job and family services, whichever 42071
denies the application, the reasons for the recommendation and 42072
denial at the hearing; 42073

(c) If the individual's application is approved, recommend to 42074
the departments of mental retardation and developmental 42075
disabilities and job and family services the services that should 42076
be included in the individual's individualized service plan and, 42077
if either department approves, reduces, denies, or terminates a 42078
service included in the individual's individualized service plan 42079
under section 5111.871 of the Revised Code because of the county 42080
board's recommendation, present, with the department that made the 42081
approval, reduction, denial, or termination, the reasons for the 42082
recommendation and approval, reduction, denial, or termination at 42083
a hearing under section 5101.35 of the Revised Code. 42084

(2) In accordance with the rules adopted under section 42085
5126.046 of the Revised Code, perform the county board's duties 42086
under that section regarding assisting the individual's right to 42087
choose a qualified and willing provider of the services and, at a 42088
hearing under section 5101.35 of the Revised Code, present 42089
evidence of the process for appropriate assistance in choosing 42090
providers; 42091

(3) Unless the county board provides the services under 42092
division (A)(4) of this section, contract with the person or 42093
government entity the individual chooses in accordance with 42094
section 5126.046 of the Revised Code to provide the services if 42095
the person or government entity is qualified and agrees to provide 42096
the services. The contract shall contain all the provisions 42097
required by section 5126.057 of the Revised Code and require the 42098
provider to agree to furnish, in accordance with the provider's 42099
medicaid provider agreement and for the authorized reimbursement 42100
rate, the services the individual requires. 42101

(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; 42102
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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. 42109
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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. 42115
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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: 42121
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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 42131
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services the services that should be included in the individual's 42134
individualized service plan; 42135

(2) If the department of mental retardation and developmental 42136
disabilities or department of job and family services approves, 42137
reduces, denies, or terminates a service included in the 42138
individual's individualized service plan under section 5111.041 or 42139
5111.042 of the Revised Code because of the county board's 42140
recommendation under division (B)(1) of this section, present, 42141
with the department that made the approval, reduction, denial, or 42142
termination, the reasons for the recommendation and approval, 42143
reduction, denial, or termination at a hearing under section 42144
5101.35 of the Revised Code and inform the individual that the 42145
individual may file a complaint with the county board under 42146
section 5126.06 of the Revised Code at the same time the 42147
individual pursues an appeal under section 5101.35 of the Revised 42148
Code; 42149

(3) In accordance with rules the departments of mental 42150
retardation and developmental disabilities and job and family 42151
services shall adopt in accordance with Chapter 119. of the 42152
Revised Code governing the process for individuals to choose 42153
providers of medicaid case management services and habilitation 42154
center services, assist the individual in choosing the provider of 42155
the services. The rules shall provide for both of the following: 42156

(a) The county board providing the individual up-to-date 42157
information about qualified providers that the department of 42158
mental retardation and developmental disabilities shall make 42159
available to the county board; 42160

(b) If the individual chooses a provider who is qualified and 42161
willing to provide the services but is denied that provider, the 42162
individual receiving timely notice that the individual may request 42163
a hearing under section 5101.35 of the Revised Code and, at the 42164
hearing, the county board presenting evidence of the process for 42165

appropriate assistance in choosing providers. 42166

(4) Unless the county board provides the services under 42167
division (B)(5) of this section, contract with the person or 42168
government entity that the individual chooses in accordance with 42169
the rules adopted under division (B)(3) of this section to provide 42170
the services if the person or government entity is qualified and 42171
agrees to provide the services. The contract shall contain all the 42172
provisions required by section 5126.057 of the Revised Code and 42173
require the provider to agree to furnish, in accordance with the 42174
provider's medicaid provider agreement and for the authorized 42175
reimbursement rate, the services the individual requires. 42176

(5) If the county board is certified under section 5123.041 42177
of the Revised Code to provide the services and agrees to provide 42178
the services to the individual and the individual chooses the 42179
county board to provide the services, furnish, in accordance with 42180
the county board's medicaid provider agreement and for the 42181
authorized reimbursement rate, the services the individual 42182
requires; 42183

(6) Monitor the services provided to the individual. The 42184
monitoring shall include quality assurance activities. If the 42185
county board provides the services, the department of mental 42186
retardation and developmental disabilities shall also monitor the 42187
services. 42188

(7) Develop with the individual and the provider of the 42189
individual's services, and with the approval of the departments of 42190
mental retardation and developmental disabilities and job and 42191
family services, implement an effective plan for coordinating the 42192
services in accordance with the individual's approved 42193
individualized service plan. 42194

(C) A county board shall perform its medicaid local 42195
administrative authority under this section in accordance with all 42196
of the following: 42197

<u>(1) The county board's plan that the department of mental</u>	42198
<u>retardation and developmental disabilities approves under section</u>	42199
<u>5123.046 of the Revised Code;</u>	42200
<u>(2) All applicable federal and state laws;</u>	42201
<u>(3) All applicable policies of the departments of mental</u>	42202
<u>retardation and developmental disabilities and job and family</u>	42203
<u>services and the United States department of health and human</u>	42204
<u>services;</u>	42205
<u>(4) The department of job and family services' supervision</u>	42206
<u>under its authority under section 5111.01 of the Revised Code to</u>	42207
<u>act as the single state medicaid agency;</u>	42208
<u>(5) The department of mental retardation and developmental</u>	42209
<u>disabilities' oversight.</u>	42210
<u>(D) The departments of mental retardation and developmental</u>	42211
<u>disabilities and job and family services shall communicate with</u>	42212
<u>and provide training to county boards regarding medicaid local</u>	42213
<u>administrative authority granted by this section. The</u>	42214
<u>communication and training shall include issues regarding audit</u>	42215
<u>protocols and other standards established by the United States</u>	42216
<u>department of health and human services that the departments</u>	42217
<u>determine appropriate for communication and training. County</u>	42218
<u>boards shall participate in the training. The departments shall</u>	42219
<u>assess the county board's compliance against uniform standards</u>	42220
<u>that the departments shall establish.</u>	42221
<u>(E) A county board may not delegate its medicaid local</u>	42222
<u>administrative authority granted under this section but may</u>	42223
<u>contract with a person or government entity, including a council</u>	42224
<u>of governments, for assistance with its medicaid local</u>	42225
<u>administrative authority. A county board that enters into such a</u>	42226
<u>contract shall notify the director of mental retardation and</u>	42227
<u>developmental disabilities. The notice shall include the tasks and</u>	42228

responsibilities that the contract gives to the person or 42229
government entity. The person or government entity shall comply in 42230
full with all requirements to which the county board is subject 42231
regarding the person or government entity's tasks and 42232
responsibilities under the contract. The county remains ultimately 42233
responsible for the tasks and responsibilities. 42234

(F) A county board that has medicaid local administrative 42235
authority under this section shall, through the departments of 42236
mental retardation and developmental disabilities and job and 42237
family services, reply to, and cooperate in arranging compliance 42238
with, a program or fiscal audit or program violation exception 42239
that a state or federal audit or review discovers. The department 42240
of job and family services shall timely notify the department of 42241
mental retardation and developmental disabilities and the county 42242
board of any adverse findings. After receiving the notice, the 42243
county board, in conjunction with the department of mental 42244
retardation and developmental disabilities, shall cooperate fully 42245
with the department of job and family services and timely prepare 42246
and send to the department a written plan of correction or 42247
response to the adverse findings. The county board is liable for 42248
any adverse findings that result from an action it takes or fails 42249
to take in its implementation of medicaid local administrative 42250
authority. 42251

(G)(1) If the department of mental retardation and 42252
developmental disabilities or department of job and family 42253
services determines that a county board's implementation of its 42254
medicaid local administrative authority under this section is 42255
deficient, the department that makes the determination shall 42256
require that county board do the following: 42257

(a) If the deficiency affects the health, safety, or welfare 42258
of an individual with mental retardation or other developmental 42259
disability, correct the deficiency within twenty-four hours; 42260

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(b) If the deficiency does not affect the health, safety, or welfare of an individual with mental retardation or other developmental disability, receive technical assistance from the department or submit a plan of correction to the department that is acceptable to the department within sixty days and correct the deficiency within the time required by the plan of correction.

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(2) If the county board fails to correct a deficiency within the time required by division (G)(1) of this section to the satisfaction of the department, or submit an acceptable plan of correction within the time required by division (G)(1)(b) of this section, the department shall issue an order terminating the county board's medicaid local administrative authority over all or part of home and community-based services, medicaid managed care services, habilitation center services, all or part of two of those services, or all or part of all three of those services. The department shall provide a copy of the order to the board of county commissioners, probate judge, county auditor, and president and superintendent of the county board. The department shall specify in the order the medicaid local administrative authority that the department is terminating, the reason for the termination, and the county board's option and responsibilities under this division.

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A county board whose medicaid local administrative authority is terminated may, no later than thirty days after the department issues the termination order, recommend to the department that another county board that has not had any of its medicaid local administrative authority terminated or another entity the department approves administer the services for which the county board's medicaid local administrative authority is terminated. The department may contract with the other county board or entity to administer the services. If the department enters into such a

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contract, the county board shall adopt a resolution giving the other county board or entity full medicaid local administrative authority over the services that the other county board or entity is to administer. The other county board or entity shall be known as the contracting authority.

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If the county board does not submit a recommendation to the department regarding a contracting authority within the required time or the department rejects the county board's recommendation, the department shall appoint an administrative receiver to administer the services for which the county board's medicaid local administrative authority is terminated. To the extent necessary for the department to appoint an administrative authority, the department may utilize employees of the department, management personnel from another county board, or other individuals who are not employed by or affiliated with in any manner a person or government entity that provides home and community-based services, medicaid managed care services, or habilitation center services pursuant to a contract with the county board. The administrative receiver shall assume full administrative responsibility for the county board's services for which the county board's medicaid local administrative authority is terminated.

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The contracting authority or administrative receiver shall develop and submit to the department a plan of correction to remediate the problems that caused the department to issue the termination order. If, after reviewing the plan, the department approves it, the contracting authority or administrative receiver shall implement the plan.

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The county board shall transfer control of state and federal funds it is otherwise eligible to receive for the services for which the county board's medicaid local administrative authority is terminated to the contracting authority or administrative

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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.

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.

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.

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

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. 42356
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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. 42360
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(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: 42363
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(1) To the extent consistent with the levy that generated the taxes, the following taxes: 42366
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(a) Taxes levied pursuant to division (L) of section 5705.19 of the Revised Code and section 5705.222 of the Revised Code; 42368
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(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. 42370
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(2) Funds that the department of mental retardation and developmental disabilities distributes to the county board under sections 5126.11, 5126.12, 5126.15, 5126.18, and 5126.44 of the Revised Code; 42373
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(3) Funds that the department allocates to the county board for habilitation center services provided under section 5111.041 of the Revised Code; 42377
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(4) Earned federal revenue funds the county board receives for medicaid services the county board provides pursuant to the county board's valid medicaid provider agreement. 42380
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(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 42383
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than were available for calendar year 2001, each county board 42386
shall provide, by the last day of calendar year 2001, assurances 42387
to the department of mental retardation and developmental 42388
disabilities that the county board will have for calendar year 42389
2002 at least one-third of the value of one-half, effective mill 42390
levied in the county the preceding year available to pay the 42391
nonfederal share of the services that the county board is required 42392
by division (A) of this section to pay. 42393

If by December 31, 2002, the United States secretary approves 42394
at least five hundred more slots for home and community-based 42395
services for calendar year 2003 than were available for calendar 42396
year 2002, each county board shall provide, by the last day of 42397
calendar year 2002, assurances to the department that the county 42398
board will have for calendar year 2003 at least two-thirds of the 42399
value of one-half, effective mill levied in the county the 42400
preceding year available to pay the nonfederal share of the 42401
services that the county board is required by division (A) of this 42402
section to pay. 42403

If by December 31, 2003, the United States secretary approves 42404
at least five hundred more slots for home and community-based 42405
services for calendar year 2004 than were available for calendar 42406
year 2003, each county board shall provide, by the last day of 42407
calendar year 2003 and each calendar year thereafter, assurances 42408
to the department that the county board will have for calendar 42409
year 2004 and each calendar year thereafter at least the value of 42410
one-half, effective mill levied in the county the preceding year 42411
available to pay the nonfederal share of the services that the 42412
county board is required by division (A) of this section to pay. 42413

(D) Each year, each county board shall adopt a resolution 42414
specifying the amount of funds it will use in the next year to pay 42415
the nonfederal share of the services that the county board is 42416
required by division (A) of this section to pay. The amount 42417

specified shall be adequate to assure that the services will be 42418
available in the county in a manner that conforms to all 42419
applicable state and federal laws. A county board shall state in 42420
its resolution that the payment of the nonfederal share represents 42421
an ongoing financial commitment of the county board. A county 42422
board shall adopt the resolution in time for the county auditor to 42423
make the determination required by division (E) of this section. 42424

(E) Each year, a county auditor shall determine whether the 42425
amount of funds a county board specifies in the resolution it 42426
adopts under division (D) of this section will be available in the 42427
following year for the county board to pay the nonfederal share of 42428
the services that the county board is required by division (A) of 42429
this section to pay. The county auditor shall make the 42430
determination not later than the last day of the year before the 42431
year in which the funds are to be used. 42432

Sec. 5126.057. (A) Each contract that a county board of 42433
mental retardation and developmental disabilities enters into with 42434
a person or government entity under section 5126.055 of the 42435
Revised Code to provide home and community-based services, 42436
medicaid case management services, or habilitation center services 42437
shall comply with rules adopted under division (D) of this section 42438
and include a general operating agreement component and an 42439
individual service needs addendum. 42440

(B) The general operating agreement component shall include 42441
all of the following: 42442

(1) The roles and responsibilities of the county board 42443
regarding services for individuals with mental retardation or 42444
other developmental disability who reside in the county the county 42445
board serves; 42446

(2) The roles and responsibilities of the provider; 42447

(3) Procedures for the county board to monitor the provider's 42448

<u>services;</u>	42449
<u>(4) Procedures for the county board to evaluate the quality of care and cost effectiveness of the provider's services;</u>	42450 42451
<u>(5) Procedures for payment of eligible claims;</u>	42452
<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>	42453 42454 42455
<u>(7) Procedures for the county board to perform service utilization reviews and the implementation of required corrective actions;</u>	42456 42457 42458
<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>	42459 42460 42461 42462
<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>	42463 42464 42465
<u>(10) Procedures for rejecting claims for payment that are submitted after the time required by division (B)(9) of this section;</u>	42466 42467 42468
<u>(11) Procedures for developing, modifying, and executing initial and subsequent service plans. The procedures shall provide for the provider's participation.</u>	42469 42470 42471
<u>(12) Procedures for affording individuals due process protections;</u>	42472 42473
<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>	42474 42475 42476 42477 42478

<u>(14) Methods to be used to document services provided and</u>	42479
<u>procedures for submitting reports the county board requires;</u>	42480
<u>(15) Methods for authorizing and documenting within</u>	42481
<u>seventy-two hours changes to the individual service needs</u>	42482
<u>addendum. The methods shall allow for changes to be initially</u>	42483
<u>authorized verbally and in writing.</u>	42484
<u>(16) Procedures for modifying the individual service needs</u>	42485
<u>addendum in accordance with changes to the recipient's</u>	42486
<u>individualized service plan;</u>	42487
<u>(17) Procedures for terminating the individual service needs</u>	42488
<u>addendum within thirty days of a request made by the recipient;</u>	42489
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<u>(18) A requirement that all parties to the contract accept</u>	42491
<u>the contract's terms and conditions;</u>	42492
<u>(19) A designated contact person and the method of contacting</u>	42493
<u>the designated person to respond to medical or behavioral problems</u>	42494
<u>and allegations of major unusual incidents or unusual incidents;</u>	42495
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<u>(20) Procedures for ensuring the health and welfare of the</u>	42497
<u>recipient;</u>	42498
<u>(21) Procedures for ensuring fiscal accountability and the</u>	42499
<u>collection and reporting of programmatic data;</u>	42500
<u>(22) Procedures for implementing the mediation and</u>	42501
<u>arbitration process under section 5126.035 of the Revised Code;</u>	42502
<u>(23) Procedures for amending or terminating the contract;</u>	42503
<u>(24) Anything else allowable under federal and state law that</u>	42504
<u>the county board and provider agree to.</u>	42505
<u>(C) The individual service needs addendum shall be consistent</u>	42506
<u>with the general operating agreement component and include all of</u>	42507

the following: 42508

(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; 42509
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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; 42513
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(3) A copy of the recipient's assessment and individualized service plan; 42516
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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. 42518
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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. 42523
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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 42531
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complaint, a person shall attempt to have the complaint resolved 42538
through the administrative resolution process established in the 42539
rules adopted under section 5123.043 of the Revised Code. After 42540
exhausting the administrative resolution process, the person may 42541
commence a civil action if the complaint is not settled to the 42542
person's satisfaction. 42543

(B) An employee of a county board may not file under this 42544
section a complaint related to the terms and conditions of 42545
employment of the employee. 42546

Sec. 5126.071. (A) As used in this section, "minority 42547
business enterprise" has the meaning given in division (E)(1) of 42548
section 122.71 of the Revised Code. 42549

(B) Any minority business enterprise that desires to bid on a 42550
contract under division (C) or (D) of this section shall first 42551
apply to the equal employment opportunity coordinator in the 42552
department of administrative services for certification as a 42553
minority business enterprise. The coordinator shall approve the 42554
application of any minority business enterprise that complies with 42555
the rules adopted under section 122.71 of the Revised Code. The 42556
coordinator shall prepare and maintain a list of minority business 42557
enterprises certified under this section. 42558

(C) From the contracts to be awarded for the purchases of 42559
equipment, materials, supplies, insurance, and nonprogram 42560
services, other than contracts entered into and exempt under 42561
sections 307.86 and 5126.05 of the Revised Code, each county board 42562
of mental retardation and developmental disabilities shall select 42563
a number of contracts with an aggregate value of approximately 42564
fifteen per cent of the total estimated value of such contracts to 42565
be awarded in the current calendar year. The board shall set aside 42566
the contracts so selected for bidding by minority business 42567
enterprises only. The bidding procedures for such contracts shall 42568

be the same as for all other contracts awarded under section 42569
307.86 of the Revised Code, except that only minority business 42570
enterprises certified and listed under division (B) of this 42571
section shall be qualified to submit bids. Contracts set aside and 42572
awarded under this section shall not include contracts for the 42573
purchase of ~~program~~ services such as direct and ancillary 42574
services, ~~or case management service and support administration,~~ 42575
residential services, and family ~~resource~~ support services. 42576

(D) To the extent that a board is authorized to enter into 42577
contracts for construction which are not exempt from the 42578
competitive bidding requirements of section 307.86 of the Revised 42579
Code, the board shall set aside a number of contracts the 42580
aggregate value of which equals approximately five per cent of the 42581
aggregate value of construction contracts for the current calendar 42582
year for bidding by minority business enterprises only. The 42583
bidding procedures for the contracts set aside for minority 42584
business enterprises shall be the same as for all other contracts 42585
awarded by the board, except that only minority business 42586
enterprises certified and listed under division (B) of this 42587
section shall be qualified to submit bids. 42588

Any contractor awarded a construction contract pursuant to 42589
this section shall make every effort to ensure that certified 42590
minority business subcontractors and ~~materialmen~~ materials 42591
suppliers participate in the contract. In the case of contracts 42592
specified in this division, the total value of subcontracts 42593
awarded to and materials and services purchased from minority 42594
businesses shall be at least ten per cent of the total value of 42595
the contract, wherever ~~possible~~ possible and whenever the 42596
contractor awards subcontracts or purchases materials or services. 42597

(E) In the case of contracts set aside under divisions (C) 42598
and (D) of this section, if no bid is submitted by a minority 42599
business enterprise, the contract shall be awarded according to 42600

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;

- (2) Standards to be followed by a board in administering, 42632
providing, arranging, or operating programs and services; 42633
- (3) Standards for determining the nature and degree of mental 42634
retardation, including mild mental retardation, or developmental 42635
disability; 42636
- (4) Standards for determining eligibility for programs and 42637
services under sections 5126.042 and 5126.15 of the Revised Code; 42638
- (5) Procedures for obtaining consent for the arrangement of 42639
services under section 5126.31 of the Revised Code and for 42640
obtaining signatures on individual service plans under that 42641
section; 42642
- (6) Specification of the ~~case management services~~ service and 42643
support administration to be provided by a county board and 42644
standards for resolving grievances in connection with ~~case~~ 42645
~~management services~~ service and support administration; 42646
- (7) Standards for the provision of environmental 42647
modifications, including standards that require adherence to all 42648
applicable state and local building codes; 42649
- (8) Standards for the provision of specialized medical, 42650
adaptive, and assistive equipment, supplies, and supports. 42651
- (B) The director shall be the final authority in determining 42652
the nature and degree of mental retardation or developmental 42653
disability. 42654
- Sec. 5126.11.** (A) As used in this section, "respite care" 42655
means appropriate, short-term, temporary care that is provided to 42656
a mentally retarded or developmentally disabled person to sustain 42657
the family structure or to meet planned or emergency needs of the 42658
family. 42659
- (B) Subject to rules adopted by the director of mental 42660

retardation and developmental disabilities, and subject to the 42661
availability of money from state and federal sources, the county 42662
board of mental retardation and developmental disabilities shall 42663
establish a family support services program. Under such a program, 42664
the board shall make payments to an individual with mental 42665
retardation or other developmental disability or the family of an 42666
individual with mental retardation or other developmental 42667
disability who desires to remain in and be supported in the family 42668
home. Payments shall be made for all or part of costs incurred or 42669
estimated to be incurred for services that would promote 42670
self-sufficiency and normalization, prevent or reduce 42671
inappropriate institutional care, and further the unity of the 42672
family by enabling the family to meet the special needs of the 42673
individual and to live as much like other families as possible. 42674
Payments may be made in the form of reimbursement for expenditures 42675
or in the form of vouchers to be used to purchase services. 42676

(C) Payment shall not be made under this section to an 42677
individual or the individual's family if the individual is living 42678
in a residential facility that is providing residential services 42679
under contract with the department of mental retardation and 42680
developmental disabilities or a county board. 42681

(D) Payments may be made for the following services: 42682

(1) Respite care, in or out of the home; 42683

(2) Counseling, supervision, training, and education ~~for~~ of 42684
the individual, the individual's caregivers, and members of the 42685
individual's family that aid the family in providing proper care 42686
for the individual ~~and~~, provide for the special needs of the 42687
family, and assist in all aspects of the individual's daily 42688
living; 42689

(3) Special diets, purchase or lease of special equipment, or 42690
modifications of the home, if such diets, equipment, or 42691

modifications are necessary to improve or facilitate the care and 42692
living environment of the individual; 42693

(4) Providing support necessary for the individual's 42694
continued skill development, including such services as 42695
development of interventions to cope with unique problems that may 42696
occur within the complexity of the family, enrollment of the 42697
individual in special summer programs, provision of appropriate 42698
leisure activities, and other social skills development 42699
activities; 42700

(5) Any other services that are consistent with the purposes 42701
specified in division (B) of this section and specified in the 42702
individual's service plan. 42703

(E) In order to be eligible for payments under a family 42704
support services program, the individual or the individual's 42705
family must reside in the county served by the county board, and 42706
the individual must be in need of habilitation. Payments shall be 42707
adjusted for income in accordance with the payment schedule 42708
established in rules adopted under this section. Payments shall be 42709
made only after the county board has taken into account all other 42710
available assistance for which the individual or family is 42711
eligible. 42712

(F) Before incurring expenses for a service for which payment 42713
will be sought under a family support services program, the 42714
individual or family shall apply to the county board for a 42715
determination of eligibility and approval of the service. The 42716
service need not be provided in the county served by the county 42717
board. After being determined eligible and receiving approval for 42718
the service, the individual or family may incur expenses for the 42719
service or use the vouchers received from the county board for the 42720
purchase of the service. 42721

If the county board refuses to approve a service, an appeal 42722

may be made in accordance with rules adopted by the department 42723
under this section. 42724

(G) To be reimbursed for expenses incurred for approved 42725
services, the individual or family shall submit to the county 42726
board a statement of the expenses incurred accompanied by any 42727
evidence required by the board. To redeem vouchers used to 42728
purchase approved services, the entity that provided the service 42729
shall submit to the county board evidence that the service was 42730
provided and a statement of the charges. The county board shall 42731
make reimbursements and redeem vouchers no later than forty-five 42732
days after it receives the statements and evidence required by 42733
this division. 42734

(H) A county board shall consider the following objectives in 42735
carrying out a family support services program: 42736

(1) Enabling individuals to return to their families from an 42737
institution under the jurisdiction of the department of mental 42738
retardation and developmental disabilities; 42739

(2) Enabling individuals found to be subject to 42740
institutionalization by court order under section 5123.76 of the 42741
Revised Code to remain with their families with the aid of 42742
payments provided under this section; 42743

(3) Providing services to eligible children and adults 42744
currently residing in the community; 42745

(4) Providing services to individuals with developmental 42746
disabilities who are not receiving other services from the board. 42747

(I) The director shall adopt, and may amend and rescind, 42748
rules for the implementation of family support services programs 42749
by county boards. Such rules shall include the following: 42750

(1) A payment schedule adjusted for income; 42751

(2) A formula for distributing to county boards the money 42752

appropriated for family support services;	42753
(3) Standards for supervision, training, and quality control in the provision of respite care services;	42754 42755
(4) Eligibility standards and procedures for providing temporary emergency respite care;	42756 42757
(5) Procedures for hearing and deciding appeals made under division (F) of this section;	42758 42759
(6) Requirements to be followed by county boards regarding reports submitted under division (K) of this section.	42760 42761
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.	42762 42763 42764 42765 42766
(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.	42767 42768 42769 42770 42771 42772 42773 42774
(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.	42775 42776 42777 42778 42779 42780 42781 42782

(L) The county board shall not be required to make payments 42783
for family support services at a level that exceeds available 42784
state and federal funds for such payments. 42785

Sec. 5126.12. (A) As used in this section: 42786

(1) "Approved school age unit class" means a class ~~or unit~~ 42787
operated by a county board of mental retardation and developmental 42788
disabilities and approved funded by the ~~state board~~ department of 42789
education under ~~division (D)~~ of section ~~3317.05~~ 3317.20 of the 42790
Revised Code. 42791

(2) "Approved preschool unit" means a class or unit operated 42792
by a county board of mental retardation and developmental 42793
disabilities and approved by the state board of education under 42794
division (B) of section 3317.05 of the Revised Code. 42795

(3) "Active treatment" means a continuous treatment program, 42796
which includes aggressive, consistent implementation of a program 42797
of specialized and generic training, treatment, health services, 42798
and related services, that is directed toward the acquisition of 42799
behaviors necessary for an individual with mental retardation or 42800
other developmental disability to function with as much 42801
self-determination and independence as possible and toward the 42802
prevention of deceleration, regression, or loss of current optimal 42803
functional status. 42804

(4) "Eligible for active treatment" means that an individual 42805
with mental retardation or other developmental disability resides 42806
in an intermediate care facility for the mentally retarded 42807
certified under Title XIX of the "Social Security Act," 49 Stat. 42808
620 (1935), 42 U.S.C. 301, as amended; resides in a state 42809
institution operated by the department of mental retardation and 42810
developmental disabilities; or is enrolled in a home and 42811
community-based services waiver program administered by the 42812
department of mental retardation and developmental disabilities as 42813

part of the medical assistance program established under section 42814
5111.01 of the Revised Code. 42815

(5) "Community alternative funding system" means the program 42816
under which habilitation center services are reimbursed under the 42817
~~medical assistance~~ medicaid program pursuant to section 5111.041 42818
of the Revised Code and rules adopted under that section. 42819

~~(6) "Community employment program" means community employment 42820
services provided outside of a sheltered workshop setting under 42821
which the person earns competitive wages for the performance of 42822
work. 42823~~

~~(7) "Traditional adult services" means vocational and 42824
nonvocational activities conducted within a sheltered workshop or 42825
adult activity center or supportive home services. 42826~~

(B) Each county board of mental retardation and developmental 42827
disabilities shall certify to the director of mental retardation 42828
and developmental disabilities all of the following: 42829

(1) On or before the fifteenth day of October, the average 42830
daily membership for the first full week of programs and services 42831
during October receiving: 42832

(a) Early childhood services provided pursuant to section 42833
5126.05 of the Revised Code for children who are less than three 42834
years of age on the thirtieth day of September of the academic 42835
year; 42836

(b) Special education for handicapped children in approved 42837
school age ~~units~~ classes; 42838

(c) Adult services for persons sixteen years of age and older 42839
operated pursuant to section 5126.05 and division (B) of section 42840
5126.051 of the Revised Code. Separate counts shall be made for 42841
the following: 42842

(i) Persons enrolled in traditional adult services who are 42843

eligible for but not enrolled in active treatment under the 42844
community alternative funding system; 42845

(ii) Persons enrolled in traditional adult services who are 42846
eligible for and enrolled in active treatment under the community 42847
alternative funding system; 42848

(iii) Persons enrolled in traditional adult services but who 42849
are not eligible for active treatment under the community 42850
alternative funding system; 42851

(iv) Persons participating in community employment services. 42852
To be counted as participating in community employment services, a 42853
person must have spent an average of no less than ten hours per 42854
week in that employment during the preceding six months. 42855

(d) Other programs in the county for individuals with mental 42856
retardation and developmental disabilities that have been approved 42857
for payment of subsidy by the department of mental retardation and 42858
developmental disabilities. 42859

The membership in each such program and service in the county 42860
shall be reported on forms prescribed by the department of mental 42861
retardation and developmental disabilities. 42862

The department of mental retardation and developmental 42863
disabilities shall adopt rules defining full-time equivalent 42864
enrollees and for determining the average daily membership 42865
therefrom, except that certification of average daily membership 42866
in approved school age ~~units~~ classes shall be in accordance with 42867
rules adopted by the state board of education. The average daily 42868
membership figure shall be determined by dividing the amount 42869
representing the sum of the number of enrollees in each program or 42870
service in the week for which the certification is made by the 42871
number of days the program or service was offered in that week. No 42872
enrollee may be counted in average daily membership for more than 42873
one program or service. 42874

(2) By the fifteenth day of December, the number of children 42875
enrolled in approved preschool units on the first day of December; 42876

(3) On or before the thirtieth day of March, an itemized 42877
report of all income and operating expenditures for the 42878
immediately preceding calendar year, in the format specified by 42879
the department of mental retardation and developmental 42880
disabilities; 42881

(4) By the fifteenth day of February, a report of the total 42882
annual cost per enrollee for operation of programs and services in 42883
the preceding calendar year. The report shall include a grand 42884
total of all programs operated, the cost of the individual 42885
programs, and the sources of funds applied to each program. 42886

(5) That each required certification and report is in 42887
accordance with rules established by the department of mental 42888
retardation and developmental disabilities and the state board of 42889
education for the operation and subsidization of the programs and 42890
services. 42891

(C) To compute payments under this section to the board for 42892
the fiscal year, the department of mental retardation and 42893
developmental disabilities shall use the certification of average 42894
daily membership required by division (B)(1) of this section 42895
exclusive of the average daily membership in any approved school 42896
age ~~unit~~ class and the number in any approved preschool unit. 42897

(D) The department shall pay each county board for each 42898
fiscal year an amount equal to nine hundred fifty dollars times 42899
the certified number of persons who on the first day of December 42900
of the academic year are under three years of age and are not in 42901
an approved preschool unit. For persons who are at least age 42902
sixteen and are not in an approved school age ~~unit~~ class, the 42903
department shall pay each county board for each fiscal year the 42904
following amounts: 42905

(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

required or approved by the director for which children three 42937
through twenty-one years of age are eligible, the department shall 42938
include the average daily membership in approved school age or 42939
preschool units. The department, in accordance with this section 42940
and upon receipt and approval of the certification required by 42941
this section and any other information it requires to enable it to 42942
determine a board's payments, shall pay the agency providing the 42943
specialized training the amounts payable under this section. 42944

Sec. 5126.14. The entity responsible for the program 42945
management included in adult day habilitation services, 42946
residential services, and supported living shall provide 42947
administrative oversight by doing all of the following: 42948

(A) Having available supervisory personnel to monitor and 42949
ensure implementation of all interventions in accordance with 42950
every individual service plan implemented by the staff who work 42951
with the individuals receiving the services; 42952

(B) Providing appropriate training and technical assistance 42953
for all staff who work with the individuals receiving services; 42954

(C) Communicating with service and support administration 42955
staff for the purpose of coordinating activities to ensure that 42956
services are provided to individuals in accordance with individual 42957
service plans and intended outcomes; 42958

(D) Monitoring for major unusual incidents and cases of 42959
abuse, neglect, or exploitation involving the individual under the 42960
care of staff who are providing the services; taking immediate 42961
actions as necessary to maintain the health, safety, and welfare 42962
of the individuals receiving the services; and providing notice of 42963
major unusual incidents and suspected cases of abuse, neglect, or 42964
exploitation to the investigative agent for the county board of 42965
mental retardation and developmental disabilities; 42966

(E) Performing other administrative duties as required by 42967

state or federal law or by the county board of mental retardation 42968
and developmental disabilities through contracts with providers. 42969

Sec. 5126.15. (A) A county board of mental retardation and 42970
developmental disabilities shall provide ~~the case management~~ 42971
~~services specified in rules adopted by the department of mental~~ 42972
~~retardation and developmental disabilities under section 5126.08~~ 42973
~~of the Revised Code to individuals who are eligible for other~~ 42974
~~programs and services. A county board shall make determinations of~~ 42975
~~eligibility for case management services in accordance with~~ 42976
~~standards established in rules adopted by the department under~~ 42977
~~section 5126.08 of the Revised Code.~~ 42978

~~Case management services shall be a mechanism to improve the~~ 42979
~~quality and appropriateness of services rendered to individuals.~~ 42980
~~In carrying out case management responsibilities, including~~ 42981
~~monitoring the provision of services to individuals, case managers~~ 42982
~~shall be impartial toward all providers of services and shall show~~ 42983
~~no preference toward any provider.~~ 42984

~~(B) A county board may provide case management services~~ 42985
~~directly or by contracting for the provision of services with~~ 42986
~~other public or private, nonprofit or profit-making agencies or~~ 42987
~~organizations. The county board or the agency or organization with~~ 42988
~~which the board contracts for case management services shall~~ 42989
~~establish a separate service unit for case management, responsible~~ 42990
~~directly to the superintendent of the county board and independent~~ 42991
~~of all other programs of the county board, agency, or~~ 42992
~~organization.~~ 42993

~~Persons employed as county board case managers shall be~~ 42994
~~assigned no program duties by the county board. County board case~~ 42995
~~managers service and support administration to each individual who~~ 42996
~~is eligible for other services of the board. A board may provide~~ 42997
~~service and support administration to an individual who is not~~ 42998

eligible for other services of the board. Service and support 42999
administration shall be provided in accordance with rules adopted 43000
under section 5126.08 of the Revised Code. 43001

A board may provide service and support administration by 43002
directly employing service and support administrators or by 43003
contracting with entities for the performance of service and 43004
support administration. Individuals employed or under contract as 43005
service and support administrators shall not be in the same 43006
collective bargaining unit as employees who perform duties that 43007
are not administrative. 43008

Individuals employed by a board as service and support 43009
administrators shall not be assigned responsibilities for 43010
implementing services for individuals and shall not be employed by 43011
or serve in a decision-making or policy-making capacity for any 43012
other agency or organization entity that provides programs or 43013
services to individuals with mental retardation or developmental 43014
disabilities. 43015

~~A county board that is a party to an agreement with other~~ 43016
~~county boards or other agencies or organizations under which~~ 43017
~~facilities, programs, or services are operated or provided shall~~ 43018
~~establish a clear policy regarding the relationships between the~~ 43019
~~case managers and the boards, agencies, or organizations that are~~ 43020
~~parties to the agreement.~~ 43021

~~(C) Each county board shall develop procedures, in accordance~~ 43022
~~with rules adopted by the department of mental retardation and~~ 43023
~~developmental disabilities, for the resolution of grievances in~~ 43024
~~connection with case management services.~~ 43025

~~(D)~~ (B) The individuals employed by or under contract with a 43026
board to provide service and support administration shall do all 43027
of the following: 43028

(1) Establish an individual's eligibility for the services of 43029

<u>the county board of mental retardation and developmental</u>	43030
<u>disabilities;</u>	43031
<u>(2) Assess individual needs for services;</u>	43032
<u>(3) Develop individual service plans with the active</u>	43033
<u>participation of the individual to be served, other persons</u>	43034
<u>selected by the individual, and, when applicable, the provider</u>	43035
<u>selected by the individual, and recommend the plans for approval</u>	43036
<u>by the department of mental retardation and developmental</u>	43037
<u>disabilities when services included in the plans are funded</u>	43038
<u>through medicaid;</u>	43039
<u>(4) Establish budgets for services based on the individual's</u>	43040
<u>assessed needs and preferred ways of meeting those needs;</u>	43041
<u>(5) Assist individuals in making selections from among the</u>	43042
<u>providers they have chosen;</u>	43043
<u>(6) Ensure that services are effectively coordinated and</u>	43044
<u>provided by appropriate providers;</u>	43045
<u>(7) Establish and implement an ongoing system of monitoring</u>	43046
<u>the implementation of individual service plans to achieve</u>	43047
<u>consistent implementation and the desired outcomes for the</u>	43048
<u>individual;</u>	43049
<u>(8) Perform quality assurance reviews as a distinct function</u>	43050
<u>of service and support administration;</u>	43051
<u>(9) Incorporate the results of quality assurance reviews and</u>	43052
<u>identified trends and patterns of unusual incidents and major</u>	43053
<u>unusual incidents into amendments of an individual's service plan</u>	43054
<u>for the purpose of improving and enhancing the quality and</u>	43055
<u>appropriateness of services rendered to the individual;</u>	43056
<u>(10) Ensure that each individual receiving services has a</u>	43057
<u>designated person who is responsible on a continuing basis for</u>	43058
<u>providing the individual with representation, advocacy, advice,</u>	43059

and assistance related to the day-to-day coordination of services 43060
in accordance with the individual's service plan. The service and 43061
support administrator shall give the individual receiving services 43062
an opportunity to designate the person to provide daily 43063
representation. If the individual declines to make a designation, 43064
the administrator shall make the designation. In either case, the 43065
individual receiving services may change at any time the person 43066
designated to provide daily representation. 43067

(C) Subject to available funds, the department of mental 43068
retardation and developmental disabilities shall pay a county 43069
board an annual subsidy for ~~case management services if the ratio~~ 43070
~~of the board's average daily membership certified under section~~ 43071
~~5126.12 of the Revised Code to the number of case managers~~ 43072
~~employed by the board is at least equal to the minimum ratio~~ 43073
~~specified in rules the Department shall adopt in accordance with~~ 43074
~~Chapter 119. of the Revised Code~~ service and support 43075
administration. The amount of the subsidy shall be equal to the 43076
greater of twenty thousand dollars or two hundred dollars times 43077
the board's certified average daily membership. The payments shall 43078
be made in semiannual installments, which shall be made no later 43079
than the thirty-first day of August and the thirty-first day of 43080
January. Funds received shall be used solely for ~~case management~~ 43081
~~services~~ service and support administration. 43082

Sec. 5126.16. As used in sections 5126.16 to 5126.18 of the 43083
Revised Code: 43084

(A) "Taxable value" means the total taxable value of real and 43085
public utility property and of tangible personal property in a 43086
county as shown on the county auditor's tax lists. 43087

(B) "Taxes" means the total taxes levied pursuant to division 43088
(L) of section 5705.19 of the Revised Code or pursuant to that 43089
section and section 5705.222, as shown on the preceding year's tax 43090

lists of real and public utility property and tangible personal 43091
property, after making the reductions required by section 319.301 43092
of the Revised Code. 43093

(C) "Enrollment" means a county board of mental retardation 43094
and developmental disabilities' average daily membership of 43095
programs and services as certified under divisions (B)(1)(a), (b), 43096
and (c) and (B)(2) of section 5126.12 of the Revised Code, 43097
exclusive of individuals who are served solely through ~~case~~ 43098
management service and support administration provided pursuant to 43099
section 5126.15 of the Revised Code or family support services 43100
provided pursuant to ~~sections~~ section 5126.11 ~~and 5126.15~~ of the 43101
Revised Code. 43102

(D) "Effective tax rate" for a county board means a fraction, 43103
the numerator of which is the county board's taxes and the 43104
denominator of which is the county board's taxable value. 43105

(E) "Local revenue factor" means a county board's taxes 43106
divided by the lesser of the aggregate rate of tax authorized to 43107
be levied by the board of county commissioners pursuant to 43108
division (L) of section 5705.19 and section 5705.222 of the 43109
Revised Code or the aggregate rate of tax authorized pursuant to 43110
that division and that section and certified to the county auditor 43111
under section 319.30 of the Revised Code. 43112

(F) "Hypothetical local revenue per enrollee" means the 43113
quotient obtained by dividing a county board's local revenue 43114
factor by its enrollment. 43115

(G) "Hypothetical statewide average revenue per enrollee" 43116
means the quotient obtained by dividing the sum of all county 43117
boards' local revenue factors by the total enrollment of all 43118
county boards. 43119

(H) "Infant and adult enrollment" means a county board of 43120
mental retardation and developmental disabilities' total average 43121

daily membership of programs and services as certified under 43122
divisions (B)(1)(a) and (c) of section 5126.12 of the Revised 43123
Code, exclusive of individuals who are served solely through ~~case~~ 43124
~~management service and support administration provided pursuant to~~ 43125
~~section 5126.15 of the Revised Code~~ or family support services 43126
provided pursuant to ~~sections~~ section 5126.11 ~~and 5126.15~~ of the 43127
Revised Code. 43128

Sec. 5126.18. (A) The department of mental retardation and 43129
developmental disabilities ~~may~~ shall pay to each county board of 43130
mental retardation and developmental disabilities whose 43131
hypothetical local revenue per enrollee is less than the 43132
hypothetical statewide average revenue per enrollee the amount 43133
computed under division (B) of this section. ~~If this section is~~ 43134
~~implemented in any year, payments~~ Payments shall be made on or 43135
before the thirtieth day of September. 43136

(B) Except as provided in division (C) of this section, the 43137
amount to be paid to a county board shall be equal to the 43138
following: 43139

(1) If the county board's effective tax rate is equal to or 43140
greater than one mill, the product obtained by multiplying the 43141
following two quantities: 43142

(a) The amount by which the hypothetical statewide average 43143
revenue per enrollee exceeds the county board's hypothetical local 43144
revenue per enrollee; 43145

(b) The county board's infant and adult enrollment. 43146

(2) If the county board's effective tax rate is less than one 43147
mill, the product obtained by multiplying the following three 43148
quantities: 43149

(a) The amount by which the hypothetical statewide average 43150
revenue per enrollee exceeds the county board's hypothetical local 43151

revenue per enrollee; 43152

(b) The county board's infant and adult enrollment; 43153

(c) The quotient obtained by dividing the county board's 43154
effective tax rate by one mill. 43155

(C)(1) For each individual who is enrolled in active 43156
treatment under the community alternative funding system as 43157
defined in section 5126.12 of the Revised Code, the department may 43158
reduce the portion of the payment made under this section for that 43159
individual by fifty per cent or less. 43160

(2) If, in any year, an appropriation by the general assembly 43161
to the department for purposes of this section is less than the 43162
total amount required to make, in full, the payments as determined 43163
under and authorized by this section, the department shall pay 43164
each county board the same percentage of the board's payment as 43165
determined under this section without regard to this division that 43166
the amount of the appropriation available for purposes of this 43167
section is of the total amount of payments as determined under 43168
this section without regard to this division. 43169

(3) Payments made to a county board pursuant to this section 43170
shall not exceed thirty per cent of the payments made to that 43171
board pursuant to section 5126.12 of the Revised Code. 43172

(D) Payments made under this section are supplemental to all 43173
other state or federal funds for which county boards are eligible 43174
and shall be made from funds appropriated for purposes of this 43175
section. The A county board shall use the payments shall be used 43176
solely for the development and implementation of early 43177
intervention services for individuals included in the board's 43178
infant enrollment and adult services for individuals included in 43179
the board's adult enrollment to pay the nonfederal share of 43180
medicaid expenditures that division (A) of section 5126.056 of the 43181
Revised Code requires the county board to pay. 43182

(E) Each county board that receives a payment under this 43183
section shall, for each year it receives a payment, certify to the 43184
department that it will make a good faith effort to obtain 43185
revenues, including federal funds, for services to individuals 43186
included in its infant and adult enrollment. 43187

Sec. 5126.19. (A) The director of mental retardation and 43188
developmental disabilities may grant temporary funding from the 43189
community mental retardation and developmental disabilities trust 43190
fund to a county board of mental retardation and developmental 43191
disabilities. With the consent of the county board, the director 43192
may distribute all or part of the funding directly to the persons 43193
who provide the services for which the funding is granted. 43194

(B) Funding granted under this section shall be granted 43195
according to the availability of moneys in the fund and priorities 43196
established by the director. Funding may be granted for any of the 43197
following purposes: 43198

(1) Behavioral or short-term interventions for persons with 43199
mental retardation or developmental disabilities that assist them 43200
in remaining in the community by preventing institutionalization; 43201

(2) Emergency respite care services, as defined in section 43202
5126.11 of the Revised Code; 43203

(3) Family support services provided under section 5126.11 of 43204
the Revised Code; 43205

(4) Supported living, as defined in section 5126.01 of the 43206
Revised Code; 43207

(5) Staff training for county board employees, employees of 43208
providers of residential services as defined in section 5126.01 of 43209
the Revised Code, and other personnel under contract with a county 43210
board, to provide the staff with necessary training in serving 43211
mentally retarded or developmentally disabled persons in the 43212

community; 43213

(6) Short-term provision of early childhood services provided 43214
under section 5126.05, adult services provided under sections 43215
5126.05 and 5126.051, and ~~case management services~~ service and 43216
support administration provided under section 5126.15 of the 43217
Revised Code, when local moneys are insufficient to meet the need 43218
for such services due to the successive failure within a two-year 43219
period of three or more proposed levies for the services; 43220

(7) Contracts with providers of residential services to 43221
maintain persons with mental retardation and developmental 43222
disabilities in their programs and avoid institutionalization. 43223

(C) If the trust fund contains more than ten million dollars 43224
on the first day of July the director shall use one million 43225
dollars for payments under section 5126.12 of the Revised Code, 43226
one million dollars for payments under section 5126.18 of the 43227
Revised Code, and two million dollars for payments under section 43228
5126.44 of the Revised Code. Distributions of funds under this 43229
division shall be made prior to August 31 of the state fiscal year 43230
in which the funds are available. The funds shall be distributed 43231
to a county board in an amount equal to the same percentage of the 43232
total amount distributed for the services that the county board 43233
received in the immediately preceding state fiscal year. 43234

Sec. 5126.20. As used in this section and sections 5126.21 to 43235
5126.29 of the Revised Code: 43236

(A) "Service employee" means a person employed by a county 43237
board of mental retardation and developmental disabilities in a 43238
position which may require evidence of registration under section 43239
5126.25 of the Revised Code but for which a bachelor's degree from 43240
an accredited college or university is not required, and includes 43241
employees in the positions listed in division (C) of section 43242
5126.22 of the Revised Code. 43243

(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.

<u>(H) "Investigative agent" means an individual who conducts</u>	43275
<u>investigations under section 5126.313 of the Revised Code.</u>	43276
Sec. 5126.22. (A) Employees who hold the following positions	43277
in a county board of mental retardation and developmental	43278
disabilities are management employees:	43279
assistant superintendent	43280
director of business	43281
director of personnel	43282
adult services director	43283
workshop director	43284
habilitation manager	43285
director of residential services	43286
principal (director of children services)	43287
program or service supervisor	43288
plant manager	43289
production manager	43290
case management <u>service and support administration</u> supervisor	43291
<u>investigative agent</u>	43292
confidential employees as defined in section 4117.01 of the	43293
Revised Code	43294
positions designated by the director of mental retardation	43295
and developmental disabilities as having managerial or supervisory	43296
responsibilities and duties	43297
positions designated by the county board in accordance with	43298
division (D) of this section.	43299
(B) Employees who hold the following positions in a board are	43300
professional employees:	43301

personnel certified pursuant to Chapter 3319. of the Revised Code	43302 43303
early intervention specialist	43304
physical development specialist	43305
habilitation specialist	43306
work adjustment specialist	43307
placement specialist	43308
vocational evaluator	43309
psychologist	43310
occupational therapist	43311
speech and language pathologist	43312
recreation specialist	43313
behavior management specialist	43314
physical therapist	43315
supportive home services specialist	43316
licensed practical nurse or registered nurse	43317
rehabilitation counselor	43318
doctor of medicine and surgery or of osteopathic medicine and surgery	43319 43320
dentist	43321
case manager <u>service and support administrator</u>	43322
social worker	43323
any position that is not a management position and for which the standards for certification established by the director of mental retardation and developmental disabilities under section 5126.25 of the Revised Code require a bachelor's or higher degree	43324 43325 43326 43327

professional positions designated by the director	43328
professional positions designated by the county board in accordance with division (D) of this section.	43329 43330
(C) Employees who hold positions in a board that are neither management positions nor professional positions are service employees. Service employee positions include:	43331 43332 43333
workshop specialist	43334
workshop specialist assistant	43335
contract procurement specialist	43336
community employment specialist	43337
any assistant to a professional employee certified to provide, or supervise the provision of, adult services or case <u>management service and support administration</u>	43338 43339 43340
service positions designated by the director	43341
service positions designated by a county board in accordance with division (D) of this section.	43342 43343
(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.	43344 43345 43346 43347
(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	43348 43349 43350 43351 43352 43353 43354 43355 43356

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

as superintendents, management employees, and professional 43387
employees and uniform standards and procedures for the 43388
registration of persons for employment by county boards as 43389
registered service employees. As part of the rules, the director 43390
may establish continuing education and professional training 43391
requirements for renewal of certificates and evidence of 43392
registration and shall establish such requirements for renewal of 43393
an investigative agent certificate. The director shall not adopt 43394
rules that require any service employee to have or obtain a 43395
bachelor's or higher degree. 43396

The director shall adopt a rule that requires an 43397
investigative agent to have or obtain no less than an associate 43398
degree from an accredited college or university. 43399

The director shall not adopt rules for certification of 43400
service and support administrators that require an individual to 43401
have higher than an associate's degree. The rules shall permit 43402
certification of an individual without an associate's degree if 43403
the individual has adequate experience. 43404

The director shall adopt the rules in a manner that provides 43405
for the issuance of certificates and evidence of registration 43406
according to categories, levels, and grades. The rules shall 43407
describe each category, level, and grade. 43408

The rules adopted under this division shall apply to persons 43409
employed or seeking employment in a position that includes 43410
directly providing, or supervising persons who directly provide, 43411
services or instruction to or on behalf of individuals with mental 43412
retardation or developmental disabilities, except that the rules 43413
shall not apply to persons who hold a valid license issued under 43414
Chapter 3319. of the Revised Code and perform no duties other than 43415
teaching or supervision of a teaching program or persons who hold 43416
a valid license or certificate issued under Title XLVII of the 43417
Revised Code and perform only those duties governed by the license 43418

or certificate. The rules shall specify the positions that require 43419
certification or registration. The rules shall specify that the 43420
position of investigative agent requires certification. 43421

(B) The director shall adopt rules in accordance with Chapter 43422
119. of the Revised Code establishing standards for approval of 43423
courses of study to prepare persons to meet certification 43424
requirements. The director shall approve courses of study meeting 43425
the standards and provide for the inspection of the courses to 43426
ensure the maintenance of satisfactory training procedures. The 43427
director shall approve courses of study only if given by a state 43428
university or college as defined in section 3345.32 of the Revised 43429
Code, a state university or college of another state, or an 43430
institution that has received a certificate of authorization to 43431
confer degrees from the board of regents pursuant to Chapter 1713. 43432
of the Revised Code or from a comparable agency of another state. 43433
43434

(C) Each applicant for a certificate for employment or 43435
evidence of registration for employment by a county board shall 43436
apply to the department of mental retardation and developmental 43437
disabilities on forms that the director of the department shall 43438
prescribe and provide. The application shall be accompanied by the 43439
application fee established in rules adopted under this section. 43440
43441

(D) The director shall issue a certificate for employment to 43442
each applicant who meets the standards for certification 43443
established under this section and shall issue evidence of 43444
registration for employment to each applicant who meets the 43445
standards for registration established under this section. Each 43446
certificate or evidence of registration shall state the category, 43447
level, and grade for which it is issued. 43448

The director shall issue, renew, deny, suspend, or revoke 43449
certificates and evidence of registration in accordance with rules 43450

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. 43483

(2) If an applicant for a certificate for employment has not 43484
completed the courses of instruction necessary to meet the 43485
department's standards for certification, the department shall 43486
inform the applicant of the courses the applicant must 43487
successfully complete to meet the standards and shall specify the 43488
time within which the applicant must complete the courses. The 43489
department shall grant the applicant at least one year to complete 43490
the courses and shall not require the applicant to complete more 43491
than four courses in any one year. The applicant is not subject to 43492
any changes regarding the courses required for certification that 43493
are made after the department informs the applicant of the courses 43494
the applicant must complete, unless the applicant does not 43495
successfully complete the courses within the time specified by the 43496
department. 43497

(F) A person who holds a certificate or evidence of 43498
registration, other than one designated as temporary, is qualified 43499
to be employed according to that certificate or evidence of 43500
registration by any county board. 43501

(G) The director shall monitor county boards to ensure that 43502
their employees who must be certified or registered are 43503
appropriately certified or registered and performing those 43504
functions they are authorized to perform under their certificate 43505
or evidence of registration. 43506

(H) A county board superintendent or the superintendent's 43507
designee may certify to the director that county board employees 43508
who are required to meet continuing education or professional 43509
training requirements as a condition of renewal of certificates or 43510
evidence of registration have met the requirements. The 43511
superintendent or the superintendent's designee shall maintain in 43512
appropriate personnel files evidence acceptable to the director 43513
that the employees have met the requirements and permit 43514

representatives of the department access to the evidence on 43515
request. 43516

(I) All fees collected pursuant to this section shall be 43517
deposited in the state treasury to the credit of the employee 43518
certification and registration fund, which is hereby created. 43519
Money credited to the fund shall be used solely for the operation 43520
of the certification and registration program established under 43521
this section and for providing continuing training to county board 43522
employees. 43523

(J) Employees of entities that contract with county boards of 43524
mental retardation and developmental disabilities to operate 43525
programs and services for individuals with mental retardation and 43526
developmental disabilities are subject to the certification and 43527
registration requirements established under section 5123.082 of 43528
the Revised Code. 43529

Sec. 5126.31. (A) A county board of mental retardation and 43530
developmental disabilities shall review reports of abuse and 43531
neglect made under section 5123.61 of the Revised Code and reports 43532
referred to it under section 5101.611 of the Revised Code to 43533
determine whether the person who is the subject of the report is 43534
an adult with mental retardation or a developmental disability in 43535
need of services to deal with the abuse or neglect. The board 43536
shall give notice of each report to the registry office of the 43537
department of mental retardation and developmental disabilities 43538
established pursuant to section 5123.61 of the Revised Code on the 43539
first working day after receipt of the report. If the report 43540
alleges that there is a substantial risk to the adult of immediate 43541
physical harm or death, the board shall initiate review within 43542
twenty-four hours of its receipt of the report. If the board 43543
determines that the person is sixty years of age or older but does 43544
not have mental retardation or a developmental disability, it 43545

shall refer the case to the county department of job and family 43546
services. If the board determines that the person is an adult with 43547
mental retardation or a developmental disability, it shall 43548
continue its review of the case. 43549

(B) For each review over which the board retains 43550
responsibility under division (A) of this section, it shall do all 43551
of the following: 43552

(1) Give both written and oral notice of the purpose of the 43553
review to the adult and, if any, to the adult's legal counsel or 43554
caretaker, in simple and clear language; 43555

(2) Visit the adult, in the adult's residence if possible, 43556
and explain the notice given under division (B)(1) of this 43557
section; 43558

(3) Request from the registry office any prior reports 43559
concerning the adult or other principals in the case; 43560

(4) Consult, if feasible, with the person who made the report 43561
under section 5101.61 or 5123.61 of the Revised Code and with any 43562
agencies or persons who have information about the alleged abuse 43563
or neglect; 43564

(5) Cooperate fully with the law enforcement agency 43565
responsible for investigating the report and for filing any 43566
resulting criminal charges and, on request, turn over evidence to 43567
the agency; 43568

(6) Determine whether the adult needs services, and prepare a 43569
written report stating reasons for the determination. No adult 43570
shall be determined to be abused, neglected, or in need of 43571
services for the sole reason that, in lieu of medical treatment, 43572
the adult relies on or is being furnished spiritual treatment 43573
through prayer alone in accordance with the tenets and practices 43574
of a church or religious denomination of which the adult is a 43575
member or adherent. 43576

(C) The board shall arrange for the provision of services for 43577
the prevention, correction or discontinuance of abuse or neglect 43578
or of a condition resulting from abuse or neglect for any adult 43579
who has been determined to need the services and consents to 43580
receive them. These services may include, but are not limited to, 43581
~~case management~~ service and support administration, fiscal 43582
management, medical, mental health, home health care, homemaker, 43583
legal, and residential services and the provision of temporary 43584
accommodations and necessities such as food and clothing. The 43585
services do not include acting as a guardian, trustee, or 43586
protector as defined in section 5123.55 of the Revised Code. If 43587
the provision of residential services would require expenditures 43588
by the department of mental retardation and developmental 43589
disabilities, the board shall obtain the approval of the 43590
department prior to arranging the residential services. 43591

To arrange services, the board shall: 43592

(1) Develop an individualized service plan identifying the 43593
types of services required for the adult, the goals for the 43594
services, and the persons or agencies that will provide them; 43595

(2) In accordance with rules established by the director of 43596
mental retardation and developmental disabilities, obtain the 43597
consent of the adult or the adult's guardian to the provision of 43598
any of these services and obtain the signature of the adult or 43599
guardian on the individual service plan. An adult who has been 43600
found incompetent under Chapter 2111. of the Revised Code may 43601
consent to services. If the board is unable to obtain consent, it 43602
may seek, if the adult is incapacitated, a court order pursuant to 43603
section 5126.33 of the Revised Code authorizing the board to 43604
arrange these services. 43605

(D) The board shall ensure that the adult receives the 43606
services arranged by the board from the provider and shall have 43607
the services terminated if the adult withdraws consent. 43608

(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; 43640

~~(D)~~(4) Any other government entity authorized to investigate 43641
reports of abuse and neglect. 43642

(B) The director of mental retardation and developmental 43643
disabilities shall adopt rules in accordance with Chapter 119. of 43644
the Revised Code specifying circumstances under which it is 43645
inappropriate for a county board to review reports of abuse and 43646
neglect. 43647

Sec. 5126.313. (A) If after reviewing a report under section 43648
5126.31 of the Revised Code, a county board of mental retardation 43649
and developmental disabilities has reason to believe that the 43650
subject of the report may be the victim of abuse or neglect, the 43651
county board shall conduct an investigation if circumstances 43652
specified in rules adopted under division (B) of this section 43653
exist. If the circumstances specified in the rules exist, the 43654
county board shall conduct the investigation in the manner 43655
specified by the rules. 43656

(B) The director of mental retardation and developmental 43657
disabilities shall adopt rules in accordance with Chapter 119. of 43658
the Revised Code specifying circumstances under which a county 43659
board shall conduct investigations under division (A) of this 43660
section and the manner in which the county board shall conduct the 43661
investigation. 43662

Sec. 5126.32. If during the course of the review conducted 43663
under section 5126.31 of the Revised Code or the investigation 43664
conducted under section 5126.313 of the Revised Code, any person 43665
denies or obstructs the board's access to the residence of the 43666
adult who is the subject of a report of abuse or neglect the 43667
review or investigation, the board may file a petition with the 43668
probate court of the county in which the residence is located for 43669

a temporary restraining order, in accordance with Civil Rule 65, 43670
to prevent the denial or obstruction of access. If the court finds 43671
reasonable cause to believe that the adult is abused or neglected 43672
and that access to ~~his~~ the adult's residence has been denied or 43673
obstructed, the court shall issue a temporary order restraining 43674
the interference or obstruction. After the order has been 43675
obtained, at the request of the board, an officer of the law 43676
enforcement agency investigating the report shall accompany 43677
representatives of the board to the adult's residence. 43678

If a person refuses to allow or interferes with the provision 43679
of services described in division (C) of section 5126.31 of the 43680
Revised Code to an adult who has consented to them, the county 43681
board may file a petition with the probate court of the county in 43682
which the adult resides for appropriate injunctive relief in 43683
accordance with Civil Rule 65. 43684

Sec. 5126.357. (A) As used in this section: 43685

(1) "In-home care" means the supportive services provided 43686
within the home of an individual who receives funding for the 43687
services as a county board client, including any client who 43688
receives residential services funded through ~~the medical~~ 43689
~~assistance program's~~ home ~~and or~~ community-based services ~~waivers~~ 43690
~~administered by the department of mental retardation and~~ 43691
~~developmental disabilities~~, family support services provided under 43692
section 5126.11 of the Revised Code, or supported living provided 43693
in accordance with sections 5126.41 to 5126.47 of the Revised 43694
Code. "In-home care" includes care that is provided outside a 43695
client's home in places incidental to the home, and while 43696
traveling to places incidental to the home, except that "in-home 43697
care" does not include care provided in the facilities of a county 43698
board of mental retardation and developmental disabilities or care 43699
provided in schools. 43700

(2) "Parent" means either parent of a child, including an adoptive parent but not a foster parent.

(3) "Unlicensed in-home care worker" means an individual who provides in-home care but is not a health care professional. A county board worker may be an unlicensed in-home care worker.

(4) "Family member" means a parent, sibling, spouse, son, daughter, grandparent, aunt, uncle, cousin, or guardian of the individual with mental retardation or a developmental disability if the individual with mental retardation or developmental disabilities lives with the person and is dependent on the person to the extent that, if the supports were withdrawn, another living arrangement would have to be found.

(B) Except as provided in division (D) of this section, a family member of an individual with mental retardation or a developmental disability may authorize an unlicensed in-home care worker to give or apply prescribed medication or perform other health care tasks as part of the in-home care provided to the individual, if the family member is the primary supervisor of the care and the unlicensed in-home care worker has been selected by the family member and is under the direct supervision of the family member. Sections 4723.62 and 5126.351 to 5126.356 of the Revised Code do not apply to the in-home care authorized by a family member under this section. Instead, a family member shall obtain a prescription, if applicable, and written instructions from a health care professional for the care to be provided to the individual. The family member shall authorize the unlicensed in-home care worker to provide the care by preparing a written document granting the authority. The family member shall provide the unlicensed in-home care worker with appropriate training and written instructions in accordance with the instructions obtained from the health care professional.

(C) A family member who authorizes an unlicensed in-home care

worker to give or apply prescribed medication or perform other 43733
health care tasks retains full responsibility for the health and 43734
safety of the individual receiving the care and for ensuring that 43735
the worker provides the care appropriately and safely. No entity 43736
that funds or monitors the provision of in-home care may be held 43737
liable for the results of the care provided under this section by 43738
an unlicensed in-home care worker, including such entities as the 43739
county board of mental retardation and developmental disabilities, 43740
any other entity that employs an unlicensed in-home care worker, 43741
and the department of mental retardation and developmental 43742
disabilities. 43743

An unlicensed in-home care worker who is authorized under 43744
this section by a family member to provide care to an individual 43745
may not be held liable for any injury caused in providing the 43746
care, unless the worker provides the care in a manner that is not 43747
in accordance with the training and instructions received or the 43748
worker acts in a manner that constitutes wanton or reckless 43749
misconduct. 43750

(D) A county board of mental retardation and developmental 43751
disabilities may evaluate the authority granted by a family member 43752
under this section to an unlicensed in-home care worker at any 43753
time it considers necessary and shall evaluate the authority on 43754
receipt of a complaint. If the board determines that a family 43755
member has acted in a manner that is inappropriate for the health 43756
and safety of the individual receiving the services, the 43757
authorization granted by the family member to an unlicensed 43758
in-home care worker is void, and the family member may not 43759
authorize other unlicensed in-home care workers to provide the 43760
care. In making such a determination, the board shall use 43761
appropriately licensed health care professionals and shall provide 43762
the family member an opportunity to file a complaint under section 43763
5126.06 of the Revised Code. 43764

Sec. 5126.431. (A) Pursuant to Chapter 119. of the Revised 43765
Code, the department of mental retardation and developmental 43766
disabilities shall adopt rules establishing standards and 43767
procedures for certification of persons ~~and government entities~~ 43768
that provide or propose to provide, under contract with ~~the~~ 43769
~~department until July 1, 1995, or with~~ a county board of mental 43770
retardation and developmental disabilities, supported living for 43771
individuals with mental retardation or developmental disabilities. 43772
The rules shall allow a person to automatically satisfy a standard 43773
for certification under this section if the person holds a 43774
current, valid license under section 5123.19 of the Revised Code 43775
to operate a residential facility and had to satisfy the standard 43776
to obtain the residential facility license. 43777

(B) Pursuant to Chapter 119. of the Revised Code, the 43778
department shall adopt rules establishing quality assurance 43779
standards for supported living provided to individuals by 43780
providers certified under this section. 43781

(C) The rules adopted under this section shall include the 43782
following: 43783

(1) Procedures for ensuring that providers comply with 43784
section 5126.281 of the Revised Code; 43785

(2) Methods of evaluating the services provided and 43786
protecting the due process rights of any individual or entity 43787
affected by an evaluation or decision made pursuant to this 43788
section; 43789

(3) Procedures for revoking certification. 43790

(D)(1) Providers shall be evaluated to ensure that services 43791
are provided in a quality manner advantageous to the individual 43792
receiving the services. When evaluations are conducted, the 43793
following shall be considered: 43794

(a) The provider's experience and financial responsibility;	43795
(b) The ability to comply with program standards for supported living;	43796
(c) The ability to meet the needs of the individuals served;	43798
(d) The ability to work cooperatively with the department, county boards, and other providers;	43799
(e) 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
(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.	43802
Sec. 5139.01. (A) As used in this chapter:	43803
(1) "Commitment" means the transfer of the physical custody of a child or youth from the court to the department of youth services.	43804
(2) "Permanent commitment" means a commitment that vests legal custody of a child in the department of youth services.	43805
(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	43806
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right to have physical possession of the child; the right and duty 43824
to train, protect, and control the child; the responsibility to 43825
provide the child with food, clothing, shelter, education, and 43826
medical care; and the right to determine where and with whom the 43827
child shall live, subject to the minimum periods of, or periods 43828
of, institutional care prescribed in section 2151.355 of the 43829
Revised Code; provided, that these rights and responsibilities are 43830
exercised subject to the powers, rights, duties, and 43831
responsibilities of the guardian of the person of the child, and 43832
subject to any residual parental rights and responsibilities. 43833

(4) Unless the context requires a different meaning, 43834
"institution" means a state facility that is created by the 43835
general assembly and that is under the management and control of 43836
the department of youth services or a private entity with which 43837
the department has contracted for the institutional care and 43838
custody of felony delinquents. 43839

(5) "Full-time care" means care for twenty-four hours a day 43840
for over a period of at least two consecutive weeks. 43841

(6) "Placement" means the conditional release of a child 43842
under the terms and conditions that are specified by the 43843
department of youth services. The department shall retain legal 43844
custody of a child released pursuant to division (C) of section 43845
2151.38 of the Revised Code or division (C) of section 5139.06 of 43846
the Revised Code until the time that it discharges the child or 43847
until the legal custody is terminated as otherwise provided by 43848
law. 43849

(7) "Home placement" means the placement of a child in the 43850
home of the child's parent or parents or in the home of the 43851
guardian of the child's person. 43852

(8) "Discharge" means that the department of youth services' 43853
legal custody of a child is terminated. 43854

(9) "Release" means the termination of a child's stay in an institution and the subsequent period during which the child returns to the community under the terms and conditions of supervised release.

(10) "Delinquent child" has the same meaning as in section 2151.02 of the Revised Code.

(11) "Felony delinquent" means any child who is at least twelve years of age but less than eighteen years of age and who is adjudicated a delinquent child for having committed an act that if committed by an adult would be a felony. "Felony delinquent" includes any adult who is between the ages of eighteen and twenty-one and who is in the legal custody of the department of youth services for having committed an act that if committed by an adult would be a felony.

(12) "Juvenile traffic offender" has the same meaning as in section 2151.021 of the Revised Code.

(13) "Public safety beds" means all of the following:

(a) Felony delinquents who have been committed to the department of youth services for the commission of an act, other than a violation of section 2911.01 or 2911.11 of the Revised Code, that is a category one offense or a category two offense and who are in the care and custody of an institution or have been diverted from care and custody in an institution and placed in a community corrections facility;

(b) Felony delinquents who, while committed to the department of youth services and in the care and custody of an institution or a community corrections facility, are adjudicated delinquent children for having committed in that institution or community corrections facility an act that if committed by an adult would be a felony;

(c) Children who satisfy all of the following:

(i) They are at least twelve years of age but less than eighteen years of age.	43886 43887
(ii) They are adjudicated delinquent children for having committed acts that if committed by an adult would be a felony.	43888 43889
(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.	43890 43891 43892 43893
(iv) They are in the care and custody of an institution or a community corrections facility.	43894 43895
(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.	43896 43897 43898 43899 43900 43901 43902 43903
(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.	43904 43905 43906 43907 43908 43909
(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	43910 43911 43912 43913 43914 43915 43916

judicial release or early release, and who, pursuant to an order 43917
of the court of the county in which the particular felony 43918
delinquent was placed on release that is issued pursuant to 43919
division (D) of section 2151.38 of the Revised Code, have been 43920
returned to the department for institutionalization or 43921
institutionalization in a secure facility. 43922

(g) Felony delinquents who have been committed to the custody 43923
of the department of youth services, who have been granted 43924
supervised release from the commitment pursuant to section 5139.51 43925
of the Revised Code, who have violated the terms and conditions of 43926
that supervised release, and who, pursuant to an order of the 43927
court of the county in which the particular child was placed on 43928
supervised release issued pursuant to division (F) of section 43929
5139.52 of the Revised Code, have had the supervised release 43930
revoked and have been returned to the department for 43931
institutionalization. A felony delinquent described in this 43932
division shall be a public safety bed only for the time during 43933
which the felony delinquent is institutionalized as a result of 43934
the revocation subsequent to the initial thirty-day period of 43935
institutionalization required by division (F) of section 5139.52 43936
of the Revised Code. 43937

(14) "State target youth" means twenty-five per cent of the 43938
projected total number of felony delinquents for each year of a 43939
biennium, factoring in revocations and recommitments. 43940

(15) Unless the context requires a different meaning, 43941
"community corrections facility" means a county or multicounty 43942
rehabilitation center for felony delinquents who have been 43943
committed to the department of youth services and diverted from 43944
care and custody in an institution and placed in the 43945
rehabilitation center pursuant to division (E) of section 5139.36 43946
of the Revised Code. 43947

(16) "Secure facility" means any facility that is designed 43948

and operated to ensure that all of its entrances and exits are 43949
under the exclusive control of its staff and to ensure that, 43950
because of that exclusive control, no child who has been 43951
institutionalized in the facility may leave the facility without 43952
permission or supervision. 43953

(17) "Community residential program" means a program that 43954
satisfies both of the following: 43955

(a) It is housed in a building or other structure that has no 43956
associated major restraining construction, including, but not 43957
limited to, a security fence. 43958

(b) It provides twenty-four-hour care, supervision, and 43959
programs for felony delinquents who are in residence. 43960

(18) "Category one offense" and "category two offense" have 43961
the same meanings as in section 2151.26 of the Revised Code. 43962

(19) "Disciplinary time" means additional time that the 43963
department of youth services requires a felony delinquent to serve 43964
in an institution, that delays the felony delinquent's planned 43965
release, and that the department imposes upon the felony 43966
delinquent following the conduct of an internal due process 43967
hearing for having committed any of the following acts while 43968
committed to the department and in the care and custody of an 43969
institution: 43970

(a) An act that if committed by an adult would be a felony; 43971

(b) An act that if committed by an adult would be a 43972
misdemeanor; 43973

(c) An act that is not described in division (A)(19)(a) or 43974
(b) of this section and that violates an institutional rule of 43975
conduct of the department. 43976

(20) "Unruly child" has the same meaning as in section 43977
2151.022 of the Revised Code. 43978

(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

same conduct, criminal or delinquent episode, or plan as the 44010
criminal or delinquent act committed against the victim. 44011

(27) "Judicial release" means a release of a child from 44012
institutional care or institutional care in a secure facility that 44013
is granted by a court pursuant to division (B) of section 2151.38 44014
of the Revised Code during the period specified in that division. 44015

(28) "Early release" means a release of a child from 44016
institutional care or institutional care in a secure facility that 44017
is granted by a court pursuant to division (C) of section 2151.38 44018
of the Revised Code during the period specified in that division. 44019

(29) "Juvenile justice system" includes all of the functions 44020
of the juvenile courts, the department of youth services, any 44021
public or private agency whose purposes include the prevention of 44022
delinquency or the diversion, adjudication, detention, or 44023
rehabilitation of delinquent children, and any of the functions of 44024
the criminal justice system that are applicable to children. 44025

(30) "Metropolitan county criminal justice services agency" 44026
means an agency that is established pursuant to division (A) of 44027
section 181.54 of the Revised Code. 44028

(31) "Administrative planning district" means a district that 44029
is established pursuant to division (A) or (B) of section 181.56 44030
of the Revised Code. 44031

(32) "Criminal justice coordinating council" means a criminal 44032
justice services agency that is established pursuant to division 44033
(D) of section 181.56 of the Revised Code. 44034

(33) "Comprehensive plan" means a document that coordinates, 44035
evaluates, and otherwise assists, on an annual or multi-year 44036
basis, all of the functions of the juvenile justice systems of the 44037
state or a specified area of the state, that conforms to the 44038
priorities of the state with respect to juvenile justice systems, 44039
and that conforms with the requirements of all federal criminal 44040

justice acts. These functions include, but are not limited to, all 44041
of the following: 44042

(a) Delinquency prevention; 44043

(b) Identification, detection, apprehension, and detention of 44044
persons charged with delinquent acts; 44045

(c) Assistance to crime victims or witnesses, except that the 44046
comprehensive plan does not include the functions of the attorney 44047
general pursuant to sections 109.91 and 109.92 of the Revised 44048
Code; 44049

(d) Adjudication or diversion of persons charged with 44050
delinquent acts; 44051

(e) Custodial treatment of delinquent children; 44052

(f) Institutional and noninstitutional rehabilitation of 44053
delinquent children. 44054

(B) There is hereby created the department of youth services. 44055
The governor shall appoint the director of the department with the 44056
advice and consent of the senate. The director shall hold office 44057
during the term of the appointing governor but subject to removal 44058
at the pleasure of the governor. Except as otherwise authorized in 44059
section 108.05 of the Revised Code, the director shall devote the 44060
director's entire time to the duties of the director's office and 44061
shall hold no other office or position of trust or profit during 44062
the director's term of office. 44063

The director is the chief executive and administrative 44064
officer of the department and has all the powers of a department 44065
head set forth in Chapter 121. of the Revised Code. The director 44066
may adopt rules for the government of the department, the conduct 44067
of its officers and employees, the performance of its business, 44068
and the custody, use, and preservation of the department's 44069
records, papers, books, documents, and property. The director 44070

shall be an appointing authority within the meaning of Chapter 44071
124. of the Revised Code. Whenever this or any other chapter or 44072
section of the Revised Code imposes a duty on or requires an 44073
action of the department, the duty or action shall be performed by 44074
the director or, upon the director's order, in the name of the 44075
department. 44076

Sec. 5139.11. The department of youth services shall do all 44077
of the following: 44078

(A) Through a program of education, promotion, and 44079
organization, form groups of local citizens and assist these 44080
groups in conducting activities aimed at the prevention and 44081
control of juvenile delinquency, making use of local people and 44082
resources for the following purposes: 44083

(1) Combatting local conditions known to contribute to 44084
juvenile delinquency; 44085

(2) Developing recreational and other programs for youth 44086
work; 44087

(3) Providing adult sponsors for delinquent children cases; 44088

(4) Dealing with other related problems of the locality; 44089

(B) Advise local, state, and federal officials, public and 44090
private agencies, and lay groups on the needs for and possible 44091
methods of the reduction and prevention of juvenile delinquency 44092
and the treatment of delinquent children; 44093

(C) Consult with the schools and courts of this state on the 44094
development of programs for the reduction and prevention of 44095
delinquency and the treatment of delinquents; 44096

(D) Cooperate with other agencies whose services deal with 44097
the care and treatment of delinquent children to the end that 44098
delinquent children who are state wards may be assisted whenever 44099

possible to a successful adjustment outside of institutional care; 44100

(E) Cooperate with other agencies in surveying, developing, 44101
and utilizing the recreational resources of a community as a means 44102
of combatting the problem of juvenile delinquency and effectuating 44103
rehabilitation; 44104

(F) Hold district and state conferences from time to time in 44105
order to acquaint the public with current problems of juvenile 44106
delinquency and develop a sense of civic responsibility toward the 44107
prevention of juvenile delinquency; 44108

(G) Assemble and distribute information relating to juvenile 44109
delinquency and report on studies relating to community conditions 44110
that affect the problem of juvenile delinquency; 44111

(H) Assist any community within the state by conducting a 44112
comprehensive survey of the community's available public and 44113
private resources, and recommend methods of establishing a 44114
community program for combatting juvenile delinquency and crime, 44115
but no survey of that type shall be conducted unless local 44116
individuals and groups request it through their local authorities, 44117
and no request of that type shall be interpreted as binding the 44118
community to following the recommendations made as a result of the 44119
request; 44120

(I) Evaluate the rehabilitation of children committed to the 44121
department and prepare and submit periodic reports to the 44122
committing court for the following purposes: 44123

(1) Evaluating the effectiveness of institutional treatment; 44124

(2) Making recommendations for early release where 44125
appropriate and recommending terms and conditions for release; 44126

(3) Reviewing the placement of children and recommending 44127
alternative placements where appropriate. 44128

(J) Coordinate dates for hearings to be conducted under 44129

section 2151.38 of the Revised Code and assist in the transfer and	44130
release of children from institutionalization to the custody of	44131
the committing court;	44132
<u>(K)(1) Coordinate and assist juvenile justice systems by</u>	44133
<u>doing the following:</u>	44134
<u>(a) Performing juvenile justice system planning in the state,</u>	44135
<u>including any planning that is required by any federal law;</u>	44136
<u>(b) Collecting, analyzing, and correlating information and</u>	44137
<u>data concerning the juvenile justice system in the state;</u>	44138
<u>(c) Cooperating with and providing technical assistance to</u>	44139
<u>state departments, administrative planning districts, metropolitan</u>	44140
<u>county criminal justice services agencies, criminal justice</u>	44141
<u>coordinating councils, and agencies, offices, and departments of</u>	44142
<u>the juvenile justice system in the state, and other appropriate</u>	44143
<u>organizations and persons;</u>	44144
<u>(d) Encouraging and assisting agencies, offices, and</u>	44145
<u>departments of the juvenile justice system in the state and other</u>	44146
<u>appropriate organizations and persons to solve problems that</u>	44147
<u>relate to the duties of the department;</u>	44148
<u>(e) Administering within the state any juvenile justice acts</u>	44149
<u>and programs that the governor requires the department to</u>	44150
<u>administer;</u>	44151
<u>(f) Implementing the state comprehensive plans;</u>	44152
<u>(g) Auditing grant activities of agencies, offices,</u>	44153
<u>organizations, and persons that are financed in whole or in part</u>	44154
<u>by funds granted through the department;</u>	44155
<u>(h) Monitoring or evaluating the performance of juvenile</u>	44156
<u>justice system projects and programs in the state that are</u>	44157
<u>financed in whole or in part by funds granted through the</u>	44158
<u>department;</u>	44159

(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. 44160
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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; 44171
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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; 44174
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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; 44178
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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; 44182
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(n) Assisting, advising, and making any reports that are required by the governor, attorney general, or general assembly; 44185
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(o) Adopting rules pursuant to Chapter 119. of the Revised Code. 44187
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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 44189
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crime victim assistance and criminal and juvenile justice 44191
programs. 44192

(3) Nothing in division (K)(1) of this section is intended to 44193
diminish or alter the status of the office of the attorney general 44194
as a criminal justice services agency; 44195

(4) The governor may appoint any advisory committees to 44196
assist the department that the governor considers appropriate or 44197
that are required under any state or federal law. 44198

Sec. 5139.29. The department of youth services shall adopt 44199
and promulgate regulations prescribing the method of calculating 44200
the amount of and the time and manner for the payment of financial 44201
assistance granted under sections 5139.27, and 5139.271, ~~and~~ 44202
~~5139.28~~ of the Revised Code, for the construction or acquisition 44203
of a district detention home established under section 2151.34 of 44204
the Revised Code, or for the construction and maintenance of a 44205
school, forestry camp, or other facility established under section 44206
2151.65 of the Revised Code. 44207

Sec. 5139.31. The department of youth services may inspect 44208
any school, forestry camp, district detention home, or other 44209
facility for which an application for financial assistance has 44210
been made to the department under section 2151.341, 2151.3416, or 44211
~~2151.651, or 2151.652~~ of the Revised Code or for which financial 44212
assistance has been granted by the department under section 44213
5139.27, 5139.271, ~~5139.28,~~ or 5139.281 of the Revised Code. The 44214
inspection may include, but need not be limited to, examination 44215
and evaluation of the physical condition of the school, forestry 44216
camp, district detention home, or other facility, including any 44217
equipment used in connection with it; observation and evaluation 44218
of the training and treatment of children admitted to it; 44219
examination and analysis and copying of any papers, records, or 44220

other documents relating to the qualifications of personnel, the 44221
commitment of children to it, and its administration. 44222

Sec. 5139.87. There are hereby created in the state treasury 44223
the federal juvenile justice programs funds. A separate fund shall 44224
be established each federal fiscal year. All federal grants and 44225
other moneys received for federal juvenile programs shall be 44226
deposited into the funds. All receipts deposited into the funds 44227
shall be used for federal juvenile programs. All investment 44228
earnings on the cash balance in a federal juvenile program fund 44229
shall be credited to that fund for the appropriate federal fiscal 44230
year. 44231

Sec. 5153.06. The county children services board may enter 44232
into a written contract with the board's executive director 44233
specifying terms and conditions of the executive director's 44234
employment. The executive director shall not be in the classified 44235
civil service. The period of the contract shall not exceed three 44236
years. Such a contract shall in no way abridge the right of the 44237
county children services board to terminate the employment of the 44238
executive director as an unclassified employee at will, but may 44239
specify terms and conditions for any such termination. 44240

Sec. 5153.165. If a family is encountering an emergency that 44241
could lead, or has led, to removal of a child from the family's 44242
home pursuant to Chapter 2151. of the Revised Code, the public 44243
children services agency shall determine whether the child could 44244
remain safely with, or be safely returned to, the family if the 44245
emergency were alleviated by providing ~~assistance~~ benefits and 44246
services under the prevention, retention, and contingency program 44247
established under Chapter 5108. of the Revised Code. If it is 44248
determined that the child could remain safely with, or be safely 44249
returned to, the family, the agency, with the cooperation of the 44250
child's family, shall determine the amount of ~~assistance~~ benefits 44251

and services necessary to prevent the removal of the child from 44252
the home or to permit the child's return to the home and may 44253
provide the ~~assistance~~ benefits and services pursuant to a plan of 44254
cooperation entered into under section 307.983 of the Revised 44255
Code. 44256

Sec. 5153.60. The department of job and family services shall 44257
establish a statewide program that provides the training section 44258
5153.122 of the Revised Code requires public children services 44259
agency caseworkers and supervisors to complete. The program may 44260
also provide the preplacement and continuing training described in 44261
sections 5103.039, 5103.0310, and 5103.0311 of the Revised Code 44262
that foster caregivers are required by sections 5103.031, 44263
5103.032, and 5103.033 of the Revised Code to obtain. The program 44264
shall be called the "Ohio child welfare training program." 44265
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Sec. 5153.69. The training program steering committee shall 44267
monitor and evaluate the Ohio child welfare training program to 44268
ensure ~~that~~ the following: 44269

(A) That the Ohio child welfare training program is a 44270
competency-based training system that satisfies the training 44271
requirements for public children services agency caseworkers and 44272
supervisors under section 5153.122 of the Revised Code; 44273

(B) That, if the Ohio child welfare training program provides 44274
preplacement or continuing training for foster caregivers, it 44275
meets the same requirements that preplacement training programs 44276
and continuing training programs must meet pursuant to section 44277
5103.038 of the Revised Code to obtain approval by the department 44278
of job and family services, except that the Ohio child welfare 44279
training program is not required to obtain department approval. 44280
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Sec. 5153.78. (A) As used in this section: 44282

(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. 44283
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(2) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670(1980). 44285
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(3) "Title XX" has the same meaning as in section 5101.46 of the Revised Code. 44287
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(B) For purposes of adequately funding the Ohio child welfare training program, the department of job and family services ~~shall~~ may use any of the following to ~~adequately fund the Ohio child welfare training program~~: 44289
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(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; 44293
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(2) Funds available under Title XX, Title IV-B, and Title IV-E to pay for training costs; 44296
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(3) ~~Any other~~ Other available state or federal funds. 44298

Sec. 5703.17. (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, a tax auditor agent, or a tax auditor agent manager, whose duties shall be prescribed in such order. 44299
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In the discharge of ~~his~~ such agent's duties ~~such, the~~ 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. 44305
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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: 44310
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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. 44313
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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. 44318
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(3) The person has accounting, auditing, or taxation experience that is acceptable to the department of taxation. 44324
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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. 44326
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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. 44329
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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 44333
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establishes a site under that section and for which a uniform 44340
resource locator has been provided to the tax commissioner. The 44341
tax commissioner is not responsible for the accuracy of the posted 44342
information, and is not liable for any inaccurate or outdated 44343
information provided by a municipal corporation. The tax 44344
commissioner may adopt rules governing the format and means of 44345
submitting such documents or information and other matters 44346
necessary to implement this section. The tax commissioner may 44347
charge municipal corporations a fee to defray the cost of 44348
establishing and maintaining the electronic site established under 44349
this section. 44350

(C) The tax commissioner shall deposit any fees received 44351
under this section to the credit of the municipal internet site 44352
fund, which is hereby created in the state treasury. The 44353
commissioner shall use the fund for costs of establishing and 44354
maintaining the electronic site established under this section. 44355

Sec. 5705.091. The board of county commissioners of each 44356
county shall establish a county mental retardation and 44357
developmental disabilities general fund. Notwithstanding sections 44358
5705.09 and 5705.10 of the Revised Code, proceeds from levies 44359
under section 5705.222 and division (L) of section 5705.19 of the 44360
Revised Code shall be deposited to the credit of the county mental 44361
retardation and developmental disabilities general fund. Accounts 44362
shall be established within the county mental retardation and 44363
developmental disabilities general fund for each of the several 44364
particular purposes of the levies as specified in the resolutions 44365
under which the levies were approved, and proceeds from different 44366
levies that were approved for the same particular purpose shall be 44367
credited to accounts for that purpose. Other money received by the 44368
county for the purposes of Chapters 3323. and 5126. of the Revised 44369
Code and not required by state or federal law to be deposited to 44370
the credit of a different fund shall also be deposited to the 44371

credit of the county mental retardation and developmental 44372
disabilities general fund, in an account appropriate to the 44373
particular purpose for which the money was received. Unless 44374
otherwise provided by law, an unexpended balance at the end of a 44375
fiscal year in any account in the county mental retardation and 44376
developmental disabilities general fund shall be appropriated the 44377
next fiscal year to the same fund. 44378

A county board of mental retardation and developmental 44379
disabilities may request, by resolution, that the board of county 44380
commissioners establish a county mental retardation and 44381
developmental disabilities capital fund for money to be used for 44382
acquisition, construction, or improvement of capital facilities or 44383
acquisition of capital equipment used in providing services to 44384
mentally retarded and developmentally disabled persons. The county 44385
board of mental retardation and developmental disabilities shall 44386
transmit a certified copy of the resolution to the board of county 44387
commissioners. Upon receiving the resolution, the board of county 44388
commissioners shall establish a county mental retardation and 44389
developmental disabilities capital fund. 44390

A county board shall request, by resolution, that the board 44391
of county commissioners establish a county MR/DD medicaid reserve 44392
fund. On receipt of the resolution, the board of county 44393
commissioners shall establish a county MR/DD medicaid reserve 44394
fund. The portion of federal revenue funds that the county board 44395
earns for providing habilitation center services, medicaid case 44396
management services, and home and community-based services that is 44397
needed for the county board to pay for extraordinary costs, 44398
including extraordinary costs for services to individuals with 44399
mental retardation or other developmental disability, and ensure 44400
the availability of adequate funds in the event a county property 44401
tax levy for services for individuals with mental retardation or 44402
other developmental disability fails shall be deposited into the 44403

fund. The county board shall use money in the fund for those 44404
purposes in accordance with rules adopted under section 5123.0413 44405
of the Revised Code. 44406

Sec. 5705.19. This section does not apply to school districts 44407
or county school financing districts. 44408

The taxing authority of any subdivision at any time and in 44409
any year, by vote of two-thirds of all the members of the taxing 44410
authority, may declare by resolution and certify the resolution to 44411
the board of elections not less than seventy-five days before the 44412
election upon which it will be voted that the amount of taxes that 44413
may be raised within the ten-mill limitation will be insufficient 44414
to provide for the necessary requirements of the subdivision and 44415
that it is necessary to levy a tax in excess of that limitation 44416
for any of the following purposes: 44417

(A) For current expenses of the subdivision, except that the 44418
total levy for current expenses of a detention home district or 44419
district organized under section 2151.65 of the Revised Code shall 44420
not exceed two mills and that the total levy for current expenses 44421
of a combined district organized under sections 2151.34 and 44422
2151.65 of the Revised Code shall not exceed four mills; 44423

(B) For the payment of debt charges on certain described 44424
bonds, notes, or certificates of indebtedness of the subdivision 44425
issued subsequent to January 1, 1925; 44426

(C) For the debt charges on all bonds, notes, and 44427
certificates of indebtedness issued and authorized to be issued 44428
prior to January 1, 1925; 44429

(D) For a public library of, or supported by, the subdivision 44430
under whatever law organized or authorized to be supported; 44431
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(E) For a municipal university, not to exceed two mills over 44433

the limitation of one mill prescribed in section 3349.13 of the Revised Code; 44434
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(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; 44436
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(G) For the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in municipal corporations, counties, or townships; 44439
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(H) For recreational purposes; 44442

(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; 44443
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(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; 44453
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(K) For the maintenance and operation of a county home; 44463

(L) For community mental retardation and developmental 44464

disabilities programs and services pursuant to Chapter 5126. of	44465
the Revised Code, except that the procedure for such levies shall	44466
be as provided in section 5705.222 of the Revised Code;	44467
(M) For regional planning;	44468
(N) For a county's share of the cost of maintaining and	44469
operating schools, district detention homes, forestry camps, or	44470
other facilities, or any combination thereof, established under	44471
section 2151.34 or 2151.65 of the Revised Code or both of those	44472
sections;	44473
(O) For providing for flood defense, providing and	44474
maintaining a flood wall or pumps, and other purposes to prevent	44475
floods;	44476
(P) For maintaining and operating sewage disposal plants and	44477
facilities;	44478
(Q) For the purpose of purchasing, acquiring, constructing,	44479
enlarging, improving, equipping, repairing, maintaining, or	44480
operating, or any combination of the foregoing, a county transit	44481
system pursuant to sections 306.01 to 306.13 of the Revised Code,	44482
or of making any payment to a board of county commissioners	44483
operating a transit system or a county transit board pursuant to	44484
section 306.06 of the Revised Code;	44485
(R) For the subdivision's share of the cost of acquiring or	44486
constructing any schools, forestry camps, detention homes, or	44487
other facilities, or any combination thereof, under section	44488
2151.34 or 2151.65 of the Revised Code or both of those sections;	44489
(S) For the prevention, control, and abatement of air	44490
pollution;	44491
(T) For maintaining and operating cemeteries;	44492
(U) For providing ambulance service, emergency medical	44493
service, or both;	44494

(V) For providing for the collection and disposal of garbage or refuse, including yard waste;	44495 44496
(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;	44497 44498 44499
(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;	44500 44501
(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;	44502 44503 44504
(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code;	44505 44506 44507
(AA) For the maintenance and operation of a free public museum of art, science, or history;	44508 44509
(BB) For the establishment and operation of a 9-1-1 system, as defined in section 4931.40 of the Revised Code;	44510 44511
(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.	44512 44513 44514 44515 44516
(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;	44517 44518 44519
(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;	44520 44521 44522 44523 44524

(FF) For the purpose of acquiring, establishing, 44525
constructing, improving, equipping, maintaining, or operating, or 44526
any combination of the foregoing, a township airport, landing 44527
field, or other air navigation facility pursuant to section 505.15 44528
of the Revised Code; 44529

(GG) For the payment of costs incurred by a township as a 44530
result of a contract made with a county pursuant to section 44531
505.263 of the Revised Code in order to pay all or any part of the 44532
cost of constructing, maintaining, repairing, or operating a water 44533
supply improvement; 44534

(HH) For a board of township trustees to acquire, other than 44535
by appropriation, an ownership interest in land, water, or 44536
wetlands, or to restore or maintain land, water, or wetlands in 44537
which the board has an ownership interest, not for purposes of 44538
recreation, but for the purposes of protecting and preserving the 44539
natural, scenic, open, or wooded condition of the land, water, or 44540
wetlands against modification or encroachment resulting from 44541
occupation, development, or other use, which may be styled as 44542
protecting or preserving "greenspace" in the resolution, notice of 44543
election, or ballot form; 44544

(II) For the support by a county of a crime victim assistance 44545
program that is provided and maintained by a county agency or a 44546
private, nonprofit corporation or association under section 307.62 44547
of the Revised Code; 44548

(JJ) For any or all of the purposes set forth in divisions 44549
(I) and (J) of this section. This division applies only to a 44550
township. 44551

(KK) For a countywide public safety communications system 44552
under section 307.63 of the Revised Code. This division applies 44553
only to counties. 44554

(LL) For the support by a county of criminal justice services 44555

under section 307.45 of the Revised Code; 44556

(MM) For the purpose of maintaining and operating a jail or 44557
other detention facility as defined in section 2921.01 of the 44558
Revised Code; 44559

(NN) For purchasing, maintaining, or improving, or any 44560
combination of the foregoing, real estate on which to hold 44561
agricultural fairs. This division applies only to a county. 44562

(OO) For constructing, rehabilitating, repairing, or 44563
maintaining sidewalks, walkways, trails, bicycle pathways, or 44564
similar improvements, or acquiring ownership interests in land 44565
necessary for the foregoing improvements, by a board of township 44566
trustees; 44567

(PP) For both of the purposes set forth in divisions (G) and 44568
(OO) of this section. This division applies only to a township. 44569

(QQ) For both of the purposes set forth in divisions (H) and 44570
(HH) of this section. This division applies only to a township. 44571

(RR) For the legislative authority of a municipal 44572
corporation, board of county commissioners of a county, or board 44573
of township trustees of a township to acquire agricultural 44574
easements, as defined in section 5301.67 of the Revised Code, and 44575
to supervise and enforce the easements. 44576

(SS) For both of the purposes set forth in divisions (BB) and 44577
(KK) of this section. This division applies only to a county. 44578

The resolution shall be confined to the purpose or purposes 44579
described in one division of this section, to which the revenue 44580
derived therefrom shall be applied. The existence in any other 44581
division of this section of authority to levy a tax for any part 44582
or all of the same purpose or purposes does not preclude the use 44583
of such revenues for any part of the purpose or purposes of the 44584
division under which the resolution is adopted. 44585

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

set forth in divisions (G) and (OO) of this section, the tax levy 44616
may be for any specified number of years or for a continuing 44617
period of time, as set forth in the resolution. 44618

(5) When the additional rate is for the purpose described in 44619
division (Z) of this section, the increased rate shall be for any 44620
number of years not exceeding ten. 44621

A levy for the purposes set forth in division (I), (J), or 44622
(U) of this section, and a levy imposed by a township for the 44623
purposes set forth in division (G) of this section, may be reduced 44624
pursuant to section 5705.261 or 5705.31 of the Revised Code. A 44625
levy for the purposes set forth in division (I), (J), or (U) of 44626
this section, and a levy imposed by a township for the purposes 44627
set forth in division (G) of this section, may also be terminated 44628
or permanently reduced by the taxing authority if it adopts a 44629
resolution stating that the continuance of the levy is unnecessary 44630
and the levy shall be terminated or that the millage is excessive 44631
and the levy shall be decreased by a designated amount. 44632

A resolution of a detention home district, a district 44633
organized under section 2151.65 of the Revised Code, or a combined 44634
district organized under both sections 2151.34 and 2151.65 of the 44635
Revised Code may include both current expenses and other purposes, 44636
provided that the resolution shall apportion the annual rate of 44637
levy between the current expenses and the other purpose or 44638
purposes. The apportionment need not be the same for each year of 44639
the levy, but the respective portions of the rate actually levied 44640
each year for the current expenses and the other purpose or 44641
purposes shall be limited by the apportionment. 44642

Whenever a board of county commissioners, acting either as 44643
the taxing authority of its county or as the taxing authority of a 44644
sewer district or subdistrict created under Chapter 6117. of the 44645
Revised Code, by resolution declares it necessary to levy a tax in 44646
excess of the ten-mill limitation for the purpose of constructing, 44647

improving, or extending sewage disposal plants or sewage systems, 44648
the tax may be in effect for any number of years not exceeding 44649
twenty, and the proceeds of the tax, notwithstanding the general 44650
provisions of this section, may be used to pay debt charges on any 44651
obligations issued and outstanding on behalf of the subdivision 44652
for the purposes enumerated in this paragraph, provided that any 44653
such obligations have been specifically described in the 44654
resolution. 44655

The resolution shall go into immediate effect upon its 44656
passage, and no publication of the resolution is necessary other 44657
than that provided for in the notice of election. 44658

When the electors of a subdivision have approved a tax levy 44659
under this section, the taxing authority of the subdivision may 44660
anticipate a fraction of the proceeds of the levy and issue 44661
anticipation notes in accordance with section 5705.191 or 5705.193 44662
of the Revised Code. 44663

Sec. 5705.41. No subdivision or taxing unit shall: 44664

(A) Make any appropriation of money except as provided in 44665
Chapter 5705. of the Revised Code; provided, that the 44666
authorization of a bond issue shall be deemed to be an 44667
appropriation of the proceeds of the bond issue for the purpose 44668
for which such bonds were issued, but no expenditure shall be made 44669
from any bond fund until first authorized by the taxing authority; 44670

(B) Make any expenditure of money unless it has been 44671
appropriated as provided in such chapter; 44672

(C) Make any expenditure of money except by a proper warrant 44673
drawn against an appropriate fund; 44674

(D)(1) Except as otherwise provided in division (D)(2) of 44675
this section and section 5705.44 of the Revised Code, make any 44676
contract or give any order involving the expenditure of money 44677

unless there is attached thereto a certificate of the fiscal 44678
officer of the subdivision that the amount required to meet the 44679
obligation or, in the case of a continuing contract to be 44680
performed in whole or in part in an ensuing fiscal year, the 44681
amount required to meet the obligation in the fiscal year in which 44682
the contract is made, has been lawfully appropriated for such 44683
purpose and is in the treasury or in process of collection to the 44684
credit of an appropriate fund free from any previous encumbrances. 44685
This certificate need be signed only by the subdivision's fiscal 44686
officer. Every such contract made without such a certificate shall 44687
be void, and no warrant shall be issued in payment of any amount 44688
due thereon. If no certificate is furnished as required, upon 44689
receipt by the taxing authority of the subdivision or taxing unit 44690
of a certificate of the fiscal officer stating that there was at 44691
the time of the making of such contract or order and at the time 44692
of the execution of such certificate a sufficient sum appropriated 44693
for the purpose of such contract and in the treasury or in process 44694
of collection to the credit of an appropriate fund free from any 44695
previous encumbrances, such taxing authority may authorize the 44696
drawing of a warrant in payment of amounts due upon such contract, 44697
but such resolution or ordinance shall be passed within thirty 44698
days from the receipt of such certificate; provided that, if the 44699
amount involved is less than one hundred dollars in the case of 44700
counties or one thousand dollars in the case of all other 44701
subdivisions or taxing units, the fiscal officer may authorize it 44702
to be paid without such affirmation of the taxing authority of the 44703
subdivision or taxing unit, if such expenditure is otherwise 44704
valid. 44705

(2) Annually, the board of county commissioners may adopt a 44706
resolution exempting for the current fiscal year county purchases 44707
of seven hundred fifty dollars or less from the requirement of 44708
division (D)(1) of this section that a certificate be attached to 44709
any contract or order involving the expenditure of money. The 44710

resolution shall state the dollar amount that is exempted from the
certificate requirement and whether the exemption applies to all
purchases, to one or more specific classes of purchases, or to the
purchase of one or more specific items. Prior to the adoption of
the resolution, the board shall give written notice to the county
auditor that it intends to adopt the resolution. The notice shall
state the dollar amount that is proposed to be exempted and
whether the exemption would apply to all purchases, to one or more
specific classes of purchases, or to the purchase of one or more
specific items. The county auditor may review and comment on the
proposal, and shall send any comments to the board within fifteen
days after receiving the notice. The board shall wait at least
fifteen days after giving the notice to the auditor before
adopting the resolution. A person authorized to make a county
purchase in a county that has adopted such a resolution shall
prepare and file with the county auditor, within three business
days after incurring an obligation not requiring a certificate, a
written document specifying the purpose and amount of the
expenditure, the date of the purchase, the name of the vendor, and
such additional information as the auditor of state may prescribe.

(3) Upon certification by the auditor or other chief fiscal
officer that a certain sum of money, not in excess of five
thousand dollars, has been lawfully appropriated, authorized, or
directed for a certain purpose and is in the treasury or in the
process of collection to the credit of a specific line-item
appropriation account in a certain fund free from previous and
then outstanding obligations or certifications, then for such
purpose and from such line-item appropriation account in such
fund, over a period not exceeding three months and not extending
beyond the end of the fiscal year, expenditures may be made,
orders for payment issued, and contracts or obligations calling
for or requiring the payment of money made and assumed; provided,

that the aggregate sum of money included in and called for by such
expenditures, orders, contracts, and obligations shall not exceed
the sum so certified. Such a certification need be signed only by
the fiscal officer of the subdivision or the taxing district and
may, but need not, be limited to a specific vendor. An itemized
statement of obligations incurred and expenditures made under such
certificate shall be rendered to the auditor or other chief fiscal
officer before another such certificate may be issued, and not
more than one such certificate shall be outstanding at a time.

In addition to providing the certification for expenditures
of five thousand dollars or less as provided in this division, a
subdivision also may make expenditures, issue orders for payment,
and make contracts or obligations calling for or requiring the
payment of money made and assumed for specified permitted purposes
from a specific line-item appropriation account in a specified
fund for a sum of money exceeding five thousand dollars upon the
certification by the fiscal officer of the subdivision that this
sum of money has been lawfully appropriated, authorized, or
directed for a permitted purpose and is in the treasury or in the
process of collection to the credit of the specific line-item
appropriation account in the specified fund free from previous and
then-outstanding obligations or certifications; provided that the
aggregate sum of money included in and called for by the
expenditures, orders, and obligations shall not exceed the
certified sum. The purposes for which a subdivision may lawfully
appropriate, authorize, or issue such a certificate are the
services of an accountant, architect, attorney at law, physician,
professional engineer, construction project manager, consultant,
surveyor, or appraiser by or on behalf of the subdivision or
contracting authority; fuel oil, gasoline, food items, roadway
materials, and utilities; and any purchases exempt from
competitive bidding under section 125.04 of the Revised Code and

any other specific expenditure that is a recurring and reasonably
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

in process of collection and in the appropriate fund. This section 44807
applies neither to the investment of sinking funds by the trustees 44808
of such funds, nor to investments made under sections 731.56 to 44809
731.59 of the Revised Code. 44810

No district authority shall, in transacting its own affairs, 44811
do any of the things prohibited to a subdivision by this section, 44812
but the appropriation referred to shall become the appropriation 44813
by the district authority, and the fiscal officer referred to 44814
shall mean the fiscal officer of the district authority. 44815

Sec. 5705.44. When contracts or leases run beyond the 44816
termination of the fiscal year in which they are made, the fiscal 44817
officer of the taxing authority shall make a certification for the 44818
amount required to meet the obligation of such contract or lease 44819
maturing in such fiscal year. The amount of the obligation under 44820
such contract or lease remaining unfulfilled at the end of a 44821
fiscal year, and which will become payable during the next fiscal 44822
year, shall be included in the annual appropriation measure for 44823
the next year as a fixed charge. 44824

The certificate required by section 5705.41 of the Revised 44825
Code as to money in the treasury shall not be required for 44826
contracts on which payments are to be made from the earnings of a 44827
publicly operated water works or public utility, but in the case 44828
of any such contract made without such certification, no payment 44829
shall be made on account thereof, and no claim or demand thereon 44830
shall be recoverable, except out of such earnings. That 44831
certificate also shall not be required if requiring the 44832
certificate makes it impossible for a county board of mental 44833
retardation and developmental disabilities to pay the nonfederal 44834
share of medicaid expenditures that the county board is required 44835
by division (A) of section 5126.056 of the Revised Code to pay. 44836

Sec. 5709.17. (A) Real estate held or occupied by an 44837
association or corporation, organized or incorporated under the 44838
laws of this state relative to soldiers' memorial associations, 44839
monumental building associations, or cemetery associations or 44840
corporations, which in the opinion of the trustees, directors, or 44841
managers thereof is necessary and proper to carry out the object 44842
intended for such association or corporation, shall be exempt from 44843
taxation. 44844

(B) Real estate and tangible personal property held or 44845
occupied by a war veterans' organization, which is organized 44846
exclusively for charitable purposes and incorporated under the 44847
laws of this state or the United States, except real estate held 44848
by such organization for the production of rental income, shall be 44849
exempt from taxation. 44850

(C) Tangible personal property held by a corporation 44851
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 44852
section 501(c)(3) of the Internal Revenue Code, and exempt from 44853
taxation under section 501(a) of the Internal Revenue Code shall 44854
be exempt from taxation if it is surplus property obtained as 44855
described in 112 Stat. 1340, 36 U.S.C.A. 40730. 44856

Sec. 5711.33. (A)(1) When a county treasurer receives a 44857
certificate from a county auditor pursuant to division (A) of 44858
section 5711.32 of the Revised Code charging the treasurer with 44859
the collection of an amount of taxes due as the result of a 44860
deficiency assessment, the treasurer shall immediately prepare and 44861
mail a tax bill to the taxpayer owing such tax. The tax bill shall 44862
contain the name of the taxpayer; the taxable value, tax rate, and 44863
taxes charged for each year being assessed; the total amount of 44864
taxes due; the final date payment may be made without additional 44865
penalty; and any other information the treasurer considers 44866
pertinent or necessary. Taxes due and payable as a result of a 44867

deficiency assessment, less any amount specifically excepted from 44868
collection under division (B) of section 5711.32 of the Revised 44869
Code, shall be paid with interest thereon as prescribed by section 44870
5719.041 of the Revised Code on or before the sixtieth day 44871
following the date of issuance of the certificate by the county 44872
auditor. The balance of taxes found due and payable after a final 44873
determination by the tax commissioner or a final judgment of the 44874
board of tax appeals or any court to which such final judgment may 44875
be appealed, shall be paid with interest thereon as prescribed by 44876
section 5719.041 of the Revised Code on or before the sixtieth day 44877
following the date of certification by the auditor to the 44878
treasurer pursuant to division (C) of section 5711.32 of the 44879
Revised Code of such final determination or judgment. Such final 44880
dates for payment shall be determined and exhibited on the tax 44881
bill by the treasurer. 44882

(2) If, on or before the sixtieth day following the date of a 44883
certification of a deficiency assessment under division (A) of 44884
section 5711.32 of the Revised Code or of a certification of a 44885
final determination or judgment under division (C) of section 44886
5711.32 of the Revised Code, the taxpayer pays the full amount of 44887
taxes and interest due at the time of the receipt of certification 44888
with respect to that assessment, determination, or judgment, no 44889
interest shall accrue or be charged with respect to that 44890
assessment, determination, or judgment for the period that begins 44891
on the first day of the month in which the certification is made 44892
and that ends on the last day of the month preceding the month in 44893
which such sixtieth day occurs. 44894

(3) In addition to any other means provided by law for the 44895
collection of such taxes, the county treasurer may enter into a 44896
written tax contract with a taxpayer charged with the payment of 44897
taxes as a result of a deficiency assessment issued under division 44898
(A) of section 5711.32 of the Revised Code whereby the taxpayer is 44899

permitted to pay the full amount of those taxes in installments. 44900
Such a contract may not be entered into later than the sixtieth 44901
day after the day the assessment is issued. The terms of the tax 44902
contract shall include the amount payable and the due date of each 44903
installment including the final payment date, which shall be not 44904
more than five years after the date of the first payment. A 44905
receipt shall be issued for each installment payment when paid. 44906
Each payment shall be applied to the taxes and interest in the 44907
same order as each became due and shall be apportioned among the 44908
various funds for which the taxes were levied at the next 44909
succeeding tax settlement. When a payment is not tendered as 44910
agreed upon, the treasurer shall declare the tax contract to be 44911
void and proceed to collect the unpaid balance by any means 44912
provided by law. When the treasurer declares a tax contract to be 44913
void, the remaining tax and interest due becomes delinquent, and 44914
the penalty provided by division (B) of this section shall be 44915
imposed on that remaining tax and interest due. The treasurer may 44916
permit a delinquent tax contract to be undertaken on any 44917
delinquent tax due as provided in section 5719.05 of the Revised 44918
Code. 44919

(B) When the taxes charged, as mentioned in division (A) of 44920
this section, are not paid within the time prescribed by such 44921
division or if a tax contract is not entered into as provided in 44922
division (A)(3) of this section, a penalty of ten per cent of the 44923
amount due and unpaid and interest for the period described in 44924
division (A)(2) of this section shall accrue at the time the 44925
treasurer closes the treasurer's office for business on the last 44926
day so prescribed, but if the taxes are paid within ten days 44927
subsequent to the last day prescribed, the treasurer shall waive 44928
the collection of and the auditor shall remit one-half of the 44929
penalty. The treasurer shall not thereafter accept less than the 44930
full amount of taxes and penalty except as otherwise authorized by 44931

law. Such penalty shall be distributed in the same manner and at 44932
the same time as the tax upon which it has accrued. The whole 44933
amount collected shall be included in the next succeeding 44934
settlement of appropriate taxes. 44935

(C) When the taxes charged, as mentioned in division (A) of 44936
this section, remain unpaid after the final date for payment 44937
prescribed by such division, such charges shall be deemed to be 44938
delinquent taxes. The county auditor shall cause such charges, 44939
including the penalty that has accrued pursuant to this section, 44940
to be added to the delinquent tax duplicate in accordance with 44941
section 5719.04 of the Revised Code. 44942

(D) The county auditor, upon consultation with the county 44943
treasurer, shall remit a penalty imposed under division (B) of 44944
this section or division (C) of section 5719.03 of the Revised 44945
Code for the late payment of taxes when: 44946

(1) The taxpayer could not make timely payment of the tax 44947
because of the negligence or error of the auditor or treasurer in 44948
the performance of a statutory duty relating to the levy or 44949
collection of such tax. 44950

(2) In cases other than those described in division (D)(1) of 44951
this section, the taxpayer failed to receive a tax bill or a 44952
correct tax bill, and the taxpayer made a good faith effort to 44953
obtain such bill within thirty days after the last day for payment 44954
of the tax. 44955

(3) The tax was not timely paid because of the death or 44956
serious injury of the taxpayer, or the taxpayer's confinement in a 44957
hospital within sixty days preceding the last day for payment of 44958
the tax if, in any case, the tax was subsequently paid within 44959
sixty days after the last day for payment of such tax. 44960

(4) The taxpayer demonstrates to the satisfaction of the 44961
auditor that the full payment was properly deposited in the mail 44962

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 44994
pursuant to section 5721.36 of the Revised Code. 44995

(D) "Certificate purchase price" means, with respect to the 44996
sale of tax certificates under sections 5721.32 and 5721.33 of the 44997
Revised Code, the amount equal to delinquent taxes, assessments, 44998
penalties, and interest computed under section 323.121 of the 44999
Revised Code charged against a certificate parcel at the time the 45000
tax certificate respecting that parcel is sold, not including any 45001
delinquent taxes, assessments, penalties, interest, and charges, 45002
the lien for which has been conveyed to a certificate holder 45003
through a prior sale of a tax certificate respecting that parcel; 45004
provided, however, that payment of the certificate purchase price 45005
in a sale under section 5721.33 of the Revised Code may be made 45006
wholly in cash or partially in cash and partially by noncash 45007
consideration acceptable to the county treasurer from the 45008
purchaser. In the event that any such noncash consideration is 45009
delivered to pay a portion of the certificate purchase price, such 45010
noncash consideration may be subordinate to the rights of the 45011
holders of other obligations whose proceeds paid the cash portion 45012
of the certificate purchase price. 45013

"Certificate purchase price" also includes the amount of the 45014
fee charged by the county treasurer to the purchaser of the 45015
certificate under division (H) of section 5721.32 of the Revised 45016
Code. 45017

(E) With respect to a sale of tax certificates under section 45018
5721.32 of the Revised Code and except as provided in division 45019
(E)(3) of this section, "certificate redemption price" means the 45020
amount determined under division (E)(1) or (2) of this section. 45021

(1) During the first year after the date on which a tax 45022
certificate is sold, the sum of the following: 45023

(a) The certificate purchase price; 45024

(b) The greater of the following:	45025
(i) Interest, at the certificate rate of interest, accruing during the certificate interest period on the certificate purchase price;	45026 45027 45028
(ii) Six per cent of the certificate purchase price.	45029
(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.	45030 45031 45032
(2) After the first year after the date on which a tax certificate is sold, the sum of the following:	45033 45034
(a)(i) If division (E)(1)(b)(i) applied during the first year, the certificate purchase price;	45035 45036
(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.	45037 45038 45039
(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;	45040 45041 45042
(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.	45043 45044 45045 45046 45047 45048
(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.	45049 45050 45051
(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	45052 45053 45054

the certificate under division (H) of section 5721.32 of the Revised Code. 45055
45056

(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: 45057
45058
45059

(1) The certificate purchase price; 45060

(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; 45061
45062
45063
45064
45065

(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; 45066
45067
45068

(4) Any other fees charged by any county office in connection with the recording of tax certificates. 45069
45070

(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. 45071
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(H) "Cash" means United States currency, certified checks, money orders, bank drafts, or electronic transfer of funds, and excludes any other form of payment. 45078
45079
45080

(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 45081
45082
45083
45084

the Revised Code, the date designated by the county treasurer for 45085
the submission of bids and, with respect to a negotiated sale 45086
under section 5721.33 of the Revised Code, the date of delivery of 45087
the tax certificates to the purchasers thereof pursuant to a tax 45088
certificate sale/purchase agreement. 45089

(J) "Purchaser of a tax certificate pursuant to section 45090
5721.32 of the Revised Code" means the winning bidder in an 45091
auction of a tax certificate held under section 5721.32 of the 45092
Revised Code. 45093

(K) "Certificate interest period" means, with respect to a 45094
tax certificate sold under section 5721.32 of the Revised Code, 45095
the period beginning on the date the certificate is purchased and, 45096
with respect to a tax certificate sold under section 5721.33 of 45097
the Revised Code, the period beginning on the date of delivery of 45098
the tax certificate, and in either case ending on one of the 45099
following dates: 45100

(1) In the case of foreclosure proceedings instituted under 45101
section 5721.37 of the Revised Code, the date the certificate 45102
holder submits a payment to the treasurer under division (B) of 45103
that section; 45104

(2) In the case of a certificate parcel redeemed under 45105
division (A) or (C) of section 5721.38 of the Revised Code, the 45106
date the owner of record of the certificate parcel, or any other 45107
person entitled to redeem that parcel, pays to the county 45108
treasurer or to the certificate holder, as applicable, the full 45109
amount determined under that section. 45110

(L) "County treasurer" means, with respect to the sale of tax 45111
certificates under section 5721.32, or 5721.33 of the Revised 45112
Code, the county treasurer of a county having a population of at 45113
least two hundred thousand according to the then most recent 45114
federal decennial census ~~and, with respect to the sale of tax~~ 45115

~~certificates under section 5721.33 of the Revised Code, the county 45116~~
~~treasurer of a county having a population of at least one million 45117~~
~~four hundred thousand according to the then most recent federal 45118~~
~~decennial census. 45119~~

(M) "Qualified trustee" means a trust company within the 45120
state or a bank having the power of a trust company within the 45121
state with a combined capital stock, surplus, and undivided 45122
profits of at least one hundred million dollars. 45123

(N) "Tax certificate sale/purchase agreement" means the 45124
purchase and sale agreement described in division (C) of section 45125
5721.33 of the Revised Code setting forth the certificate purchase 45126
price, plus any applicable premium or less any applicable 45127
discount, including, without limitation, the amount thereof to be 45128
paid in cash and the amount and nature of any noncash 45129
consideration, the date of delivery of the tax certificates, and 45130
the other terms and conditions of the sale, including, without 45131
limitation, the rate of interest that the tax certificates shall 45132
bear. 45133

(O) "Noncash consideration" means any form of consideration 45134
other than cash, including, but not limited to, promissory notes 45135
whether subordinate or otherwise. 45136

(P) "Private attorney" means for purposes of section 5721.37 45137
of the Revised Code, any attorney licensed to practice law in this 45138
state, whether practicing with a firm of attorneys or otherwise, 45139
whose license has not been revoked or otherwise suspended and who 45140
brings foreclosure proceedings pursuant to section 5721.37 of the 45141
Revised Code on behalf of a certificate holder. 45142

(Q) "Related certificate parcel" means, with respect to a 45143
certificate holder, the certificate parcel with respect to which 45144
the certificate holder has purchased and holds a tax certificate 45145
pursuant to sections 5721.30 to 5721.41 of the Revised Code and, 45146
with respect to a tax certificate, the certificate parcel against 45147

which the tax certificate has been sold pursuant to those 45148
sections. 45149

Sec. 5725.31. (A) As used in this section: 45150

(1) "Eligible employee" and "eligible training costs" have 45151
the same meanings as in section 5733.42 of the Revised Code. 45152

(2) "Tax assessed under this chapter" means, in the case of a 45153
dealer in intangibles, the tax assessed under sections 5725.13 to 45154
5725.17 of the Revised Code and, in the case of a domestic 45155
insurance company, the taxes assessed under sections 5725.18 to 45156
5725.26 of the Revised Code. 45157

(3) "Taxpayer" means a dealer in intangibles or a domestic 45158
insurance company subject to a tax assessed under this chapter. 45159

(4) "Credit period" means, in the case of a dealer in 45160
intangibles, the calendar year ending on the thirty-first day of 45161
December next preceding the day the report is required to be 45162
returned under section 5725.14 of the Revised Code and, in the 45163
case of a domestic insurance company, the calendar year ending on 45164
the thirty-first day of December next preceding the day the annual 45165
statement is required to be returned under section 5725.18 or 45166
5725.181 of the Revised Code. 45167

(B) There is hereby allowed a nonrefundable credit against 45168
the tax imposed under this chapter for a taxpayer for which a tax 45169
credit certificate is issued under section 5733.42 of the Revised 45170
Code. The credit may be claimed for credit periods beginning on or 45171
after January 1, ~~2001~~ 2003, and ending on or before December 31, 45172
~~2003~~ 2005. The amount of the credit for the credit period 45173
beginning on January 1, 2003, shall equal one-half of the average 45174
of the eligible training costs paid or incurred by the taxpayer 45175
during ~~the three~~ calendar years ~~immediately preceding the credit~~ 45176
~~period for which the credit is claimed~~ 1998, 1999, and 2000, not 45177

to exceed one thousand dollars for each eligible employee on 45178
account of whom eligible training costs were paid or incurred by 45179
the taxpayer. The amount of the credit for the credit period 45180
beginning on January 1, 2004, shall equal one-half of the average 45181
of the eligible training costs paid or incurred by the taxpayer 45182
during calendar years 2002, 2003, and 2004, not to exceed one 45183
thousand dollars for each eligible employee on account of whom 45184
eligible training costs were paid or incurred by the taxpayer. The 45185
amount of the credit for the credit period beginning on January 1, 45186
2005, shall equal one-half of the average of the eligible training 45187
costs paid or incurred by the taxpayer during calendar years 2003, 45188
2004, and 2005, not to exceed one thousand dollars for each 45189
eligible employee on account of whom eligible training costs were 45190
paid or incurred by the taxpayer. The credit claimed by a taxpayer 45191
each credit period shall not exceed one hundred thousand dollars. 45192

A taxpayer shall apply to the director of job and family 45193
services for a tax credit certificate in the manner prescribed by 45194
division (C) of section 5733.42 of the Revised Code. Divisions (C) 45195
to (H) of that section govern the tax credit allowed by this 45196
section, except that "credit period" shall be substituted for "tax 45197
year with respect to a calendar year" wherever that phrase appears 45198
in those divisions and that a taxpayer under this section shall be 45199
considered a taxpayer for the purposes of that section. 45200

A taxpayer may carry forward the credit allowed under this 45201
section to the extent that the credit exceeds the taxpayer's tax 45202
due for the credit period. The taxpayer may carry the excess 45203
credit forward for three credit periods following the credit 45204
period for which the credit is first claimed under this section. 45205
The credit allowed by this section is in addition to any credit 45206
allowed under section 5729.031 of the Revised Code. 45207

Sec. 5727.25. (A) Except as provided in division (B) of this 45208
section, within forty-five days after the last day of March, June, 45209

September, and December, each natural gas company or combined 45210
company subject to the excise tax imposed by section 5727.24 of 45211
the Revised Code shall file a return with the ~~treasurer of state~~ 45212
tax commissioner, in such form as the tax commissioner prescribes, 45213
and pay the full amount of the tax due on its taxable gross 45214
receipts for the preceding calendar quarter, except that the first 45215
payment of this tax shall be made on or before November 15, 2000, 45216
for the five-month period of May 1, 2000, to September 30, 2000. 45217
All payments made under this division shall be made by electronic 45218
funds transfer in accordance with section 5727.311 of the Revised 45219
Code. 45220

(B) Any natural gas company or combined company subject to 45221
the excise tax imposed by this section that has an annual tax 45222
liability for the preceding calendar year ending on the 45223
thirty-first day of December of less than three hundred 45224
twenty-five thousand dollars may elect to file an annual return 45225
with the ~~treasurer of state~~ tax commissioner, in such form as the 45226
tax commissioner prescribes, for the next year. A company that 45227
elects to file an annual return for the calendar year shall file 45228
the return and remit the taxes due on its taxable gross receipts 45229
within forty-five days after the thirty-first day of December. The 45230
first payment of the tax under this division shall be made on or 45231
before February 14, 2001, for the period of May 1, 2000, to 45232
December 31, 2000. The minimum tax for a natural gas company or 45233
combined company subject to this division shall be fifty dollars, 45234
and the company shall not be required to remit the tax due by 45235
electronic funds transfer. 45236

(C) A return required to be filed under division (A) or (B) 45237
of this section shall show the amount of tax due from the company 45238
for the period covered by the return and any other information as 45239
prescribed by the tax commissioner. A return shall be considered 45240
filed when received by the ~~treasurer of state~~ tax commissioner. 45241

The commissioner may extend the time for making and filing returns 45242
and paying the tax. 45243

(D) Any natural gas company or combined company that fails to 45244
file a return or pay the full amount of the tax due within the 45245
period prescribed under this section shall pay an additional 45246
charge of fifty dollars or ten per cent of the tax required to be 45247
paid for the reporting period, whichever is greater. If any tax 45248
due is not paid timely in accordance with this section, the 45249
company liable for the tax shall pay interest, calculated at the 45250
rate per annum prescribed by section 5703.47 of the Revised Code, 45251
from the date the tax payment was due to the date of payment or to 45252
the date an assessment was issued, whichever occurs first. The tax 45253
commissioner may collect any additional charge or interest imposed 45254
by this section by assessment in the manner provided in section 45255
5727.26 of the Revised Code. The commissioner may abate all or a 45256
portion of the additional charge and may adopt rules governing 45257
such abatements. 45258

(E) The tax commissioner shall immediately forward to the 45259
treasurer of state any amounts that the commissioner receives 45260
under this section. The taxes, additional charges, penalties, and 45261
interest collected under sections 5727.24 to 5727.29 of the 45262
Revised Code shall be credited in accordance with section 5727.45 45263
of the Revised Code. 45264

Sec. 5727.26. (A) The tax commissioner may make an 45265
assessment, based on any information in the commissioner's 45266
possession, against any natural gas company or combined company 45267
that fails to file a return or pay any tax, interest, or 45268
additional charge as required by sections 5727.24 to 5727.29 of 45269
the Revised Code. The commissioner shall give the company assessed 45270
written notice of the assessment as provided in section 5703.37 of 45271
the Revised Code. A penalty of up to fifteen per cent may be added 45272
to all amounts assessed under this section. The tax commissioner 45273

may adopt rules providing for the imposition and remission of the 45274
penalty. 45275

(B) If a party to whom the notice of assessment is directed 45276
objects to the assessment, the party may file a petition for 45277
reassessment with the tax commissioner. The petition must be made 45278
in writing, signed by the party or the party's authorized agent 45279
having knowledge of the facts, and filed with the commissioner, 45280
either personally or by certified mail, within sixty days after 45281
service of the notice of assessment. The petition shall indicate 45282
the objections of the company assessed, but additional objections 45283
may be raised in writing if received prior to the date shown on 45284
the final determination of the commissioner. Upon receipt of a 45285
properly filed petition, the commissioner ~~shall~~ may notify the 45286
treasurer of state. 45287

Unless the petitioner waives a hearing, the commissioner 45288
shall grant the petitioner a hearing on the petition, assign a 45289
time and place for the hearing, and notify the petitioner of the 45290
time and place of the hearing as provided in section 5703.37 of 45291
the Revised Code. The commissioner may continue the hearing from 45292
time to time, if necessary. 45293

If the party to whom the notice of assessment is directed 45294
does not file a petition for reassessment, the assessment is final 45295
and the amount of the assessment is due and payable from the 45296
company assessed ~~to the treasurer of state. The company assessed~~ 45297
shall make the payment payable to the treasurer of state and shall 45298
deliver the payment to the tax commissioner. 45299

(C) The tax commissioner may make any correction to the 45300
assessment that the commissioner finds proper and shall issue a 45301
final determination thereon. The commissioner shall serve a copy 45302
of the final determination on the petitioner as provided in 45303
section 5703.37 of the Revised Code, and the commissioner's 45304
decision in the matter is final, subject to appeal under section 45305

5717.02 of the Revised Code. The commissioner ~~also shall~~ may 45306
transmit a copy of the final determination to the treasurer of 45307
state. Only objections decided on the merits by the board of tax 45308
appeals or a court shall be given collateral estoppel or res 45309
judicata effect in considering an application for refund of an 45310
amount paid pursuant to the assessment. 45311

(D) After an assessment becomes final, if any portion of the 45312
assessment, including accrued interest, remains unpaid, a 45313
certified copy of the tax commissioner's entry making the 45314
assessment final may be filed in the office of the clerk of the 45315
court of common pleas in the county in which the natural gas 45316
company's or combined company's principal place of business is 45317
located, or in the office of the clerk of court of common pleas of 45318
Franklin county. 45319

The clerk, immediately on the filing of the entry, must enter 45320
judgment for the state against the company assessed in the amount 45321
shown on the entry. The judgment may be filed by the clerk in a 45322
loose-leaf book entitled, "special judgments for the public 45323
utility excise tax on natural gas and combined companies," and 45324
shall have the same effect as other judgments. Execution shall 45325
issue upon the judgment at the request of the tax commissioner, 45326
and all laws applicable to sales on execution shall apply to sales 45327
made under the judgment. 45328

The portion of the assessment not paid within sixty days 45329
after the day the assessment was issued shall bear interest at the 45330
rate per annum prescribed by section 5703.47 of the Revised Code 45331
from the day the tax commissioner issues the assessment until it 45332
is paid. Interest shall be paid in the same manner as the tax and 45333
may be collected by the issuance of an assessment under this 45334
section. 45335

(E) If the tax commissioner believes that collection of the 45336
tax will be jeopardized unless proceedings to collect or secure 45337

collection of the tax are instituted without delay, the 45338
commissioner may issue a jeopardy assessment against the person 45339
liable for the tax. On issuance of the jeopardy assessment, the 45340
commissioner immediately shall file an entry with the clerk of the 45341
court of common pleas in the manner prescribed by division (D) of 45342
this section. Notice of the jeopardy assessment shall be served on 45343
the party assessed or the party's legal representative as provided 45344
in section 5703.37 of the Revised Code within five days of the 45345
filing of the entry with the clerk. The total amount assessed is 45346
immediately due and payable, unless the person assessed files a 45347
petition for reassessment in accordance with division (B) of this 45348
section and provides security in a form satisfactory to the 45349
commissioner and in an amount sufficient to satisfy the unpaid 45350
balance of the assessment. Full or partial payment of the 45351
assessment does not prejudice the commissioner's consideration of 45352
the petition for reassessment. 45353

(F) ~~All interest collected by the~~ The tax commissioner shall 45354
immediately forward to the treasurer of state all amounts that the 45355
tax commissioner receives under this section ~~shall be paid to the~~ 45356
~~treasurer of state, and when paid such amounts~~ shall be considered 45357
revenue arising from the tax imposed by section 5727.24 of the 45358
Revised Code. 45359

(G) No assessment shall be made or issued against a natural 45360
gas company or combined company for the tax imposed by section 45361
5727.24 of the Revised Code more than four years after the return 45362
date for the period in which the tax was reported, or more than 45363
four years after the return for the period was filed, whichever is 45364
later. 45365

Sec. 5727.81. (A) For the purpose of raising revenue for 45366
public education and state and local government operations, an 45367
excise tax is hereby levied and imposed on an electric 45368

distribution company for all electricity distributed by such 45369
company beginning with the measurement period that includes May 1, 45370
2001, at the following rates per kilowatt hour of electricity 45371
distributed in a thirty-day period by the company through a meter 45372
of an end user in this state: 45373

KILOWATT HOURS DISTRIBUTED TO	RATE PER	
AN END USER	KILOWATT HOUR	
For the first 2,000	\$.00465	45376
For the next 2,001 to 15,000	\$.00419	45377
For 15,001 and above	\$.00363	45378

If no meter is used to measure the kilowatt hours of 45379
electricity distributed by the company, the rates shall apply to 45380
the estimated kilowatt hours of electricity distributed to an 45381
unmetered location in this state. 45382

The electric distribution company shall base the monthly tax 45383
on the kilowatt hours of electricity distributed to an end user 45384
through the meter of the end user that is not measured for a 45385
thirty-day period by dividing the days in the measurement period 45386
into the total kilowatt hours measured during the measurement 45387
period to obtain a daily average usage. The tax shall be 45388
determined by obtaining the sum of divisions (A)(1), (2), and (3) 45389
of this section and multiplying that amount by the number of days 45390
in the measurement period: 45391

(1) Multiplying \$0.00465 per kilowatt hour for the first 45392
sixty-seven kilowatt hours distributed using a daily average; 45393

(2) Multiplying \$0.00419 for the next sixty-eight to five 45394
hundred kilowatt hours distributed using a daily average; 45395

(3) Multiplying \$0.00363 for the remaining kilowatt hours 45396
distributed using a daily average. 45397

~~Except~~ Until January 1, 2003, except as provided in division 45398
(C) of this section, the electric distribution company shall pay 45399

the tax to the treasurer of state in accordance with section 45400
5727.82 of the Revised Code. Beginning January 1, 2003, except as 45401
provided in division (C) of this section, the electric 45402
distribution company shall pay the tax to the tax commissioner in 45403
accordance with section 5727.82 of the Revised Code, unless 45404
required to remit each tax payment by electronic funds transfer to 45405
the treasurer of state in accordance with section 5727.83 of the 45406
Revised Code. 45407

Only the distribution of electricity through a meter of an 45408
end user in this state shall be used by the electric distribution 45409
company to compute the amount or estimated amount of tax due. In 45410
the event a meter is not actually read for a measurement period, 45411
the estimated kilowatt hours distributed by an electric 45412
distribution company to bill for its distribution charges shall be 45413
used. 45414

(B) Except as provided in division (C) of this section, each 45415
electric distribution company shall pay the tax imposed by this 45416
section in all of the following circumstances: 45417

(1) The electricity is distributed by the company through a 45418
meter of an end user in this state; 45419

(2) The company is distributing electricity through a meter 45420
located in another state, but the electricity is consumed in this 45421
state in the manner prescribed by the tax commissioner; 45422

(3) The company is distributing electricity in this state 45423
without the use of a meter, but the electricity is consumed in 45424
this state as estimated and in the manner prescribed by the tax 45425
commissioner. 45426

(C)(1) As used in division (C) of this section: 45427

(a) "Total price of electricity" means the aggregate value in 45428
money of anything paid or transferred, or promised to be paid or 45429
transferred, to obtain electricity or electric service, including 45430

but not limited to the value paid or promised to be paid for the 45431
transmission or distribution of electricity and for transition 45432
costs as described in Chapter 4928. of the Revised Code. 45433

(b) "Package" means the provision or the acquisition, at a 45434
combined price, of electricity with other services or products, or 45435
any combination thereof, such as natural gas or other fuels; 45436
energy management products, software, and services; machinery and 45437
equipment acquisition; and financing agreements. 45438

(c) "Single location" means a facility located on contiguous 45439
property separated only by a roadway, railway, or waterway. 45440

(2) Division (C) of this section applies to any commercial or 45441
industrial purchaser's receipt of electricity through a meter of 45442
an end user in this state or through more than one meter at a 45443
single location in this state in a quantity that exceeds 45444
forty-five million kilowatt hours of electricity over the course 45445
of the preceding calendar year, or any commercial or industrial 45446
purchaser that will consume more than forty-five million kilowatt 45447
hours of electricity over the course of the succeeding twelve 45448
months as estimated by the tax commissioner. The tax commissioner 45449
shall make such an estimate upon the written request by an 45450
applicant for registration as a self-assessing purchaser under 45451
this division. Such a purchaser may elect to self-assess the 45452
excise tax imposed by this section at the rate of \$.00075 per 45453
kilowatt hour on ~~not more than~~ the first five hundred four million 45454
kilowatt hours distributed to that meter or location during the 45455
registration year, and four per cent of the total price of all 45456
electricity distributed to that meter or location. A qualified end 45457
user that receives electricity through a meter of an end user in 45458
this state or through more than one meter at a single location in 45459
this state and that consumes, over the course of the previous 45460
calendar year, more than forty-five million kilowatt hours in 45461
other than its qualifying manufacturing process, may elect to 45462

self-assess the tax as allowed by this division with respect to 45463
the electricity used in other than its qualifying manufacturing 45464
process. Payment Until January 1, 2003, payment of the tax shall 45465
be made directly to the treasurer of state in accordance with 45466
divisions (A)(4) and (5) of section 5727.82 of the Revised Code. 45467
Beginning January 1, 2003, payment of the tax shall be made 45468
directly to the tax commissioner in accordance with divisions 45469
(A)(4) and (5) of section 5727.82 of the Revised Code, or the 45470
treasurer of state in accordance with section 5727.83 of the 45471
Revised Code. If the electric distribution company serving the 45472
self-assessing purchaser is a municipal electric utility and the 45473
purchaser is within the municipal corporation's corporate limits, 45474
payment shall be made to such municipal corporation's general fund 45475
and reports shall be filed in accordance with divisions (A)(4) and 45476
(5) of section 5727.82 of the Revised Code, except that "municipal 45477
corporation" shall be substituted for "treasurer of state" and 45478
"tax commissioner." A self-assessing purchaser that pays the 45479
excise tax as provided in this division shall not be required to 45480
pay the tax to the electric distribution company from which its 45481
electricity is distributed. If a self-assessing purchaser's 45482
receipt of electricity is not subject to the tax as measured under 45483
this division, the tax on the receipt of such electricity shall be 45484
measured and paid as provided in division (A) of this section. 45485

45486
(3) In the case of the acquisition of a package, unless the 45487
elements of the package are separately stated isolating the total 45488
price of electricity from the price of the remaining elements of 45489
the package, the tax imposed under this section applies to the 45490
entire price of the package. If the elements of the package are 45491
separately stated, the tax imposed under this section applies to 45492
the total price of the electricity. 45493

(4) Any electric supplier that sells electricity as part of a 45494

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

registrant upon written notification to the commissioner of the 45527
election to pay the tax in accordance with division (A) of this 45528
section, or until canceled by the tax commissioner for not paying 45529
the tax or fee under division (C) of this section, or for not 45530
meeting the qualifications in division (C)(2) of this section. The 45531
tax commissioner shall give written notice to the electric 45532
distribution company from which electricity is delivered to a 45533
self-assessing purchaser of the purchaser's self-assessing status, 45534
and the electric distribution company is relieved of the 45535
obligation to pay the tax imposed by division (A) of this section 45536
for electricity distributed to that self-assessing purchaser until 45537
it is notified by the tax commissioner that the self-assessing 45538
purchaser's registration is canceled. Within fifteen days of 45539
notification of the canceled registration, the electric 45540
distribution company shall be responsible for payment of the tax 45541
imposed by division (A) of this section on electricity distributed 45542
to a purchaser that is no longer registered as a self-assessing 45543
purchaser. A self-assessing purchaser with a canceled registration 45544
must file a report and remit the tax imposed by division (A) of 45545
this section on all electricity it receives for any measurement 45546
period prior to the tax being reported and paid by the electric 45547
distribution company. A self-assessing purchaser whose 45548
registration is canceled by the tax commissioner is not eligible 45549
to register as a self-assessing purchaser for two years after the 45550
registration is canceled. 45551

(7) If the tax commissioner cancels the self-assessing 45552
registration of a purchaser registered on the basis of its 45553
estimated consumption because the purchaser does not consume at 45554
least forty-five million kilowatt hours of electricity over the 45555
course of the twelve-month period for which the estimate was made, 45556
the tax commissioner shall assess and collect from the purchaser 45557
the difference between (a) the amount of tax that would have been 45558
payable under division (A) of this section on the electricity 45559

distributed to the purchaser during that period and (b) the amount 45560
of tax paid by the purchaser on such electricity pursuant to 45561
division (C)(2)(a) of this section. The assessment shall be paid 45562
within sixty days after the tax commissioner issues it, regardless 45563
of whether the purchaser files a petition for reassessment under 45564
section 5727.89 of the Revised Code covering that period. If the 45565
purchaser does not pay the assessment within the time prescribed, 45566
the amount assessed is subject to the additional charge and the 45567
interest prescribed by divisions (B) and (C) of section 5727.82 of 45568
the Revised Code, and is subject to assessment under section 45569
5727.89 of the Revised Code. If the purchaser is a qualified end 45570
user, division (C)(7) of this section applies only to electricity 45571
it consumes in other than its qualifying manufacturing process. 45572

(D) The tax imposed by this section does not apply to the 45573
distribution of any kilowatt hours of electricity to the federal 45574
government, to an end user located at a federal facility that uses 45575
electricity for the enrichment of uranium, to a qualified 45576
regeneration meter, or to an end user for any day the end user is 45577
a qualified end user. The exemption under this division for a 45578
qualified end user only applies to the manufacturing location 45579
where the qualified end user uses more than three million kilowatt 45580
hours per day in a qualifying manufacturing process. 45581

Sec. 5727.811. (A) For the purpose of raising revenue for 45582
public education and state and local government operations, an 45583
excise tax is hereby levied on every natural gas distribution 45584
company for all natural gas volumes billed by, or on behalf of, 45585
the company ~~on and after~~ beginning with the measurement period 45586
that includes July 1, 2001. Except as provided in divisions (C) or 45587
(D) of this section, the tax shall be levied at the following 45588
rates per MCF of natural gas distributed by the company through a 45589
meter of an end user in this state: 45590

MCF DISTRIBUTED TO AN END USER	RATE PER MCF	45591
--------------------------------	--------------	-------

For the first 100 MCF per month	\$.1593	45592
For the next 101 to 2000 MCF per month	\$.0877	45593
For 2001 and above MCF per month	\$.0411	45594

If no meter is used to measure the MCF of natural gas distributed by the company, the rates shall apply to the estimated MCF of natural gas distributed to an unmetered location in this state.

(B) A natural gas distribution company shall base the tax on the MCF of natural gas distributed to an end user through the meter of the end user in this state that is estimated to be consumed by the end user as reflected on the end user's customer statement from the natural gas distribution company. The 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.

(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.

(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

to the flex customer. 45624

(E) Except as provided in division (F) of this section, each 45625
natural gas distribution company shall pay the tax imposed by this 45626
section in all of the following circumstances: 45627

(1) The natural gas is distributed by the company through a 45628
meter of an end user in this state; 45629

(2) The natural gas distribution company is distributing 45630
natural gas through a meter located in another state, but the 45631
natural gas is consumed in this state in the manner prescribed by 45632
the tax commissioner; 45633

(3) The natural gas distribution company is distributing 45634
natural gas in this state without the use of a meter, but the 45635
natural gas is consumed in this state as estimated and in the 45636
manner prescribed by the tax commissioner. 45637

(F) The tax levied by this section does not apply to the 45638
distribution of natural gas to the federal government, or natural 45639
gas produced by an end user in this state that is consumed by that 45640
end user or its affiliates and is not distributed through the 45641
facilities of a natural gas company. 45642

Sec. 5727.82. (A)(1) Except as provided in divisions (A)(3) 45643
and (D) of this section, by the twentieth day of each month, each 45644
electric distribution company required to pay the tax imposed by 45645
section 5727.81 of the Revised Code shall file with the ~~treasurer~~ 45646
of state tax commissioner a return as prescribed by the tax 45647
commissioner and shall make payment of the full amount of tax due 45648
for the preceding month. The first payment of this tax shall be 45649
made on or before June 20, 2001. The electric distribution company 45650
shall make payment to the tax commissioner unless required to 45651
remit each tax payment by electronic funds transfer to the 45652
treasurer of state as provided in section 5727.83 of the Revised 45653

Code. 45654

(2) By the twentieth day of May, August, November, and 45655
February, each natural gas distribution company required to pay 45656
the tax imposed by section 5727.811 of the Revised Code shall file 45657
with the ~~treasurer of state tax commissioner~~ a return as 45658
prescribed by the tax commissioner and shall make payment to the 45659
tax commissioner, or to the treasurer of state as provided in 45660
section 5727.83 of the Revised Code, of the full amount of tax due 45661
for the preceding quarter. The first payment of this tax shall be 45662
made on or before November 20, 2001, for the quarter ending 45663
September 30, 2001. 45664

(3) If the electric distribution company required to pay the 45665
tax imposed by section 5727.81 of the Revised Code is a municipal 45666
electric utility, it may retain in its general fund that portion 45667
of the tax on the kilowatt hours distributed to end users located 45668
within the boundaries of the municipal corporation. However, the 45669
municipal electric utility shall make payment in accordance with 45670
division (A)(1) of this section of the tax due on the kilowatt 45671
hours distributed to end users located outside the boundaries of 45672
the municipal corporation. 45673

(4) By the twentieth day of each month, each self-assessing 45674
purchaser that under division (C) of section 5727.81 of the 45675
Revised Code pays directly to the tax commissioner or the 45676
treasurer of state the tax imposed by section 5727.81 of the 45677
Revised Code shall file with the ~~treasurer of state tax~~ 45678
commissioner a return as prescribed by the tax commissioner and 45679
shall make payment of the full amount of the tax due for the 45680
preceding month. 45681

(5) As prescribed by the tax commissioner, a return shall be 45682
signed by the company or self-assessing purchaser required to file 45683
it, or an authorized employee, officer, or agent of the company or 45684

~~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

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.

(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.

(11) "Fixed-rate levy loss" means the amount determined under 45778
division (G) of this section. 45779

(12) "Fixed-sum levy" means a tax levied on property at 45780
whatever rate is required to produce a specified amount of tax 45781
money or levied in excess of the ten-mill limitation to pay debt 45782
charges, and includes school district emergency levies imposed 45783
pursuant to section 5705.194 of the Revised Code. 45784

(13) "Fixed-sum levy loss" means the amount determined under 45785
division (H) of this section. 45786

(14) "Consumer price index" means the consumer price index 45787
(all items, all urban consumers) prepared by the bureau of labor 45788
statistics of the United States department of labor. 45789

(B) All The kilowatt-hour tax receipts fund is hereby created 45790
in the state treasury and shall consist of money arising from the 45791
tax imposed by section 5727.81 of the Revised Code. All money in 45792
the kilowatt-hour tax receipts fund shall be credited as follows: 45793

(1) Fifty-nine and nine hundred seventy-six one-thousandths 45794
per cent, ~~plus an amount equal to seventy per cent of the total~~ 45795
~~state education aid offset~~, shall be credited to the general 45796
revenue fund. 45797

(2) Two and six hundred forty-six one-thousandths per cent 45798
shall be credited to the local government fund, for distribution 45799
in accordance with section 5747.50 of the Revised Code. 45800

(3) Three hundred seventy-eight one-thousandths per cent 45801
shall be credited to the local government revenue assistance fund, 45802
for distribution in accordance with section 5747.61 of the Revised 45803
Code. 45804

(4) Twenty-five and nine-tenths per cent, ~~less an amount~~ 45805
~~equal to seventy per cent of the total state education aid offset,~~ 45806
shall be credited to the school district property tax replacement 45807

fund, which is hereby created in the state treasury for the 45808
purpose of making the payments described in section 5727.85 of the 45809
Revised Code. 45810

(5) Eleven and one-tenth per cent shall be credited to the 45811
local government property tax replacement fund, which is hereby 45812
created in the state treasury for the purpose of making the 45813
payments described in section 5727.86 of the Revised Code. 45814

(6) ~~Beginning in the fiscal year in which payments are~~ 45815
~~required to be made under sections 5727.85 and 5727.86 of the~~ 45816
~~Revised Code~~ In fiscal years 2002, 2003, 2004, 2005, and 2006, if 45817
the revenue arising from the tax levied by section 5727.81 of the 45818
Revised Code is less than five hundred fifty-two million dollars, 45819
the amount credited to the general revenue fund under division 45820
(B)(1) of this section shall be reduced by the amount necessary to 45821
credit to each of the funds in divisions (B)(2), and (3), ~~(4), and~~ 45822
~~(5)~~ of this section the amount it would have received if the tax 45823
did raise five hundred fifty-two million dollars for that fiscal 45824
year. The tax commissioner shall certify to the director of budget 45825
and management the amounts that shall be credited under this 45826
division. 45827

(7) Beginning in fiscal year 2007, if the revenue arising 45828
from the tax levied by section 5727.81 of the Revised Code is less 45829
than five hundred fifty-two million dollars, the amount credited 45830
to the general revenue fund under division (B)(1) of this section 45831
shall be reduced by the amount necessary to credit to each of the 45832
funds in divisions (B)(2), (3), (4), and (5) of this section the 45833
amount that it would have received if the tax did raise five 45834
hundred fifty-two million dollars for that fiscal year. The tax 45835
commissioner shall certify to the director of budget and 45836
management the amounts to be credited under division (B)(7) of 45837
this section. 45838

(C) All The natural gas tax receipts fund is hereby created 45839

in the state treasury and shall consist of money arising from the 45840
tax imposed by section 5727.811 of the Revised Code. All money in 45841
the fund shall be credited as follows: 45842

(1) ~~Seventy per cent, less an amount equal to thirty per cent~~ 45843
~~of the total state education aid offset,~~ shall be credited to the 45844
school district property tax replacement fund for the purpose of 45845
making the payments described in section 5727.85 of the Revised 45846
Code. 45847

(2) Thirty per cent shall be credited to the local government 45848
property tax replacement fund for the purpose of making the 45849
payments described in section 5727.86 of the Revised Code. 45850

(3) ~~An amount equal to thirty per cent of the total state~~ 45851
~~education aid offset shall be credited to the general revenue~~ 45852
~~fund.~~ 45853

~~(4) Beginning in the fiscal year in which payments are~~ 45854
~~required to be made under sections 5727.85 and 5727.86 of the~~ 45855
~~Revised Code 2007,~~ if the revenue arising from the tax levied by 45856
section 5727.811 of the Revised Code is less than ninety million 45857
dollars, the an amount credited to equal to the difference between 45858
the amount collected and ninety million dollars shall be 45859
transferred from the general revenue fund ~~under division (C)(3) of~~ 45860
~~this section shall be reduced by the amount necessary to credit to~~ 45861
each of the funds in divisions (C)(1) and (2) of this section ~~the~~ 45862
~~amount that it would have received if the tax did raise ninety~~ 45863
~~million dollars for that fiscal year~~ in the same percentages as if 45864
that amount had been collected as taxes under section 5727.811 of 45865
the Revised Code. The tax commissioner shall certify to the 45866
director of budget and management the amounts that shall be 45867
~~credited~~ transferred under this division. 45868

(D) Not later than January 1, 2002, the tax commissioner 45869
shall determine for each taxing district its electric company tax 45870
value loss, which is the sum of the amounts described in divisions 45871

(D)(1) and (2) of this section:	45872
(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.	45873 45874 45875
(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;	45876 45877 45878 45879 45880
(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.	45881 45882 45883 45884 45885
(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.	45886 45887 45888
(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;	45889 45890 45891 45892 45893 45894
(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.	45895 45896 45897 45898 45899
(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	45900 45901 45902

divisions (E)(1) and (2) of this section: 45903

(1) The difference obtained by subtracting the amount 45904
described in division (E)(1)(b) from the amount described in 45905
division (E)(1)(a) of this section. 45906

(a) The value of all natural gas company tangible personal 45907
property, other than property described in division (E)(2) of this 45908
section, as assessed by the tax commissioner for tax year 1999 on 45909
a preliminary assessment, or an amended preliminary assessment if 45910
issued prior to March 1, 2000, and apportioned to the taxing 45911
district for tax year 1999; 45912

(b) The value of all natural gas company tangible personal 45913
property, other than property described in division (E)(2) of this 45914
section, as assessed by the tax commissioner for tax year 1999 had 45915
the property been apportioned to the taxing district for tax year 45916
2001, and assessed at the rates in effect for tax year 2001. 45917

(2) The difference in the value of current gas obtained by 45918
subtracting the amount described in division (E)(2)(b) from the 45919
amount described in division (E)(2)(a) of this section. 45920

(a) The three-year average assessed value of current gas as 45921
assessed by the tax commissioner for tax years 1997, 1998, and 45922
1999 on a preliminary assessment, or an amended preliminary 45923
assessment if issued prior to March 1, 2001, and as apportioned in 45924
the taxing district for those respective years; 45925

(b) The three-year average assessed value from current gas 45926
under division (E)(2)(a) of this section for tax years 1997, 1998, 45927
and 1999, as reflected in the preliminary assessment, using an 45928
assessment rate of twenty-five per cent. 45929

(F) The tax commissioner may request that natural gas 45930
companies, electric companies, and rural electric companies file a 45931
report to help determine the tax value loss under divisions (D) 45932
and (E) of this section. The report shall be filed within thirty 45933

days of the commissioner's request. A company that fails to file 45934
the report or does not timely file the report is subject to the 45935
penalty in section 5727.60 of the Revised Code. 45936

(G) Not later than January 1, 2002, the tax commissioner 45937
shall determine for each school district, joint vocational school 45938
district, and local taxing unit its fixed-rate levy loss, which is 45939
the sum of its electric company tax value loss multiplied by the 45940
tax rate in effect in tax year 1998 for fixed-rate levies and its 45941
natural gas company tax value loss multiplied by the tax rate in 45942
effect in tax year 1999 for fixed-rate levies. 45943

(H) Not later than January 1, 2002, the tax commissioner 45944
shall determine for each school district, joint vocational school 45945
district, and local taxing unit its fixed-sum levy loss, which is 45946
the amount obtained by subtracting the amount described in 45947
division (H)(2) of this section from the amount described in 45948
division (H)(1) of this section: 45949

(1) The sum of the electric company tax value loss multiplied 45950
by the tax rate in effect in tax year 1998, and the natural gas 45951
company tax value loss multiplied by the tax rate in effect in tax 45952
year 1999, for fixed-sum levies for all taxing districts within 45953
each school district, joint vocational school district, and local 45954
taxing unit. For the years 2002 through 2006, this computation 45955
shall include school district emergency levies that existed in 45956
1998 in the case of the electric company tax value loss, and 1999 45957
in the case of the natural gas company tax value loss, and all 45958
other fixed-sum levies that existed in 1998 in the case of the 45959
electric company tax value loss and 1999 in the case of the 45960
natural gas company tax value loss and continue to be charged in 45961
the tax year preceding the distribution year. For the years 2007 45962
through 2016 in the case of school district emergency levies, and 45963
for all years after 2006 in the case of all other fixed-sum 45964
levies, this computation shall exclude all fixed-sum levies that 45965

existed in 1998 in the case of the electric company tax value loss 45966
and 1999 in the case of the natural gas company tax value loss, 45967
but are no longer in effect in the tax year preceding the 45968
distribution year. For the purposes of this section, an emergency 45969
levy that existed in 1998 in the case of the electric company tax 45970
value loss, and 1999 in the case of the natural gas company tax 45971
value loss, continues to exist in a year beginning on or after 45972
January 1, 2007, but before January 1, 2017, if, in that year, the 45973
board of education levies a school district emergency levy for an 45974
annual sum at least equal to the annual sum levied by the board in 45975
tax year 1998 or 1999, respectively, less the amount of the 45976
payment certified under this division for 2002. 45977

(2) ~~The total taxable value in tax year 1998 in the case of~~ 45978
~~the electric company tax value loss and 1999 in the case of the~~ 45979
~~natural gas company 1999 less the tax value loss in each school~~ 45980
district, joint vocational school district, and local taxing unit 45981
multiplied by one-fourth of one mill. 45982

If the amount computed under division (H) of this section for 45983
any school district, joint vocational school district, or local 45984
taxing unit is greater than zero, that amount shall equal the 45985
fixed-sum levy loss reimbursed pursuant to division (E) of section 45986
5727.85 of the Revised Code or division (A)(2) of section 5727.86 45987
of the Revised Code, and the one-fourth of one mill that is 45988
subtracted under division (H)(2) of this section shall be 45989
apportioned among all contributing fixed-sum levies in the 45990
proportion of each levy to the sum of all fixed-sum levies within 45991
each school district, joint vocational school district, or local 45992
taxing unit. 45993

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 45994
section, in computing the tax value loss, fixed-rate levy loss, 45995
and fixed-sum levy loss, the tax commissioner shall use the 45996
greater of the 1998 tax rate or the 1999 tax rate in the case of 45997

levy losses associated with the electric company tax value loss, 45998
but the 1999 tax rate shall not include for this purpose any tax 45999
levy approved by the voters after June 30, 1999, and the tax 46000
commissioner shall use the greater of the 1999 or the 2000 tax 46001
rate in the case of levy losses associated with the natural gas 46002
company tax value loss, ~~but the 2000 tax rate shall not include~~ 46003
~~for this purpose any tax levy approved by the voters after~~ 46004
~~November 7, 2000.~~ 46005

(J) Not later than January 1, 2002, the tax commissioner 46006
shall certify to the department of education the tax value loss 46007
determined under divisions (D) and (E) of this section for each 46008
taxing district, the fixed-rate levy loss calculated under 46009
division (G) of this section, and the fixed-sum levy loss 46010
calculated under division (H) of this section. The calculations 46011
under divisions (G) and (H) of this section shall separately 46012
display the levy loss for each levy eligible for reimbursement.(K) 46013
Not later than September 1, 2001, the tax commissioner shall 46014
certify the amount of the fixed-sum levy loss to the county 46015
auditor of each county in which a school district with a fixed-sum 46016
levy loss has territory. 46017

Sec. 5727.85. (A) By the thirty-first day of July of each 46018
year, beginning in 2002 and ending in 2016, the department of 46019
education shall determine the following for each school district 46020
and each joint vocational school district eligible for payment 46021
under division (C) or (D) of this section: 46022

(1) The state education aid offset, which is the difference 46023
obtained by subtracting the amount described in division (A)(1)(b) 46024
of this section from the amount described in division (A)(1)(a) of 46025
this section: 46026

(a) The state education aid computed for the school district 46027
or joint vocational school district for the current fiscal year ~~on~~ 46028

~~the basis of the adjusted total taxable value as of the~~ 46029
~~thirty-first day of July;~~ 46030

(b) The state education aid that would be computed for the 46031
school district or joint vocational school district for the 46032
current fiscal year as of the thirty-first day of July if the 46033
~~district's adjusted total taxable value~~ recognized valuation 46034
included the tax value loss for ~~all taxing districts~~ in the school 46035
district or joint vocational school district. 46036

(2) The greater of zero or difference obtained by subtracting 46037
the state education aid offset determined under division (A)(1) of 46038
this section from the fixed-rate levy loss ~~determined~~ certified 46039
under division ~~(G)~~(J) of section 5727.84 of the Revised Code for 46040
all taxing districts in each school district and joint vocational 46041
school district. ~~The~~ 46042

By the fifth day of August of each such year, the department 46043
of education shall certify the amount so determined under division 46044
(A)(1) of this section to the director of budget and management. 46045

(B) Not later than the thirty-first day of October of the 46046
years 2006 through 2016, the department of education shall 46047
determine all of the following for each school district: 46048

(1) The amount obtained by subtracting the district's state 46049
education aid computed for fiscal year 2002 from the district's 46050
state education aid computed for the current fiscal year; 46051

(2) The inflation-adjusted property tax loss. The 46052
inflation-adjusted property tax loss equals the fixed-rate levy 46053
loss, excluding the tax loss from levies within the ten-mill 46054
limitation to pay debt charges, determined under division (G) of 46055
section 5727.84 of the Revised Code for all taxing districts in 46056
each school district plus the product obtained by multiplying that 46057
loss by the cumulative percentage increase in the consumer price 46058
index from January 1, 2002, to the thirtieth day of June of the 46059

current year. 46060

(3) The difference obtained by subtracting the amount 46061
computed under division (B)(1) from the amount of the 46062
inflation-adjusted property tax loss. If this difference is zero 46063
or a negative number, no further payments shall be made under 46064
division (C) of this section to the school district from the 46065
school district property tax replacement fund. ~~If the difference~~ 46066
~~is greater than zero, the department of education shall certify~~ 46067
~~the amount calculated in division (A)(2) of this section to the~~ 46068
~~director of budget and management not later than the thirty-first~~ 46069
~~day of December of each year, beginning in 2006 and ending in~~ 46070
~~2016.~~ 46071

(C) ~~For all taxing districts in each school district, the~~ 46072
~~director of budget and management~~ The department of education 46073
shall pay from the school district property tax replacement fund 46074
to the county undivided income tax fund in the proper county 46075
treasury each school district all of the following: 46076

(1) In February 2002, one-half of the fixed-rate levy loss 46077
certified under division ~~(G)~~(J) of section 5727.84 of the Revised 46078
Code ~~on or before the day prescribed for the settlement under~~ 46079
~~division (A) of section 321.24 of the Revised Code~~ between the 46080
twenty-first and twenty-eighth days of February. 46081

(2) From August 2002 through August 2006, one-half of the 46082
amount ~~certified~~ calculated for that fiscal year under division 46083
(A)(2) of this section ~~on or before each of the days prescribed~~ 46084
~~for the settlements under divisions (A) and (C) of section 321.24~~ 46085
~~of the Revised Code~~ between the twenty-first and twenty-eighth 46086
days of August and of February. 46087

(3) From February 2007 through August 2016, one-half of the 46088
amount ~~certified~~ calculated for that calendar year under division 46089
(B)(3) of this section ~~on or before each of the days prescribed~~ 46090
~~for the settlements under divisions (A) and (C) of section 321.24~~ 46091

~~of the Revised Code.~~ 46092

~~The county treasurer shall distribute amounts paid under 46093
divisions (C)(1), (2), and (3) of this section to the proper 46094
school district as if they had been levied and collected as taxes, 46095
and the school district shall apportion the amounts so received 46096
among its funds in the same proportions as if those amounts had 46097
been levied and collected as taxes between the twenty-first and 46098
twenty-eighth days of August and of February. 46099~~

~~(4) For taxes levied within the ten-mill limitation for debt 46100
purposes in tax year 1998 in the case of electric company tax 46101
value losses, and in tax year 1999 in the case of natural gas 46102
company tax value losses, payments shall be made equal to one 46103
hundred per cent of the loss computed as if the tax were a 46104
fixed-rate levy, but those payments shall extend from fiscal year 46105
2006 through fiscal year 2016. 46106~~

~~The department of education shall report to each school 46107
district the apportionment of the payments among the school 46108
district's funds based on the certifications under division (J) of 46109
section 5727.84 of the Revised Code. 46110~~

~~(D) Not later than January 1, 2002, for all taxing districts 46111
in each joint vocational school district, the tax commissioner 46112
shall certify to the director of budget and management department 46113
of education the fixed-rate levy loss determined under division 46114
(G) of section 5727.84 of the Revised Code. From February 2002 to 46115
August 2016, the director department shall pay from the school 46116
district property tax replacement fund to the county undivided 46117
income tax fund in the proper county treasury, joint vocational 46118
school district one-half of the fixed-rate levy loss so certified 46119
for each year on or before each of the days prescribed for the 46120
settlements under divisions (A) and (C) of section 321.24 of the 46121
Revised Code. The county treasurer shall distribute such amounts 46122
to the proper joint vocational school district as if they had been 46123~~

~~levied and collected as taxes, and the joint vocational school~~ 46124
~~district shall apportion the amounts so received among its funds~~ 46125
~~in the same proportions as if those amounts had been levied and~~ 46126
~~collected as taxes~~ amount calculated for that fiscal year under 46127
division (A)(2) of this section between the twenty-first and 46128
twenty-eighth days of August and of February. 46129

(E)(1) Not later than January 1, 2002, for each fixed-sum 46130
levy levied by each school district or joint vocational school 46131
district and for each year for which a determination is made under 46132
division (H) of section 5727.84 of the Revised Code that a 46133
fixed-sum levy loss is to be reimbursed, the tax commissioner 46134
shall certify to the ~~director of budget and management~~ department 46135
of education the fixed-sum levy loss determined under that 46136
division. The certification shall cover a time period sufficient 46137
to include all fixed-sum levies for which the tax commissioner 46138
made such a determination. The ~~director~~ department shall pay from 46139
the school district property tax replacement fund to the ~~county~~ 46140
~~undivided income tax fund in the proper county treasury~~ school 46141
district or joint vocational school district one-half of the 46142
fixed-sum levy loss so certified for each year ~~on or before each~~ 46143
~~of the days prescribed for the settlements under divisions (A) and~~ 46144
~~(C) of section 321.24 of the Revised Code. The county treasurer~~ 46145
~~shall distribute the amounts to the proper school district or~~ 46146
~~joint vocational school district as if they had been levied and~~ 46147
~~collected as taxes, and the district shall apportion the amounts~~ 46148
~~so received among its funds in the same proportions as if those~~ 46149
~~amounts had been levied and collected as taxes~~ between the 46150
twenty-first and twenty-eighth days of August and of February. 46151

(2) Beginning in 2003, by the thirty-first day of January of 46152
each year, the tax commissioner shall review the certification 46153
originally made under division (E)(1) of this section. If the 46154
commissioner determines that a ~~fixed-sum~~ debt levy that had been 46155

scheduled to be reimbursed in the current year has expired, a 46156
revised certification for that and all subsequent years shall be 46157
made to the ~~director of budget and management~~ department of 46158
education. 46159

(F) Beginning in August 2002, and ending in February 2017, 46160
the director of budget and management shall transfer from the 46161
school district property tax replacement fund to the general 46162
revenue fund each of the following: 46163

(1) Between the twenty-eighth day of August and the fifth day 46164
of September, the lesser of one-half of the amount certified for 46165
that fiscal year under division (A)(3) of this section or the 46166
balance in the school district property tax replacement fund; 46167

(2) Between the first and fifth days of March, the lesser of 46168
one-half of the amount certified for that fiscal year under 46169
division (A)(3) of this section or the balance in the school 46170
district property tax replacement fund. 46171

(G) By August 5, 2002, the tax commissioner shall estimate 46172
the amount of money in the school district property tax 46173
replacement fund in excess of the amount necessary to make 46174
payments ~~in that month~~ under divisions (C), (D), ~~and (E), and (F)~~ 46175
of this section. Notwithstanding division (C) of this section, the 46176
department of education, in consultation with the tax commissioner 46177
and from those excess funds, may pay any school district four and 46178
one-half times the amount certified under division (A)(2) of this 46179
section. Payments shall be made in order from the smallest annual 46180
loss to the largest annual loss. A payment made under this 46181
division shall be in lieu of the payment to be made in August 2002 46182
under division (C)(2) of this section. No payments shall be made 46183
in the manner established in this division to any school district 46184
with annual losses from permanent improvement fixed-rate levies in 46185
excess of twenty thousand dollars, or annual losses from any other 46186
fixed-rate levies in excess of twenty thousand dollars. A school 46187

district receiving a payment under this division is no longer 46188
entitled to any further payments under division (C) of this 46189
section. 46190

~~(G)~~(H) On the thirty-first day of July of 2003, 2004, 2005, 46191
and 2006, and on the thirty-first day of January and July of 2007 46192
and each year thereafter, if the amount credited to the school 46193
district property tax replacement fund exceeds the amount needed 46194
to make payments from the fund under divisions (C), (D), ~~and (E)~~, 46195
~~and (F)~~ of this section ~~in the following month~~, the ~~director of~~ 46196
~~budget and management~~ department of education shall distribute the 46197
excess among school districts and joint vocational school 46198
districts. The amount distributed to each district shall bear the 46199
same proportion to the excess remaining in the fund as the ADM of 46200
the district bears to the ADM of all of the districts. For the 46201
purpose of this division, "ADM" means the formula ADM in the case 46202
of a school district, and the average daily membership reported 46203
under section 3317.03 of the Revised Code in the case of a joint 46204
vocational school district. 46205

If, in the opinion of the ~~director of budget and management~~ 46206
department of education, the excess remaining in the school 46207
district property tax replacement fund in any year is not 46208
sufficient to warrant distribution under this division, the excess 46209
shall remain to the credit of the fund. 46210

Amounts received by a school district or joint vocational 46211
school district under this division shall be used exclusively for 46212
capital improvements. 46213

~~(H)~~ If (I) From fiscal year 2002 through fiscal year 2016, if 46214
the total amount in the school district property tax replacement 46215
fund is insufficient to make all payments under divisions (C), 46216
(D), and (E) of this section, ~~the payments required under division~~ 46217
~~(E) of this section shall be made first in their entirety. After~~ 46218
~~all payments are made under division (E) of this section, payments~~ 46219

~~under divisions (C) and (D) of this section shall be made from the~~ 46220
~~balance of money available in the proportion of each school~~ 46221
~~district's or joint vocational school district's payment amount to~~ 46222
~~the total amount of payments under divisions (C) and (D) of this~~ 46223
~~section at the time the payments are to be made, the director of~~ 46224
~~budget and management shall transfer from the general revenue fund~~ 46225
~~to the school district property tax replacement fund the~~ 46226
~~difference between the total amount to be paid and the total~~ 46227
~~amount in the school district property tax replacement fund.~~ 46228

46229
(I)(J) If all or a part of the territory of a school district 46230
or joint vocational school district is merged with or transferred 46231
to another district, the department of education, in consultation 46232
with the tax commissioner shall adjust the payments made under 46233
this section to each of the districts in proportion to the tax 46234
value loss apportioned to the merged or transferred territory. 46235

46236
(J)(K) There is hereby created the public utility property 46237
tax study committee, effective January 1, 2011. The committee 46238
shall consist of the following seven members: the tax 46239
commissioner, three members of the senate appointed by the 46240
president of the senate, and three members of the house of 46241
representatives appointed by the speaker of the house of 46242
representatives. The appointments shall be made not later than 46243
January 31, 2011. The tax commissioner shall be the chairperson of 46244
the committee. 46245

The committee shall study the extent to which each school 46246
district or joint vocational school district has been compensated, 46247
under sections 5727.84 and 5727.85 of the Revised Code as enacted 46248
by Substitute Senate Bill No. 3 of the 123rd general assembly and 46249
any subsequent acts, for the property tax loss caused by the 46250
reduction in the assessment rates for natural gas, electric, and 46251

rural electric company tangible personal property. Not later than 46252
June 30, 2011, the committee shall issue a report of its findings, 46253
including any recommendations for providing additional 46254
compensation for the property tax loss or regarding remedial 46255
legislation, to the president of the senate and the speaker of the 46256
house of representatives, at which time the committee shall cease 46257
to exist. 46258

The department of taxation and department of education shall 46259
provide such information and assistance as is required for the 46260
committee to carry out its duties. 46261

Sec. 5727.86. (A) Not later than January 1, 2002, the tax 46262
commissioner shall ~~certify to the director of budget and~~ 46263
~~management, for all taxing districts in each local taxing unit,~~ 46264
~~the fixed-rate levy loss determined under division (G), and the~~ 46265
~~fixed-sum levy loss determined under division (H), of section~~ 46266
~~5727.84 of the Revised Code. Based on that certification, the~~ 46267
~~director shall~~ compute the payments to be made to each local 46268
taxing unit for each year according to divisions (A)(1), (2), ~~and~~ 46269
~~(3), and (4)~~ and division (E) of this section, and shall 46270
distribute the payments in the manner prescribed by division (C) 46271
of this section. The ~~certification~~ calculation of the fixed-sum 46272
levy loss shall cover a time period sufficient to include all 46273
fixed-sum levies for which the tax commissioner determined, 46274
pursuant to division (H) of section 5727.84 of the Revised Code, 46275
that a fixed-sum levy loss is to be reimbursed. 46276

(1) Except as provided in ~~division~~ divisions (A)(3) ~~and (4)~~ 46277
of this section, for fixed-rate levy losses determined under 46278
division (G) of section 5727.84 of the Revised Code, payments 46279
shall be made in each of the following years at the following 46280
percentage of the fixed-rate levy loss certified under division 46281
(A) of this section: 46282

YEAR	PERCENTAGE	
2002	100%	46284
2003	100%	46285
2004	100%	46286
2005	100%	46287
2006	100%	46288
2007	80%	46289
2008	80%	46290
2009	80%	46291
2010	80%	46292
2011	80%	46293
2012	66.7%	46294
2013	53.4%	46295
2014	40.1%	46296
2015	26.8%	46297
2016	13.5%	46298
2017 and thereafter	0%	46299

(2) For fixed-sum levy losses determined under division (H) 46300
of section 5727.84 of the Revised Code, payments shall be made in 46301
the amount of one hundred per cent of the fixed-sum levy loss 46302
~~certified under division (A) of this section~~ for payments required 46303
to be made in 2002 and thereafter. 46304

(3) A local taxing unit in a county of less than two hundred 46305
fifty square miles that receives eighty per cent or more of its 46306
combined general fund and bond retirement fund revenues from 46307
property taxes and rollbacks based on 1997 actual revenues as 46308
presented in its 1999 tax budget, and in which electric companies 46309
and rural electric companies comprise over twenty per cent of its 46310
property valuation, shall receive one hundred per cent of its 46311
fixed-rate levy losses from electric company tax value losses 46312
certified under division (A) of this section in years 2002 to 46313
2016. 46314

(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

the amount of money in the local government property tax 46347
replacement fund in excess of the amount necessary to make 46348
payments in that month under division (C) of this section. 46349
Notwithstanding division (A) of this section, the tax commissioner 46350
may pay any local taxing unit, from those excess funds, nine and 46351
four-tenths times the amount computed for 2002 under division 46352
(A)(1) of this section. A payment made under this division shall 46353
be in lieu of the payment to be made in February 2002 under 46354
division (A)(1) of this section. A local taxing unit receiving a 46355
payment under this division will no longer be entitled to any 46356
further payments under division (A)(1) of this section. A payment 46357
made under this division shall be paid from the local government 46358
property tax replacement fund to the county undivided income tax 46359
fund in the proper county treasury. The county treasurer shall 46360
distribute the payment to the proper local taxing unit as if it 46361
had been levied and collected as taxes, and the local taxing unit 46362
shall apportion the amounts so received among its funds in the 46363
same proportions as if those amounts had been levied and collected 46364
as taxes. 46365

(E) On the thirty-first day of July of 2002, 2003, 2004, 46366
2005, and 2006, and on the thirty-first day of January and July of 46367
2007 and each year thereafter, if the amount credited to the local 46368
government property tax replacement fund exceeds the amount needed 46369
to be distributed from the fund under division (A) of this section 46370
in the following month, the ~~director of budget and management tax~~ 46371
commissioner shall distribute the excess to each county as 46372
follows: 46373

(1) One-half shall be distributed to each county in 46374
proportion to each county's population. 46375

(2) One-half shall be distributed to each county in the 46376
proportion that the amounts determined under divisions (G) and (H) 46377
of section 5727.84 of the Revised Code for all local taxing units 46378

in the county is of the total amounts so determined for all local
taxing units in the state.

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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.

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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.

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(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.

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(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

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adjust the payments made under this section to each of the local 46411
taxing units in proportion to the tax value loss apportioned to 46412
the merged or annexed territory, or as otherwise provided by a 46413
written agreement between the legislative authorities of the local 46414
taxing units certified to the tax commissioner not later than the 46415
first day of June of the calendar year in which the payment is to 46416
be made. 46417

Sec. 5727.87. (A) As used in this section: 46418

(1) "Administrative fees" means the dollar percentages 46419
allowed by the county auditor for services or by the county 46420
treasurer as fees, or paid to the credit of the real estate 46421
assessment fund, under divisions (A) and (B) of section 319.54 and 46422
division (A) of section 321.26 of the Revised Code. 46423

(2) "Administrative fee loss" means a county's loss of 46424
administrative fees due to its tax value loss, determined as 46425
follows: 46426

(a) For purposes of the determination made under division (B) 46427
of this section in the years 2002 through 2006, the administrative 46428
fee loss shall be computed by multiplying the amounts determined 46429
for all taxing districts in the county under divisions (G) and (H) 46430
of section 5727.84 of the Revised Code by nine thousand six 46431
hundred fifty-nine ten-thousandths of a one per cent~~7~~, if total 46432
taxes collected in the county in ~~tax year 1998~~ 1999 exceeded one 46433
hundred fifty million dollars, or one and one thousand one hundred 46434
fifty-nine ten-thousandths of a one per cent~~7~~, if total taxes 46435
collected in the county in ~~tax year 1998~~ 1999 were one hundred 46436
fifty million dollars or less; 46437

(b) For purposes of the determination under division (B) of 46438
this section in the years 2007 through 2011, the administrative 46439
fee loss shall be determined by subtracting from the dollar amount 46440
of administrative fees collected in the county in ~~tax year 1998~~ 46441

1999, the dollar amount of administrative fees collected in the 46442
county in the current calendar year. 46443

(3) "Total taxes collected" means all money collected on any 46444
tax duplicate of the county, other than the estate tax duplicates. 46445
"Total taxes collected" does not include amounts received pursuant 46446
to divisions (F) and (G) of section 321.24 or section 323.156 of 46447
the Revised Code. 46448

(B) Not later than the thirty-first day of December of 2001 46449
through 2005, the tax commissioner shall certify to each county 46450
auditor the tax levy losses calculated under divisions (G) and (H) 46451
of section 5727.84 of the Revised Code for each school district, 46452
joint vocational school district, and local taxing unit in the 46453
county. Not later than the first thirty-first day of June January 46454
of 2002 through 2011, the county auditor shall determine the 46455
administrative fee loss for the county and certify it to the 46456
county budget commission. Notwithstanding divisions (C), (D), and 46457
(E) of section 5727.85 and division (C) of section 5727.86 of the 46458
Revised Code, prior to distribution by the county treasurer of the 46459
payments provided under those divisions, the county budget 46460
commission shall deduct from those payments the amount of the 46461
administrative fee loss certified by the county auditor, as 46462
follows: 46463

(1) Seventy per cent of the administrative fee loss shall be 46464
deducted from the payments provided under divisions (C), (D), and 46465
(E) of section 5727.85 of the Revised Code. 46466

(2) Thirty per cent of the administrative fee loss shall be 46467
deducted from the payments provided under division (C) of section 46468
5727.86 of the Revised Code and apportion that loss ratably among 46469
the school districts, joint vocational school districts, and local 46470
taxing units on the basis of the tax levy losses certified under 46471
this division. 46472

(C) On or before each of the days prescribed for the 46473

46474 settlements under divisions (A) and (C) of section 321.24 of the
46475 Revised Code in the years 2002 through 2011, the county ~~budget~~
46476 ~~commissioner~~ treasurer shall ~~pay~~ deduct one-half of the amount
46477 apportioned to each school district, joint vocational school
46478 district, and local taxing unit from the portions of revenue
46479 payable to them.

46480 (D) On or before each of the days prescribed for settlements
46481 under divisions (A) and (C) of section 321.24 of the Revised Code
46482 in the years 2002 through 2011, the county auditor shall cause to
46483 be deposited an amount equal to one-half of the amount of the
46484 ~~administrative fee loss to the county auditor, county treasurer,~~
46485 ~~or real estate assessment fund as if the amount had been allowed~~
46486 ~~as administrative fees, and shall deposit the amount in the same~~
46487 ~~funds as if allowed as administrative fees.~~

46488 After payment of the administrative fee loss on or before
46489 August 10, 2011, all payments under this section shall cease.

46490 **Sec. 5728.08.** Except as provided in section 5728.03 of the
46491 Revised Code and except as otherwise provided in this section,
46492 whoever is liable for the payment of the tax levied by section
46493 5728.06 of the Revised Code, on or before the last day of each
46494 January, April, July, and October, shall file with the ~~treasurer~~
46495 ~~of state~~ tax commissioner, on forms prescribed by the tax
46496 commissioner, a highway use tax return and make payment of the
46497 full amount of the tax due for the operation of each commercial
46498 car and commercial tractor for the next preceding three calendar
46499 months. If the commercial cars or commercial tractors are farm
46500 trucks and the amount of motor fuel used to operate the trucks
46501 during the next preceding twelve calendar months was less than
46502 fifteen thousand gallons, the highway use tax return shall be
46503 filed and the full amount of tax due paid on or before the last
46504 day of each July for the next preceding twelve calendar months. If

the commercial cars or commercial tractors are farm trucks and the 46505
amount of motor fuel used to operate the trucks during the next 46506
preceding twelve calendar months was fifteen thousand gallons or 46507
more, the highway use tax return shall be filed and the full 46508
amount of the tax due paid either on or before the last day of 46509
each July for the next preceding twelve calendar months, or on or 46510
before the last day of each January, April, July, and October for 46511
the next preceding three calendar months, at the option of the 46512
person liable for payment of the tax. If the commercial cars or 46513
commercial tractors are not farm trucks, and if, in the estimation 46514
of the tax commissioner, the amount of the tax due does not 46515
warrant quarterly filing, the commissioner may authorize the 46516
filing of the highway use tax return and payment of the full 46517
amount due on or before the last day of each July for the next 46518
preceding twelve months. 46519

~~Immediately upon the receipt of a highway use tax return, the 46520
treasurer of state shall mark on the return the date it was 46521
received by the treasurer of state and the amount of tax payment 46522
accompanying the return and shall transmit the return to the The 46523
tax commissioner shall immediately forward to the treasurer of 46524
state all money received from the tax levied by section 5728.06 of 46525
the Revised Code. 46526~~

The treasurer of state shall place to the credit of the tax 46527
refund fund created by section 5703.052 of the Revised Code, out 46528
of receipts from the taxes levied by section 5728.06 of the 46529
Revised Code, amounts equal to the refund certified by the tax 46530
commissioner pursuant to section 5728.061 of the Revised Code. 46531
Receipts from the tax shall be used by the tax commissioner to 46532
defray expenses incurred by the department of taxation in 46533
administering sections 5728.01 to 5728.14 of the Revised Code. 46534

All moneys received in the state treasury from taxes levied 46535
by section 5728.06 of the Revised Code and fees assessed under 46536

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

of state until the thirty-first day of December of the calendar 46570
year in which the certification is made, all moneys received in 46571
the state treasury from taxes levied under section 5728.06 of the 46572
Revised Code and fees assessed under sections 5728.02 and 5728.03 46573
of the Revised Code which are not required to be placed to the 46574
credit of the tax refund fund as provided by this section shall be 46575
credited to the highway operating fund created by section 5735.291 46576
of the Revised Code, except as provided by the next succeeding 46577
paragraph of this section. 46578

From the date of the receipt by the treasurer of state of 46579
certifications from the commissioners of the sinking fund, as 46580
required by sections 5528.18 and 5528.39 of the Revised Code, 46581
certifying that the moneys to the credit of the highway 46582
improvement bond retirement fund are sufficient to meet in full 46583
all payments of interest, principal, and charges for the 46584
retirement of all bonds and other obligations which may be issued 46585
pursuant to Section 2g of Article VIII, Ohio Constitution, and 46586
sections 5528.10 and 5528.11 of the Revised Code, and to the 46587
credit of the highway obligations bond retirement fund are 46588
sufficient to meet in full all payments of interest, principal, 46589
and charges for the retirement of all obligations issued pursuant 46590
to Section 2i of Article VIII, Ohio Constitution, and sections 46591
5528.30 and 5528.31 of the Revised Code, all moneys received in 46592
the state treasury from the taxes levied under section 5728.06 and 46593
fees assessed under sections 5728.02 and 5728.03 of the Revised 46594
Code, which are not required to be placed to the credit of the tax 46595
refund fund as provided by this section, shall be deposited to the 46596
credit of the highway operating fund. 46597

As used in this section, "farm truck" means any commercial 46598
car or commercial tractor that is registered as a farm truck under 46599
Chapter 4503. of the Revised Code. 46600

Sec. 5729.07. As used in this section: 46601

(A) "Eligible employee" and "eligible training costs" have 46602
the same meanings as in section 5733.42 of the Revised Code. 46603

(B) "Credit period" means the calendar year ending on the 46604
thirty-first day of December next preceding the day the annual 46605
statement is required to be returned under section 5729.02 of the 46606
Revised Code. 46607

There is hereby allowed a nonrefundable credit against the 46608
tax imposed under this chapter for a foreign insurance company for 46609
which a tax credit certificate is issued under section 5733.42 of 46610
the Revised Code. The credit may be claimed for credit periods 46611
beginning on or after January 1, ~~2001~~ 2003, and ending on or 46612
before December 31, ~~2003~~ 2005. The amount of the credit for the 46613
credit period beginning on January 1, 2003, shall equal one-half 46614
of the average of the eligible training costs paid or incurred by 46615
the company during ~~the three~~ calendar years ~~immediately preceding~~ 46616
~~the credit period for which the credit is claimed~~ 1998, 1999, and 46617
2000, not to exceed one thousand dollars for each eligible 46618
employee on account of whom eligible training costs were paid or 46619
incurred by the company. The amount of the credit for the credit 46620
period beginning on January 1, 2004, shall equal one-half of the 46621
average of the eligible training costs paid or incurred by the 46622
company during calendar years 2002, 2003, and 2004, not to exceed 46623
one thousand dollars for each eligible employee on account of whom 46624
eligible training costs were paid or incurred by the company. The 46625
amount of the credit for the credit period beginning on January 1, 46626
2005, shall equal one-half of the average of the eligible training 46627
costs paid or incurred by the company during calendar years 2003, 46628
2004, and 2005, not to exceed one thousand dollars for each 46629
eligible employee on account of whom eligible training costs were 46630
paid or incurred by the company. The credit claimed by a company 46631
for each credit period shall not exceed one hundred thousand 46632

dollars. 46633

A foreign insurance company shall apply to the director of 46634
job and family services for a tax credit certificate in the manner 46635
prescribed by division (C) of section 5733.42 of the Revised Code. 46636
Divisions (C) to (H) of that section govern the tax credit allowed 46637
by this section, except that "credit period" shall be substituted 46638
for "tax year with respect to a calendar year" wherever that 46639
phrase appears in those divisions and that the company shall be 46640
considered a taxpayer for the purposes of those divisions. 46641

A foreign insurance company may carry forward the credit 46642
allowed under this section to the extent that the credit exceeds 46643
the company's tax due for the credit period. The company may carry 46644
the excess credit forward for three credit periods following the 46645
credit period for which the credit is first claimed under this 46646
section. The credit allowed by this section is in addition to any 46647
credit allowed under section 5729.031 of the Revised Code. 46648

The reduction in the tax due under this chapter to the extent 46649
of the credit allowed by this section does not increase the amount 46650
of the tax otherwise due under section 5729.06 of the Revised 46651
Code. 46652

Sec. 5731.21. (A)(1)(a) Except as provided under division 46653
(A)(3) of this section, the executor or administrator, or, if no 46654
executor or administrator has been appointed, another person in 46655
possession of property the transfer of which is subject to estate 46656
taxes under section 5731.02 or division (A) of section 5731.19 of 46657
the Revised Code, shall file an estate tax return, within nine 46658
months of the date of the decedent's death, in the form prescribed 46659
by the tax commissioner, in duplicate, with the probate court of 46660
the county. The return shall include all property the transfer of 46661
which is subject to estate taxes, whether that property is 46662
transferred under the last will and testament of the decedent or 46663

otherwise. The time for filing the return may be extended by the tax commissioner. 46664
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(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: 46666
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(i) The fact that the return was filed; 46671

(ii) The date of the filing of the return; 46672

(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; 46673
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(iv) If applicable, the fact that real property listed in the inventory for the decedent's estate is included in the return; 46676
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(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. 46678
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(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. 46686
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(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 46689
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on or after January 1, 2001, but before January 1, 2002; or three 46695
hundred thirty-eight thousand three hundred thirty-three dollars 46696
or less in the case of a decedent dying on or after January 1, 46697
2002. If a probate court issues an order that grants a summary 46698
release from administration in connection with a decedent's estate 46699
under section 2113.031 of the Revised Code, that order eliminates 46700
the duty of all persons to file an estate tax return and 46701
certificate under divisions (A)(1)(a) and (b) of this section with 46702
respect to the estate for which the order was granted. 46703
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(4)(a) Upon receipt of the estate tax return described in 46705
division (A)(1)(a) of this section and the accompanying 46706
certificate described in division (A)(1)(b) of this section, the 46707
probate court promptly shall give notice of the return, by a form 46708
prescribed by the tax commissioner, to the county auditor. The 46709
auditor then shall make a charge based upon the notice and shall 46710
certify a duplicate of the charge to the county treasurer. The 46711
treasurer then shall collect, subject to division (A) of section 46712
5731.25 of the Revised Code or any other statute extending the 46713
time for payment of an estate tax, the tax so charged. 46714

(b) Upon receipt of the return and the accompanying 46715
certificate, the probate court also shall forward the certificate 46716
to the auditor. When satisfied that the estate taxes under section 46717
5731.02 or division (A) of section 5731.19 of the Revised Code, 46718
that are shown to be due in the return, have been paid in full, 46719
the auditor shall stamp the certificate so forwarded to verify 46720
that payment. The auditor then shall return the stamped 46721
certificate to the probate court. 46722

(5)(a) The certificate described in division (A)(1)(b) of 46723
this section is a public record subject to inspection and copying 46724
in accordance with section 149.43 of the Revised Code. It shall be 46725
kept in the records of the probate court pertaining to the 46726

decedent's estate and is not subject to the confidentiality provisions of section 5731.90 of the Revised Code.

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(b) All persons are entitled to rely on the statements contained in a certificate as described in division (A)(1)(b) of this section if it has been filed in accordance with that division, forwarded to a county auditor and stamped in accordance with division (A)(4) of this section, and placed in the records of the probate court pertaining to the decedent's estate in accordance with division (A)(5)(a) of this section. The real property referred to in the certificate shall be free of, and may be regarded by all persons as being free of, any lien for estate taxes under section 5731.02 and division (A) of section 5731.19 of the Revised Code.

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(B) An estate tax return filed under this section, in the form prescribed by the tax commissioner, and showing that no estate tax is due shall result in a determination that no estate tax is due, if the tax commissioner within three months after the receipt of the return by the department of taxation, fails to file exceptions to the return in the probate court of the county in which the return was filed. A copy of exceptions to a return of that nature, when the tax commissioner files them within that period, shall be sent by ordinary mail to the person who filed the return. The tax commissioner is not bound under this division by a determination that no estate tax is due, with respect to property not disclosed in the return.

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(C) If the executor, administrator, or other person required to file an estate tax return fails to file it within nine months of the date of the decedent's death, the tax commissioner may determine the estate tax in that estate and issue a certificate of determination in the same manner as is provided in division (B) of section 5731.27 of the Revised Code. A certificate of determination of that nature has the same force and effect as

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though a return had been filed and a certificate of determination 46759
issued with respect to the return. 46760

Sec. 5733.02. Annually, between the first day of January and 46761
the thirty-first day of March or on or before the date as extended 46762
under section 5733.13 of the Revised Code, each taxpayer shall 46763
make a report in writing to the ~~treasurer of state tax~~ 46764
commissioner in such form as the tax commissioner prescribes, and 46765
shall remit to the ~~treasurer of state~~ commissioner, with the 46766
remittance made payable to the treasurer of state, the amount of 46767
the tax as shown to be due by such report less the amount paid for 46768
the year on a declaration of estimated tax report filed by the 46769
taxpayer as provided by section 5733.021 of the Revised Code. 46770
Remittance shall be made in the form prescribed by the ~~treasurer~~ 46771
~~of state~~ commissioner, including electronic funds transfer if 46772
required by section 5733.022 of the Revised Code. ~~The treasurer~~ 46773
~~shall show on the report the date it was filed and the amount of~~ 46774
~~the payment remitted to the treasurer. Thereafter, the treasurer~~ 46775
~~shall immediately transmit all reports filed under this section to~~ 46776
~~the tax commissioner.~~ 46777

The commissioner shall furnish corporations, on request, 46778
copies of the forms prescribed by the commissioner for the purpose 46779
of making such report. A domestic corporation shall not dissolve, 46780
and a foreign corporation shall not withdraw or retire from 46781
business in Ohio, on or after the first day of January in any year 46782
without making a franchise tax report to the commissioner and 46783
paying or securing the tax charged for the year in which such 46784
dissolution or withdrawal occurs. 46785

The annual corporation report shall be signed by the 46786
president, vice-president, secretary, treasurer, general manager, 46787
superintendent, or managing agent in this state of such 46788
corporation. If a domestic corporation has not completed its 46789

organization, its annual report shall be signed by one of its 46790
incorporators. 46791

The report shall contain the facts, figures, computations, 46792
and attachments that result in the tax charged by this chapter and 46793
determined in the manner provided within the chapter. 46794

Sec. 5733.021. (A) Each taxpayer which does not in the month 46795
of January file the report and make the payment required by 46796
section 5733.02 of the Revised Code shall make and file a 46797
declaration of estimated tax report for the tax year. 46798

The declaration of estimated tax report shall be filed with 46799
the ~~treasurer of state~~ tax commissioner on or before the last day 46800
of January in such form as prescribed by the tax commissioner, and 46801
shall reflect an estimate of the total amount due under this 46802
chapter for the tax year. 46803

(B) A taxpayer required to file a declaration of estimated 46804
tax report shall make remittance of such estimated tax to the 46805
~~treasurer of state~~ tax commissioner as follows: 46806

(1) The entire estimated tax at the time of filing the 46807
declaration of estimated tax report, if such estimated tax is not 46808
in excess of the minimum tax as provided in section 5733.06 of the 46809
Revised Code; 46810

(2) If the estimated tax is in excess of the minimum tax: 46811

(a) One-third of the estimated tax at the time of filing the 46812
declaration of estimated tax report; 46813

(b) Two-thirds of the estimated tax on or before the last day 46814
of March of the tax year, unless the report and payment required 46815
by section 5733.02 of the Revised Code ~~is~~ are filed and paid on or 46816
before the last day of March of the tax year~~+~~. 46817

(3) If the estimated tax due is in excess of the minimum tax, 46818

and an extension of time for filing the report required by section 46819
5733.02 of the Revised Code has been granted pursuant to section 46820
5733.13 of the Revised Code~~†~~: 46821

(a) One-third of the estimated tax at the time of filing the 46822
declaration of estimated tax report; 46823

(b) One-third of the estimated tax on or before the last day 46824
of March of the tax year; 46825

(c) One-third of the estimated tax on or before the last day 46826
of May of the tax year, unless the report and payments required by 46827
section 5733.02 of the Revised Code are filed and paid on or 46828
before the last day of May of the tax year. 46829

Remittance of the estimated tax shall be made payable to the 46830
treasurer of state and shall be made in the form prescribed by the 46831
~~treasurer of state~~ tax commissioner, including electronic funds 46832
transfer if required by section 5733.022 of the Revised Code. 46833

The tax commissioner shall immediately forward to the 46834
treasurer of state all amounts received under this section, and 46835
the treasurer of state shall credit all payments of such estimated 46836
tax as provided in section 5733.12 of the Revised Code, ~~shall show~~ 46837
~~on all reports the date each was filed and the amount of payment~~ 46838
~~remitted, and shall immediately transmit all reports filed under~~ 46839
~~this section to the tax commissioner.~~ 46840

Sec. 5733.053. (A) As used in this section: 46841

(1) "Transfer" means a transaction or series of related 46842
transactions in which a corporation directly or indirectly 46843
transfers or distributes substantially all of its assets or equity 46844
to another corporation, if the transfer or distribution qualifies 46845
for nonrecognition of gain or loss under the Internal Revenue 46846
Code. 46847

(2) "Transferor" means a corporation that has made a 46848

transfer. 46849

(3) "Transferee" means a corporation that received 46850
substantially all of the assets or equity of a transferor in a 46851
transfer. 46852

(B) ~~For~~ Except as provided in division (F) of this section, 46853
for purposes of valuing its issued and outstanding shares of stock 46854
under division (B) of section 5733.05 of the Revised Code, a 46855
transferee shall add to its net income allocated or apportioned to 46856
this state its transferor's net income allocated or apportioned to 46857
this state. The transferee shall add such income in computing its 46858
tax for the same tax year or years that such income would have 46859
been reported by the transferor if the transfer had not been made. 46860
The transferee shall add such income only to the extent the income 46861
is not required to be reported by the transferor for the purposes 46862
of the tax imposed by divisions (A) and (B) of section 5733.06 of 46863
the Revised Code. 46864

(C) The following shall be determined in the same manner as 46865
if the transfer had not been made: 46866

(1) The transferor's net income allocated or apportioned to 46867
this state for the tax year under divisions (B)(1) and (2) of 46868
section 5733.05 of the Revised Code; 46869

(2) The transferor's requirements for the combination of net 46870
income under section 5733.052 of the Revised Code; 46871

(3) Any other determination regarding the transferor that is 46872
necessary to avoid an absurd or unreasonable result in the 46873
application of this chapter. 46874

(D) A transferee shall be allowed the following credits and 46875
shall make the following adjustments in the same manner that they 46876
would have been available to the transferor: 46877

(1) The credits enumerated in section 5733.98 of the Revised 46878

Code; 46879

(2) The deduction under division (I)(1) of section 5733.04 of 46880
the Revised Code for net operating losses incurred by its 46881
transferor, subject to the limitations set forth in sections 381 46882
and 382 of the Internal Revenue Code concerning net operating loss 46883
carryovers; 46884

(3) Any other deduction from or addition to net income under 46885
this chapter involving the transferor, the disallowance of which 46886
would be absurd or unreasonable. Such adjustments to net income 46887
and allowance of credits shall be subject to the limitations set 46888
forth in sections 381 and 382 of the Internal Revenue Code and 46889
regulations prescribed thereunder. 46890

(E) If a transferee subject to this section subsequently 46891
becomes a transferor, any net income that the transferee would 46892
have been required to add under division (B) of this section shall 46893
be included in its income as a transferor and any credits or 46894
adjustments to which the transferee would have been entitled under 46895
division (D) of this section shall be available to it as a 46896
transferor. 46897

(F) The amendments made to this section by Am. Sub. S.B. 287 46898
of the 123rd general assembly do not apply to any transfer for 46899
which negotiations began prior to January 1, 2001, and that was 46900
commenced in and completed during calendar year 2001, unless the 46901
transferee makes an election prior to December 31, 2001, to apply 46902
those amendments. 46903

Sec. 5733.056. (A) As used in this section: 46904

(1) "Billing address" means the address where any notice, 46905
statement, or bill relating to a customer's account is mailed, as 46906
indicated in the books and records of the taxpayer on the first 46907
day of the taxable year or on such later date in the taxable year 46908

when the customer relationship began. 46909

(2) "Borrower or credit card holder located in this state" 46910
means: 46911

(a) A borrower, other than a credit card holder, that is 46912
engaged in a trade or business and maintains its commercial 46913
domicile in this state; or 46914

(b) A borrower that is not engaged in a trade or business, or 46915
a credit card holder, whose billing address is in this state. 46916

(3) "Branch" means a "domestic branch" as defined in section 46917
3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 46918
1813(o), as amended. 46919

(4) "Compensation" means wages, salaries, commissions, and 46920
any other form of remuneration paid to employees for personal 46921
services that are included in such employee's gross income under 46922
the Internal Revenue Code. In the case of employees not subject to 46923
the Internal Revenue Code, such as those employed in foreign 46924
countries, the determination of whether such payments would 46925
constitute gross income to such employees under the Internal 46926
Revenue Code shall be made as though such employees were subject 46927
to the Internal Revenue Code. 46928

(5) "Credit card" means a credit, travel, or entertainment 46929
card. 46930

(6) "Credit card issuer's reimbursement fee" means the fee a 46931
taxpayer receives from a merchant's bank because one of the 46932
persons to whom the taxpayer has issued a credit card has charged 46933
merchandise or services to the credit card. 46934

(7) "Deposits" has the meaning given in section 3 of the 46935
"Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 1813(1), 46936
as amended. 46937

(8) "Employee" means, with respect to a particular taxpayer, 46938

any individual who under the usual common law rules applicable in 46939
determining the employer-employee relationship, has the status of 46940
an employee of that taxpayer. 46941

(9) "Gross rents" means the actual sum of money or other 46942
consideration payable for the use or possession of property. 46943
"Gross rents" includes: 46944

(a) Any amount payable for the use or possession of real 46945
property or tangible personal property whether designated as a 46946
fixed sum of money or as a percentage of receipts, profits, or 46947
otherwise; 46948

(b) Any amount payable as additional rent or in lieu of rent, 46949
such as interest, taxes, insurance, repairs, or any other amount 46950
required to be paid by the terms of a lease or other arrangement; 46951
and 46952

(c) A proportionate part of the cost of any improvement to 46953
real property made by or on behalf of the taxpayer which reverts 46954
to the owner or lessor upon termination of a lease or other 46955
arrangement. The amount to be included in gross rents is the 46956
amount of amortization or depreciation allowed in computing the 46957
taxable income base for the taxable year. However, where a 46958
building is erected on leased land, by or on behalf of the 46959
taxpayer, the value of the land is determined by multiplying the 46960
gross rent by eight, and the value of the building is determined 46961
in the same manner as if owned by the taxpayer. 46962

(d) The following are not included in the term "gross rents": 46963
46964

(i) Reasonable amounts payable as separate charges for water 46965
and electric service furnished by the lessor; 46966

(ii) Reasonable amounts payable as service charges for 46967
janitorial services furnished by the lessor; 46968

(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

undivided ownership interest is held on a pro rata basis in a 47000
single loan or pool of loans and related collateral. In a loan 47001
participation, the credit originator initially makes the loan and 47002
then subsequently resells all or a portion of it to other lenders. 47003
The participation may or may not be known to the borrower. 47004

(14) "Principal base of operations" with respect to 47005
transportation property means the place of more or less permanent 47006
nature from which the property is regularly directed or 47007
controlled. With respect to an employee, the "principal base of 47008
operations" means the place of more or less permanent nature from 47009
which the employee regularly (a) starts work and to which the 47010
employee customarily returns in order to receive instructions from 47011
the employer or (b) communicates with the employee's customers or 47012
other persons or (c) performs any other functions necessary to the 47013
exercise of the trade or profession at some other point or points. 47014

(15) "Qualified institution" means a financial institution 47015
that on or after June 1, 1997: 47016

(a)(i) Has consummated one or more approved transactions with 47017
insured banks with different home states that would qualify under 47018
section 102 of the "Riegle-Neal Interstate Banking and Branching 47019
Efficiency Act of 1994," Public Law 103-328, 108 ~~stat.~~ Stat. 2338; 47020
47021

(ii) Is a federal savings association or federal savings bank 47022
that has consummated one or more interstate acquisitions that 47023
result in a financial institution that has branches in more than 47024
one state; or 47025

(iii) Has consummated one or more approved interstate 47026
acquisitions under authority of Title XI of the Revised Code that 47027
result in a financial institution that has branches in more than 47028
one state; and 47029

(b) Has at least ten per cent of its deposits in this state 47030

as of the last day of June prior to the beginning of the tax year. 47031

(16) "Real property owned" and "tangible personal property 47032
owned" mean real and tangible personal property, respectively, on 47033
which the taxpayer may claim depreciation for federal income tax 47034
purposes, or to which the taxpayer holds legal title and on which 47035
no other person may claim depreciation for federal income tax 47036
purposes, or could claim depreciation if subject to federal income 47037
tax. Real and tangible personal property do not include coin, 47038
currency, or property acquired in lieu of or pursuant to a 47039
foreclosure. 47040

(17) "Regular place of business" means an office at which the 47041
taxpayer carries on its business in a regular and systematic 47042
manner and which is continuously maintained, occupied, and used by 47043
employees of the taxpayer. 47044

(18) "State" means a state of the United States, the District 47045
of Columbia, the commonwealth of Puerto Rico, or any territory or 47046
possession of the United States. 47047

(19) "Syndication" means an extension of credit in which two 47048
or more persons fund and each person is at risk only up to a 47049
specified percentage of the total extension of credit or up to a 47050
specified dollar amount. 47051

(20) "Transportation property" means vehicles and vessels 47052
capable of moving under their own power, such as aircraft, trains, 47053
water vessels and motor vehicles, as well as any equipment or 47054
containers attached to such property, such as rolling stock, 47055
barges, trailers, or the like. 47056

(B) The annual financial institution report determines the 47057
value of the issued and outstanding shares of stock of the 47058
taxpayer, and is the base or measure of the franchise tax 47059
liability. Such determination shall be made as of the date shown 47060
by the report to have been the beginning of the financial 47061

institution's annual accounting period that includes the first day 47062
of January of the tax year. For purposes of this section, division 47063
(A) of section 5733.05, and division (D) of section 5733.06 of the 47064
Revised Code, the value of the issued and outstanding shares of 47065
stock of the financial institution shall include the total value, 47066
as shown by the books of the financial institution, of its 47067
capital, surplus, whether earned or unearned, undivided profits, 47068
and reserves, but exclusive of: 47069

(1) Reserves for accounts receivable, depreciation, 47070
depletion, and any other valuation reserves with respect to 47071
specific assets; 47072

(2) Taxes due and payable during the year for which such 47073
report was made; 47074

(3) Voting stock and participation certificates in 47075
corporations chartered pursuant to the "Farm Credit Act of 1971," 47076
85 Stat. 597, 12 U.S.C. 2091, as amended; 47077

(4) Good will, appreciation, and abandoned property as set up 47078
in the annual report of the financial institution, provided a 47079
certified balance sheet of the company is made available upon the 47080
request of the tax commissioner. Such balance sheet shall not be a 47081
part of the public records, but shall be a confidential report for 47082
use of the tax commissioner only. 47083

(5) A portion of the value of the issued and outstanding 47084
shares of stock of such financial institution equal to the amount 47085
obtained by multiplying such value by the quotient obtained by: 47086

(a) Dividing (1) the amount of the financial institution's 47087
assets, as shown on its books, represented by investments in the 47088
capital stock and indebtedness of public utilities of which at 47089
least eighty per cent of the utility's issued and outstanding 47090
common stock is owned by the financial institution by (2) the 47091
total assets of such financial institution as shown on its books; 47092

(b) Dividing (1) the amount of the financial institution's 47093
assets, as shown on its books, represented by investments in the 47094
capital stock and indebtedness of insurance companies of which at 47095
least eighty per cent of the insurance company's issued and 47096
outstanding common stock is owned by the financial institution by 47097
(2) the total assets of such financial institution as shown on its 47098
books; 47099

(c) Dividing (1) the amount of the financial institution's 47100
assets, as shown on its books, represented by investments in the 47101
capital stock and indebtedness of other financial institutions of 47102
which at least twenty-five per cent of the other financial 47103
institution's issued and outstanding common stock is owned by the 47104
financial institution by (2) the total assets of the financial 47105
institution as shown on its books. Division (B)(5)(c) of this 47106
section applies only with respect to such other financial 47107
institutions that for the tax year immediately following the 47108
taxpayer's taxable year will pay the tax imposed by division (D) 47109
of section 5733.06 of the Revised Code. 47110

(6) Land that has been determined pursuant to section 5713.31 47111
of the Revised Code by the county auditor of the county in which 47112
the land is located to be devoted exclusively to agricultural use 47113
as of the first Monday of June in the financial institution's 47114
taxable year. 47115

(7) Property within this state used exclusively during the 47116
taxable year for qualified research as defined in section 5733.05 47117
of the Revised Code. 47118

(C) The base upon which the tax levied under division (D) of 47119
section 5733.06 of the Revised Code shall be computed by 47120
multiplying the value of a financial institution's issued and 47121
outstanding shares of stock as determined in division (B) of this 47122
section by a fraction. The numerator of the fraction is the sum of 47123
the following: the property factor multiplied by fifteen, the 47124

payroll factor multiplied by fifteen, and the sales factor 47125
multiplied by seventy. The denominator of the fraction is one 47126
hundred, provided that the denominator shall be reduced by fifteen 47127
if the property factor has a denominator of zero, by fifteen if 47128
the payroll factor has a denominator of zero, and by seventy if 47129
the sales factor has a denominator of zero. 47130

(D) A financial institution shall calculate the property 47131
factor as follows: 47132

(1) The property factor is a fraction, the numerator of which 47133
is the average value of real property and tangible personal 47134
property rented to the taxpayer that is located or used within 47135
this state during the taxable year, the average value of real and 47136
tangible personal property owned by the taxpayer that is located 47137
or used within this state during the taxable year, and the average 47138
value of the taxpayer's loans and credit card receivables that are 47139
located within this state during the taxable year; and the 47140
denominator of which is the average value of all such property 47141
located or used within and without this state during the taxable 47142
year. 47143

(2)(a) The value of real property and tangible personal 47144
property owned by the taxpayer is the original cost or other basis 47145
of such property for federal income tax purposes without regard to 47146
depletion, depreciation, or amortization. 47147

(b) Loans are valued at their outstanding principal balance, 47148
without regard to any reserve for bad debts. If a loan is 47149
charged-off in whole or in part for federal income tax purposes, 47150
the portion of the loan charged-off is not outstanding. A 47151
specifically allocated reserve established pursuant to financial 47152
accounting guidelines which is treated as charged-off for federal 47153
income tax purposes shall be treated as charged-off for purposes 47154
of this section. 47155

(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

of valuation.

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(5)(a) Except as described in division (D)(5)(b) of this section, real property and tangible personal property owned by or rented to the taxpayer is considered to be located within this state if it is physically located, situated, or used within this state.

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(b) Transportation property is included in the numerator of the property factor to the extent that the property is used in this state. The extent an aircraft will be deemed to be used in this state and the amount of value that is to be included in the numerator of this state's property factor is determined by multiplying the average value of the aircraft by a fraction, the numerator of which is the number of landings of the aircraft in this state and the denominator of which is the total number of landings of the aircraft everywhere. If the extent of the use of any transportation property within this state cannot be determined, then the property will be deemed to be used wholly in the state in which the property has its principal base of operations. A motor vehicle will be deemed to be used wholly in the state in which it is registered.

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(6)(a)(i) A loan, other than a loan or advance described in division (D)(6)(d) of this section, is considered to be located within this state if it is properly assigned to a regular place of business of the taxpayer within this state.

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(ii) A loan is properly assigned to the regular place of business with which it has a preponderance of substantive contacts. A loan assigned by the taxpayer to a regular place of business without the state shall be presumed to have been properly assigned if:

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(I) The taxpayer has assigned, in the regular course of its business, such loan on its records to a regular place of business

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consistent with federal or state regulatory requirements; 47219

(II) Such assignment on its records is based upon substantive 47220
contacts of the load to such regular place of business; and 47221
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(III) The taxpayer uses the records reflecting assignment of 47223
loans for the filing of all state and local tax returns for which 47224
an assignment of loans to a regular place of business is required. 47225

(iii) The presumption of proper assignment of a loan provided 47226
in division (D)(6)(a)(ii) of this section may be rebutted upon a 47227
showing by the tax commissioner, supported by a preponderance of 47228
the evidence, that the preponderance of substantive contacts 47229
regarding such loan did not occur at the regular place of business 47230
to which it was assigned on the taxpayer's records. When such 47231
presumption has been rebutted, the loan shall then be located 47232
within this state if (1) the taxpayer had a regular place of 47233
business within this state at the time the loan was made; and (2) 47234
the taxpayer fails to show, by a preponderance of the evidence, 47235
that the preponderance of substantive contacts regarding such load 47236
did not occur within this state. 47237
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(b) In the case of a loan which is assigned by the taxpayer 47239
to a place without this state which is not a regular place of 47240
business, it shall be presumed, subject to rebuttal by the 47241
taxpayer on a showing supported by the preponderance of evidence, 47242
that the preponderance of substantive contacts regarding the loan 47243
occurred within this state if, at the time the loan was made the 47244
taxpayer's commercial domicile was within this state. 47245

(c) To determine the state in which the preponderance of 47246
substantive contacts relating to a loan have occurred, the facts 47247
and circumstances regarding the loan at issue shall be reviewed on 47248
a case-by-case basis and consideration shall be given to such 47249

activities as the solicitation, investigation, negotiation, 47250
approval, and administration of the loan. The terms 47251
"solicitation," "investigation," "negotiation," "approval," and 47252
"administration" are defined as follows: 47253

(i) "Solicitation" is either active or passive. Active 47254
solicitation occurs when an employee of the taxpayer initiates the 47255
contact with the customer. Such activity is located at the regular 47256
place of business which the taxpayer's employee is regularly 47257
connected with or working out of, regardless of where the services 47258
of such employee were actually performed. Passive solicitation 47259
occurs when the customer initiates the contact with the taxpayer. 47260
If the customer's initial contact was not at a regular place of 47261
business of the taxpayer, the regular place of business, if any, 47262
where the passive solicitation occurred is determined by the facts 47263
in each case. 47264

(ii) "Investigation" is the procedure whereby employees of 47265
the taxpayer determine the creditworthiness of the customer as 47266
well as the degree of risk involved in making a particular 47267
agreement. Such activity is located at the regular place of 47268
business which the taxpayer's employees are regularly connected 47269
with or working out of, regardless of where the services of such 47270
employees were actually performed. 47271

(iii) Negotiation is the procedure whereby employees of the 47272
taxpayer and its customer determine the terms of the agreement, 47273
such as the amount, duration, interest rate, frequency of 47274
repayment, currency denomination, and security required. Such 47275
activity is located at the regular place of business to which the 47276
taxpayer's employees are regularly connected or working from, 47277
regardless of where the services of such employees were actually 47278
performed. 47279

(iv) "Approval" is the procedure whereby employees or the 47280
board of directors of the taxpayer make the final determination 47281

whether to enter into the agreement. Such activity is located at 47282
the regular place of business to which the taxpayer's employees 47283
are regularly connected or working from, regardless of where the 47284
services of such employees were actually performed. If the board 47285
of directors makes the final determination, such activity is 47286
located at the commercial domicile of the taxpayer. 47287

(v) "Administration" is the process of managing the account. 47288
This process includes bookkeeping, collecting the payments, 47289
corresponding with the customer, reporting to management regarding 47290
the status of the agreement, and proceeding against the borrower 47291
or the security interest if the borrower is in default. Such 47292
activity is located at the regular place of business that oversees 47293
this activity. 47294

(d) A loan or advance to a subsidiary corporation at least 47295
fifty-one per cent of whose common stock is owned by the financial 47296
institution shall be allocated in and out of the state by the 47297
application of a ratio whose numerator is the sum of the net book 47298
value of the subsidiary's real property owned in this state and 47299
the subsidiary's tangible personal property owned in this state 47300
and whose denominator is the sum of the subsidiary's real property 47301
owned wherever located and the subsidiary's tangible personal 47302
property owned wherever located. For purposes of calculating this 47303
ratio, the taxpayer shall determine net book value in accordance 47304
with generally accepted accounting principles. If the subsidiary 47305
corporation owns at least fifty-one per cent of the common stock 47306
of another corporation, the ratio shall be calculated by including 47307
the other corporation's real property and tangible personal 47308
property. The calculation of the ratio applies with respect to all 47309
lower-tiered subsidiaries, provided that the immediate parent 47310
corporation of the subsidiary owns at least fifty-one per cent of 47311
the common stock of that subsidiary. 47312

(7) For purposes of determining the location of credit card 47313

receivables, credit card receivables shall be treated as loans and 47314
shall be subject to division (D)(6) of this section. 47315

(8) A loan that has been properly assigned to a state shall, 47316
absent any change of material fact, remain assigned to that state 47317
for the length of the original term of the loan. Thereafter, the 47318
loan may be properly assigned to another state if the loan has a 47319
preponderance of substantive contact to a regular place of 47320
business there. 47321

(E) A financial institution shall calculate the payroll 47322
factor as follows: 47323

(1) The payroll factor is a fraction, the numerator of which 47324
is the total amount paid in this state during the taxable year by 47325
the taxpayer for compensation, and the denominator of which is the 47326
total compensation paid both within and without this state during 47327
the taxable year. 47328

(2) Compensation is paid in this state if any one of the 47329
following tests, applied consecutively, is met: 47330

(a) The employee's services are performed entirely within 47331
this state. 47332

(b) The employee's services are performed both within and 47333
without this state, but the service performed without this state 47334
is incidental to the employee's service within this state. The 47335
term "incidental" means any service which is temporary or 47336
transitory in nature, or which is rendered in connection with an 47337
isolated transaction. 47338

(c) The employee's services are performed both within and 47339
without this state, and: 47340

(i) The employee's principal base of operations is within 47341
this state; or 47342

(ii) There is no principal base of operations in any state in 47343

which some part of the services are performed, but the place from 47344
which the services are directed or controlled is in this state; or 47345
47346

(iii) The principal base of operations and the place from 47347
which the services are directed or controlled are not in any state 47348
in which some part of the service is performed but the employee's 47349
residence is in this state. 47350

(F) A financial institution shall calculate the sales factor 47351
as follows: 47352

(1) The sales factor is a fraction, the numerator of which is 47353
the receipts of the taxpayer in this state during the taxable year 47354
and the denominator of which is the receipts of the taxpayer 47355
within and without this state during the taxable year. The method 47356
of calculating receipts for purposes of the denominator is the 47357
same as the method used in determining receipts for purposes of 47358
the numerator. 47359

(2) The numerator of the sales factor includes receipts from 47360
the lease or rental of real property owned by the taxpayer if the 47361
property is located within this state, or receipts from the 47362
sublease of real property if the property is located within this 47363
state. 47364

(3)(a) Except as described in division (F)(3)(b) of this 47365
section the numerator of the sales factor includes receipts from 47366
the lease or rental of tangible personal property owned by the 47367
taxpayer if the property is located within this state when it is 47368
first placed in service by the lessee. 47369

(b) Receipts from the lease or rental of transportation 47370
property owned by the taxpayer are included in the numerator of 47371
the sales factor to the extent that the property is used in this 47372
state. The extent an aircraft will be deemed to be used in this 47373
state and the amount of receipts that is to be included in the 47374

numerator of this state's sales factor is determined by 47375
multiplying all the receipts from the lease or rental of the 47376
aircraft by a fraction, the numerator of which is the number of 47377
landings of the aircraft in this state and the denominator of 47378
which is the total number of landings of the aircraft. If the 47379
extent of the use of any transportation property within this state 47380
cannot be determined, then the property will be deemed to be used 47381
wholly in the state in which the property has its principal base 47382
of operations. A motor vehicle will be deemed to be used wholly in 47383
the state in which it is registered. 47384

(4)(a) The numerator of the sales factor includes interest 47385
and fees or penalties in the nature of interest from loans secured 47386
by real property if the property is located within this state. If 47387
the property is located both within this state and one or more 47388
other states, the receipts described in this paragraph are 47389
included in the numerator of the sales factor if more than fifty 47390
per cent of the fair market value of the real property is located 47391
within this state. If more than fifty per cent of the fair market 47392
value of the real property is not located within any one state, 47393
then the receipts described in this paragraph shall be included in 47394
the numerator of the sales factor if the borrower is located in 47395
this state. 47396

(b) The determination of whether the real property securing a 47397
loan is located within this state shall be made as of the time the 47398
original agreement was made and any and all subsequent 47399
substitutions of collateral shall be disregarded. 47400

(5) The numerator of the sales factor includes interest and 47401
fees or penalties in the nature of interest from loans not secured 47402
by real property if the borrower is located in this state. 47403

(6) The numerator of the sales factor includes net gains from 47404
the sale of loans. Net gains from the sale of loans includes 47405
income recorded under the coupon stripping rules of section 1286 47406

of the Internal Revenue Code. 47407

(a) The amount of net gains, but not less than zero, from the 47408
sale of loans secured by real property included in the numerator 47409
is determined by multiplying such net gains by a fraction the 47410
numerator of which is the amount included in the numerator of the 47411
sales factor pursuant to division (F)(4) of this section and the 47412
denominator of which is the total amount of interest and fees or 47413
penalties in the nature of interest from loans secured by real 47414
property. 47415

(b) The amount of net gains, but not less than zero, from the 47416
sale of loans not secured by real property included in the 47417
numerator is determined by multiplying such net gains by a 47418
fraction the numerator of which is the amount included in the 47419
numerator of the sales factor pursuant to division (F)(5) of this 47420
section and the denominator of which is the total amount of 47421
interest and fees or penalties in the nature of interest from 47422
loans not secured by real property. 47423

(7) The numerator of the sales factor includes interest and 47424
fees or penalties in the nature of interest from credit card 47425
receivables and receipts from fees charged to card holders, such 47426
as annual fees, if the billing address of the card holder is in 47427
this state. 47428

(8) The numerator of the sales factor includes net gains, but 47429
not less than zero, from the sale of credit card receivables 47430
multiplied by a fraction, the numerator of which is the amount 47431
included in the numerator of the sales factor pursuant to division 47432
(F)(7) of this section and the denominator of which is the 47433
taxpayer's total amount of interest and fees or penalties in the 47434
nature of interest from credit card receivables and fees charged 47435
to card holders. 47436

(9) The numerator of the sales factor includes all credit 47437

card issuer's reimbursement fees multiplied by a fraction, the 47438
numerator of which is the amount included in the numerator of the 47439
sales factor pursuant to division (F)(7) of this section and the 47440
denominator of which is the taxpayer's total amount of interest 47441
and fees or penalties in the nature of interest from credit card 47442
receivables and fees charged to card holders. 47443

(10) The numerator of the sales factor includes receipts from 47444
merchant discount if the commercial domicile of the merchant is in 47445
this state. Such receipts shall be computed net of any card holder 47446
charge backs, but shall not be reduced by any interchange 47447
transaction fees or by any issuer's reimbursement fees paid to 47448
another for charges made by its card holders. 47449

(11)(a)(i) The numerator of the sales factor includes loan 47450
servicing fees derived from loans secured by real property 47451
multiplied by a fraction the numerator of which is the amount 47452
included in the numerator of the sales factor pursuant to division 47453
(F)(4) of this section and the denominator of which is the total 47454
amount of interest and fees or penalties in the nature of interest 47455
from loans secured by real property. 47456

(ii) The numerator of the sales factor includes loan 47457
servicing fees derived from loans not secured by real property 47458
multiplied by a fraction the numerator of which is the amount 47459
included in the numerator of the sales factor pursuant to division 47460
(F)(5) of this section and the denominator of which is the total 47461
amount of interest and fees or penalties in the nature of interest 47462
from loans not secured by real property. 47463

(b) In circumstances in which the taxpayer receives loan 47464
servicing fees for servicing either the secured or the unsecured 47465
loans of another, the numerator of the sales factor shall include 47466
such fees if the borrower is located in this state. 47467

(12) The numerator of the sales factor includes receipts from 47468

services not otherwise apportioned under this section if the 47469
service is performed in this state. If the service is performed 47470
both within and without this state, the numerator of the sales 47471
factor includes receipts from services not otherwise apportioned 47472
under this section, if a greater proportion of the income 47473
producing activity is performed in this state based on cost of 47474
performance. 47475

(13)(a) Interest, dividends, net gains, but not less than 47476
zero, and other income from investment assets and activities and 47477
from trading assets and activities shall be included in the sales 47478
factor. Investment assets and activities and trading assets and 47479
activities include but are not limited to: investment securities; 47480
trading account assets; federal funds; securities purchased and 47481
sold under agreements to resell or repurchase; options; futures 47482
contracts; forward contracts; notional principal contracts such as 47483
swaps; equities; and foreign currency transactions. With respect 47484
to the investment and trading assets and activities described in 47485
divisions (F)(13)(a)(i) and (ii) of this section, the sales factor 47486
shall include the amounts described in such divisions. 47487

(i) The sales factor shall include the amount by which 47488
interest from federal funds sold and securities purchased under 47489
resale agreements exceeds interest expense on federal funds 47490
purchased and securities sold under repurchase agreements. 47491

(ii) The sales factor shall include the amount by which 47492
interest, dividends, gains, and other income from trading assets 47493
and activities, including, but not limited to, assets and 47494
activities in the matched book, in the arbitrage book, and foreign 47495
currency transactions, exceed amounts paid in lieu of interest, 47496
amounts paid in lieu of dividends, and losses from such assets and 47497
activities. 47498

(b) The numerator of the sales factor includes interest, 47499
dividends, net gains, but not less than zero, and other income 47500

from investment assets and activities and from trading assets and 47501
activities described in division (F)(13)(a) of this section that 47502
are attributable to this state. 47503

(i) The amount of interest, other than interest described in 47504
division (F)(13)(b)(iv) of this section, dividends, other than 47505
dividends described in that division, net gains, but not less than 47506
zero, and other income from investment assets and activities in 47507
the investment account to be attributed to this state and included 47508
in the numerator is determined by multiplying all such income from 47509
such assets and activities by a fraction, the numerator of which 47510
is the average value of such assets which are properly assigned to 47511
a regular place of business of the taxpayer within this state and 47512
the denominator of which is the average value of all such assets. 47513

(ii) The amount of interest from federal funds sold and 47514
purchased and from securities purchased under resale agreements 47515
and securities sold under repurchase agreements attributable to 47516
this state and included in the numerator is determined by 47517
multiplying the amount described in division (F)(13)(a)(i) of this 47518
section from such funds and such securities by a fraction, the 47519
numerator of which is the average value of federal funds sold and 47520
securities purchased under agreements to resell which are properly 47521
assigned to a regular place of business of the taxpayer within 47522
this state and the denominator of which is the average value of 47523
all such funds and such securities. 47524

(iii) The amount of interest, dividends, gains, and other 47525
income from trading assets and activities, including but not 47526
limited to assets and activities in the matched book, in the 47527
arbitrage book, and foreign currency transaction, but excluding 47528
amounts described in division (F)(13)(b)(i) or (ii) of this 47529
section, attributable to this state and included in the numerator 47530
is determined by multiplying the amount described in division 47531
(F)(13)(a)(ii) of this section by a fraction, the numerator of 47532

which is the average value of such trading assets which are 47533
properly assigned to a regular place of business of the taxpayer 47534
within this state and the denominator of which is the average 47535
value of all such assets. 47536

(iv) The amount of dividends received on the capital stock 47537
of, and the amount of interest received from loans and advances 47538
to, subsidiary corporations at least fifty-one per cent of whose 47539
common stock is owned by the reporting financial institution shall 47540
be allocated in and out of this state by the application of a 47541
ratio whose numerator is the sum of the net book value of the 47542
payor's real property owned in this state and the payor's tangible 47543
personal property owned in this state and whose denominator is the 47544
sum of the net book value of the payor's real property owned 47545
wherever located and the payor's tangible personal property owned 47546
wherever located. For purposes of calculating this ratio, the 47547
taxpayer shall determine net book value in accordance with 47548
generally accepted accounting principles. 47549

(v) For purposes of this division, average value shall be 47550
determined using the rules for determining the average value of 47551
tangible personal property set forth in division (D)(2) and (3) of 47552
this section. 47553

(c) In lieu of using the method set forth in division 47554
(F)(13)(b) of this section, the taxpayer may elect, or the tax 47555
commissioner may require in order to fairly represent the business 47556
activity of the taxpayer in this state, the use of the method set 47557
forth in division (F)(13)(c) of this section. 47558

(i) The amount of interest, other than interest described in 47559
division (F)(13)(b)(iv) of this section, dividends, other than 47560
dividends described in that division, net gains, but not less than 47561
zero, and other income from investment assets and activities in 47562
the investment account to be attributed to this state and included 47563
in the numerator is determined by multiplying all such income from 47564

such assets and activities by a fraction, the numerator of which 47565
is the gross income from such assets and activities which are 47566
properly assigned to a regular place of business of the taxpayer 47567
within this state, and the denominator of which is the gross 47568
income from all such assets and activities. 47569

(ii) The amount of interest from federal funds sold and 47570
purchased and from securities purchased under resale agreements 47571
and securities sold under repurchase agreements attributable to 47572
this state and included in the numerator is determined by 47573
multiplying the amount described in division (F)(13)(a)(i) of this 47574
section from such funds and such securities by a fraction, the 47575
numerator of which is the gross income from such funds and such 47576
securities which are properly assigned to a regular place of 47577
business of the taxpayer within this state and the denominator of 47578
which is the gross income from all such funds and such securities. 47579

(iii) The amount of interest, dividends, gains, and other 47580
income from trading assets and activities, including, but not 47581
limited to, assets and activities in the matched book, in the 47582
arbitrage book, and foreign currency transactions, but excluding 47583
amounts described in division (F)(13)(a)(i) or (ii) of this 47584
section, attributable to this state and included in the numerator, 47585
is determined by multiplying the amount described in division 47586
(F)(13)(a)(ii) of this section by a fraction, the numerator of 47587
which is the gross income from such trading assets and activities 47588
which are properly assigned to a regular place of business of the 47589
taxpayer within this state and the denominator of which is the 47590
gross income from all such assets and activities. 47591

(iv) The amount of dividends received on the capital stock 47592
of, and the amount of interest received from loans and advances 47593
to, subsidiary corporations at least fifty-one per cent of whose 47594
common stock is owned by the reporting financial institution shall 47595
be allocated in and out of this state by the application of a 47596

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

may require, in respect to all or any part of the taxpayer's
business activity, if reasonable:

- (1) Separate accounting;
- (2) The exclusion of any one or more of the factors;
- (3) The inclusion of one or more additional factors which
will fairly represent the taxpayer's business activity in this
state; or
- (4) The employment of any other method to effectuate an
equitable allocation and apportionment of the taxpayer's value.

Sec. 5733.06. The tax hereby charged each corporation subject
to this chapter shall be the greater of the sum of divisions (A)
and (B) of this section, after the reduction, if any, provided by
division (J) of this section, or division (C) of this section,
after the reduction, if any, provided by division (J) of this
section, except that the tax hereby charged each financial
institution subject to this chapter shall be the amount computed
under division (D) of this section:

(A) Except as set forth in division (F) of this section, five
and one-tenth per cent upon the first fifty thousand dollars of
the value of the taxpayer's issued and outstanding shares of stock
as determined under division (B) of section 5733.05 of the Revised
Code;

(B) Except as set forth in division (F) of this section,
eight and one-half per cent upon the value so determined in excess
of fifty thousand dollars; or

(C) Except as otherwise provided under division (G) of this
section, four mills times that portion of the value of the issued
and outstanding shares of stock as determined under division (C)
of section 5733.05 of the Revised Code. For the purposes of
division (C) of this section, division (C)(2) of section 5733.065,

and division (C) of section 5733.066 of the Revised Code, the 47691
value of the issued and outstanding shares of stock of a qualified 47692
holding company is zero. 47693

(D) The tax charged each financial institution subject to 47694
this chapter shall be that portion of the value of the issued and 47695
outstanding shares of stock as determined under division (A) of 47696
section 5733.05 of the Revised Code, multiplied by the following 47697
amounts: 47698

(1) For tax years prior to the 1999 tax year, fifteen mills; 47699

(2) For the 1999 tax year, fourteen mills; 47700

(3) For tax year 2000 and thereafter, thirteen mills. 47701

(E) No tax shall be charged from any corporation that has 47702
been adjudicated bankrupt, or for which a receiver has been 47703
appointed, or that has made a general assignment for the benefit 47704
of creditors, except for the portion of the then current tax year 47705
during which the tax commissioner finds such corporation had the 47706
power to exercise its corporate franchise unimpaired by such 47707
proceedings or act. The minimum payment for all corporations shall 47708
be fifty dollars. 47709

The tax charged to corporations under this chapter for the 47710
privilege of engaging in business in this state, which is an 47711
excise tax levied on the value of the issued and outstanding 47712
shares of stock, shall in no manner be construed as prohibiting or 47713
otherwise limiting the powers of municipal corporations, joint 47714
economic development zones created under section 715.691 of the 47715
Revised Code, and joint economic development districts created 47716
under section 715.70 or 715.71 or sections 715.72 to 715.81 of the 47717
Revised Code in this state to impose an income tax on the income 47718
of such corporations. 47719

(F) If two or more taxpayers satisfy the ownership or control 47720
requirements of division (A) of section 5733.052 of the Revised 47721

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

corporation or its transferee pursuant to section 5733.02, 47753
5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code; 47754

(f) The corporation would have been subject to the tax 47755
computed under divisions (A), (B), (C), (F), and (G) of this 47756
section if the corporation is assumed to be a corporation 47757
described in division (A) of section 5733.01 of the Revised Code 47758
on the first day of January immediately following the calendar 47759
year to which division (H)(1)(a) of this section refers. 47760

(2) For the purposes of division (H) of this section, 47761
"unreported net income" means net income that was not previously 47762
included in a report filed pursuant to section 5733.02, 5733.021, 47763
5733.03, 5733.031, or 5733.053 of the Revised Code and that was 47764
realized or recognized during the calendar year to which division 47765
(H)(1) of this section refers or the immediately preceding 47766
calendar year. 47767

(3) Each exiting corporation shall pay a tax computed by 47768
first allocating and apportioning the unreported net income 47769
pursuant to division (B) of section 5733.05 and section 5733.051 47770
and, if applicable, section 5733.052 of the Revised Code. The 47771
exiting corporation then shall compute the tax due on its 47772
unreported net income allocated and apportioned to this state by 47773
applying divisions (A), (B), and (F) of this section to that 47774
income. 47775

(4) Divisions (C) and (G) of this section, division (D)(2) of 47776
section 5733.065, and division (C) of section 5733.066 of the 47777
Revised Code do not apply to an exiting corporation, but exiting 47778
corporations are subject to every other provision of this chapter. 47779

(5) Notwithstanding division (B) of section 5733.01 or 47780
sections 5733.02, 5733.021, and 5733.03 of the Revised Code to the 47781
contrary, each exiting corporation shall report and pay the tax 47782
due under division (H) of this section on or before the 47783

thirty-first day of May immediately following the calendar year to 47784
which division (H)(1)(a) of this section refers. The exiting 47785
corporation shall file that report on the form most recently 47786
prescribed by the tax commissioner for the purposes of complying 47787
with sections 5733.02 and 5733.03 of the Revised Code. Upon 47788
request by the corporation, the tax commissioner may extend the 47789
date for filing the report. 47790

(6) If, on account of the application of section 5733.053 of 47791
the Revised Code, net income is subject to the tax imposed by 47792
divisions (A) and (B) of this section, such income shall not be 47793
subject to the tax imposed by division (H)(3) of this section. 47794

(7) The amendments made to division (H) of this section by 47795
Am. Sub. S.B. 287 of the 123rd general assembly do not apply to 47796
any transfer, as defined in section 5733.053 of the Revised Code, 47797
for which negotiations began prior to January 1, 2001, and that 47798
was commenced in and completed during calendar year 2001, unless 47799
the taxpayer makes an election prior to December 31, 2001, to 47800
apply those amendments. 47801

(8) The tax commissioner may adopt rules governing division 47802
(H) of this section. 47803

(I) Any reference in the Revised Code to "the tax imposed by 47804
section 5733.06 of the Revised Code" or "the tax due under section 47805
5733.06 of the Revised Code" includes the taxes imposed under 47806
sections 5733.065 and 5733.066 of the Revised Code. 47807

(J)(1) Division (J) of this section applies solely to a 47808
combined company. Section 5733.057 of the Revised Code shall apply 47809
when calculating the adjustments required by division (J) of this 47810
section. 47811

(2) Subject to division (J)(4) of this section, the total tax 47812
calculated in divisions (A) and (B) of this section shall be 47813
reduced by an amount calculated by multiplying such tax by a 47814

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

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

section 5733.0611 of the Revised Code as to the tax described in 47876
division (D)(1)(a) of this section; 47877

(d) The three-year period described in division (B) of this 47878
section has ended as to the taxable year for which the taxpayer 47879
otherwise would have claimed that credit. 47880

(2) A taxpayer shall file an application for refund pursuant 47881
to this division within one year after the date the payment 47882
described in division (D)(1)(a) of this section is made. An 47883
application filed under this division shall only claim refund of 47884
overpayments resulting from the taxpayer's failure to claim the 47885
credit described in division (D)(1)(c) of this section. Nothing in 47886
this division shall be construed to relieve a taxpayer from 47887
complying with the provisions of division (I)(14) of section 47888
5733.04 of the Revised Code. 47889

Sec. 5733.122. Between the first and fifteenth days of July 47890
each year, the tax commissioner shall certify to the director of 47891
budget and management the total reported liability of the taxes or 47892
surcharges levied in the second preceding year under sections 47893
5733.065 and 5733.066 of the Revised Code. Notwithstanding section 47894
5733.12 of the Revised Code, during the period July 1, 1980, to 47895
December 31, 1981, four million dollars received by the treasurer 47896
of state under this chapter the total amount certified in each 47897
year less an amount to be retained by the department of taxation 47898
for expenses resulting from the administration of the taxes or 47899
surcharges levied under sections 5733.065 and 5733.066 of the 47900
Revised Code shall be credited to the recycling and litter 47901
prevention fund created by section 1502.02 of the Revised Code. 47902
Thereafter, during each of the consecutive six-month periods 47903
beginning January 1, 1982, five million dollars from amounts 47904
received by the treasurer of state under this chapter shall be 47905
credited to that fund. No amount shall be credited to the local 47906

government fund from any receipts credited to the recycling and 47907
litter prevention fund under this section. 47908

The office of budget and mangement shall provide the 47909
treasurer of state with a monthly schedule in accordance with 47910
which the amounts shall be credited. 47911

Sec. 5733.18. Annually, on the day fixed for the payment of 47912
any excise or franchise tax required to be paid by law, such tax, 47913
together with any penalties subsequently accruing thereon, shall 47914
become a lien on all property in this state of a corporation, 47915
whether such property is employed by the corporation in the 47916
prosecution of its business or is in the hands of an assignee, 47917
trustee, or receiver for the benefit of the creditors and 47918
stockholders. Such lien shall continue until such taxes, together 47919
with any penalties subsequently accruing, are paid. 47920

Upon failure of such corporation to pay such tax on the day 47921
fixed for payment, ~~the treasurer of state shall thereupon notify~~ 47922
the tax commissioner ~~and the commissioner~~ may file, for which 47923
filing no fee shall be charged, in the office of the county 47924
recorder in each county in this state in which such corporation 47925
owns or has a beneficial interest in real estate, notice of such 47926
lien containing a brief description of such real estate. Such lien 47927
shall not be valid as against any mortgagee, purchaser, or 47928
judgment creditor whose rights have attached prior to the time 47929
such notice is so filed in the county in which the real estate 47930
which is the subject of such mortgage, purchase, or judgment lien 47931
is located. Such notice shall be recorded in a book kept by the 47932
recorder, called the corporation franchise lien record, and 47933
indexed under the name of the corporation charged with such tax. 47934
When such tax, together with any penalties subsequently accruing 47935
thereon, has been paid, the tax commissioner shall furnish to the 47936
corporation an acknowledgment of such payment which the 47937
corporation may record with the recorder of each county in which 47938

notice of such lien has been filed, for which recording the 47939
recorder shall charge and receive a fee of two dollars. 47940

Sec. 5733.351. (A) As used in this section, "qualified 47941
research expenses" has the same meaning as in section 41 of the 47942
Internal Revenue Code. 47943

(B)(1) A nonrefundable credit is allowed against the tax 47944
imposed by section 5733.06 of the Revised Code for tax year 2002 47945
for a taxpayer whose taxable year for tax year 2002 ended before 47946
July 1, 2001. The credit shall equal seven per cent of the excess 47947
of qualified research expenses incurred in this state by the 47948
taxpayer between January 1, 2001, and the end of the taxable year, 47949
over the taxpayer's average annual qualified research expenses 47950
incurred in this state for the three preceding taxable years. 47951

(2) A nonrefundable credit also is allowed against the tax 47952
imposed by section 5733.06 of the Revised Code for each tax year, 47953
commencing with tax year 2004. The credit shall equal seven per 47954
cent of the excess of qualified research expenses incurred in this 47955
state by the taxpayer for the taxable year over the taxpayer's 47956
average annual qualified research expenses incurred in this state 47957
for the three preceding taxable years. The 47958

(3) The taxpayer shall claim the credit allowed under 47959
division (B)(1) or (2) of this section in the order required under 47960
by section 5733.98 of the Revised Code. Any credit amount in 47961
excess of the tax due under section 5733.06 of the Revised Code, 47962
after allowing for any other credits that precede the credit under 47963
this section in the order required under section 5733.98 of the 47964
Revised Code, may be carried forward for seven taxable years, but 47965
the amount of the excess credit allowed in any such year shall be 47966
deducted from the balance carried forward to the next year. 47967

(C) In the case of a qualifying controlled group, the credit 47968
allowed under division (B)(1) or (2) of this section to taxpayers 47969

in the qualifying controlled group shall be computed as if all 47970
corporations in the qualifying controlled group were a 47971
consolidated, single taxpayer. The credit shall be allocated to 47972
such taxpayers in any amount elected for the taxable year by the 47973
qualifying controlled group. The election shall be revocable and 47974
amendable during the period prescribed by division (B) of section 47975
5733.12 of the Revised Code. 47976

Sec. 5733.401. (A) As used in this section: 47977

(1) "Investment pass-through entity" means a pass-through 47978
entity having for its qualifying taxable year at least ninety per 47979
cent of its gross income from transaction fees in connection with 47980
the acquisition, ownership, or disposition of intangible property, 47981
loan fees, financing fees, consent fees, waiver fees, application 47982
fees, net management fees, dividend income, interest income, net 47983
capital gains from the sale or exchange of intangible property, or 47984
distributive shares of income from pass-through entities; and 47985
having for its qualifying taxable year at least ninety per cent of 47986
the net book value of its assets represented by intangible assets. 47987
Such percentages shall be the quarterly average of those 47988
percentages as calculated during the pass-through entity's taxable 47989
year. 47990

(2) "Net management fees" means management fees that a 47991
pass-through entity earns or receives from all sources, reduced by 47992
management fees that the pass-through entity incurs or pays to any 47993
person. 47994

(B) For the purposes of divisions (A) and (C) of this section 47995
only, an investment in a pass-through entity shall be deemed to be 47996
an investment in an intangible asset. 47997

(C) Except as otherwise provided in division (D) of this 47998
section, for the purposes of division (A) of section 5733.40 of 47999
the Revised Code, an investment pass-through entity shall exclude 48000

48001 from the calculation of the adjusted qualifying amount all
48002 transaction fees in connection with the acquisition, ownership, or
48003 disposition of intangible property; loan fees; financing fees; consent
48004 fees; waiver fees; application fees; net management
48005 fees, but if such fees exceed five per cent of the entity's net
48006 income calculated in accordance with generally accepted accounting
48007 principles, all net management fees shall be included in the
48008 calculation of the adjusted qualifying amount; dividend income;
48009 interest income; net capital gains from the sale or exchange of
48010 intangible property; and all types and classifications of income
48011 attributable to distributive shares of income from other
48012 pass-through entities. Nothing in this division shall be construed
48013 to provide for an exclusion of any item from adjusted qualifying
48014 amount more than once.

48015 (D) Sections 5733.057 and 5747.231 of the Revised Code do not
48016 apply for the purposes of making the determinations required by
48017 division (A) of this section or claiming the exclusion provided by
48018 division (C) of this section.

Sec. 5733.42. (A) As used in this section: 48019

48020 (1) "Eligible training program" means a program to provide
48021 job skills to eligible employees who are unable effectively to
48022 function on the job due to skill deficiencies or who would
48023 otherwise be displaced because of their skill deficiencies or
48024 inability to use new technology, or to provide job skills to
48025 eligible employees that enable them to perform other job duties
48026 for the taxpayer. Eligible training programs do not include
48027 executive, management, or personal enrichment training programs,
48028 or training programs intended exclusively for personal career
48029 development.

48030 (2) "Eligible employee" means an individual who is employed
48031 in this state by a taxpayer and has been so employed by the same

taxpayer for at least one hundred eighty consecutive days before 48032
the day an application for the credit is filed under this section. 48033
"Eligible employee" does not include any employee for which a 48034
credit is claimed pursuant to division (A)(5) of section 5709.65 48035
of the Revised Code for all or any part of the same year, an 48036
employee who is not a full-time employee, or executive or 48037
managerial personnel except for the immediate supervisors of 48038
nonexecutive, nonmanagerial personnel. 48039

(3) "Eligible training costs" means: 48040

(a) Direct instructional costs, such as instructor salaries, 48041
materials and supplies, textbooks and manuals, videotapes, and 48042
other instructional media and training equipment used exclusively 48043
for the purpose of training eligible employees; 48044

(b) Wages paid to eligible employees for time devoted 48045
exclusively to an eligible training program during normal paid 48046
working hours. 48047

(4) "Full-time employee" means an individual who is employed 48048
for consideration for at least thirty-five hours per week, or who 48049
renders any other standard of service generally accepted by custom 48050
or specified by contract as full-time employment. 48051

(5) "Partnership" includes a limited liability company formed 48052
under Chapter 1705. of the Revised Code or under the laws of 48053
another state, provided that the company is not classified for 48054
federal income tax purposes as an association taxable as a 48055
corporation. 48056

(B) There is hereby allowed a nonrefundable credit against 48057
the tax imposed by section 5733.06 of the Revised Code for 48058
taxpayers for which a tax credit certificate is issued under 48059
division (C) of this section. The credit may ~~not~~ be claimed for 48060
~~any tax year after tax year years 2004, except for amounts carried~~ 48061
~~forward to subsequent tax years to the extent allowed under~~ 48062

~~division (J) of this section 2005, and 2006.~~ The amount of the 48063
credit for ~~each~~ tax year ~~2004~~ shall equal one-half of the average 48064
of the eligible training costs paid or incurred by the taxpayer 48065
during ~~the three~~ calendar years ~~immediately preceding the tax year~~ 48066
~~for which the credit is claimed 1999, 2000, and 2001,~~ not to 48067
exceed one thousand dollars for each eligible employee on account 48068
of whom eligible training costs were paid or incurred by the 48069
taxpayer during those calendar years. The amount of the credit for 48070
tax year 2005 shall equal one-half of the average of the eligible 48071
training costs paid or incurred by the taxpayer during calendar 48072
years 2002, 2003, and 2004, not to exceed one thousand dollars for 48073
each eligible employee on account of whom eligible training costs 48074
were paid or incurred by the taxpayer during those calendar years. 48075
The amount of the credit for tax year 2006 shall equal one-half of 48076
the average of the eligible training costs paid or incurred by the 48077
taxpayer during calendar years 2003, 2004, and 2005, not to exceed 48078
one thousand dollars for each eligible employee on account of whom 48079
eligible training costs were paid or incurred by the taxpayer 48080
during those calendar years. The credit claimed by a taxpayer each 48081
tax year shall not exceed one hundred thousand dollars. 48082

48083
(C) A taxpayer who proposes to conduct an eligible training 48084
program may apply to the director of job and family services for a 48085
tax credit certificate under this section. The taxpayer may apply 48086
for such a certificate for ~~each tax year with respect to a~~ 48087
~~calendar year in which the taxpayer paid or incurred eligible~~ 48088
~~training costs~~ tax years 2004, 2005, and 2006, subject to division 48089
(L) of this section. The director shall prescribe the form of the 48090
application, which shall require a detailed description of the 48091
proposed training program. The director may require applicants to 48092
remit an application fee with each application filed with the 48093
director. The fee shall not exceed the reasonable and necessary 48094
expenses incurred by the director in receiving, reviewing, and 48095

approving such applications and issuing tax credit certificates. 48096
Proceeds from fees shall be used solely for the purpose of 48097
receiving, reviewing, and approving such applications and issuing 48098
such certificates. 48099

After receipt of an application, the director shall authorize 48100
a credit under this section by issuing a tax credit certificate, 48101
in the form prescribed by the director, if the director determines 48102
all of the following: 48103

(1) The proposed training program is an eligible training 48104
program under this section; 48105

(2) The proposed training program is economically sound and 48106
will benefit the people of this state by improving workforce 48107
skills and strengthening the economy of this state; 48108

(3) Receiving the tax credit is a major factor in the 48109
taxpayer's decision to go forward with the training program; 48110

(4) Authorization of the credit is consistent with division 48111
(H) of this section. 48112

The credit also is allowed for a taxpayer that is a partner 48113
in a partnership that pays or incurs eligible training costs. Such 48114
a taxpayer shall determine the taxpayer's credit amount in the 48115
manner prescribed by division (K) of this section. 48116

(D) If the director of job and family services denies an 48117
application for a tax credit certificate, the director shall send 48118
notice of the denial and the reason for denial to the applicant by 48119
certified mail, return receipt requested. If the director 48120
determines that an authorized training program, as actually 48121
conducted, fails to meet the requirements of this section or to 48122
comply with any condition set forth in the authorization, the 48123
director may reduce the amount of the tax credit previously 48124
granted. If the director reduces a tax credit, the director shall 48125
send notice of the reduction and the reason for the reduction to 48126

the taxpayer by certified mail, return receipt requested, and 48127
shall certify the reduction to the tax commissioner or, in the 48128
case of the reduction of a credit claimed by an insurance company, 48129
the superintendent of insurance. The tax commissioner or 48130
superintendent of insurance shall reduce the credit that may be 48131
claimed by the taxpayer accordingly. Within sixty days after 48132
receiving a notice of denial or notice of reduction of the tax 48133
credit, an applicant or taxpayer may request, in writing, a 48134
hearing before the director to review the denial or reduction. 48135
Within sixty days after receiving a request that is filed within 48136
the prescribed time, the director shall hold such a hearing at a 48137
location to be determined by the director. Within thirty days 48138
after the hearing is adjourned, the director shall issue a 48139
redetermination affirming, reversing, or modifying the denial or 48140
reduction of the tax credit and send notice of the redetermination 48141
to the applicant or taxpayer by certified mail, return receipt 48142
requested, and shall issue a notice of the redetermination to the 48143
tax commissioner or superintendent of insurance. If an applicant 48144
or taxpayer is aggrieved by the director's redetermination, the 48145
applicant or taxpayer may appeal the redetermination to the board 48146
of tax appeals in the manner prescribed by section 5717.02 of the 48147
Revised Code. 48148

(E) A taxpayer to which a tax credit certificate is issued 48149
shall retain records indicating the eligible training costs it 48150
pays or incurs for the eligible training program for which the 48151
certificate is issued for four years following the end of the tax 48152
year for which the credit is claimed. Such records shall be open 48153
to inspection by the director of job and family services upon the 48154
director's request during business hours. 48155

Financial statements and other information submitted by an 48156
applicant to the director of job and family services for a tax 48157
credit under this section, and any information taken for any 48158

purpose from such statements or information, are not public 48159
records subject to section 149.43 of the Revised Code. However, 48160
the director of job and family services, the tax commissioner, or 48161
superintendent of insurance may make use of the statements and 48162
other information for purposes of issuing public reports or in 48163
connection with court proceedings concerning tax credits allowed 48164
under this section and sections 5725.31, 5729.07, and 5747.39 of 48165
the Revised Code. 48166

(F) The director of job and family services, in accordance 48167
with Chapter 119. of the Revised Code, shall adopt rules necessary 48168
to implement this section and sections 5725.31, 5729.07, and 48169
5747.39 of the Revised Code. The rules shall be adopted after 48170
consultation with the tax commissioner and the superintendent of 48171
insurance. At the time the director gives public notice under 48172
division (A) of section 119.03 of the Revised Code of the adoption 48173
of the rules, the director shall submit copies of the proposed 48174
rules to the chairpersons and ranking minority members of the 48175
standing committees in the senate and the house of representatives 48176
to which legislation on economic development matters are 48177
customarily referred. 48178

(G) On or before the thirtieth day of September of 2001, 48179
~~2002~~, 2003, ~~and~~ 2004, 2005, and 2006, the director of job and 48180
family services shall submit a report to the governor, the 48181
president of the senate, and the speaker of the house of 48182
representatives on the tax credit program under this section and 48183
sections 5725.31, 5729.07, and 5747.39 of the Revised Code. The 48184
report shall include information on the number of training 48185
programs that were authorized under those sections during the 48186
preceding calendar year, a description of each authorized training 48187
program, the dollar amounts of the credits granted, and an 48188
estimate of the impact of the credits on the economy of this 48189
state. 48190

(H) The aggregate amount of credits authorized under this 48191
section and sections 5725.31, 5729.07, and 5747.39 of the Revised 48192
Code shall not exceed twenty million dollars per calendar year. No 48193
more than ten million dollars in credits per calendar year shall 48194
be authorized for persons engaged primarily in manufacturing. No 48195
less than five million dollars in credits per calendar year shall 48196
be set aside for persons engaged primarily in activities other 48197
than manufacturing and having fewer than five hundred employees. 48198
Subject to such limits, credits shall be authorized for applicants 48199
meeting the requirements of this section in the order in which 48200
they submit complete and accurate applications. 48201

(I) A nonrefundable credit allowed under this section shall 48202
be claimed in the order required under section 5733.98 of the 48203
Revised Code. 48204

(J) The taxpayer may carry forward any credit amount in 48205
excess of its tax due after allowing for any other credits that 48206
precede the credit under this section in the order required under 48207
section 5733.98 of the Revised Code. The excess credit may be 48208
carried forward for three years following the tax year for which 48209
it is first claimed under this section. 48210

(K) A taxpayer that is a partner in a partnership on the last 48211
day of the third calendar year of the three-year period during 48212
which the partnership pays or incurs eligible training costs may 48213
claim a credit under this section for the tax year immediately 48214
following that calendar year. The amount of a partner's credit 48215
equals the partner's interest in the partnership on the last day 48216
of such calendar year multiplied by the credit available to the 48217
partnership as computed by the partnership. 48218

(L) The director of job and family services shall not 48219
authorize any credits under this section and sections 5725.31, 48220
5729.07, and 5747.39 of the Revised Code for eligible training 48221
costs paid or incurred after December 31, ~~2003~~ 2005. 48222

Sec. 5735.06. (A) On or before the last day of each month, 48223
each motor fuel dealer shall file with the ~~treasurer of state tax~~ 48224
commissioner a report for the preceding calendar month, on forms 48225
prescribed by or in a form acceptable to the tax commissioner. The 48226
report shall include the following information: 48227

(1) An itemized statement of the number of gallons of all 48228
motor fuel received during the preceding calendar month by such 48229
motor fuel dealer, which has been produced, refined, prepared, 48230
distilled, manufactured, blended, or compounded by such motor fuel 48231
dealer in the state; 48232

(2) An itemized statement of the number of gallons of all 48233
motor fuel received by such motor fuel dealer in the state from 48234
any source during the preceding calendar month, other than motor 48235
fuel included in division (A)(1) of this section, together with a 48236
statement showing the date of receipt of such motor fuel; the name 48237
of the person from whom purchased or received; the date of receipt 48238
of each shipment of motor fuel; the point of origin and the point 48239
of destination of each shipment; the quantity of each of said 48240
purchases or shipments; the name of the carrier; the number of 48241
gallons contained in each car if shipped by rail; the point of 48242
origin, destination, and shipper if shipped by pipe line; or the 48243
name and owner of the boat, barge, or vessel if shipped by water; 48244

(3) An itemized statement of the number of gallons of motor 48245
fuel which such motor fuel dealer has during the preceding 48246
calendar month: 48247

(a) For motor fuel other than gasoline sold for use other 48248
than for operating motor vehicles on the public highways or on 48249
waters within the boundaries of this state; 48250

(b) Exported from this state to any other state or foreign 48251
country as provided in division (A)(3) of section 5735.05 of the 48252
Revised Code; 48253

(c) Sold to the United States government or any of its agencies;	48254 48255
(d) Sold for delivery to motor fuel dealers;	48256
(e) Sold exclusively for use in the operation of aircraft;	48257
(4) Such other information incidental to the enforcement of the motor fuel laws of the state as the commissioner requires.	48258 48259
(B) The report shall show the tax due, computed as follows:	48260
(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:	48261 48262 48263
(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;	48264 48265 48266 48267
(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;	48268 48269 48270 48271
(c) To cover the costs of the motor fuel dealer in compiling the report, and evaporation, shrinkage, or other unaccounted-for losses:	48272 48273 48274
(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;	48275 48276 48277 48278 48279 48280 48281
(ii) If the report required by division (A) of this section is not timely filed and the tax is not timely paid, no deduction	48282 48283

shall be allowed; 48284

(iii) If the report is incomplete, no deduction shall be 48285
allowed for any fuel on which the tax is not timely reported and 48286
paid; 48287

(2) The number of gallons remaining after the deductions have 48288
been made shall be multiplied separately by each of the following 48289
amounts: 48290

(a) The cents per gallon rate; 48291

(b) Two cents. 48292

The sum of the products obtained in divisions (B)(2)(a) and 48293
(b) of this section shall be the amount of motor fuel tax for the 48294
preceding calendar month. 48295

(C) The report shall be filed together with payment of the 48296
tax shown on the report to be due, unless the motor fuel dealer is 48297
required by section 5735.062 of the Revised Code to pay the tax by 48298
electronic funds transfer, in which case the dealer shall file the 48299
report pursuant to this section and pay the tax pursuant to 48300
section 5735.062 of the Revised Code. The commissioner may extend 48301
the time for filing reports and may remit all or part of penalties 48302
which may become due under sections 5735.01 to 5735.99 of the 48303
Revised Code. ~~The treasurer of state shall stamp or otherwise mark~~ 48304
~~on all returns the date received by the treasurer and shall also~~ 48305
~~show thereon by stamp or otherwise the amount of payment received~~ 48306
~~for the month for which the report is filed. Thereafter, the~~ 48307
~~treasurer of state shall immediately transmit all reports filed~~ 48308
~~under this section to the commissioner.~~ For purposes of this 48309
section and sections 5735.062 and 5735.12 of the Revised Code, a 48310
report required to be filed under this section is considered filed 48311
when it is received by the ~~treasurer of state~~ tax commissioner, 48312
and remittance of the tax due is considered to be made when the 48313
remittance is received by the ~~treasurer of state~~ tax commissioner 48314

or when credited to an account designated by the treasurer of 48315
state and the tax commissioner for the receipt of tax remittances. 48316
The tax commissioner shall immediately forward to the treasurer of 48317
state all amounts received under this section. 48318

(D) The tax commissioner may require a motor fuel dealer to 48319
file a report for a period other than one month. Such a report, 48320
together with payment of the tax, shall be filed not later than 48321
thirty days after the last day of the prescribed reporting period. 48322

(E) No person required by this section to file a tax report 48323
shall file a false or fraudulent tax report or supporting 48324
schedule. 48325

Sec. 5735.061. (A) By the fifteenth day of June of 1988, 48326
1989, 1990, 1991, 1992, and 1993, the tax commissioner shall 48327
certify to each dealer the following: 48328

(1) The cents per gallon rate computed for the period that 48329
begins on the first day of July of the current year pursuant to 48330
section 5735.011 of the Revised Code; 48331

(2) The difference between the cents per gallon rate 48332
presently in effect and the cents per gallon rate referred to in 48333
division (A)(1) of this section. 48334

(B) By the thirty-first day of July of each year each motor 48335
fuel dealer shall file with the ~~treasurer of state tax~~ 48336
commissioner, on forms prescribed by the commissioner, a report 48337
signed by the motor fuel dealer showing the total number of 48338
gallons of all motor fuel that is held in the inventory of such 48339
motor fuel dealer as of the beginning of business on the first day 48340
of July of such year and on which the motor fuel tax has been 48341
paid. 48342

(C) If the cents per gallon rate referred to in division 48343
(A)(1) of this section is greater than the cents per gallon rate 48344

it replaced, each motor fuel dealer shall pay to the ~~treasurer of~~ 48345
~~state tax commissioner~~, upon the filing of the report under 48346
division (B) of this section, an amount equal to the product 48347
obtained by multiplying the gallonage referred to in division (B) 48348
of this section by the cents per gallon rate difference referred 48349
to in division (A)(2) of this section. ~~Taxes collected pursuant to~~ 48350
The tax commissioner shall immediately forward to the treasurer of 48351
state all money collected under this section, and such money shall 48352
be treated as revenue arising from the tax levied pursuant to 48353
section 5735.05 of the Revised Code. 48354

(D) If the cents per gallon rate referred to in division 48355
(A)(1) of this section is lower than the cents per gallon rate it 48356
replaced, each motor fuel dealer shall be entitled to a refund in 48357
an amount equal to the product obtained by multiplying the 48358
gallonage referred to in division (B) of this section by the cents 48359
per gallon rate difference referred to in division (A)(2) of this 48360
section. Within forty-five days from the date the motor fuel 48361
dealer files a report pursuant to division (B) of this section, 48362
the tax commissioner shall certify the amount of the refund to the 48363
director of budget and management and treasurer of state for 48364
payment from the tax refund fund created by section 5703.052 of 48365
the Revised Code. 48366

Sec. 5739.01. As used in this chapter: 48367

(A) "Person" includes individuals, receivers, assignees, 48368
trustees in bankruptcy, estates, firms, partnerships, 48369
associations, joint-stock companies, joint ventures, clubs, 48370
societies, corporations, the state and its political subdivisions, 48371
and combinations of individuals of any form. 48372

(B) "Sale" and "selling" include all of the following 48373
transactions for a consideration in any manner, whether absolutely 48374
or conditionally, whether for a price or rental, in money or by 48375

exchange, and by any means whatsoever: 48376

(1) All transactions by which title or possession, or both, 48377
of tangible personal property, is or is to be transferred, or a 48378
license to use or consume tangible personal property is or is to 48379
be granted; 48380

(2) All transactions by which lodging by a hotel is or is to 48381
be furnished to transient guests; 48382

(3) All transactions by which: 48383

(a) An item of tangible personal property is or is to be 48384
repaired, except property, the purchase of which would be exempt 48385
from the tax imposed by section 5739.02 of the Revised Code; 48386

(b) An item of tangible personal property is or is to be 48387
installed, except property, the purchase of which would be exempt 48388
from the tax imposed by section 5739.02 of the Revised Code or 48389
property that is or is to be incorporated into and will become a 48390
part of a production, transmission, transportation, or 48391
distribution system for the delivery of a public utility service; 48392

(c) The service of washing, cleaning, waxing, polishing, or 48393
painting a motor vehicle is or is to be furnished; 48394

(d) Industrial laundry cleaning services are or are to be 48395
provided; 48396

(e) Automatic data processing, computer services, or 48397
electronic information services are or are to be provided for use 48398
in business when the true object of the transaction is the receipt 48399
by the consumer of automatic data processing, computer services, 48400
or electronic information services rather than the receipt of 48401
personal or professional services to which automatic data 48402
processing, computer services, or electronic information services 48403
are incidental or supplemental. Notwithstanding any other 48404
provision of this chapter, such transactions that occur between 48405

members of an affiliated group are not sales. An affiliated group 48406
means two or more persons related in such a way that one person 48407
owns or controls the business operation of another member of the 48408
group. In the case of corporations with stock, one corporation 48409
owns or controls another if it owns more than fifty per cent of 48410
the other corporation's common stock with voting rights. 48411

(f) Telecommunications service is provided that originates or 48412
terminates in this state and is charged in the records of the 48413
telecommunications service vendor to the consumer's telephone 48414
number or account in this state, or that both originates and 48415
terminates in this state; but does not include transactions by 48416
which telecommunications service is paid for by using a prepaid 48417
authorization number or prepaid telephone calling card, or by 48418
which local telecommunications service is obtained from a 48419
coin-operated telephone and paid for by using coin; 48420

(g) Landscaping and lawn care service is or is to be 48421
provided; 48422

(h) Private investigation and security service is or is to be 48423
provided; 48424

(i) Information services or tangible personal property is 48425
provided or ordered by means of a nine hundred telephone call; 48426

(j) Building maintenance and janitorial service is or is to 48427
be provided; 48428

(k) Employment service is or is to be provided; 48429

(l) Employment placement service is or is to be provided; 48430

(m) Exterminating service is or is to be provided; 48431

(n) Physical fitness facility service is or is to be 48432
provided; 48433

(o) Recreation and sports club service is or is to be 48434
provided. 48435

(4) All transactions by which printed, imprinted, 48436
overprinted, lithographic, multilithic, blueprinted, photostatic, 48437
or other productions or reproductions of written or graphic matter 48438
are or are to be furnished or transferred; 48439

(5) The production or fabrication of tangible personal 48440
property for a consideration for consumers who furnish either 48441
directly or indirectly the materials used in the production of 48442
fabrication work; and include the furnishing, preparing, or 48443
serving for a consideration of any tangible personal property 48444
consumed on the premises of the person furnishing, preparing, or 48445
serving such tangible personal property. Except as provided in 48446
section 5739.03 of the Revised Code, a construction contract 48447
pursuant to which tangible personal property is or is to be 48448
incorporated into a structure or improvement on and becoming a 48449
part of real property is not a sale of such tangible personal 48450
property. The construction contractor is the consumer of such 48451
tangible personal property, provided that the sale and 48452
installation of carpeting, the sale and installation of 48453
agricultural land tile, the sale and erection or installation of 48454
portable grain bins, or the provision of landscaping and lawn care 48455
service and the transfer of property as part of such service is 48456
never a construction contract. The transfer of copyrighted motion 48457
picture films for exhibition purposes is not a sale, except such 48458
films as are used solely for advertising purposes. Other than as 48459
provided in this section, "sale" and "selling" do not include 48460
professional, insurance, or personal service transactions ~~which~~ 48461
that involve the transfer of tangible personal property as an 48462
inconsequential element, for which no separate charges are made. 48463

As used in division (B)(5) of this section: 48464

(a) "Agricultural land tile" means fired clay or concrete 48465
tile, or flexible or rigid perforated plastic pipe or tubing, 48466
incorporated or to be incorporated into a subsurface drainage 48467

system appurtenant to land used or to be used directly in 48468
production by farming, agriculture, horticulture, or floriculture. 48469
The term does not include such materials when they are or are to 48470
be incorporated into a drainage system appurtenant to a building 48471
or structure even if the building or structure is used or to be 48472
used in such production. 48473

(b) "Portable grain bin" means a structure that is used or to 48474
be used by a person engaged in farming or agriculture to shelter 48475
the person's grain and that is designed to be disassembled without 48476
significant damage to its component parts. 48477

(6) All transactions in which all of the shares of stock of a 48478
closely held corporation are transferred, if the corporation is 48479
not engaging in business and its entire assets consist of boats, 48480
planes, motor vehicles, or other tangible personal property 48481
operated primarily for the use and enjoyment of the shareholders; 48482

(7) All transactions in which a warranty, maintenance or 48483
service contract, or similar agreement by which the vendor of the 48484
warranty, contract, or agreement agrees to repair or maintain the 48485
tangible personal property of the consumer is or is to be 48486
provided; 48487

(8) All transactions by which a prepaid authorization number 48488
or a prepaid telephone calling card is or is to be transferred. 48489

(C) "Vendor" means the person providing the service or by 48490
whom the transfer effected or license given by a sale is or is to 48491
be made or given and, for sales described in division (B)(3)(i) of 48492
this section, the telecommunications service vendor that provides 48493
the nine hundred telephone service; if two or more persons are 48494
engaged in business at the same place of business under a single 48495
trade name in which all collections on account of sales by each 48496
are made, such persons shall constitute a single vendor. 48497

Physicians, dentists, hospitals, and veterinarians who are 48498

engaged in selling tangible personal property as received from 48499
others, such as eyeglasses, mouthwashes, dentifrices, or similar 48500
articles, are vendors. Veterinarians who are engaged in 48501
transferring to others for a consideration drugs, the dispensing 48502
of which does not require an order of a licensed veterinarian or 48503
physician under federal law, are vendors. 48504

(D)(1) "Consumer" means the person for whom the service is 48505
provided, to whom the transfer effected or license given by a sale 48506
is or is to be made or given, to whom the service described in 48507
division (B)(3)(f) or (i) of this section is charged, or to whom 48508
the admission is granted. 48509

(2) Physicians, dentists, hospitals, and blood banks operated 48510
by nonprofit institutions and persons licensed to practice 48511
veterinary medicine, surgery, and dentistry are consumers of all 48512
tangible personal property and services purchased by them in 48513
connection with the practice of medicine, dentistry, the rendition 48514
of hospital or blood bank service, or the practice of veterinary 48515
medicine, surgery, and dentistry. In addition to being consumers 48516
of drugs administered by them or by their assistants according to 48517
their direction, veterinarians also are consumers of drugs that 48518
under federal law may be dispensed only by or upon the order of a 48519
licensed veterinarian or physician, when transferred by them to 48520
others for a consideration to provide treatment to animals as 48521
directed by the veterinarian. 48522

(3) A person who performs a facility management, or similar 48523
service contract for a contractee is a consumer of all tangible 48524
personal property and services purchased for use in connection 48525
with the performance of such contract, regardless of whether title 48526
to any such property vests in the contractee. The purchase of such 48527
property and services is not subject to the exception for resale 48528
under division (E)(1) of this section. 48529

(4)(a) In the case of a person who purchases printed matter 48530

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

manufacturing, assembling, processing, or refining, or to use or 48562
consume the thing transferred directly in producing a product for 48563
sale by mining, including without limitation the extraction from 48564
the earth of all substances ~~which~~ that are classed geologically as 48565
minerals, production of crude oil and natural gas, farming, 48566
agriculture, horticulture, or floriculture, and persons engaged in 48567
rendering farming, agricultural, horticultural, or floricultural 48568
services, and services in the exploration for, and production of, 48569
crude oil and natural gas, for others are deemed engaged directly 48570
in farming, agriculture, horticulture, and floriculture, or 48571
exploration for, and production of, crude oil and natural gas; 48572
directly in the rendition of a public utility service, except that 48573
the sales tax levied by section 5739.02 of the Revised Code shall 48574
be collected upon all meals, drinks, and food for human 48575
consumption sold upon Pullman and railroad coaches. This paragraph 48576
does not exempt or except from "retail sale" or "sales at retail" 48577
the sale of tangible personal property that is to be incorporated 48578
into a structure or improvement to real property. 48579

(3) To hold the thing transferred as security for the 48580
performance of an obligation of the vendor; 48581

(4) To use or consume the thing transferred in the process of 48582
reclamation as required by Chapters 1513. and 1514. of the Revised 48583
Code; 48584

(5) To resell, hold, use, or consume the thing transferred as 48585
evidence of a contract of insurance; 48586

(6) To use or consume the thing directly in commercial 48587
fishing; 48588

(7) To incorporate the thing transferred as a material or a 48589
part into, or to use or consume the thing transferred directly in 48590
the production of, magazines distributed as controlled circulation 48591
publications; 48592

(8) To use or consume the thing transferred in the production 48593
and preparation in suitable condition for market and sale of 48594
printed, imprinted, overprinted, lithographic, multilithic, 48595
blueprinted, photostatic, or other productions or reproductions of 48596
written or graphic matter; 48597

(9) To use the thing transferred, as described in section 48598
5739.011 of the Revised Code, primarily in a manufacturing 48599
operation to produce tangible personal property for sale; 48600

(10) To use the benefit of a warranty, maintenance or service 48601
contract, or similar agreement, as defined in division (B)(7) of 48602
this section, to repair or maintain tangible personal property, if 48603
all of the property that is the subject of the warranty, contract, 48604
or agreement would be exempt on its purchase from the tax imposed 48605
by section 5739.02 of the Revised Code; 48606

(11) To use the thing transferred as qualified research and 48607
development equipment; 48608

(12) To use or consume the thing transferred primarily in 48609
storing, transporting, mailing, or otherwise handling purchased 48610
sales inventory in a warehouse, distribution center, or similar 48611
facility when the inventory is primarily distributed outside this 48612
state to retail stores of the person who owns or controls the 48613
warehouse, distribution center, or similar facility, to retail 48614
stores of an affiliated group of which that person is a member, or 48615
by means of direct marketing. Division (E)(12) of this section 48616
does not apply to motor vehicles registered for operation on the 48617
public highways. As used in division (E)(12) of this section, 48618
"affiliated group" has the same meaning as in division (B)(3)(e) 48619
of this section and "direct marketing" has the same meaning as in 48620
division (B)(37) of section 5739.02 of the Revised Code. 48621

(13) To use or consume the thing transferred to fulfill a 48622
contractual obligation incurred by a warrantor pursuant to a 48623

warranty provided as a part of the price of the tangible personal 48624
property sold or by a vendor of a warranty, maintenance or service 48625
contract, or similar agreement the provision of which is defined 48626
as a sale under division (B)(7) of this section; 48627

(14) To use or consume the thing transferred in the 48628
production of a newspaper for distribution to the public; 48629

(15) To use tangible personal property to perform a service 48630
listed in division (B)(3) of this section, if the property is or 48631
is to be permanently transferred to the consumer of the service as 48632
an integral part of the performance of the service. 48633

As used in division (E) of this section, "thing" includes all 48634
transactions included in divisions (B)(3)(a), (b), and (e) of this 48635
section. 48636

Sales conducted through a coin-operated device that activates 48637
vacuum equipment or equipment that dispenses water, whether or not 48638
in combination with soap or other cleaning agents or wax, to the 48639
consumer for the consumer's use on the premises in washing, 48640
cleaning, or waxing a motor vehicle, provided no other personal 48641
property or personal service is provided as part of the 48642
transaction, are not retail sales or sales at retail. 48643

(F) "Business" includes any activity engaged in by any person 48644
with the object of gain, benefit, or advantage, either direct or 48645
indirect. "Business" does not include the activity of a person in 48646
managing and investing the person's own funds. 48647

(G) "Engaging in business" means commencing, conducting, or 48648
continuing in business, and liquidating a business when the 48649
liquidator thereof holds ~~self~~ itself out to the public as 48650
conducting such business. Making a casual sale is not engaging in 48651
business. 48652

(H)(1) "Price," except as provided in divisions (H)(2) and 48653
(3) of this section, means the aggregate value in money of 48654

anything paid or delivered, or promised to be paid or delivered, 48655
in the complete performance of a retail sale, without any 48656
deduction on account of the cost of the property sold, cost of 48657
materials used, labor or service cost, interest, discount paid or 48658
allowed after the sale is consummated, or any other expense. If 48659
the retail sale consists of the rental or lease of tangible 48660
personal property, "price" means the aggregate value in money of 48661
anything paid or delivered, or promised to be paid or delivered, 48662
in the complete performance of the rental or lease, without any 48663
deduction for tax, interest, labor or service charge, damage 48664
liability waiver, termination or damage charge, discount paid or 48665
allowed after the lease is consummated, or any other expense. The 48666
sales tax shall be calculated and collected by the lessor on each 48667
payment made by the lessee. Price does not include the 48668
consideration received as a deposit refundable to the consumer 48669
upon return of a beverage container, the consideration received as 48670
a deposit on a carton or case that is used for such returnable 48671
containers, or the consideration received as a refundable security 48672
deposit for the use of tangible personal property to the extent 48673
that it actually is refunded, if the consideration for such 48674
refundable deposit is separately stated from the consideration 48675
received or to be received for the tangible personal property 48676
transferred in the retail sale. Such separation must appear in the 48677
sales agreement or on the initial invoice or initial billing 48678
rendered by the vendor to the consumer. Price is the amount 48679
received inclusive of the tax, provided the vendor establishes to 48680
the satisfaction of the tax commissioner that the tax was added to 48681
the price. When the price includes both a charge for tangible 48682
personal property and a charge for providing a service and the 48683
sale of the property and the charge for the service are separately 48684
taxable, or have a separately determinable tax status, the price 48685
shall be separately stated for each such charge so the tax can be 48686
correctly computed and charged. 48687

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

property returned or services rejected by consumers when the full 48720
sale price and tax are refunded either in cash or by credit. 48721

(J) "Place of business" means any location at which a person 48722
engages in business. 48723

(K) "Premises" includes any real property or portion thereof 48724
upon which any person engages in selling tangible personal 48725
property at retail or making retail sales and also includes any 48726
real property or portion thereof designated for, or devoted to, 48727
use in conjunction with the business engaged in by such person. 48728

(L) "Casual sale" means a sale of an item of tangible 48729
personal property ~~which~~ that was obtained by the person making the 48730
sale, through purchase or otherwise, for the person's own use in 48731
this state and ~~which~~ was previously subject to any state's taxing 48732
jurisdiction on its sale or use, and includes such items acquired 48733
for the seller's use ~~which~~ that are sold by an auctioneer employed 48734
directly by the person for such purpose, provided the location of 48735
such sales is not the auctioneer's permanent place of business. As 48736
used in this division, "permanent place of business" includes any 48737
location where such auctioneer has conducted more than two 48738
auctions during the year. 48739

(M) "Hotel" means every establishment kept, used, maintained, 48740
advertised, or held out to the public to be a place where sleeping 48741
accommodations are offered to guests, in which five or more rooms 48742
are used for the accommodation of such guests, whether ~~such~~ the 48743
rooms are in one or several structures. 48744

(N) "Transient guests" means persons occupying a room or 48745
rooms for sleeping accommodations for less than thirty consecutive 48746
days. 48747

(O) "Making retail sales" means the effecting of transactions 48748
wherein one party is obligated to pay the price and the other 48749
party is obligated to provide a service or to transfer title to or 48750

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

and parts by mixing, measuring, blending, or otherwise committing 48783
such materials or parts to the manufacturing process. 48784

"Manufacturing operation" does not include packaging. 48785

(T) "Fiscal officer" means, with respect to a regional 48786
transit authority, the secretary-treasurer thereof, and with 48787
respect to a county ~~which~~ that is a transit authority, the fiscal 48788
officer of the county transit board if one is appointed pursuant 48789
to section 306.03 of the Revised Code or the county auditor if the 48790
board of county commissioners operates the county transit system. 48791

(U) "Transit authority" means a regional transit authority 48792
created pursuant to section 306.31 of the Revised Code or a county 48793
in which a county transit system is created pursuant to section 48794
306.01 of the Revised Code. For the purposes of this chapter, a 48795
transit authority must extend to at least the entire area of a 48796
single county. A transit authority ~~which~~ that includes territory 48797
in more than one county must include all the area of the most 48798
populous county ~~which~~ that is a part of such transit authority. 48799
County population shall be measured by the most recent census 48800
taken by the United States census bureau. 48801

(V) "Legislative authority" means, with respect to a regional 48802
transit authority, the board of trustees thereof, and with respect 48803
to a county ~~which~~ that is a transit authority, the board of county 48804
commissioners. 48805

(W) "Territory of the transit authority" means all of the 48806
area included within the territorial boundaries of a transit 48807
authority as they from time to time exist. Such territorial 48808
boundaries must at all times include all the area of a single 48809
county or all the area of the most populous county ~~which~~ that is a 48810
part of such transit authority. County population shall be 48811
measured by the most recent census taken by the United States 48812
census bureau. 48813

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:

(i) Examining or acquiring data stored in or accessible to the computer equipment;

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control,

information security, and auditing and any other situation where	48844
the service provider receives data or information and studies,	48845
alters, analyzes, interprets, or adjusts such material;	48846
(b) Analyzing business policies and procedures;	48847
(c) Identifying management information needs;	48848
(d) Feasibility studies, including economic and technical	48849
analysis of existing or potential computer hardware or software	48850
needs and alternatives;	48851
(e) Designing policies, procedures, and custom software for	48852
collecting business information, and determining how data should	48853
be summarized, sequenced, formatted, processed, controlled, and	48854
reported so that it will be meaningful to management;	48855
(f) Developing policies and procedures that document how	48856
business events and transactions are to be authorized, executed,	48857
and controlled;	48858
(g) Testing of business procedures;	48859
(h) Training personnel in business procedure applications;	48860
(i) Providing credit information to users of such information	48861
by a consumer reporting agency, as defined in the "Fair Credit	48862
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	48863
as hereafter amended, including but not limited to gathering,	48864
organizing, analyzing, recording, and furnishing such information	48865
by any oral, written, graphic, or electronic medium;	48866
(j) Providing debt collection services by any oral, written,	48867
graphic, or electronic means.	48868
The services listed in divisions (Y)(2)(a) to (j) of this	48869
section are not automatic data processing or computer services.	48870
(Z) "Highway transportation for hire" means the	48871
transportation of personal property belonging to others for	48872

consideration by any of the following: 48873

(1) The holder of a permit or certificate issued by this 48874
state or the United States authorizing the holder to engage in 48875
transportation of personal property belonging to others for 48876
consideration over or on highways, roadways, streets, or any 48877
similar public thoroughfare; 48878

(2) A person who engages in the transportation of personal 48879
property belonging to others for consideration over or on 48880
highways, roadways, streets, or any similar public thoroughfare 48881
but who could not have engaged in such transportation on December 48882
11, 1985, unless the person was the holder of a permit or 48883
certificate of the types described in division (Z)(1) of this 48884
section; 48885

(3) A person who leases a motor vehicle to and operates it 48886
for a person described by division (Z)(1) or (2) of this section. 48887

(AA) "Telecommunications service" means the transmission of 48888
any interactive, two-way electromagnetic communications, including 48889
voice, image, data, and information, through the use of any medium 48890
such as wires, cables, microwaves, cellular radio, radio waves, 48891
light waves, or any combination of those or similar media. 48892
"Telecommunications service" includes message toll service even 48893
though the vendor provides the message toll service by means of 48894
wide area transmission type service or private communications 48895
service purchased from another telecommunications service 48896
provider, but does not include any of the following: 48897

(1) Sales of incoming or outgoing wide area transmission 48898
service or wide area transmission type service, including eight 48899
hundred or eight-hundred-type service, to the person contracting 48900
for the receipt of that service; 48901

(2) Sales of private communications service to the person 48902
contracting for the receipt of that service that entitles the 48903

purchaser to exclusive or priority use of a communications channel	48904
or group of channels between exchanges;	48905
(3) Sales of telecommunications service by companies subject	48906
to the excise tax imposed by Chapter 5727. of the Revised Code;	48907
(4) Sales of telecommunications service to a provider of	48908
telecommunications service, including access services, for use in	48909
providing telecommunications service;	48910
(5) Value-added nonvoice services in which computer	48911
processing applications are used to act on the form, content,	48912
code, or protocol of the information to be transmitted;	48913
(6) Transmission of interactive video programming by a cable	48914
television system as defined in section 505.90 of the Revised	48915
Code.	48916
(BB) "Industrial laundry cleaning services" means removing	48917
soil or dirt from or supplying towels, linens, or articles of	48918
clothing that belong to others and are used in a trade or	48919
business.	48920
(CC) "Magazines distributed as controlled circulation	48921
publications" means magazines containing at least twenty-four	48922
pages, at least twenty-five per cent editorial content, issued at	48923
regular intervals four or more times a year, and circulated	48924
without charge to the recipient, provided that such magazines are	48925
not owned or controlled by individuals or business concerns which	48926
conduct such publications as an auxiliary to, and essentially for	48927
the advancement of the main business or calling of, those who own	48928
or control them.	48929
(DD) "Landscaping and lawn care service" means the services	48930
of planting, seeding, sodding, removing, cutting, trimming,	48931
pruning, mulching, aerating, applying chemicals, watering,	48932
fertilizing, and providing similar services to establish, promote,	48933
or control the growth of trees, shrubs, flowers, grass, ground	48934

cover, and other flora, or otherwise maintaining a lawn or 48935
landscape grown or maintained by the owner for ornamentation or 48936
other nonagricultural purpose. However, "landscaping and lawn care 48937
service" does not include the providing of such services by a 48938
person who has less than five thousand dollars in sales of such 48939
services during the calendar year. 48940

(EE) "Private investigation and security service" means the 48941
performance of any activity for which the provider of such service 48942
is required to be licensed pursuant to Chapter 4749. of the 48943
Revised Code, or would be required to be so licensed in performing 48944
such services in this state, and also includes the services of 48945
conducting polygraph examinations and of monitoring or overseeing 48946
the activities on or in, or the condition of, the consumer's home, 48947
business, or other facility by means of electronic or similar 48948
monitoring devices. "Private investigation and security service" 48949
does not include special duty services provided by off-duty police 48950
officers, deputy sheriffs, and other peace officers regularly 48951
employed by the state or a political subdivision. 48952

(FF) "Information services" means providing conversation, 48953
giving consultation or advice, playing or making a voice or other 48954
recording, making or keeping a record of the number of callers, 48955
and any other service provided to a consumer by means of a nine 48956
hundred telephone call, except when the nine hundred telephone 48957
call is the means by which the consumer makes a contribution to a 48958
recognized charity. 48959

(GG) "Research and development" means designing, creating, or 48960
formulating new or enhanced products, equipment, or manufacturing 48961
processes, and conducting scientific or technological inquiry and 48962
experimentation in the physical sciences with the goal of 48963
increasing scientific knowledge which may reveal the bases for new 48964
or enhanced products, equipment, or manufacturing processes. 48965

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(HH) "Qualified research and development equipment" means 48967
capitalized tangible personal property, and leased personal 48968
property that would be capitalized if purchased, used by a person 48969
primarily to perform research and development. Tangible personal 48970
property primarily used in testing, as defined in division (A)(4) 48971
of section 5739.011 of the Revised Code, or used for recording or 48972
storing test results, is not qualified research and development 48973
equipment unless such property is primarily used by the consumer 48974
in testing the product, equipment, or manufacturing process being 48975
created, designed, or formulated by the consumer in the research 48976
and development activity or in recording or storing such test 48977
results. 48978

(II) "Building maintenance and janitorial service" means 48979
cleaning the interior or exterior of a building and any tangible 48980
personal property located therein or thereon, including any 48981
services incidental to such cleaning for which no separate charge 48982
is made. However, "building maintenance and janitorial service" 48983
does not include the providing of such service by a person who has 48984
less than five thousand dollars in sales of such service during 48985
the calendar year. 48986

(JJ) "Employment service" means providing or supplying 48987
personnel, on a temporary or long-term basis, to perform work or 48988
labor under the supervision or control of another, when the 48989
personnel so supplied receive their wages, salary, or other 48990
compensation from the provider of the service. "Employment 48991
service" does not include: 48992

(1) Acting as a contractor or subcontractor, where the 48993
personnel performing the work are not under the direct control of 48994
the purchaser. 48995

(2) Medical and health care services. 48996

(3) Supplying personnel to a purchaser pursuant to a contract 48997

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. 48998
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(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section. 49001
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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. 49003
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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. 49006
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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. 49011
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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. 49018
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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

series sanctioned by one or more motor racing sanctioning 49060
organizations. A "motor racing vehicle" means a vehicle for which 49061
the chassis, engine, and parts are designed exclusively for motor 49062
racing, and does not include a stock or production model vehicle 49063
that may be modified for use in racing. For the purposes of this 49064
division: 49065

(1) A "competitive professional racing event" is a motor 49066
vehicle racing event sanctioned by one or more motor racing 49067
sanctioning organizations, at which aggregate cash prizes in 49068
excess of eight hundred thousand dollars are awarded to the 49069
competitors. 49070

(2) "Full-time employee" means an individual who is employed 49071
for consideration for thirty-five or more hours a week, or who 49072
renders any other standard of service generally accepted by custom 49073
or specified by contract as full-time employment. 49074

(UU)(1) "Prepaid authorization number" means a numeric or 49075
alphanumeric combination that represents a prepaid account that 49076
can be used by the account holder solely to obtain 49077
telecommunications service, and includes any renewals or increases 49078
in the prepaid account. 49079

(2) "Prepaid telephone calling card" means a tangible item 49080
that contains a prepaid authorization number that can be used 49081
solely to obtain telecommunications service, and includes any 49082
renewals or increases in the prepaid account. 49083

Sec. 5739.02. For the purpose of providing revenue with which 49084
to meet the needs of the state, for the use of the general revenue 49085
fund of the state, for the purpose of securing a thorough and 49086
efficient system of common schools throughout the state, for the 49087
purpose of affording revenues, in addition to those from general 49088
property taxes, permitted under constitutional limitations, and 49089
from other sources, for the support of local governmental 49090

functions, and for the purpose of reimbursing the state for the 49091
expense of administering this chapter, an excise tax is hereby 49092
levied on each retail sale made in this state. 49093

(A) The tax shall be collected pursuant to the schedules in 49094
section 5739.025 of the Revised Code. 49095

The tax applies and is collectible when the sale is made, 49096
regardless of the time when the price is paid or delivered. 49097

In the case of a sale, the price of which consists in whole 49098
or in part of rentals for the use of the thing transferred, the 49099
tax, as regards such rentals, shall be measured by the 49100
installments thereof. 49101

In the case of a sale of a service defined under division 49102
(MM) or (NN) of section 5739.01 of the Revised Code, the price of 49103
which consists in whole or in part of a membership for the receipt 49104
of the benefit of the service, the tax applicable to the sale 49105
shall be measured by the installments thereof. 49106

(B) The tax does not apply to the following: 49107

(1) Sales to the state or any of its political subdivisions, 49108
or to any other state or its political subdivisions if the laws of 49109
that state exempt from taxation sales made to this state and its 49110
political subdivisions; 49111

(2) Sales of food for human consumption off the premises 49112
where sold; 49113

(3) Sales of food sold to students only in a cafeteria, 49114
dormitory, fraternity, or sorority maintained in a private, 49115
public, or parochial school, college, or university; 49116

(4) Sales of newspapers, and of magazine subscriptions 49117
shipped by second class mail, and sales or transfers of magazines 49118
distributed as controlled circulation publications; 49119

(5) The furnishing, preparing, or serving of meals without 49120

charge by an employer to an employee provided the employer records 49121
the meals as part compensation for services performed or work 49122
done; 49123

(6) Sales of motor fuel upon receipt, use, distribution, or 49124
sale of which in this state a tax is imposed by the law of this 49125
state, but this exemption shall not apply to the sale of motor 49126
fuel on which a refund of the tax is allowable under section 49127
5735.14 of the Revised Code; and the tax commissioner may deduct 49128
the amount of tax levied by this section applicable to the price 49129
of motor fuel when granting a refund of motor fuel tax pursuant to 49130
section 5735.14 of the Revised Code and shall cause the amount 49131
deducted to be paid into the general revenue fund of this state; 49132

(7) Sales of natural gas by a natural gas company, of water 49133
by a water-works company, or of steam by a heating company, if in 49134
each case the thing sold is delivered to consumers through pipes 49135
or conduits, and all sales of communications services by a 49136
telephone or telegraph company, all terms as defined in section 49137
5727.01 of the Revised Code; 49138

(8) Casual sales by a person, or auctioneer employed directly 49139
by the person to conduct such sales, except as to such sales of 49140
motor vehicles, watercraft or outboard motors required to be 49141
titled under section 1548.06 of the Revised Code, watercraft 49142
documented with the United States coast guard, snowmobiles, and 49143
all-purpose vehicles as defined in section 4519.01 of the Revised 49144
Code; 49145

(9) Sales of services or tangible personal property, other 49146
than motor vehicles, mobile homes, and manufactured homes, by 49147
churches, organizations exempt from taxation under section 49148
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 49149
organizations operated exclusively for charitable purposes as 49150
defined in division (B)(12) of this section, provided that the 49151
number of days on which such tangible personal property or 49152

services, other than items never subject to the tax, are sold does 49153
not exceed six in any calendar year. If the number of days on 49154
which such sales are made exceeds six in any calendar year, the 49155
church or organization shall be considered to be engaged in 49156
business and all subsequent sales by it shall be subject to the 49157
tax. In counting the number of days, all sales by groups within a 49158
church or within an organization shall be considered to be sales 49159
of that church or organization, except that sales made by separate 49160
student clubs and other groups of students of a primary or 49161
secondary school, and sales made by a parent-teacher association, 49162
booster group, or similar organization that raises money to 49163
support or fund curricular or extracurricular activities of a 49164
primary or secondary school, shall not be considered to be sales 49165
of such school, and sales by each such club, group, association, 49166
or organization shall be counted separately for purposes of the 49167
six-day limitation. This division does not apply to sales by a 49168
noncommercial educational radio or television broadcasting 49169
station. 49170

(10) Sales not within the taxing power of this state under 49171
the Constitution of the United States; 49172

(11) The transportation of persons or property, unless the 49173
transportation is by a private investigation and security service; 49174

(12) Sales of tangible personal property or services to 49175
churches, to organizations exempt from taxation under section 49176
501(c)(3) of the Internal Revenue Code of 1986, and to any other 49177
nonprofit organizations operated exclusively for charitable 49178
purposes in this state, no part of the net income of which inures 49179
to the benefit of any private shareholder or individual, and no 49180
substantial part of the activities of which consists of carrying 49181
on propaganda or otherwise attempting to influence legislation; 49182
sales to offices administering one or more homes for the aged or 49183
one or more hospital facilities exempt under section 140.08 of the 49184

Revised Code; and sales to organizations described in division (D) 49185
of section 5709.12 of the Revised Code. 49186

"Charitable purposes" means the relief of poverty; the 49187
improvement of health through the alleviation of illness, disease, 49188
or injury; the operation of an organization exclusively for the 49189
provision of professional, laundry, printing, and purchasing 49190
services to hospitals or charitable institutions; the operation of 49191
a home for the aged, as defined in section 5701.13 of the Revised 49192
Code; the operation of a radio or television broadcasting station 49193
that is licensed by the federal communications commission as a 49194
noncommercial educational radio or television station; the 49195
operation of a nonprofit animal adoption service or a county 49196
humane society; the promotion of education by an institution of 49197
learning that maintains a faculty of qualified instructors, 49198
teaches regular continuous courses of study, and confers a 49199
recognized diploma upon completion of a specific curriculum; the 49200
operation of a parent-teacher association, booster group, or 49201
similar organization primarily engaged in the promotion and 49202
support of the curricular or extracurricular activities of a 49203
primary or secondary school; the operation of a community or area 49204
center in which presentations in music, dramatics, the arts, and 49205
related fields are made in order to foster public interest and 49206
education therein; the production of performances in music, 49207
dramatics, and the arts; or the promotion of education by an 49208
organization engaged in carrying on research in, or the 49209
dissemination of, scientific and technological knowledge and 49210
information primarily for the public. 49211

Nothing in this division shall be deemed to exempt sales to 49212
any organization for use in the operation or carrying on of a 49213
trade or business, or sales to a home for the aged for use in the 49214
operation of independent living facilities as defined in division 49215
(A) of section 5709.12 of the Revised Code. 49216

(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;

(14) Sales of ships or vessels or rail rolling stock used or 49249
to be used principally in interstate or foreign commerce, and 49250
repairs, alterations, fuel, and lubricants for such ships or 49251
vessels or rail rolling stock; 49252

(15) Sales to persons engaged in any of the activities 49253
mentioned in division (E)(2) or (9) of section 5739.01 of the 49254
Revised Code, to persons engaged in making retail sales, or to 49255
persons who purchase for sale from a manufacturer tangible 49256
personal property that was produced by the manufacturer in 49257
accordance with specific designs provided by the purchaser, of 49258
packages, including material, labels, and parts for packages, and 49259
of machinery, equipment, and material for use primarily in 49260
packaging tangible personal property produced for sale, including 49261
any machinery, equipment, and supplies used to make labels or 49262
packages, to prepare packages or products for labeling, or to 49263
label packages or products, by or on the order of the person doing 49264
the packaging, or sold at retail. "Packages" includes bags, 49265
baskets, cartons, crates, boxes, cans, bottles, bindings, 49266
wrappings, and other similar devices and containers, and 49267
"packaging" means placing therein. 49268

(16) Sales of food to persons using food stamp ~~coupons~~ 49269
benefits to purchase the food. As used in division (B)(16) of this 49270
section, "food" has the same meaning as in the "Food Stamp Act of 49271
1977," 91 Stat. 958, 7 U.S.C. 2012, as amended, and federal 49272
regulations adopted pursuant to that act. 49273

(17) Sales to persons engaged in farming, agriculture, 49274
horticulture, or floriculture, of tangible personal property for 49275
use or consumption directly in the production by farming, 49276
agriculture, horticulture, or floriculture of other tangible 49277
personal property for use or consumption directly in the 49278
production of tangible personal property for sale by farming, 49279
agriculture, horticulture, or floriculture; or material and parts 49280

for incorporation into any such tangible personal property for use 49281
or consumption in production; and of tangible personal property 49282
for such use or consumption in the conditioning or holding of 49283
products produced by and for such use, consumption, or sale by 49284
persons engaged in farming, agriculture, horticulture, or 49285
floriculture, except where such property is incorporated into real 49286
property; 49287

(18) Sales of drugs dispensed by a licensed pharmacist upon 49288
the order of a licensed health professional authorized to 49289
prescribe drugs to a human being, as the term "licensed health 49290
professional authorized to prescribe drugs" is defined in section 49291
4729.01 of the Revised Code; insulin as recognized in the official 49292
United States pharmacopoeia; urine and blood testing materials 49293
when used by diabetics or persons with hypoglycemia to test for 49294
glucose or acetone; hypodermic syringes and needles when used by 49295
diabetics for insulin injections; epoetin alfa when purchased for 49296
use in the treatment of persons with end-stage renal disease; 49297
hospital beds when purchased for use by persons with medical 49298
problems for medical purposes; and oxygen and oxygen-dispensing 49299
equipment when purchased for use by persons with medical problems 49300
for medical purposes; 49301

(19) Sales of artificial limbs or portion thereof, breast 49302
prostheses, and other prosthetic devices for humans; braces or 49303
other devices for supporting weakened or nonfunctioning parts of 49304
the human body; wheelchairs; devices used to lift wheelchairs into 49305
motor vehicles and parts and accessories to such devices; crutches 49306
or other devices to aid human perambulation; and items of tangible 49307
personal property used to supplement impaired functions of the 49308
human body such as respiration, hearing, or elimination. No 49309
exemption under this division shall be allowed for nonprescription 49310
drugs, medicines, or remedies; items or devices used to supplement 49311
vision; items or devices whose function is solely or primarily 49312

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

for cleaning, sanitizing, preserving, grading, sorting, and 49344
classifying by size; packages, including material and parts for 49345
packages, and machinery, equipment, and material for use in 49346
packaging eggs for sale; and handling and transportation equipment 49347
and parts therefor, except motor vehicles licensed to operate on 49348
public highways, used in intraplant or interplant transfers or 49349
shipment of eggs in the process of preparation for sale, when the 49350
plant or plants within or between which such transfers or 49351
shipments occur are operated by the same person. "Packages" 49352
includes containers, cases, baskets, flats, fillers, filler flats, 49353
cartons, closure materials, labels, and labeling materials, and 49354
"packaging" means placing therein. 49355

(25)(a) Sales of water to a consumer for residential use, 49356
except the sale of bottled water, distilled water, mineral water, 49357
carbonated water, or ice; 49358

(b) Sales of water by a nonprofit corporation engaged 49359
exclusively in the treatment, distribution, and sale of water to 49360
consumers, if such water is delivered to consumers through pipes 49361
or tubing. 49362

(26) Fees charged for inspection or reinspection of motor 49363
vehicles under section 3704.14 of the Revised Code; 49364

(27) Sales to persons licensed to conduct a food service 49365
operation pursuant to section 3717.43 of the Revised Code, of 49366
tangible personal property primarily used directly for the 49367
following: 49368

(a) To prepare food for human consumption for sale; 49369

(b) To preserve food that has been or will be prepared for 49370
human consumption for sale by the food service operator, not 49371
including tangible personal property used to display food for 49372
selection by the consumer; 49373

(c) To clean tangible personal property used to prepare or 49374

serve food for human consumption for sale.	49375
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	49376 49377
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	49378 49379 49380 49381
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	49382 49383 49384
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	49385 49386 49387
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property by a person engaged in highway transportation for hire;	49388 49389 49390 49391
(33) Sales to the state headquarters of any veterans' organization in Ohio that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	49392 49393 49394 49395 49396
(34) Sales to a telecommunications service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in division (B)(34) of this section shall be in lieu of all other	49397 49398 49399 49400 49401 49402 49403 49404 49405

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. 49406
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(35) Sales of investment metal bullion and investment coins. 49410
"Investment metal bullion" means any elementary precious metal 49411
that has been put through a process of smelting or refining, 49412
including, but not limited to, gold, silver, platinum, and 49413
palladium, and which is in such state or condition that its value 49414
depends upon its content and not upon its form. "Investment metal 49415
bullion" does not include fabricated precious metal that has been 49416
processed or manufactured for one or more specific and customary 49417
industrial, professional, or artistic uses. "Investment coins" 49418
means numismatic coins or other forms of money and legal tender 49419
manufactured of gold, silver, platinum, palladium, or other metal 49420
under the laws of the United States or any foreign nation with a 49421
fair market value greater than any statutory or nominal value of 49422
such coins. 49423

(36)(a) Sales where the purpose of the consumer is to use or 49424
consume the things transferred in making retail sales and 49425
consisting of newspaper inserts, catalogues, coupons, flyers, gift 49426
certificates, or other advertising material that prices and 49427
describes tangible personal property offered for retail sale. 49428

(b) Sales to direct marketing vendors of preliminary 49429
materials such as photographs, artwork, and typesetting that will 49430
be used in printing advertising material; of printed matter that 49431
offers free merchandise or chances to win sweepstake prizes and 49432
that is mailed to potential customers with advertising material 49433
described in division (B)(36)(a) of this section; and of equipment 49434
such as telephones, computers, facsimile machines, and similar 49435
tangible personal property primarily used to accept orders for 49436
direct marketing retail sales. 49437

(c) Sales of automatic food vending machines that preserve 49438
food with a shelf life of forty-five days or less by refrigeration 49439
and dispense it to the consumer. 49440

For purposes of division (B)(36) of this section, "direct 49441
marketing" means the method of selling where consumers order 49442
tangible personal property by United States mail, delivery 49443
service, or telecommunication and the vendor delivers or ships the 49444
tangible personal property sold to the consumer from a warehouse, 49445
catalogue distribution center, or similar fulfillment facility by 49446
means of the United States mail, delivery service, or common 49447
carrier. 49448

(37) Sales to a person engaged in the business of 49449
horticulture or producing livestock of materials to be 49450
incorporated into a horticulture structure or livestock structure; 49451

(38) The sale of a motor vehicle that is used exclusively for 49452
a vanpool ridesharing arrangement to persons participating in the 49453
vanpool ridesharing arrangement when the vendor is selling the 49454
vehicle pursuant to a contract between the vendor and the 49455
department of transportation; 49456

(39) Sales of personal computers, computer monitors, computer 49457
keyboards, modems, and other peripheral computer equipment to an 49458
individual who is licensed or certified to teach in an elementary 49459
or a secondary school in this state for use by that individual in 49460
preparation for teaching elementary or secondary school students; 49461
49462

(40) Sales to a professional racing team of any of the 49463
following: 49464

(a) Motor racing vehicles; 49465

(b) Repair services for motor racing vehicles; 49466

(c) Items of property that are attached to or incorporated in 49467

motor racing vehicles, including engines, chassis, and all other 49468
components of the vehicles, and all spare, replacement, and 49469
rebuilt parts or components of the vehicles; except not including 49470
tires, consumable fluids, paint, and accessories consisting of 49471
instrumentation sensors and related items added to the vehicle to 49472
collect and transmit data by means of telemetry and other forms of 49473
communication. 49474

(41) Sales of used manufactured homes and used mobile homes, 49475
as defined in section 5739.0210 of the Revised Code, made on or 49476
after January 1, 2000; 49477

(42) Sales of tangible personal property and services to a 49478
provider of electricity used or consumed directly and primarily in 49479
generating, transmitting, or distributing electricity for use by 49480
others, including property that is or is to be incorporated into 49481
and will become a part of the consumer's production, transmission, 49482
or distribution system and that retains its classification as 49483
tangible personal property after incorporation; fuel or power used 49484
in the production, transmission, or distribution of electricity; 49485
and tangible personal property and services used in the repair and 49486
maintenance of the production, transmission, or distribution 49487
system, including only those motor vehicles as are specially 49488
designed and equipped for such use. The exemption provided in this 49489
division shall be in lieu of all other exceptions in division 49490
(E)(2) of section 5739.01 of the Revised Code to which a provider 49491
of electricity may otherwise be entitled based on the use of the 49492
tangible personal property or service purchased in generating, 49493
transmitting, or distributing electricity. 49494

For the purpose of the proper administration of this chapter, 49495
and to prevent the evasion of the tax, it is presumed that all 49496
sales made in this state are subject to the tax until the contrary 49497
is established. 49498

As used in this section, except in division (B)(16) of this 49499

section, "food" includes cereals and cereal products, milk and 49500
milk products including ice cream, meat and meat products, fish 49501
and fish products, eggs and egg products, vegetables and vegetable 49502
products, fruits, fruit products, and pure fruit juices, 49503
condiments, sugar and sugar products, coffee and coffee 49504
substitutes, tea, and cocoa and cocoa products. It does not 49505
include: spirituous or malt liquors; soft drinks; sodas and 49506
beverages that are ordinarily dispensed at bars and soda fountains 49507
or in connection therewith, other than coffee, tea, and cocoa; 49508
root beer and root beer extracts; malt and malt extracts; mineral 49509
oils, cod liver oils, and halibut liver oil; medicines, including 49510
tonics, vitamin preparations, and other products sold primarily 49511
for their medicinal properties; and water, including mineral, 49512
bottled, and carbonated waters, and ice. 49513

(C) The levy of an excise tax on transactions by which 49514
lodging by a hotel is or is to be furnished to transient guests 49515
pursuant to this section and division (B) of section 5739.01 of 49516
the Revised Code does not prevent any of the following: 49517

(1) A municipal corporation or township from levying an 49518
excise tax for any lawful purpose not to exceed three per cent on 49519
transactions by which lodging by a hotel is or is to be furnished 49520
to transient guests in addition to the tax levied by this section. 49521
If a municipal corporation or township repeals a tax imposed under 49522
division (C)(1) of this section and a county in which the 49523
municipal corporation or township has territory has a tax imposed 49524
under division (C) of section 5739.024 of the Revised Code in 49525
effect, the municipal corporation or township may not reimpose its 49526
tax as long as that county tax remains in effect. A municipal 49527
corporation or township in which a tax is levied under division 49528
(B)(2) of section 351.021 of the Revised Code may not increase the 49529
rate of its tax levied under division (C)(1) of this section to 49530
any rate that would cause the total taxes levied under both of 49531

those divisions to exceed three per cent on any lodging 49532
transaction within the municipal corporation or township. 49533

(2) A municipal corporation or a township from levying an 49534
additional excise tax not to exceed three per cent on such 49535
transactions pursuant to division (B) of section 5739.024 of the 49536
Revised Code. Such tax is in addition to any tax imposed under 49537
division (C)(1) of this section. 49538

(3) A county from levying an excise tax pursuant to division 49539
(A) of section 5739.024 of the Revised Code. 49540

(4) A county from levying an excise tax not to exceed three 49541
per cent of such transactions pursuant to division (C) of section 49542
5739.024 of the Revised Code. Such a tax is in addition to any tax 49543
imposed under division (C)(3) of this section. 49544

(5) A convention facilities authority, as defined in division 49545
(A) of section 351.01 of the Revised Code, from levying the excise 49546
taxes provided for in division (B) of section 351.021 of the 49547
Revised Code. 49548

(6) A county from levying an excise tax not to exceed one and 49549
one-half per cent of such transactions pursuant to division (D) of 49550
section 5739.024 of the Revised Code. Such tax is in addition to 49551
any tax imposed under division (C)(3) or (4) of this section. 49552
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(7) A county from levying an excise tax not to exceed one and 49554
one-half per cent of such transactions pursuant to division (E) of 49555
section 5739.024 of the Revised Code. Such a tax is in addition to 49556
any tax imposed under division (C)(3), (4), or (6) of this 49557
section. 49558

(D) The levy of this tax on retail sales of recreation and 49559
sports club service shall not prevent a municipal corporation from 49560
levying any tax on recreation and sports club dues or on any 49561
income generated by recreation and sports club dues. 49562

Sec. 5739.024. (A)(1) A board of county commissioners may, by 49563
resolution adopted by a majority of the members of the board, levy 49564
an excise tax not to exceed three per cent on transactions by 49565
which lodging by a hotel is or is to be furnished to transient 49566
guests. The board shall establish all regulations necessary to 49567
provide for the administration and allocation of the tax. The 49568
regulations may prescribe the time for payment of the tax, and may 49569
provide for the imposition of a penalty or interest, or both, for 49570
late payments, provided that the penalty does not exceed ten per 49571
cent of the amount of tax due, and the rate at which interest 49572
accrues does not exceed the rate per annum prescribed pursuant to 49573
section 5703.47 of the Revised Code. Except as ~~otherwise~~ provided 49574
in divisions (A)(2) and (3) of this section, the regulations shall 49575
provide, after deducting the real and actual costs of 49576
administering the tax, for the return to each municipal 49577
corporation or township that does not levy an excise tax on such 49578
transactions, a uniform percentage of the tax collected in the 49579
municipal corporation or in the unincorporated portion of the 49580
township from each such transaction, not to exceed thirty-three 49581
and one-third per cent. The remainder of the revenue arising from 49582
the tax shall be deposited in a separate fund and shall be spent 49583
solely to make contributions to the convention and visitors' 49584
bureau operating within the county, including a pledge and 49585
contribution of any portion of such remainder pursuant to an 49586
agreement authorized by section 307.695 of the Revised Code. 49587
Except as ~~otherwise~~ provided under in division (A)(2) or (3) of 49588
this section, on and after May 10, 1994, a board of county 49589
commissioners may not levy an excise tax pursuant to this division 49590
in any municipal corporation or township located wholly or partly 49591
within the county that has in effect an ordinance or resolution 49592
levying an excise tax pursuant to division (B) of this section. 49593
The board of a county that has levied a tax under division (C) of 49594

this section may, by resolution adopted within ninety days after 49595
July 15, 1985, by a majority of the members of the board, amend 49596
the resolution levying a tax under this division to provide for a 49597
portion of that tax to be pledged and contributed in accordance 49598
with an agreement entered into under section 307.695 of the 49599
Revised Code. A tax, any revenue from which is pledged pursuant to 49600
such an agreement, shall remain in effect at the rate at which it 49601
is imposed for the duration of the period for which the revenue 49602
therefrom has been so pledged. 49603

(2) A board of county commissioners that levies an excise tax 49604
under division (A)(1) of this section on June 30, 1997, at a rate 49605
of three per cent, and that has pledged revenue from the tax to an 49606
agreement entered into under section 307.695 of the Revised Code, 49607
may amend the resolution levying that tax to provide for an 49608
increase in the rate of the tax up to five per cent on each 49609
transaction; to provide that revenue from the increase in the rate 49610
shall be spent solely to make contributions to the convention and 49611
visitors' bureau operating within the county to be used 49612
specifically for promotion, advertising, and marketing of the 49613
region in which the county is located; to provide that the rate in 49614
excess of the three per cent levied under division (A)(1) of this 49615
section shall remain in effect at the rate at which it is imposed 49616
for the duration of the period during which any agreement is in 49617
effect that was entered into under section 307.695 of the Revised 49618
Code by the board of county commissioners levying a tax under 49619
division (A)(1) of this section; and to provide that no portion of 49620
that revenue need be returned to townships or municipal 49621
corporations as would otherwise be required under division (A)(1) 49622
of this section. 49623

(3) A board of county commissioners that levies a tax under 49624
division (A)(1) of this section on March 18, 1999, at a rate of 49625
three per cent may, by resolution adopted not later than 49626

forty-five days after March 18, 1999, amend the resolution levying 49627
the tax to provide for all of the following: 49628

(a) That the rate of the tax shall be increased by not more 49629
than an additional four per cent on each transaction; 49630

(b) That all of the revenue from the increase in rate shall 49631
be pledged and contributed to a convention facilities authority 49632
established by the board of county commissioners under Chapter 49633
351. of the Revised Code on or before November 15, 1998, and used 49634
to pay costs of constructing, maintaining, operating, and 49635
promoting a facility in the county, including paying bonds, or 49636
notes issued in anticipation of bonds, as provided by that 49637
chapter; 49638

(c) That no portion of the revenue arising from the increase 49639
in rate need be returned to municipal corporations or townships as 49640
otherwise required under division (A)(1) of this section; 49641

(d) That the increase in rate shall not be subject to 49642
diminution by initiative or referendum or by law while any bonds, 49643
or notes in anticipation of bonds, issued by the authority under 49644
Chapter 351. of the Revised Code to which the revenue is pledged 49645
remain outstanding in accordance with their terms, unless 49646
provision is made by law or by the board of county commissioners 49647
for an adequate substitute therefor that is satisfactory to the 49648
trustee if a trust agreement secures the bonds. 49649

Division (A)(3) of this section does not apply to the board 49650
of county commissioners of any county in which a convention center 49651
or facility exists or is being constructed on November 15, 1998, 49652
or of any county in which a convention facilities authority levies 49653
a tax pursuant to section 351.021 of the Revised Code on that 49654
date. 49655

As used in division (A)(3) of this section, "costs" and 49656
"facility" have the same meanings as in section 351.01 of the 49657

Revised Code, and "convention center" has the same meaning as in
section 307.695 of the Revised Code.

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(B) The legislative authority of a municipal corporation or
the board of trustees of a township that is not wholly or partly
located in a county that has in effect a resolution levying an
excise tax pursuant to division (A)(1) of this section may by
ordinance or resolution levy an excise tax not to exceed three per
cent on transactions by which lodging by a hotel is or is to be
furnished to transient guests. The legislative authority of the
municipal corporation or township shall deposit at least fifty per
cent of the revenue from the tax levied pursuant to this division
into a separate fund, which shall be spent solely to make
contributions to convention and visitors' bureaus operating within
the county in which the municipal corporation or township is
wholly or partly located, and the balance of such revenue shall be
deposited in the general fund. The municipal corporation or
township shall establish all regulations necessary to provide for
the administration and allocation of the tax. The regulations may
prescribe the time for payment of the tax, and may provide for the
imposition of a penalty or interest, or both, for late payments,
provided that the penalty does not exceed ten per cent of the
amount of tax due, and the rate at which interest accrues does not
exceed the rate per annum prescribed pursuant to section 5703.47
of the Revised Code. The levy of a tax under this division is in
addition to any tax imposed on the same transaction by a municipal
corporation or a township as authorized by division (C)(1) of
section 5739.02 of the Revised Code.

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(C) For the purpose of making the payments authorized by
section 307.695 of the Revised Code to construct and equip a
convention center in the county and to cover the costs of
administering the tax, a board of county commissioners of a county
where a tax imposed under division (A)(1) of this section is in

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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

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 49754
provided for in division (B) of section 307.672 of the Revised 49755
Code, and for such additional purposes as are determined by the 49756
county in the resolution levying the tax or amendments thereto, 49757
including subsequent amendments providing for paying costs of 49758
acquiring, constructing, renovating, rehabilitating, equipping, 49759
and improving a port authority educational and cultural performing 49760
arts facility, as defined in section 307.674 of the Revised Code, 49761
including debt service charges on bonds provided for in division 49762
(B) of section 307.674 of the Revised Code, the legislative 49763
authority of a county, by resolution adopted within ninety days 49764
after June 30, 1993, by a majority of the members of the 49765
legislative authority, may levy an additional excise tax not to 49766
exceed one and one-half per cent on transactions by which lodging 49767
by a hotel is or is to be furnished to transient guests. The 49768
excise tax authorized by this division shall be in addition to any 49769
tax that is levied pursuant to divisions (A), (B), (C), and (D) of 49770
this section, to any excise tax levied pursuant to division (C) of 49771
section 5739.02 of the Revised Code, and to any excise tax levied 49772
pursuant to section 351.021 of the Revised Code. The legislative 49773
authority of the county shall establish all regulations necessary 49774
to provide for the administration and allocation of the tax. The 49775
regulations may prescribe the time for payment of the tax, and may 49776
provide for the imposition of a penalty or interest, or both, for 49777
late payments, provided that the penalty does not exceed ten per 49778
cent of the amount of tax due, and the rate at which interest 49779
accrues does not exceed the rate per annum prescribed pursuant to 49780
section 5703.47 of the Revised Code. All revenues arising from the 49781
tax shall be expended in accordance with section 307.672 of the 49782
Revised Code and division (E) of this section. The levy of a tax 49783
imposed under this division shall not commence prior to the first 49784
day of the month next following the execution of the cooperative 49785
agreement authorized by section 307.672 of the Revised Code by all 49786

parties to that agreement. Such tax shall remain in effect at the 49787
rate at which it is imposed for the period of time determined by 49788
the legislative authority of the county, but not to exceed fifteen 49789
years. 49790

(F) The legislative authority of a county that has levied a 49791
tax under division (E) of this section may, by resolution adopted 49792
within one hundred eighty days after ~~the effective date of this~~ 49793
~~amendment~~ January 4, 2001, by a majority of the members of the 49794
legislative authority, amend the resolution levying a tax under 49795
division (E) of this section to provide for the use of the 49796
proceeds of that tax, to the extent that it is no longer needed 49797
for its original purpose as determined by the parties to a 49798
cooperative agreement amendment pursuant to division (D) of 49799
section 307.672 of the Revised Code, to pay costs of acquiring, 49800
constructing, renovating, rehabilitating, equipping, and improving 49801
a port authority educational and cultural performing arts 49802
facility, including debt service charges on bonds provided for in 49803
division (B) of section 307.674 of the Revised Code, and to pay 49804
all obligations under any guaranty agreements, reimbursement 49805
agreements, or other credit enhancement agreements described in 49806
division (C) of section 307.674 of the Revised Code. The 49807
resolution may also provide for the extension of the tax at the 49808
same rate for the longer of the period of time determined by the 49809
legislative authority of the county, but not to exceed an 49810
additional twenty-five years, or the period of time required to 49811
pay all debt service charges on bonds provided for in division (B) 49812
of section 307.672 of the Revised Code and on port authority 49813
revenue bonds provided for in division (B) of section 307.674 of 49814
the Revised Code. All revenues arising from the amendment and 49815
extension of the tax shall be expended in accordance with section 49816
307.674 of the Revised Code and divisions (E) and (F) of this 49817
section. 49818

(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.

The tax commissioner shall notify each permit holder required 49850
to remit taxes by electronic funds transfer of the permit holder's 49851
obligation to do so, shall maintain an updated list of those 49852
permit holders, and shall timely certify the list and any 49853
additions thereto or deletions therefrom to the treasurer of 49854
state. Failure by the tax commissioner to notify a permit holder 49855
subject to this section to remit taxes by electronic funds 49856
transfer does not relieve the permit holder of its obligation to 49857
remit taxes by electronic funds transfer. 49858

(B) Permit holders required by division (A) of this section 49859
to remit payments by electronic funds transfer shall remit such 49860
payments to the treasurer of state in the manner prescribed by 49861
rules adopted by the treasurer under section 113.061 of the 49862
Revised Code and on or before the dates specified under section 49863
5739.031 of the Revised Code. The payment of taxes by electronic 49864
funds transfer does not affect a permit holder's obligation to 49865
file the monthly return as required under section 5739.031 of the 49866
Revised Code. 49867

A permit holder required by this section to remit taxes by 49868
electronic funds transfer may apply to the treasurer of state in 49869
the manner prescribed by the treasurer to be excused from that 49870
requirement. The treasurer of state may excuse the permit holder 49871
from remittance by electronic funds transfer for good cause shown 49872
for the period of time requested by the permit holder or for a 49873
portion of that period. The treasurer shall notify the tax 49874
commissioner and the permit holder of the treasurer's decision as 49875
soon as is practicable. 49876

(C) If a permit holder required by this section to remit 49877
taxes by electronic funds transfer remits those taxes by some 49878
means other than by electronic funds transfer as prescribed by 49879
this section and the rules adopted by the treasurer of state, and 49880
the ~~treasurer~~ tax commissioner determines that such failure was 49881

not due to reasonable cause or was due to willful neglect, the 49882
~~treasurer shall notify the tax commissioner of the failure to~~ 49883
~~remit by electronic funds transfer and shall provide the~~ 49884
~~commissioner with any information used in making that~~ 49885
~~determination. The tax~~ commissioner may collect an additional 49886
charge by assessment in the manner prescribed by section 5739.13 49887
of the Revised Code. The additional charge shall equal five per 49888
cent of the amount of the taxes required to be paid by electronic 49889
funds transfer, but shall not exceed five thousand dollars. Any 49890
additional charge assessed under this section is in addition to 49891
any other penalty or charge imposed under this chapter, and shall 49892
be considered as revenue arising from taxes imposed under this 49893
chapter. The tax commissioner may remit all or a portion of such a 49894
charge and may adopt rules governing such remission. 49895

No additional charge shall be assessed under this division 49896
against a permit holder that has been notified of its obligation 49897
to remit taxes under this section and that remits its first two 49898
tax payments after such notification by some means other than 49899
electronic funds transfer. The additional charge may be assessed 49900
upon the remittance of any subsequent tax payment that the permit 49901
holder remits by some means other than electronic funds transfer. 49902

Sec. 5739.07. (A) The tax commissioner shall refund to 49903
vendors the amount of taxes paid illegally or erroneously or paid 49904
on any illegal or erroneous assessment if the vendor has not been 49905
reimbursed from the consumer. When the illegal or erroneous 49906
payment or assessment was not paid to a vendor but was paid by the 49907
consumer directly to the treasurer of state ~~or~~ an agent of the 49908
treasurer of state, the tax commissioner, or an agent of the tax 49909
commissioner, the tax commissioner shall refund to the consumer. 49910
When a refund is granted for payment of an illegal or erroneous 49911
assessment issued by the department, the refund shall include 49912
interest as provided by section 5739.132 of the Revised Code. 49913

(B) The tax commissioner may make a refund to the consumer of 49914
taxes paid illegally or erroneously if the tax has not been 49915
refunded to the vendor and any of the following circumstances 49916
apply: 49917

(1) The consumer is unable to receive a refund from the 49918
vendor because the vendor has ceased business; 49919

(2) The vendor is unable to issue a refund because of 49920
bankruptcy or similar financial condition; 49921

(3) The consumer receives a refund of the full price paid to 49922
the vendor from a manufacturer or other person, other than the 49923
vendor, as a settlement for a complaint by the consumer about the 49924
property or service purchased. 49925

(C) Applications for refund shall be filed with the tax 49926
commissioner, on the form prescribed by the tax commissioner, 49927
within four years from the date of the illegal or erroneous 49928
payment of the tax, unless the vendor or consumer waives the time 49929
limitation under division (A)(3) of section 5739.16 of the Revised 49930
Code. If the time limitation is waived, the four-year refund 49931
limitation shall be extended for the same period of time as the 49932
waiver. On the filing of an application for refund, the 49933
commissioner shall determine the amount of refund due and certify 49934
that amount to the director of budget and management and treasurer 49935
of state for payment from the tax refund fund created by section 49936
5703.052 of the Revised Code. 49937

Sec. 5739.102. A person who is liable for a tax levied under 49938
section 5739.101 of the Revised Code shall file a return with the 49939
~~treasurer of state~~ tax commissioner showing ~~his~~ the person's 49940
taxable gross receipts from sales described under division (B)(1) 49941
or (2) of that section. The tax commissioner shall prescribe the 49942
form of the return, and the six- or twelve-month reporting period. 49943
The person shall file the return on or before the last day of the 49944

month following the end of the reporting period prescribed by the 49945
commissioner, and shall include with the return payment of the tax 49946
for the period. The remittance shall be made payable to the 49947
treasurer of state. 49948

Upon receipt of a return, the ~~treasurer of state tax~~ 49949
~~commissioner~~ shall credit any money included with it to the resort 49950
area excise tax fund, which is hereby created, ~~and shall forward~~ 49951
~~the return to the tax commissioner. The treasurer of state shall~~ 49952
~~stamp or otherwise mark on the return the date it was received,~~ 49953
~~and shall indicate on the return the amount of payment received~~ 49954
~~with it.~~ Within forty-five days after the end of each month, the 49955
commissioner shall provide for the distribution of all money paid 49956
during that month into the resort area excise tax fund to the 49957
appropriate municipal corporations and townships, after first 49958
subtracting and crediting to the general revenue fund one per cent 49959
to cover the costs of administering the excise tax. 49960

If a person liable for the tax fails to file a return or pay 49961
the tax as required under this section and the rules of the tax 49962
commissioner, ~~he~~ the person shall pay an additional charge of the 49963
greater of fifty dollars or ten per cent of the tax due for the 49964
return period. The additional charge shall be considered revenue 49965
arising from the tax levied under section 5739.101 of the Revised 49966
Code, and may be collected by assessment in the manner provided in 49967
section 5739.13 of the Revised Code. The tax commissioner may 49968
remit all or a portion of the charge. 49969

Sec. 5739.12. Each person who has or is required to have a 49970
vendor's license, on or before the twenty-third day of each month, 49971
shall make and file a return for the preceding month, on forms 49972
prescribed by the tax commissioner, and shall pay the tax shown on 49973
the return to be due. The return shall show the amount of tax due 49974
from the vendor to the state for the period covered by the return 49975
and such other information as the commissioner deems necessary for 49976

the proper administration of this chapter. The commissioner may 49977
extend the time for making and filing returns and paying the tax, 49978
and may require that the return for the last month of any annual 49979
or semiannual period, as determined by the commissioner, be a 49980
reconciliation return detailing the vendor's sales activity for 49981
the preceding annual or semiannual period. The reconciliation 49982
return shall be filed by the last day of the month following the 49983
last month of the annual or semiannual period. The commissioner 49984
may remit all or any part of amounts or penalties which may become 49985
due under this chapter and may adopt rules relating thereto. Such 49986
return shall be filed by mailing ~~the same~~ it to the ~~treasurer of~~ 49987
state tax commissioner, together with payment of the amount of tax 49988
shown to be due thereon after deduction of any discount provided 49989
for under this section. Remittance shall be made payable to the 49990
treasurer of state. The return shall be considered filed when 49991
received by the ~~treasurer of state~~ tax commissioner, and the 49992
payment shall be considered made when received by the ~~treasurer of~~ 49993
state tax commissioner or when credited to an account designated 49994
by the treasurer of state or the tax commissioner. If the return 49995
is filed and the amount of tax shown thereon to be due is paid on 49996
or before the date such return is required to be filed, the vendor 49997
shall be entitled to a discount of three-fourths of one per cent 49998
of the amount shown to be due on the return. Amounts paid to the 49999
clerk of courts pursuant to section 4505.06 of the Revised Code 50000
shall be subject to the three-fourths of one per cent discount. 50001
The discount shall be in consideration for prompt payment to the 50002
clerk of courts and for other services performed by the vendor in 50003
the collection of the tax. 50004

Upon application to the commissioner, a vendor who is 50005
required to file monthly returns may be relieved of the 50006
requirement to report and pay the actual tax due, provided that 50007
the vendor agrees to remit to the ~~treasurer of state~~ tax 50008
commissioner payment of not less than an amount determined by the 50009

commissioner to be the average monthly tax liability of the 50010
vendor, based upon a review of the returns or other information 50011
pertaining to such vendor for a period of not less than six months 50012
nor more than two years immediately preceding the filing of the 50013
application. Vendors who agree to the above conditions shall make 50014
and file an annual or semiannual reconciliation return, as 50015
prescribed by the commissioner. The reconciliation return shall be 50016
filed by mailing or delivering ~~the same~~ it to the ~~treasurer of~~ 50017
state tax commissioner, together with payment of the amount of tax 50018
shown to be due thereon after deduction of any discount provided 50019
in this section. Remittance shall be made payable to the treasurer 50020
of state. Failure of a vendor to comply with any of the above 50021
conditions may result in immediate reinstatement of the 50022
requirement of reporting and paying the actual tax liability on 50023
each monthly return, and the commissioner may at the 50024
commissioner's discretion deny the vendor the right to report and 50025
pay based upon the average monthly liability for a period not to 50026
exceed two years. The amount ~~determined~~ ascertained by the 50027
commissioner to be the average monthly tax liability of a vendor 50028
may be adjusted, based upon a review of the returns or other 50029
information pertaining to the vendor for a period of not less than 50030
six months nor more than two years preceding such adjustment. 50031

The commissioner may authorize vendors whose tax liability is 50032
not such as to merit monthly returns, as ~~determined~~ ascertained by 50033
the commissioner upon the basis of administrative costs to the 50034
state, to make and file returns at less frequent intervals. When 50035
returns are filed at less frequent intervals in accordance with 50036
such ~~a determination~~ authorization, the vendor shall be allowed 50037
the discount of three-fourths of one per cent in consideration for 50038
prompt payment with the return, provided the return is filed 50039
together with payment of the amount of tax shown to be due 50040
thereon, at the time specified by the commissioner. 50041

~~The treasurer of state shall stamp or otherwise mark on all~~ 50042
~~returns the date received by the treasurer of state and shall also~~ 50043
~~show thereon by stamp or otherwise the amount of payment received~~ 50044
~~for the period for which the return is filed. Thereafter, the~~ 50045
~~treasurer of state shall immediately transmit all returns filed~~ 50046
~~under this section to the commissioner.~~ Any vendor who fails to 50047
file a return or pay the full amount of the tax shown on the 50048
return to be due under this section and the rules of the 50049
commissioner may, for each such return the vendor fails to file or 50050
each such tax the vendor fails to pay in full as shown on the 50051
return within the period prescribed by this section and the rules 50052
of the commissioner, be required to forfeit and pay into the state 50053
treasury an additional charge not exceeding fifty dollars or ten 50054
per cent of the tax required to be paid for the reporting period, 50055
whichever is greater, as revenue arising from the tax imposed by 50056
this chapter, and such sum may be collected by assessment in the 50057
manner provided in section 5739.13 of the Revised Code. The 50058
commissioner may remit all or a portion of the additional charge 50059
and may adopt rules relating to the imposition and remission of 50060
the additional charge. 50061

If the amount required to be collected by a vendor from 50062
consumers is in excess of five per cent of the vendor's receipts 50063
from sales which are taxable under section 5739.02 of the Revised 50064
Code, or in the case of sales subject to a tax levied pursuant to 50065
section 5739.021, 5739.023, or 5739.026 of the Revised Code, in 50066
excess of the percentage equal to the aggregate rate of such taxes 50067
and the tax levied by section 5739.02 of the Revised Code, such 50068
excess shall be remitted along with the remittance of the amount 50069
of tax due under section 5739.10 of the Revised Code. 50070

The commissioner, if the commissioner deems it necessary in 50071
order to insure the payment of the tax imposed by this chapter, 50072
may require returns and payments to be made for other than monthly 50073

periods. The returns shall be signed by the vendor or the vendor's
authorized agent. 50074
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Any vendor required to file a return and pay the tax under 50076
this section whose total payment in any year indicated in division 50077
(A) of section 5739.122 of the Revised Code equals or exceeds the 50078
amount shown in that division shall make each payment required by 50079
this section in the second ensuing and each succeeding year by 50080
electronic funds transfer as prescribed by section 5739.122 of the 50081
Revised Code, except as otherwise prescribed by that section. 50082

Sec. 5739.121. As used in this section, "bad debt" means any 50083
debt that has become worthless or uncollectible in the time period 50084
between a vendor's preceding return and the present return, have 50085
been uncollected for at least six months, and that may be claimed 50086
as a deduction pursuant to the "Internal Revenue Code of 1954," 50087
68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 50088
pursuant thereto, or that could be claimed as such a deduction if 50089
the vendor kept accounts on an accrual basis. "Bad debt" does not 50090
include any interest or sales tax on the purchase price, 50091
uncollectible amounts on property that remains in the possession 50092
of the vendor until the full purchase price is paid, expenses 50093
incurred in attempting to collect any account receivable or for 50094
any portion of the debt recovered, any accounts receivable that 50095
have been sold to a third party for collection, and repossessed 50096
property. 50097

In computing taxable receipts for purposes of this chapter, a 50098
vendor may deduct the amount of bad debts, as defined in this 50099
section. The amount deducted must be charged off as uncollectible 50100
on the books of the vendor. A deduction may be claimed only with 50101
respect to bad debts on which the taxes pursuant to sections 50102
5739.10 and 5739.12 of the Revised Code were paid in a preceding 50103
tax period. If the vendor's business consists of taxable and 50104

nontaxable transactions, the deduction shall equal the full amount 50105
of the debt if the debt is documented as a taxable transaction in 50106
the vendor's records. If no such documentation is available, the 50107
maximum deduction on any bad debt shall equal the amount of the 50108
bad debt multiplied by the quotient obtained by dividing the sales 50109
taxed pursuant to this chapter during the preceding calendar year 50110
by all sales during the preceding calendar year, whether taxed or 50111
not. If a consumer or other person pays all or part of a bad debt 50112
with respect to which a vendor claimed a deduction under this 50113
section, the vendor shall be liable for the amount of taxes 50114
deducted in connection with that portion of the debt for which 50115
payment is received and shall remit such taxes in his the vendor's 50116
next payment to the ~~treasurer of state~~ tax commissioner. 50117

Any claim for a bad debt deduction under this section shall 50118
be supported by such evidence as the tax commissioner by rule 50119
requires. The commissioner shall review any change in the rate of 50120
taxation applicable to any taxable sales by a vendor claiming a 50121
deduction pursuant to this section and adopt rules for altering 50122
the deduction in the event of such a change in order to ensure 50123
that the deduction on any bad debt does not result in the vendor 50124
claiming the deduction recovering any more or less than the taxes 50125
imposed on the sale that constitutes the bad debt. 50126

Sec. 5739.13. (A) If any vendor collects the tax imposed by 50127
or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 50128
the Revised Code, and fails to remit the tax to the state as 50129
prescribed, or on the sale of a motor vehicle, watercraft, or 50130
outboard motor required to be titled, fails to remit payment to a 50131
clerk of a court of common pleas as provided in section 1548.06 or 50132
4505.06 of the Revised Code, the vendor shall be personally liable 50133
for any tax collected and not remitted. The tax commissioner may 50134
make an assessment against such vendor based upon any information 50135
in the commissioner's possession. 50136

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 50200
personal service or certified mail, but the commissioner may 50201
continue the hearing from time to time if necessary. 50202

The commissioner may make such correction to the assessment 50203
as the commissioner finds proper. The commissioner shall serve a 50204
copy of the commissioner's final determination on the petitioner 50205
by personal service or certified mail, and the commissioner's 50206
decision in the matter shall be final, subject to appeal as 50207
provided in section 5717.02 of the Revised Code. Only objections 50208
decided on the merits by the board of tax appeals or a court shall 50209
be given collateral estoppel or res judicata effect in considering 50210
an application for refund of amounts paid pursuant to the 50211
assessment. 50212

(C) After an assessment becomes final, if any portion of the 50213
assessment remains unpaid, including accrued interest, a certified 50214
copy of the commissioner's entry making the assessment final may 50215
be filed in the office of the clerk of the court of common pleas 50216
in the county in which the place of business of the party assessed 50217
is located or the county in which the party assessed resides. If 50218
the party assessed maintains no place of business in this state 50219
and is not a resident of this state, the certified copy of the 50220
entry may be filed in the office of the clerk of the court of 50221
common pleas of Franklin county. 50222

The clerk, immediately upon the filing of such entry, shall 50223
enter a judgment for the state against the party assessed in the 50224
amount shown on the entry. The judgment may be filed by the clerk 50225
in a loose-leaf book entitled "special judgments for state, 50226
county, and transit authority retail sales tax" or, if 50227
appropriate, "special judgments for resort area excise tax," and 50228
shall have the same effect as other judgments. Execution shall 50229
issue upon the judgment upon the request of the tax commissioner, 50230
and all laws applicable to sales on execution shall apply to sales 50231

made under the judgment except as otherwise provided in this 50232
chapter. 50233

The portion of the assessment not paid within sixty days 50234
after the date the assessment was issued shall bear interest at 50235
the rate per annum prescribed by section 5703.47 of the Revised 50236
Code from the day the tax commissioner issues the assessment until 50237
the assessment is paid. Interest shall be paid in the same manner 50238
as the tax and may be collected by issuing an assessment under 50239
this section. 50240

(D) All money collected by the commissioner under this 50241
section shall be paid to the treasurer of state, and when paid 50242
shall be considered as revenue arising from the taxes imposed by 50243
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 50244

Sec. 5739.18. On the first business day of each week, each 50245
county auditor shall make in triplicate a list showing the names 50246
of all vendors licensed in ~~his~~ the auditor's county during the 50247
preceding week pursuant to sections 5739.01 to 5739.31, ~~inclusive,~~ 50248
of the Revised Code, and such other information as to each, 50249
available from the records in ~~his~~ the auditor's office, as the tax 50250
commissioner prescribes, and shall immediately certify one of such 50251
lists to the commissioner, one to the treasurer of state, and one 50252
to the county treasurer. The commissioner shall keep an 50253
alphabetical index of such licensees so certified to ~~him~~ the 50254
commissioner but ~~he~~ may delete therefrom the names of those 50255
persons whose licenses have been cancelled. 50256

Sec. 5741.10. The tax commissioner shall refund to sellers 50257
the amount of tax levied pursuant to section 5741.02, 5741.021, 50258
5741.022, or 5741.023 of the Revised Code paid on any illegal or 50259
erroneous payment or assessment, where the seller has reimbursed 50260
the consumer. When such payment or assessment was not paid to a 50261

seller, but was paid by the consumer directly to the treasurer of 50262
state, ~~or the treasurer of state's agent, by the consumer~~ 50263
commissioner, or the commissioner's agent, the treasurer of state 50264
shall make refund to the consumer. When such a refund is granted, 50265
it shall include interest thereon as provided by section 5739.132 50266
of the Revised Code. Applications for refund shall be filed with 50267
the tax commissioner, on the form prescribed by the commissioner, 50268
within four years from the date of the illegal or erroneous 50269
payment of the tax except where the vendor or consumer waives the 50270
time limitation under division (C) of section 5741.16 of the 50271
Revised Code, in which case the four-year refund limitation shall 50272
be extended for the same period of time as the waiver. On filing 50273
such application, the commissioner shall determine the amount of 50274
refund due and shall certify such amount to the director of budget 50275
and management and treasurer of state for payment from the tax 50276
refund fund created by section 5703.052 of the Revised Code. 50277

Sec. 5741.12. (A) Each seller required by section 5741.17 of 50278
the Revised Code to register with the tax commissioner, and any 50279
seller authorized by the commissioner to collect the tax imposed 50280
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 50281
of the Revised Code is subject to the same requirements and 50282
entitled to the same deductions and discount for prompt payments 50283
as are vendors under section 5739.12 of the Revised Code. The 50284
powers and duties of the commissioner and the treasurer of state 50285
with respect to returns and tax remittances under this section 50286
shall be identical with those prescribed in section 5739.12 of the 50287
Revised Code. 50288

(B) Every person storing, using, or consuming tangible 50289
personal property or receiving the benefit of a service, the 50290
storage, use, consumption, or receipt of which is subject to the 50291
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 50292
or 5741.023 of the Revised Code, when such tax was not paid to a 50293

seller, shall, on or before the twenty-third day of each month, 50294
file with the ~~treasurer of state~~ tax commissioner a return for the 50295
preceding month in such form as is prescribed by the commissioner, 50296
showing such information as the commissioner deems necessary, and 50297
shall pay the tax shown on the return to be due. Remittance shall 50298
be made payable to the treasurer of state. The commissioner may 50299
require consumers to file returns and pay the tax at other than 50300
monthly intervals, if ~~he~~ the commissioner determines that such 50301
filing is necessary for the efficient administration of the tax. 50302
If the commissioner determines that a consumer's tax liability is 50303
not such as to merit monthly filing, the commissioner may 50304
authorize the consumer to file returns and pay tax at less 50305
frequent intervals. ~~The treasurer of state shall show on the~~ 50306
~~return the date it was filed and the amount of the payment~~ 50307
~~remitted to the treasurer. Thereafter, the treasurer immediately~~ 50308
~~shall transmit all returns filed under this section to the tax~~ 50309
~~commissioner.~~ 50310

Any consumer required to file a return and pay the tax under 50311
this section whose payment for any year indicated in section 50312
5741.121 of the Revised Code equals or exceeds the amount shown in 50313
that section shall make each payment required by this section in 50314
the second ensuing and each succeeding year by means of electronic 50315
funds transfer as prescribed by section 5741.121 of the Revised 50316
Code, except as otherwise prescribed by that section. 50317

(C) Every person storing, using, or consuming a motor 50318
vehicle, watercraft, or outboard motor, the ownership of which 50319
must be evidenced by certificate of title, shall file the return 50320
required by this section and pay the tax due at or prior to the 50321
time of filing an application for certificate of title. 50322

Sec. 5743.62. (A) To provide revenue for the general revenue 50323
fund of the state, an excise tax is hereby levied on the seller of 50324

tobacco products in this state at the rate of seventeen per cent 50325
of the wholesale price of the tobacco product whenever the tobacco 50326
product is delivered to a consumer in this state for the storage, 50327
use, or other consumption of such tobacco products. The tax 50328
imposed by this section applies only to sellers having nexus in 50329
this state, as defined in section 5741.01 of the Revised Code. 50330

50331
(B) A seller of tobacco products who has nexus in this state 50332
as defined in section 5741.01 of the Revised Code shall register 50333
with the tax commissioner and supply any information concerning 50334
~~his~~ the seller's contacts with this state as may be required by 50335
the tax commissioner. A seller who does not have nexus in this 50336
state may voluntarily register with the tax commissioner. A seller 50337
who voluntarily registers with the tax commissioner is entitled to 50338
the same benefits and is subject to the same duties and 50339
requirements as a seller required to be registered with the tax 50340
commissioner under this division. 50341

(C) Each seller of tobacco products subject to the tax levied 50342
by this section, on or before the last day of each month, shall 50343
file with the ~~treasurer of state~~ tax commissioner a return for the 50344
preceding month showing any information the tax commissioner finds 50345
necessary for the proper administration of sections 5743.51 to 50346
5743.66 of the Revised Code, together with remittance of the tax 50347
due. ~~The, payable to the treasurer of state shall stamp or~~ 50348
~~otherwise mark on the return the date it was received and the~~ 50349
~~amount of payment received with the return. Thereafter, the~~ 50350
~~treasurer of state shall immediately transmit all returns filed~~ 50351
~~under this section to the commissioner.~~ The return and payment of 50352
the tax required by this section shall be filed in such a manner 50353
that it is received by the ~~treasurer of state~~ tax commissioner on 50354
or before the last day of the month following the reporting 50355
period. If the return is filed and the amount of the tax shown on 50356

the return to be due is paid on or before the date the return is 50357
required to be filed, the seller is entitled to a discount equal 50358
to two and five-tenths per cent of the amount shown on the return 50359
to be due. 50360

(D) ~~The tax commissioner shall immediately forward to the~~ 50361
~~treasurer of state all~~ money received into the state treasury from 50362
the tax levied by this section, and the treasurer shall be 50363
~~credited~~ credit the amount to the general revenue fund. 50364

(E) Each seller of tobacco products subject to the tax levied 50365
by this section shall mark on the invoices of tobacco products 50366
sold that the tax levied by that section has been paid and shall 50367
indicate the seller's account number as assigned by the tax 50368
commissioner. 50369

Sec. 5743.63. (A) To provide revenue for the general revenue 50370
fund of the state, an excise tax is hereby levied on the storage, 50371
use, or other consumption of tobacco products at the rate of 50372
seventeen per cent of the wholesale price of the tobacco product, 50373
provided the tax has not been paid by the seller as provided in 50374
section 5743.62 of the Revised Code, or by the distributor as 50375
provided in section 5743.51 of the Revised Code. 50376

(B) Each person subject to the tax levied by this section, on 50377
or before the last day of each month, shall file with the 50378
~~treasurer of state~~ tax commissioner a return for the preceding 50379
month showing any information the tax commissioner finds necessary 50380
for the proper administration of sections 5743.51 to 5743.66 of 50381
the Revised Code, together with remittance of the tax due. ~~The,~~ 50382
payable to the treasurer of state ~~shall stamp or otherwise mark on~~ 50383
~~the return the date it was received and the amount of payment~~ 50384
~~received with the return. Thereafter, the treasurer of state shall~~ 50385
~~immediately transmit all returns filed under this section to the~~ 50386
commissioner. The return and payment of the tax required by this 50387

section shall be filed in such a manner that it is received by the 50388
~~treasurer of state tax commissioner~~ on or before the last day of 50389
the month following the reporting period. 50390

(C) The tax commissioner shall immediately forward to the 50391
treasurer of state all money received ~~into the state treasury~~ from 50392
the tax levied by this section, and the treasurer shall be 50393
~~credited~~ credit the amount to the general revenue fund. 50394

Sec. 5745.03. (A) For each taxable year, each taxpayer shall 50395
file an annual report with the ~~treasurer of state tax commissioner~~ 50396
not later than the fifteenth day of the fourth month after the end 50397
of the taxpayer's taxable year, and shall remit with that report 50398
the amount of tax due as shown on the report less the amount paid 50399
for the year under section 5745.04 of the Revised Code. The 50400
remittance shall be made in the form prescribed by the ~~treasurer~~ 50401
~~of state, including electronic funds transfer if tax commissioner.~~ 50402
If the amount payable with the report exceeds one thousand 50403
dollars, the taxpayer shall remit the amount by electronic funds 50404
transfer as prescribed by the treasurer of state. The tax 50405
commissioner shall immediately forward to the treasurer of state 50406
all amounts that the tax commissioner receives pursuant to this 50407
chapter. The treasurer of state shall credit ninety-eight and 50408
one-half per cent of such remittances to the municipal income tax 50409
fund, which is hereby created in the state treasury, and credit 50410
the remainder to the municipal income tax administrative fund, 50411
which is hereby created in the state treasury. ~~The treasurer of~~ 50412
~~state shall indicate on the report the date it was filed and the~~ 50413
~~amount remitted, and immediately shall transmit the report to the~~ 50414
~~tax commissioner.~~ 50415

(B) Any taxpayer that has been granted an extension for 50416
filing a federal income tax return may request an extension for 50417
filing the return required under this section by filing with the 50418
tax commissioner a copy of the taxpayer's request for the federal 50419

filing extension. The request shall be filed not later than the 50420
last day for filing the return as required under division (A) of 50421
this section. If such a request is properly and timely filed, the 50422
tax commissioner shall extend the last day for filing the return 50423
required under this section for the same period for which the 50424
federal filing extension was granted. The tax commissioner may 50425
deny the filing extension request only if the taxpayer fails to 50426
timely file the request, fails to file a copy of the federal 50427
extension request, owes past due taxes, interest, or penalty under 50428
this chapter, or has failed to file a required report or other 50429
document for a prior taxable year. The granting of an extension 50430
under this section does not extend the last day for paying taxes 50431
without penalty pursuant to this chapter unless the tax 50432
commissioner extends the payment date. 50433

(C) The annual report shall include statements of the 50434
following facts as of the last day of the taxpayer's taxable year: 50435

(1) The name of the taxpayer; 50436

(2) The name of the state or country under the laws of which 50437
it is incorporated; 50438

(3) The location of its principal office in this state and, 50439
in the case of a taxpayer organized under the laws of another 50440
state, the principal place of business in this state and the name 50441
and address of the officer or agent of the taxpayer in charge of 50442
the business conducted in this state; 50443

(4) The names of the president, secretary, treasurer, and 50444
statutory agent in this state, with the post-office address of 50445
each; 50446

(5) The date on which the taxpayer's taxable year begins and 50447
ends; 50448

(6) The taxpayer's federal taxable income during the 50449
taxpayer's taxable year; 50450

(7) Any other information the tax commissioner requires for 50451
the proper administration of this chapter. 50452

(D) The tax commissioner may require any reports required 50453
under this chapter to be filed in an electronic format. 50454

(E) A municipal corporation may not require a taxpayer 50455
required to file a report under this section to file a report of 50456
the taxpayer's income, but a municipal corporation may require a 50457
taxpayer to report to the municipal corporation the value of the 50458
taxpayer's real and tangible personal property situated in the 50459
municipal corporation, compensation paid by the taxpayer to its 50460
employees in the municipal corporation, and sales made in the 50461
municipal corporation by the taxpayer, to the extent necessary for 50462
the municipal corporation to compute the taxpayer's municipal 50463
property, payroll, and sales factors for the municipal 50464
corporation. 50465

(F) On or before the thirty-first day of January each year, 50466
each municipal corporation imposing a tax on income shall certify 50467
to the tax commissioner the rate of the tax in effect on the first 50468
day of January of that year. If any municipal corporation fails to 50469
certify its income tax rate as required by this division, the tax 50470
commissioner shall notify the director of budget and management, 50471
who, upon receiving such notification, shall withhold from each 50472
payment made to the municipal corporation under section 5745.05 of 50473
the Revised Code fifty per cent of the amount of the payment 50474
otherwise due the municipal corporation under that section as 50475
computed on the basis of the tax rate most recently certified 50476
until the municipal corporation certifies the tax rate in effect 50477
on the first day of January of that year. 50478

The tax rate used to determine the tax payable to a municipal 50479
corporation under this section for a taxpayer's taxable year shall 50480
be the tax rate in effect in a municipal corporation on the first 50481
day of January in that taxable year. If a taxpayer's taxable year 50482

is for a period less than twelve months that does not include the 50483
first day of January, the tax rate used to determine the tax 50484
payable to a municipal corporation under this section for the 50485
taxpayer's taxable year shall be the tax rate in effect in a 50486
municipal corporation on the first day of January in the preceding 50487
taxable year. 50488

Sec. 5745.04. (A) As used in this section, "combined tax 50489
liability" means the total of a taxpayer's income tax liabilities 50490
to all municipal corporations in this state for a taxable year. 50491

(B) Beginning with its taxable year beginning in 2003, each 50492
taxpayer shall file a declaration of estimated tax report with, 50493
and remit estimated taxes to the tax commissioner, payable to the 50494
treasurer of state, at the times and in the amounts prescribed in 50495
divisions (B)(1) to (4) of this section. This division also 50496
applies to a taxpayer having a taxable year consisting of fewer 50497
than twelve months, at least one of which is in 2002, that ends 50498
before January 1, 2003. 50499

(1) Not less than twenty-five per cent of the combined tax 50500
liability for the preceding taxable year or twenty per cent of the 50501
combined tax liability for the current taxable year shall have 50502
been remitted not later than the fifteenth day of the fourth month 50503
after the end of the preceding taxable year. 50504

(2) Not less than fifty per cent of the combined tax 50505
liability for the preceding taxable year or forty per cent of the 50506
combined tax liability for the current taxable year shall have 50507
been remitted not later than the fifteenth day of the sixth month 50508
after the end of the preceding taxable year. 50509

(3) Not less than seventy-five per cent of the combined tax 50510
liability for the preceding taxable year or sixty per cent of the 50511
combined tax liability for the current taxable year shall have 50512
been remitted not later than the fifteenth day of the ninth month 50513

after the end of the preceding taxable year. 50514

(4) Not less than one hundred per cent of the combined tax 50515
liability for the preceding taxable year or eighty per cent of the 50516
combined tax liability for the current taxable year shall have 50517
been remitted not later than the fifteenth day of the twelfth 50518
month after the end of the preceding taxable year. 50519

(C) Each taxpayer shall report on the declaration of 50520
estimated tax report the portion of the remittance that the 50521
taxpayer estimates that it owes to each municipal corporation for 50522
the taxable year. 50523

(D) Upon receiving a declaration of estimated tax report and 50524
remittance of estimated taxes under this section, the tax 50525
commissioner shall immediately forward to the treasurer of state 50526
such remittance. The treasurer of state shall credit ninety-eight 50527
and one-half per cent of the remittance to the municipal income 50528
tax fund and credit the remainder to the municipal income tax 50529
administrative fund, ~~and shall transmit the report to the tax~~ 50530
~~commissioner.~~ 50531

(E) If any remittance of estimated taxes is for one thousand 50532
dollars or more, the taxpayer shall make the remittance by 50533
electronic funds transfer as prescribed by section 5745.04 of the 50534
Revised Code. 50535

(F) Notwithstanding section 5745.08 or 5745.09 of the Revised 50536
Code, no penalty or interest shall be imposed on a taxpayer if the 50537
declaration of estimated tax report is properly filed, and the 50538
estimated tax is ~~remitted~~ paid, within the time prescribed by 50539
division (B) of this section. 50540

Sec. 5747.122. (A) The tax commissioner, in accordance with 50541
section 5101.184 of the Revised Code, shall cooperate with the 50542
director of job and family services to collect overpayments of 50543

assistance under Chapter 5107., 5111., or 5115., former Chapter 50544
5113., or ~~sections~~ section 5101.54 to ~~5101.543~~ of the Revised Code 50545
from refunds of state income taxes for taxable year 1992 and 50546
thereafter that are payable to the recipients of such 50547
overpayments. 50548

(B) At the request of the department of job and family 50549
services in connection with the collection of an overpayment of 50550
assistance from a refund of state income taxes pursuant to this 50551
section and section 5101.184 of the Revised Code, the tax 50552
commissioner shall release to the department the home address and 50553
social security number of any recipient of assistance whose 50554
overpayment may be collected from a refund of state income taxes 50555
under those sections. 50556

(C) In the case of a joint income tax return for two people 50557
who were not married to each other at the time one of them 50558
received an overpayment of assistance, only the portion of a 50559
refund that is due to the recipient of the overpayment shall be 50560
available for collection of the overpayment under this section and 50561
section 5101.184 of the Revised Code. The tax commissioner shall 50562
determine such portion. A recipient's spouse who objects to the 50563
portion as determined by the commissioner may file a complaint 50564
with the commissioner within twenty-one days after receiving 50565
notice of the collection, and the commissioner shall afford the 50566
spouse an opportunity to be heard on the complaint. The 50567
commissioner shall waive or extend the twenty-one-day period if 50568
the recipient's spouse establishes that such action is necessary 50569
to avoid unjust, unfair, or unreasonable results. After the 50570
hearing, the commissioner shall make a final determination of the 50571
portion of the refund available for collection of the overpayment. 50572

(D) The welfare overpayment intercept fund is hereby created 50573
in the state treasury. The tax commissioner shall deposit amounts 50574
collected from income tax refunds under this section to the credit 50575

of the welfare overpayment intercept fund. The director of job and 50576
family services shall distribute money in the fund in accordance 50577
with appropriate federal or state laws and procedures regarding 50578
collection of welfare overpayments. 50579

Sec. 5747.221. For (A) As used in this section, "investment 50580
pass-through entity" has the same meaning as in section 5733.401 50581
of the Revised Code. 50582

(B) Except as provided in division (C) of this section, for 50583
the purposes of sections 5747.20, 5747.21, and 5747.22 of the 50584
Revised Code, no item of income or deduction shall be allocated or 50585
apportioned to this state to the extent that such item represents 50586
~~or relates to~~ the portion of an adjusted qualifying amount for 50587
which the withholding tax is not imposed under section 5747.41 of 50588
the Revised Code by reason of division (C) of section 5733.401 of 50589
the Revised Code. This section shall be applied without regard to 50590
division (I) of section 5733.40 of the Revised Code. 50591

(C) If a taxpayer has a direct or indirect investment in an 50592
investment pass-through entity that has a direct or indirect 50593
investment in any other pass-through entity, division (B) of this 50594
section does not apply to any item of income, gain, deduction, or 50595
loss where, under section 5747.231 of the Revised Code, the item 50596
is directly or indirectly attributable to either of the following: 50597

(1) A distributive share of income or gain from a 50598
pass-through entity that does not qualify as an investment 50599
pass-through entity; 50600

(2) A pass-through entity's income or gain to which division 50601
(C) of section 5733.401 of the Revised Code does not apply. 50602
50603

An indirect investment includes any interest that a person 50604
constructively owns on account of the attribution rules set forth 50605

in section 267, 318, or 1563 of the Internal Revenue Code. 50606

Sec. 5747.39. As used in this section, "eligible employee" 50607
and "eligible training costs" have the same meanings as in section 50608
5733.42 of the Revised Code, and "pass-through entity" includes a 50609
sole proprietorship. 50610

For taxable years beginning after ~~December 31, 2000~~ in 2003, 50611
2004, and 2005, there is hereby allowed a nonrefundable credit 50612
against the tax imposed by section 5747.02 of the Revised Code for 50613
a taxpayer that is an investor in a pass-through entity for which 50614
a tax credit certificate is issued under section 5733.42 of the 50615
Revised Code. ~~The~~ For the taxable year beginning in 2003, the 50616
amount of eligible training costs for which a credit may be 50617
claimed by all taxpayers that are investors in an entity shall 50618
equal one-half of the average of the eligible training costs 50619
incurred by the entity during ~~the three~~ calendar years ~~that end in~~ 50620
~~the taxable year for which the credit is claimed~~ 1999, 2000, and 50621
2001, but shall not exceed one thousand dollars for each eligible 50622
employee on account of whom such costs were paid or incurred by 50623
the entity, and the total amount of credits that may be claimed by 50624
all such taxpayers shall not exceed one hundred thousand dollars 50625
each year. ~~Each taxpayer's credit shall be claimed for the~~ 50626
~~taxpayer's taxable year that includes the last day of the third~~ 50627
~~calendar year of the three-year period during which eligible~~ 50628
~~training costs are paid or incurred by the entity. The credit may~~ 50629
~~be claimed for eligible training costs paid or incurred on or~~ 50630
~~before December 31, 2003. The~~ 50631

The amount of a taxpayer's credit for the taxpayer's taxable 50632
year beginning in 2003 shall equal the taxpayer's interest in the 50633
entity on December 31, 2001, multiplied by the credit available to 50634
the entity as computed by the entity. 50635

For the taxable year beginning in 2004, the amount of the 50636

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

by section 5747.98 of the Revised Code. The taxpayer may carry the 50669
excess credit forward for three taxable years following the 50670
taxable year for which the taxpayer first claims the credit under 50671
this section. 50672

A pass-through entity shall apply to the director of job and 50673
family services for a tax credit certificate in the manner 50674
prescribed by division (C) of section 5733.42 of the Revised Code. 50675
Divisions (C) to (H) of that section govern the tax credit allowed 50676
by this section, except that "taxable year" shall be substituted 50677
for "tax year" wherever that phrase appears in those divisions, 50678
and that "pass-through entity" shall be substituted for "taxpayer" 50679
wherever "taxpayer" appears in those divisions. 50680

Sec. 5749.06. Each severer liable for the tax imposed by 50681
section 5749.02 of the Revised Code shall make and file returns 50682
with the tax commissioner in the prescribed form and as of the 50683
prescribed times, computing and reflecting therein the tax as 50684
required by this chapter. 50685

The returns shall be filed for every quarterly period, which 50686
periods shall end on the thirty-first of March, the thirtieth day 50687
of June, the thirtieth day of September, and the thirty-first day 50688
of December of each year, as required by this section, unless a 50689
different return period is prescribed for a taxpayer by the tax 50690
commissioner. 50691

A separate return shall be filed for each calendar quarterly 50692
period, or other period, or any part thereof, during which the 50693
severer holds a license as provided by section 5749.04 of the 50694
Revised Code, or is required to hold such license, and such return 50695
shall be filed within forty-five days after the last day of each 50696
such calendar month, or other period, or any part thereof, for 50697
which such return is required and shall include remittance payable 50698
to the treasurer of state of the amount of tax due. All such 50699

returns shall contain such information as the commissioner may 50700
require to fairly administer the tax. 50701

All returns shall be signed by the severer, shall contain the 50702
full and complete information requested, and shall be made under 50703
penalty of perjury. 50704

If the commissioner believes that quarterly payments of tax 50705
would result in a delay which might jeopardize the collection of 50706
such tax payments, the commissioner may order that such payments 50707
be made weekly, or more frequently if necessary, such payments to 50708
be made not later than seven days following the close of the 50709
period for which the jeopardy payment is required. Such an order 50710
shall be delivered to the taxpayer personally or by certified mail 50711
and shall remain in effect until the commissioner notifies the 50712
taxpayer to the contrary. 50713

Upon good cause the commissioner may extend the period for 50714
filing any notice or return required to be filed under this 50715
section, and may remit all or a part of penalties that may become 50716
due under this chapter. 50717

Any tax not paid by the day the tax is due shall bear 50718
interest computed at the rate per annum prescribed by section 50719
5703.47 of the Revised Code on that amount of tax due from the day 50720
that such amount was originally required to be paid to the day of 50721
actual payment or to the day an assessment was issued under 50722
section 5749.07 or 5749.10 of the Revised Code, whichever occurs 50723
first. 50724

The severer shall make all payments payable to the treasurer 50725
of state. All amounts that the tax commissioner receives under 50726
this section shall be deemed to be revenue from taxes imposed 50727
under this chapter. The tax commissioner shall immediately forward 50728
to the treasurer of state all amounts received under this section. 50729

Sec. 6101.25. The board of directors of a conservancy 50730
district may construct, improve, operate, maintain, and protect 50731
parks, parkways, forest preserves, bathing beaches, playgrounds, 50732
and other recreational facilities upon the lands owned or 50733
controlled by the district, or upon lands located within the 50734
district owned or controlled by the United States government or 50735
any department of it, by this state or any department or division 50736
of it, or by any political subdivision, if authorized by lease, 50737
contract, or other arrangements with the appropriate agency of 50738
government having ownership or control. The board may acquire by 50739
lease, purchase, or appropriation property additional to that 50740
required for the purposes for which the district was incorporated, 50741
in order to provide for the protection, more adequate development, 50742
and fuller public use and enjoyment of the improvements and 50743
facilities. The board may impose and collect charges for the use 50744
of the properties, improvements, and facilities maintained or 50745
operated by the district for recreational purposes. Moneys 50746
collected from these charges may be used to promote the district's 50747
recreational facilities. 50748

In case the revenues derived or to be derived from the 50749
properties, improvements, and facilities maintained, operated, 50750
used, or acquired by the district for recreational purposes are 50751
not sufficient for the purposes of this section, the board, with 50752
the approval of the court, may provide for the payment of 50753
obligations incurred under this section by the levy of special 50754
assessments upon all the taxable property of the district and upon 50755
public corporations having lands within the district. 50756

In no case shall the obligations incurred under this section 50757
be paid from the proceeds of special assessments levied under 50758
section 6101.48 or 6101.53 of the Revised Code, or of bonds or 50759
notes issued in anticipation of them. After special assessments 50760
against the taxable property and public corporations are approved 50761

by the court, the board of appraisers of the conservancy district 50762
shall appraise the benefits to be conferred on each parcel of 50763
taxable property and public corporation by reason of the 50764
acquisition and construction of the properties and improvements 50765
authorized by the board of directors under this section, and shall 50766
appraise the damages accruing to persons and public corporations 50767
from the improvements. The provisions of this chapter that refer 50768
to the determination of benefits and damages apply to the 50769
appraisals made under this section, but they shall be separate 50770
from other appraisals of benefits and damages made under this 50771
chapter, and separate records of them shall be prepared. After the 50772
appraisal of benefits has been approved by the court, and within 50773
the amount of benefits so determined, the board of directors may 50774
levy assessments on the taxable property and public corporations 50775
benefited to pay the cost of the properties and improvements 50776
acquired and constructed under this section, and may issue bonds 50777
and notes in anticipation of the collection of these assessments. 50778
In addition, the board of directors may annually levy a 50779
maintenance assessment for the purposes of this section on the 50780
taxable property and public corporations upon the basis of total 50781
appraised benefits. The provisions of this chapter that relate to 50782
assessments for district purposes and to bonds and notes issued in 50783
anticipation of the assessments apply to the assessments 50784
authorized under this section and the bonds and notes issued in 50785
anticipation of the assessments. Improvement, bond retirement, and 50786
maintenance funds shall be established for recreational purposes 50787
in conformity with section 6101.44 of the Revised Code, which 50788
shall be separate from one another and from other funds of the 50789
district, and no transfers shall be made to them from the other 50790
funds of the district. The proceeds of all bonds, notes, and 50791
assessments authorized by this section and all receipts derived 50792
from the recreational properties, improvements, and facilities 50793
owned, controlled, operated, or maintained by the district shall 50794

be paid into those funds, and all expenditures in accordance with 50795
this section shall be made from them. 50796

Sec. 6109.13. No official, officer, or employee in charge of 50797
or being employed in the maintenance and operation of a public 50798
water system and no other person, ~~or firm, or corporation~~ shall 50799
establish or permit to be established any connection whereby water 50800
from a private, auxiliary, or emergency water system may enter the 50801
public water system, unless ~~such~~ the private, auxiliary, or 50802
emergency water system, and the method of connection and use of 50803
~~such~~ the system, ~~has~~ have been approved by the environmental 50804
protection agency. However, a backflow prevention device shall not 50805
be required when a physical separation exists between the public 50806
water system and the private, auxiliary, or emergency water 50807
system. 50808

As used in this section: 50809

(A) "Backflow prevention device" means any device, method, or 50810
type of construction that is intended to prevent backflow into a 50811
potable water sytem. 50812

(B) "Physical separation" means that there is no direct or 50813
indirect connection between a public water system and a private, 50814
auxiliary, or emergency water system. 50815

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) 50816
of this section, on and after January 1, 1994, no person shall 50817
operate or maintain a public water system in this state without a 50818
license issued by the director of environmental protection. A 50819
person who operates or maintains a public water system on January 50820
1, 1994, shall obtain an initial license under this section in 50821
accordance with the following schedule: 50822

(1) If the public water system is a community water system, 50823
not later than January 31, 1994; 50824

(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

application and the appropriate license fee for an initial license 50856
under division (A) of this section, the director shall issue the 50857
license for the public water system. Not later than thirty days 50858
after receiving a completed application and the appropriate 50859
license fee for a license renewal under division (A) of this 50860
section, the director shall do one of the following: 50861

(1) Issue the license renewal for the public water system; 50862

(2) Issue the license renewal subject to terms and conditions 50863
that the director determines are necessary to ensure compliance 50864
with this chapter and rules adopted under it; 50865

(3) Deny the license renewal if the director finds that the 50866
public water system was not operated in substantial compliance 50867
with this chapter and rules adopted under it. 50868

(C) The director may suspend or revoke a license or license 50869
renewal issued under this section if the director finds that the 50870
public water system was not operated in substantial compliance 50871
with this chapter and rules adopted under it. The director shall 50872
adopt, and may amend and rescind, rules in accordance with Chapter 50873
119. of the Revised Code governing such suspensions and 50874
revocations. 50875

(D)(1) As used in division (D) of this section, "church" 50876
means a fellowship of believers, congregation, society, 50877
corporation, convention, or association that is formed primarily 50878
or exclusively for religious purposes and that is not formed or 50879
operated for the private profit of any person. 50880

(2) This section does not apply to a church that operates or 50881
maintains a public water system solely to provide water for that 50882
church or for a campground that is owned by the church and 50883
operated primarily or exclusively for members of the church and 50884
their families. A church that, on or before March 5, 1996, has 50885
obtained a license under this section for such a public water 50886

system need not obtain a license renewal under this section. 50887

(E) This section does not apply to any public or nonpublic 50888
school that meets minimum standards of the state board of 50889
education that operates or maintains a public water system solely 50890
to provide water for that school. 50891

Sec. 6111.035. (A) The director of environmental protection, 50892
consistent with the Federal Water Pollution Control Act and the 50893
regulations adopted thereunder, without application therefor, may 50894
issue, modify, revoke, or terminate a general permit under this 50895
chapter for both of the following: 50896

(1) Discharge of stormwater; the discharge of liquids, 50897
sediments, solids, or water-borne mining related waste, such as, 50898
but not limited to, acids, metallic cations, or their salts, from 50899
coal mining and reclamation operations as defined in section 50900
1513.01 of the Revised Code; or treatment works whose discharge 50901
would have de minimis impact on the waters of the state receiving 50902
the discharge; 50903

(2) Installation or modification of disposal systems or any 50904
parts thereof, including disposal systems for stormwater or for 50905
coal mining and reclamation operations as defined in section 50906
1513.01 of the Revised Code. 50907

A general permit shall apply to a class or category of 50908
discharges or disposal systems or to persons conducting similar 50909
activities, within any area of the state, including the entire 50910
state. 50911

A general permit shall not be issued unless the director 50912
determines that the discharges authorized by the permit will have 50913
only minimal cumulative adverse effects on the environment when 50914
the discharges are considered collectively and individually and 50915
if, in the opinion of the director, the discharges, installations, 50916

or modifications authorized by the permit are more appropriately 50917
authorized by a general permit than by an individual permit. 50918

A general permit shall be issued subject to applicable 50919
mandatory provisions and may be issued subject to any applicable 50920
permissive provision of the Federal Water Pollution Control Act 50921
and the regulations adopted thereunder. 50922

The director, at the director's discretion, may require any 50923
person authorized to discharge or to install or modify a disposal 50924
system under a general permit to apply for and obtain an 50925
individual permit for the discharge, installation, or 50926
modification. When a particular discharge, installation, or 50927
modification is subject to an individual permit, a general permit 50928
shall not apply to that discharge, installation, or modification 50929
until the individual permit is revoked, terminated, or modified to 50930
exclude the discharge, installation, or modification. 50931

(B) Notwithstanding any requirement under Chapter 119. of the 50932
Revised Code concerning the manner in which notice of a permit 50933
action is provided, the director shall not be required to provide 50934
certified mail notice to persons subject to the issuance, 50935
modification, revocation, or termination of a general permit under 50936
division (A) of this section. 50937

Notwithstanding section 3745.07 of the Revised Code 50938
concerning the location of newspapers in which notices of permit 50939
actions are published, the director shall cause notice of the 50940
issuance, modification, revocation, or termination of a general 50941
permit to be published in the newspapers of general circulation 50942
determined by the director to provide reasonable notice to persons 50943
affected by the permit action in the geographic area covered by 50944
the general permit within the time periods prescribed by section 50945
3745.07 of the Revised Code. Any notice under this section or 50946
section 3745.07 of the Revised Code concerning the issuance, 50947
modification, revocation, or termination of a general permit shall 50948

include a summary of the permit action and instructions on how to 50949
obtain a copy of the full text of the permit action. The director 50950
may take other appropriate measures, such as press releases and 50951
notice to trade journals, associations, and other persons known to 50952
the director to desire notification, in order to provide notice of 50953
the director's actions concerning the issuance, modification, 50954
revocation, or termination of a general permit; however, the 50955
failure to provide such notice shall not invalidate any general 50956
permit. 50957

(C) Notwithstanding any other provision of the Revised Code, 50958
a person subject to the proposed issuance, modification, 50959
revocation, or termination of a general permit under division (A) 50960
of this section may request an adjudication hearing pursuant to 50961
section 119.07 of the Revised Code concerning the proposed action 50962
within thirty days after publication of the notice of the proposed 50963
action in newspapers of general circulation pursuant to division 50964
(B) of this section. This division shall not be interpreted to 50965
affect the authority of the director to take actions on general 50966
permits in forms other than proposed general permits. 50967

(D) The director may exercise all incidental powers required 50968
to carry out this section, including, without limitation, the 50969
adoption, amendment, and rescission of rules to implement a 50970
general permit program for classes or categories of dischargers or 50971
disposal systems. 50972

(E) On and after the date on which the United States 50973
environmental protection agency approves the NPDES program 50974
submitted by the director of agriculture under section 903.08 of 50975
the Revised Code, this section does not apply to storm water from 50976
an animal feeding facility, as defined in section 903.01 of the 50977
Revised Code, or to manure, as defined in that section. 50978

(F) As used in this section, "Federal Water Pollution Control 50979
Act" means the "Federal Water Pollution Control Act Amendments of 50980

1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean 50981
Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, the "Act of 50982
October 21, 1980," 94 Stat. 2360, 33 U.S.C.A. 1254, the "Municipal 50983
Wastewater Treatment Construction Grant Amendments of 1981," 95 50984
Stat. 1623, 33 U.S.C.A. 1281, and the "Water Quality Act of 1987," 50985
101 Stat. 7, 33 U.S.C.A. 1251. 50986

Sec. 6111.044. Upon receipt of an application for an 50987
injection well drilling permit, an injection well operating 50988
permit, a renewal of an injection well operating permit, or a 50989
modification of an injection well drilling permit, operating 50990
permit, or renewal of an operating permit, the director of 50991
environmental protection shall determine whether the application 50992
is complete and demonstrates that the activities for which the 50993
permit, renewal permit, or modification is requested will comply 50994
with the Federal Water Pollution Control Act and regulations 50995
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 50996
(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted 50997
under it; and this chapter and the rules adopted under it. If the 50998
application demonstrates that the proposed activities will not 50999
comply or will pose an unreasonable risk of inducing seismic 51000
activity, inducing geologic fracturing, or contamination of an 51001
underground source of drinking water, the director shall deny the 51002
application. If the application does not make the required 51003
demonstrations, the director shall return it to the applicant with 51004
an indication of those matters about which a required 51005
demonstration was not made. If the director determines that the 51006
application makes the required demonstrations, the director shall 51007
transmit copies of the application and all of the accompanying 51008
maps, data, samples, and information to the chief of the division 51009
of mineral resources management, the chief of the division of 51010
geological survey, and the chief of the division of water in the 51011
department of natural resources. 51012

The chief of the division of geological survey shall comment 51013
upon the application if the chief determines that the proposed 51014
well or injection will present an unreasonable risk of loss or 51015
damage to valuable mineral resources. If the chief submits 51016
comments on the application, those comments shall be accompanied 51017
by an evaluation of the geological factors upon which the comments 51018
are based, including fractures, faults, earthquake potential, and 51019
the porosity and permeability of the injection zone and confining 51020
zone, and by the documentation supporting the evaluation. The 51021
director shall take into consideration the chief's comments, and 51022
the accompanying evaluation of geologic factors and supporting 51023
documentation, when considering the application. The director 51024
shall provide written notice to the chief of the director's 51025
decision on the application and, if the chief's comments are not 51026
included in the permit, renewal permit, or modification, of the 51027
director's rationale for not including them. 51028

The chief of the division of mineral resources management 51029
shall comment upon the application if the chief determines that 51030
the proposed well or injection will present an unreasonable risk 51031
that waste or contamination of recoverable oil or gas in the earth 51032
will occur. If the chief submits comments on the application, 51033
those comments shall be accompanied by an evaluation of the oil or 51034
gas reserves that, in the best professional judgment of the chief, 51035
are recoverable and will be adversely affected by the proposed 51036
well or injection, and by the documentation supporting the 51037
evaluation. The director shall take into consideration the chief's 51038
comments, and the accompanying evaluation and supporting 51039
documentation, when considering the application. The director 51040
shall provide written notice to the chief of the director's 51041
decision on the application and, if the chief's comments are not 51042
included in the permit, renewal permit, or modification, of the 51043
director's rationale for not including them. 51044

The chief of the division of water shall assist the director 51045
in determining whether all underground sources of drinking water 51046
in the area of review of the proposed well or injection have been 51047
identified and correctly delineated in the application. If the 51048
application fails to identify or correctly delineate an 51049
underground source of drinking water, the chief shall provide 51050
written notice of that fact to the director. 51051

The chief of the division of mineral resources management 51052
also shall review the application as follows: 51053

If the application concerns the drilling or conversion of a 51054
well or the injection into a well that is not or is not to be 51055
located within five thousand feet of the excavation and workings 51056
of a mine, the chief of the division of mineral resources 51057
management shall note upon the application that it has been 51058
examined by the division of mineral resources management, retain a 51059
copy of the application and map, and immediately return a copy of 51060
the application to the director. 51061

If the application concerns the drilling or conversion of a 51062
well or the injection into a well that is or is to be located 51063
within five thousand feet, but more than five hundred feet from 51064
the surface excavations and workings of a mine, the chief of the 51065
division of mineral resources management immediately shall notify 51066
the owner or lessee of the mine that the application has been 51067
filed and send to the owner or lessee a copy of the map 51068
accompanying the application setting forth the location of the 51069
well. The chief of the division of mineral resources management 51070
shall note on the application that the notice has been sent to the 51071
owner or lessee of the mine, retain a copy of the application and 51072
map, and immediately return a copy of the application to the 51073
director with the chief's notation on it. 51074

If the application concerns the drilling or conversion of a 51075
well or the injection into a well that is or is to be located 51076

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

appeal in accordance with section ~~1561.53~~ 1513.13 of the Revised 51109
Code. The appeal shall be filed within thirty days from the date 51110
the applicant receives notice of the disapproval. No comments 51111
concerning or disapproval of an application shall be delayed by 51112
the chief of the division of mineral resources management for more 51113
than fifteen days from the date of sending of notice to the mine 51114
owner or lessee as required by this section. 51115

The director shall not approve an application for an 51116
injection well drilling permit, an injection well operating 51117
permit, a renewal of an injection well operating permit, or a 51118
modification of an injection well drilling permit, operating 51119
permit, or renewal of an operating permit for a well that is or is 51120
to be located within three hundred feet of any opening of any mine 51121
used as a means of ingress, egress, or ventilation for persons 51122
employed in the mine, nor within one hundred feet of any building 51123
or flammable structure connected with the mine and actually used 51124
as a part of the operating equipment of the mine, unless the chief 51125
of the division of mineral resources management determines that 51126
life or property will not be endangered by drilling and operating 51127
the well in that location. 51128

Upon review by the chief of the division of mineral resources 51129
management, the chief of the division of geological survey, and 51130
the chief of the division of water, and if the chief of the 51131
division of mineral resources management has not disapproved the 51132
application, the director shall issue a permit, renewal permit, or 51133
modification with any terms and conditions that may be necessary 51134
to comply with the Federal Water Pollution Control Act and 51135
regulations adopted under it; the "Safe Drinking Water Act," 88 51136
Stat. 1661 (1974), 42 U.S.C.A. 300(f) as amended, and regulations 51137
adopted under it; and this chapter and the rules adopted under it. 51138
The director shall not issue a permit, renewal permit, or 51139
modification to an applicant if the applicant or persons 51140

associated with the applicant have engaged in or are engaging in a 51141
substantial violation of this chapter that is endangering or may 51142
endanger human health or the environment or if, in the case of an 51143
applicant for an injection well drilling permit, the applicant, at 51144
the time of applying for the permit, did not hold an injection 51145
well operating permit or renewal of an injection well drilling 51146
permit and failed to demonstrate sufficient expertise and 51147
competency to operate the well in compliance with the applicable 51148
provisions of this chapter. 51149

If the director receives a disapproval from the chief of the 51150
division of mineral resources management regarding an application 51151
for an injection well drilling or operating permit, renewal 51152
permit, or modification, if required, the director shall issue an 51153
order denying the application. 51154

The director need not issue a proposed action under section 51155
3745.07 of the Revised Code or hold an adjudication hearing under 51156
that section and Chapter 119. of the Revised Code before issuing 51157
or denying a permit, renewal permit, or modification of a permit 51158
or renewal permit. Before issuing or renewing a permit to drill or 51159
operate a class I injection well or a modification of it, the 51160
director shall propose the permit, renewal permit, or modification 51161
in draft form and shall hold a public hearing to receive public 51162
comment on the draft permit, renewal permit, or modification. At 51163
least fifteen days before the public hearing on a draft permit, 51164
renewal permit, or modification, the director shall publish notice 51165
of the date, time, and location of the public hearing in at least 51166
one newspaper of general circulation serving the area where the 51167
well is or is to be located. The proposing of such a draft permit, 51168
renewal permit, or modification does not constitute the issuance 51169
of a proposed action under section 3745.07 of the Revised Code, 51170
and the holding of the public hearing on such a draft permit, 51171
renewal permit, or modification does not constitute the holding of 51172

an adjudication hearing under that section and Chapter 119. of the 51173
Revised Code. Appeals of orders other than orders of the chief of 51174
the division of mineral resources management shall be taken under 51175
sections 3745.04 to 3745.08 of the Revised Code. 51176

The director may order that an injection well drilling permit 51177
or an injection well operating permit or renewal permit be 51178
suspended and that activities under it cease after determining 51179
that those activities are occurring in violation of law, rule, 51180
order, or term or condition of the permit. Upon service of a copy 51181
of the order upon the permit holder or the permit holder's 51182
authorized agent or assignee, the permit and activities under it 51183
shall be suspended immediately without prior hearing and shall 51184
remain suspended until the violation is corrected and the order of 51185
suspension is lifted. If a violation is the second within a 51186
one-year period, the director, after a hearing, may revoke the 51187
permit. 51188

The director may order that an injection well drilling permit 51189
or an injection well operating permit or renewal permit be 51190
suspended and that activities under it cease if the director has 51191
reasonable cause to believe that the permit would not have been 51192
issued if the information available at the time of suspension had 51193
been available at the time a determination was made by one of the 51194
agencies acting under authority of this section. Upon service of a 51195
copy of the order upon the permit holder or the permit holder's 51196
authorized agent or assignee, the permit and activities under it 51197
shall be suspended immediately without prior hearing, but a permit 51198
may not be suspended for that reason without prior hearing unless 51199
immediate suspension is necessary to prevent waste or 51200
contamination of oil or gas, comply with the Federal Water 51201
Pollution Control Act and regulations adopted under it; the "Safe 51202
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 51203
amended, and regulations adopted under it; and this chapter and 51204

the rules adopted under it, or prevent damage to valuable mineral 51205
resources, prevent contamination of an underground source of 51206
drinking water, or prevent danger to human life or health. If 51207
after a hearing the director determines that the permit would not 51208
have been issued if the information available at the time of the 51209
hearing had been available at the time a determination was made by 51210
one of the agencies acting under authority of this section, the 51211
director shall revoke the permit. 51212

When a permit has been revoked, the permit holder or other 51213
person responsible for it immediately shall plug the well in the 51214
manner required by the director. 51215

The director may issue orders to prevent or require cessation 51216
of violations of this section, section 6111.043, 6111.045, 51217
6111.046, or 6111.047 of the Revised Code, rules adopted under any 51218
of those sections, and terms or conditions of permits issued under 51219
any of them. The orders may require the elimination of conditions 51220
caused by the violation. 51221

Section 2. That existing sections 9.03, 9.06, 9.821, 9.822, 51222
101.15, 101.27, 101.30, 101.34, 101.37, 101.72, 101.73, 102.02, 51223
102.03, 102.031, 102.06, 103.143, 105.41, 107.10, 111.16, 111.18, 51224
111.23, 111.25, 118.08, 119.12, 120.06, 120.16, 120.26, 120.33, 51225
121.04, 121.371, 121.40, 121.63, 122.011, 122.71, 122.76, 122.92, 51226
124.24, 124.82, 125.22, 126.11, 126.21, 127.16, 131.01, 133.021, 51227
133.06, 133.07, 135.80, 135.81, 135.82, 135.83, 135.84, 135.85, 51228
135.86, 135.87, 140.01, 147.01, 147.02, 147.03, 147.05, 147.06, 51229
147.13, 147.14, 147.37, 147.371, 151.04, 166.03, 169.01, 173.35, 51230
173.40, 173.46, 173.47, 175.03, 175.21, 175.22, 175.24, 179.02, 51231
179.03, 179.04, 181.51, 181.52, 181.54, 181.55, 181.56, 183.09, 51232
183.10, 183.17, 183.28, 183.30, 301.27, 307.86, 313.091, 325.071, 51233
329.042, 339.05, 340.02, 340.03, 340.08, 340.091, 349.01, 503.162, 51234
504.03, 504.04, 505.24, 507.09, 737.03, 901.43, 901.63, 901.81, 51235

901.82, 917.07, 917.99, 1309.40, 1309.401, 1309.402, 1309.42, 51236
1329.01, 1329.04, 1329.06, 1329.07, 1329.42, 1329.421, 1329.45, 51237
1329.56, 1329.58, 1329.60, 1329.601, 1345.21, 1501.01, 1501.04, 51238
1501.23, 1501.40, 1503.011, 1507.01, 1509.06, 1509.071, 1509.08, 51239
1509.11, 1509.23, 1513.05, 1513.13, 1513.14, 1514.11, 1517.05, 51240
1517.06, 1517.07, 1521.04, 1531.35, 1533.13, 1547.67, 1561.05, 51241
1561.07, 1561.11, 1561.12, 1561.13, 1561.14, 1561.15, 1561.16, 51242
1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 1561.23, 51243
1561.26, 1561.35, 1561.351, 1561.46, 1561.51, 1561.52, 1563.13, 51244
1565.04, 1565.06, 1565.07, 1565.08, 1565.25, 1701.05, 1701.07, 51245
1701.81, 1702.05, 1702.06, 1702.43, 1702.59, 1703.04, 1703.041, 51246
1703.15, 1703.17, 1703.27, 1703.31, 1705.05, 1705.06, 1705.38, 51247
1705.55, 1746.04, 1746.06, 1746.15, 1747.03, 1747.04, 1747.10, 51248
1775.63, 1775.64, 1782.04, 1782.08, 1782.09, 1782.433, 1785.06, 51249
1901.26, 1907.24, 2303.20, 2303.201, 2317.02, 2317.022, 2329.66, 51250
2715.041, 2715.045, 2716.13, 2919.271, 2921.13, 2953.21, 3109.14, 51251
3109.17, 3119.022, 3301.075, 3301.70, 3301.80, 3301.85, 3307.05, 51252
3311.057, 3313.37, 3313.41, 3313.603, 3313.64, 3314.07, 3314.08, 51253
3314.09, 3316.20, 3317.012, 3317.013, 3317.014, 3317.02, 3317.021, 51254
3317.022, 3317.023, 3317.024, 3317.029, 3317.0210, 3317.0212, 51255
3317.0213, 3317.0216, 3317.03, 3317.05, 3317.051, 3317.06, 51256
3317.064, 3317.10, 3317.11, 3317.13, 3317.16, 3317.161, 3317.162, 51257
3317.19, 3317.20, 3318.01, 3318.04, 3318.08, 3318.084, 3318.10, 51258
3318.31, 3318.36, 3319.19, 3321.01, 3323.09, 3323.091, 3327.10, 51259
3333.02, 3333.03, 3333.043, 3333.12, 3333.13, 3333.21, 3333.22, 51260
3345.05, 3345.19, 3353.09, 3383.01, 3383.02, 3383.04, 3383.07, 51261
3505.063, 3517.092, 3701.04, 3701.142, 3701.77, 3701.771, 51262
3701.772, 3702.68, 3704.034, 3721.07, 3721.10, 3721.12, 3721.13, 51263
3721.15, 3721.16, 3721.17, 3721.51, 3721.56, 3722.01, 3722.15, 51264
3722.16, 3734.57, 3734.82, 3734.901, 3734.904, 3735.27, 3745.014, 51265
3745.04, 3745.11, 3745.22, 3748.07, 3748.13, 3750.02, 3750.13, 51266
3769.08, 3769.085, 3769.087, 3769.20, 3770.06, 3773.56, 3793.04, 51267

3902.23, 3923.28, 3923.29, 3923.30, 4105.17, 4115.10, 4121.44, 51268
4123.27, 4301.12, 4301.17, 4301.24, 4301.422, 4301.43, 4303.33, 51269
4303.331, 4503.10, 4503.102, 4503.12, 4503.182, 4505.061, 4506.08, 51270
4507.23, 4507.24, 4507.50, 4507.52, 4511.81, 4519.03, 4519.10, 51271
4519.56, 4519.69, 4701.10, 4701.16, 4707.01, 4707.011, 4707.02, 51272
4707.03, 4707.04, 4707.05, 4707.06, 4707.07, 4707.071, 4707.072, 51273
4707.08, 4707.09, 4707.10, 4707.11, 4707.111, 4707.12, 4707.13, 51274
4707.15, 4707.152, 4707.16, 4707.19, 4707.20, 4707.21, 4707.23, 51275
4707.99, 4713.10, 4715.03, 4715.13, 4715.14, 4715.16, 4715.21, 51276
4715.24, 4715.27, 4717.02, 4717.07, 4717.08, 4717.09, 4723.08, 51277
4723.32, 4723.79, 4725.44, 4725.48, 4725.49, 4729.65, 4731.14, 51278
4731.53, 4734.20, 4736.12, 4736.14, 4743.05, 4755.01, 4761.05, 51279
4775.01, 4775.02, 4775.08, 4775.99, 4779.01, 4779.02, 4779.16, 51280
4779.19, 4779.20, 4779.26, 4911.17, 4921.18, 4923.11, 5101.071, 51281
5101.14, 5101.141, 5101.145, 5101.184, 5101.19, 5101.36, 5101.50, 51282
5101.521, 5101.54, 5101.80, 5101.83, 5101.85, 5101.853, 5101.854, 51283
5103.031, 5103.033, 5103.036, 5103.0312, 5103.0313, 5103.0314, 51284
5103.0316, 5103.07, 5104.341, 5107.02, 5107.10, 5107.14, 5107.18, 51285
5108.01, 5108.06, 5108.07, 5108.08, 5108.09, 5108.10, 5111.01, 51286
5111.022, 5111.041, 5111.17, 5111.231, 5111.25, 5111.251, 51287
5111.262, 5111.28, 5111.29, 5111.87, 5119.01, 5119.06, 5119.22, 51288
5119.61, 5120.10, 5122.31, 5123.01, 5123.041, 5123.082, 5123.60, 51289
5123.71, 5123.76, 5126.01, 5126.041, 5126.042, 5126.05, 5126.051, 51290
5126.053, 5126.06, 5126.071, 5126.08, 5126.11, 5126.12, 5126.15, 51291
5126.16, 5126.18, 5126.19, 5126.20, 5126.22, 5126.25, 5126.31, 51292
5126.311, 5126.32, 5126.357, 5126.431, 5139.01, 5139.11, 5139.29, 51293
5139.31, 5153.165, 5153.60, 5153.69, 5153.78, 5703.17, 5703.49, 51294
5705.091, 5705.19, 5705.41, 5705.44, 5709.17, 5711.33, 5721.30, 51295
5725.31, 5727.25, 5727.26, 5727.81, 5727.811, 5727.82, 5727.84, 51296
5727.85, 5727.86, 5727.87, 5728.08, 5729.07, 5731.21, 5733.02, 51297
5733.021, 5733.053, 5733.056, 5733.06, 5733.12, 5733.122, 5733.18, 51298
5733.351, 5733.401, 5733.42, 5735.06, 5735.061, 5739.01, 5739.02, 51299

5739.024, 5739.032, 5739.07, 5739.102, 5739.12, 5739.121, 5739.13, 51300
5739.18, 5741.10, 5741.12, 5743.62, 5743.63, 5745.03, 5745.04, 51301
5747.122, 5747.221, 5747.39, 5749.06, 6101.25, 6109.13, 6109.21, 51302
6111.035, and 6111.044 and sections 9.832, 103.31, 103.32, 105.45, 51303
105.46, 121.51, 121.52, 121.53, 131.41, 166.032, 307.031, 1329.68, 51304
1503.35, 1503.351, 1507.12, 1553.01, 1553.02, 1553.03, 1553.04, 51305
1553.05, 1553.06, 1553.07, 1553.08, 1553.09, 1553.10, 1553.99, 51306
1561.10, 1561.53, 1561.54, 1561.55, 2151.652, 3317.0215, 3318.052, 51307
3701.88, 3702.17, 3729.01, 3729.02, 3729.03, 3729.05, 3729.10, 51308
3729.11, 3729.12, 3729.14, 3729.15, 3729.16, 3729.17, 3729.18, 51309
3729.21, 3729.22, 3729.23, 3729.24, 3729.26, 3729.29, 3729.36, 51310
3729.40, 3729.41, 3729.43, 3729.45, 3729.46, 3729.55, 3729.61, 51311
3729.99, 5101.143, 5101.52, 5101.541, 5101.542, 5101.543, 51312
5101.851, 5101.852, 5111.34, 5111.341, 5111.88, 5126.054, 5139.28, 51313
and 5741.18 of the Revised Code are hereby repealed. 51314

51315

Section 3. That the versions of sections 5139.29, 5139.31, 51316
and 5705.19 of the Revised Code that are scheduled to take effect 51317
January 1, 2002, be amended to read as follows: 51318

Sec. 5139.29. The department of youth services shall adopt 51319
and promulgate regulations prescribing the method of calculating 51320
the amount of and the time and manner for the payment of financial 51321
assistance granted under sections 5139.27, and 5139.271, ~~and~~ 51322
~~5139.28~~ of the Revised Code, for the construction or acquisition 51323
of a district detention facility established under section 2152.41 51324
of the Revised Code, or for the construction and maintenance of a 51325
school, forestry camp, or other facility established under section 51326
2151.65 of the Revised Code. 51327

Sec. 5139.31. The department of youth services may inspect 51328
any school, forestry camp, district detention facility, or other 51329

facility for which an application for financial assistance has 51330
been made to the department under section 2152.43, or 2151.651, ~~or~~ 51331
~~2151.652~~ of the Revised Code or for which financial assistance has 51332
been granted by the department under section 5139.27, 5139.271, 51333
~~5139.28~~, or 5139.281 of the Revised Code. The inspection may 51334
include, but need not be limited to, examination and evaluation of 51335
the physical condition of the school, forestry camp, district 51336
detention facility, or other facility, including any equipment 51337
used in connection with it; observation and evaluation of the 51338
training and treatment of children admitted to it; examination and 51339
analysis and copying of any papers, records, or other documents 51340
relating to the qualifications of personnel, the commitment of 51341
children to it, and its administration. 51342

Sec. 5705.19. This section does not apply to school districts 51343
or county school financing districts. 51344

The taxing authority of any subdivision at any time and in 51345
any year, by vote of two-thirds of all the members of the taxing 51346
authority, may declare by resolution and certify the resolution to 51347
the board of elections not less than seventy-five days before the 51348
election upon which it will be voted that the amount of taxes that 51349
may be raised within the ten-mill limitation will be insufficient 51350
to provide for the necessary requirements of the subdivision and 51351
that it is necessary to levy a tax in excess of that limitation 51352
for any of the following purposes: 51353

(A) For current expenses of the subdivision, except that the 51354
total levy for current expenses of a detention facility district 51355
or district organized under section 2151.65 of the Revised Code 51356
shall not exceed two mills and that the total levy for current 51357
expenses of a combined district organized under sections 2152.41 51358
and 2151.65 of the Revised Code shall not exceed four mills; 51359

(B) For the payment of debt charges on certain described 51360

bonds, notes, or certificates of indebtedness of the subdivision	51361
issued subsequent to January 1, 1925;	51362
(C) For the debt charges on all bonds, notes, and	51363
certificates of indebtedness issued and authorized to be issued	51364
prior to January 1, 1925;	51365
(D) For a public library of, or supported by, the subdivision	51366
under whatever law organized or authorized to be supported;	51367
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(E) For a municipal university, not to exceed two mills over	51369
the limitation of one mill prescribed in section 3349.13 of the	51370
Revised Code;	51371
(F) For the construction or acquisition of any specific	51372
permanent improvement or class of improvements that the taxing	51373
authority of the subdivision may include in a single bond issue;	51374
(G) For the general construction, reconstruction,	51375
resurfacing, and repair of streets, roads, and bridges in	51376
municipal corporations, counties, or townships;	51377
(H) For recreational purposes;	51378
(I) For the purpose of providing and maintaining fire	51379
apparatus, appliances, buildings, or sites therefor, or sources of	51380
water supply and materials therefor, or the establishment and	51381
maintenance of lines of fire alarm telegraph, or the payment of	51382
permanent, part-time, or volunteer firefighters or firefighting	51383
companies to operate the same, including the payment of the	51384
firefighter employers' contribution required under section 742.34	51385
of the Revised Code, or the purchase of ambulance equipment, or	51386
the provision of ambulance, paramedic, or other emergency medical	51387
services operated by a fire department or firefighting company;	51388
(J) For the purpose of providing and maintaining motor	51389
vehicles, communications, and other equipment used directly in the	51390

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; 51391
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(K) For the maintenance and operation of a county home or detention facility; 51399
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(L) For community mental retardation and developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code, except that the procedure for such levies shall be as provided in section 5705.222 of the Revised Code; 51401
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(M) For regional planning; 51405

(N) For a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any combination thereof, established under section 2152.41 or 2151.65 of the Revised Code or both of those sections; 51406
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(O) For providing for flood defense, providing and maintaining a flood wall or pumps, and other purposes to prevent floods; 51411
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(P) For maintaining and operating sewage disposal plants and facilities; 51414
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(Q) For the purpose of purchasing, acquiring, constructing, enlarging, improving, equipping, repairing, maintaining, or operating, or any combination of the foregoing, a county transit system pursuant to sections 306.01 to 306.13 of the Revised Code, or of making any payment to a board of county commissioners operating a transit system or a county transit board pursuant to 51416
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section 306.06 of the Revised Code;	51422
(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;	51423 51424 51425 51426
(S) For the prevention, control, and abatement of air pollution;	51427 51428
(T) For maintaining and operating cemeteries;	51429
(U) For providing ambulance service, emergency medical service, or both;	51430 51431
(V) For providing for the collection and disposal of garbage or refuse, including yard waste;	51432 51433
(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;	51434 51435 51436
(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;	51437 51438
(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;	51439 51440 51441
(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code;	51442 51443 51444
(AA) For the maintenance and operation of a free public museum of art, science, or history;	51445 51446
(BB) For the establishment and operation of a 9-1-1 system, as defined in section 4931.40 of the Revised Code;	51447 51448
(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this	51449 51450

division, "rail property" and "rail service" have the same 51451
meanings as in section 4981.01 of the Revised Code. This division 51452
applies only to a county, township, or municipal corporation. 51453

(DD) For the purpose of acquiring property for, constructing, 51454
operating, and maintaining community centers as provided for in 51455
section 755.16 of the Revised Code; 51456

(EE) For the creation and operation of an office or joint 51457
office of economic development, for any economic development 51458
purpose of the office, and to otherwise provide for the 51459
establishment and operation of a program of economic development 51460
pursuant to sections 307.07 and 307.64 of the Revised Code; 51461

(FF) For the purpose of acquiring, establishing, 51462
constructing, improving, equipping, maintaining, or operating, or 51463
any combination of the foregoing, a township airport, landing 51464
field, or other air navigation facility pursuant to section 505.15 51465
of the Revised Code; 51466

(GG) For the payment of costs incurred by a township as a 51467
result of a contract made with a county pursuant to section 51468
505.263 of the Revised Code in order to pay all or any part of the 51469
cost of constructing, maintaining, repairing, or operating a water 51470
supply improvement; 51471

(HH) For a board of township trustees to acquire, other than 51472
by appropriation, an ownership interest in land, water, or 51473
wetlands, or to restore or maintain land, water, or wetlands in 51474
which the board has an ownership interest, not for purposes of 51475
recreation, but for the purposes of protecting and preserving the 51476
natural, scenic, open, or wooded condition of the land, water, or 51477
wetlands against modification or encroachment resulting from 51478
occupation, development, or other use, which may be styled as 51479
protecting or preserving "greenspace" in the resolution, notice of 51480
election, or ballot form; 51481

(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;	51482 51483 51484 51485
(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.	51486 51487 51488
(KK) For a countywide public safety communications system under section 307.63 of the Revised Code. This division applies only to counties.	51489 51490 51491
(LL) For the support by a county of criminal justice services under section 307.45 of the Revised Code;	51492 51493
(MM) For the purpose of maintaining and operating a jail or other detention facility as defined in section 2921.01 of the Revised Code;	51494 51495 51496
(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.	51497 51498 51499
(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;	51500 51501 51502 51503 51504
(PP) For both of the purposes set forth in divisions (G) and (OO) of this section. This division applies only to a township.	51505 51506
(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township.	51507 51508
(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	51509 51510 51511

easements, as defined in section 5301.67 of the Revised Code, and
to supervise and enforce the easements.

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(SS) For both of the purposes set forth in divisions (BB) and
(KK) of this section. This division applies only to a county.

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The resolution shall be confined to the purpose or purposes
described in one division of this section, to which the revenue
derived therefrom shall be applied. The existence in any other
division of this section of authority to levy a tax for any part
or all of the same purpose or purposes does not preclude the use
of such revenues for any part of the purpose or purposes of the
division under which the resolution is adopted.

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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:

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(1) When the additional rate is for the payment of debt
charges, the increased rate shall be for the life of the
indebtedness.

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(2) When the additional rate is for any of the following, the
increased rate shall be for a continuing period of time:

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(a) For the current expenses for a detention facility
district, a district organized under section 2151.65 of the
Revised Code, or a combined district organized under sections
2152.41 and 2151.65 of the Revised Code;

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(b) For providing a county's share of the cost of maintaining
and operating schools, district detention facilities, forestry
camps, or other facilities, or any combination thereof,
established under section 2152.41 or 2151.65 of the Revised Code
or under both of those sections.

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(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 51574
levy between the current expenses and the other purpose or 51575
purposes. The apportionment need not be the same for each year of 51576
the levy, but the respective portions of the rate actually levied 51577
each year for the current expenses and the other purpose or 51578
purposes shall be limited by the apportionment. 51579

Whenever a board of county commissioners, acting either as 51580
the taxing authority of its county or as the taxing authority of a 51581
sewer district or subdistrict created under Chapter 6117. of the 51582
Revised Code, by resolution declares it necessary to levy a tax in 51583
excess of the ten-mill limitation for the purpose of constructing, 51584
improving, or extending sewage disposal plants or sewage systems, 51585
the tax may be in effect for any number of years not exceeding 51586
twenty, and the proceeds of the tax, notwithstanding the general 51587
provisions of this section, may be used to pay debt charges on any 51588
obligations issued and outstanding on behalf of the subdivision 51589
for the purposes enumerated in this paragraph, provided that any 51590
such obligations have been specifically described in the 51591
resolution. 51592

The resolution shall go into immediate effect upon its 51593
passage, and no publication of the resolution is necessary other 51594
than that provided for in the notice of election. 51595

When the electors of a subdivision have approved a tax levy 51596
under this section, the taxing authority of the subdivision may 51597
anticipate a fraction of the proceeds of the levy and issue 51598
anticipation notes in accordance with section 5705.191 or 5705.193 51599
of the Revised Code. 51600

Section 4. That the existing versions of sections 5139.29, 51601
5139.31, and 5705.19 and the version of section 2151.652 of the 51602
Revised Code that are scheduled to take effect January 1, 2002, 51603
are hereby repealed. 51604

Section 5. Sections 3 and 4 of this act shall take effect on 51605
January 1, 2002. 51606

Section 6. That the versions of sections 5139.01 and 5139.11 51607
of the Revised Code that are scheduled to take effect January 1, 51608
2002, be amended to read as follows: 51609

Sec. 5139.01. (A) As used in this chapter: 51610

(1) "Commitment" means the transfer of the physical custody 51611
of a child or youth from the court to the department of youth 51612
services. 51613

(2) "Permanent commitment" means a commitment that vests 51614
legal custody of a child in the department of youth services. 51615

(3) "Legal custody," insofar as it pertains to the status 51616
that is created when a child is permanently committed to the 51617
department of youth services, means a legal status in which the 51618
department has the following rights and responsibilities: the 51619
right to have physical possession of the child; the right and duty 51620
to train, protect, and control the child; the responsibility to 51621
provide the child with food, clothing, shelter, education, and 51622
medical care; and the right to determine where and with whom the 51623
child shall live, subject to the minimum periods of, or periods 51624
of, institutional care prescribed in sections 2152.13 to 2152.18 51625
of the Revised Code; provided, that these rights and 51626
responsibilities are exercised subject to the powers, rights, 51627
duties, and responsibilities of the guardian of the person of the 51628
child, and subject to any residual parental rights and 51629
responsibilities. 51630

(4) Unless the context requires a different meaning, 51631
"institution" means a state facility that is created by the 51632
general assembly and that is under the management and control of 51633

the department of youth services or a private entity with which 51634
the department has contracted for the institutional care and 51635
custody of felony delinquents. 51636

(5) "Full-time care" means care for twenty-four hours a day 51637
for over a period of at least two consecutive weeks. 51638

(6) "Placement" means the conditional release of a child 51639
under the terms and conditions that are specified by the 51640
department of youth services. The department shall retain legal 51641
custody of a child released pursuant to division (C) of section 51642
2152.22 of the Revised Code or division (C) of section 5139.06 of 51643
the Revised Code until the time that it discharges the child or 51644
until the legal custody is terminated as otherwise provided by 51645
law. 51646

(7) "Home placement" means the placement of a child in the 51647
home of the child's parent or parents or in the home of the 51648
guardian of the child's person. 51649

(8) "Discharge" means that the department of youth services' 51650
legal custody of a child is terminated. 51651

(9) "Release" means the termination of a child's stay in an 51652
institution and the subsequent period during which the child 51653
returns to the community under the terms and conditions of 51654
supervised release. 51655

(10) "Delinquent child" has the same meaning as in section 51656
2152.02 of the Revised Code. 51657

(11) "Felony delinquent" means any child who is at least 51658
twelve years of age but less than eighteen years of age and who is 51659
adjudicated a delinquent child for having committed an act that if 51660
committed by an adult would be a felony. "Felony delinquent" 51661
includes any adult who is between the ages of eighteen and 51662
twenty-one and who is in the legal custody of the department of 51663
youth services for having committed an act that if committed by an 51664

adult would be a felony. 51665

(12) "Juvenile traffic offender" has the same meaning as in 51666
section 2152.02 of the Revised Code. 51667

(13) "Public safety beds" means all of the following: 51668

(a) Felony delinquents who have been committed to the 51669
department of youth services for the commission of an act, other 51670
than a violation of section 2911.01 or 2911.11 of the Revised 51671
Code, that is a category one offense or a category two offense and 51672
who are in the care and custody of an institution or have been 51673
diverted from care and custody in an institution and placed in a 51674
community corrections facility; 51675

(b) Felony delinquents who, while committed to the department 51676
of youth services and in the care and custody of an institution or 51677
a community corrections facility, are adjudicated delinquent 51678
children for having committed in that institution or community 51679
corrections facility an act that if committed by an adult would be 51680
a felony; 51681

(c) Children who satisfy all of the following: 51682

(i) They are at least twelve years of age but less than 51683
eighteen years of age. 51684

(ii) They are adjudicated delinquent children for having 51685
committed acts that if committed by an adult would be a felony. 51686

(iii) They are committed to the department of youth services 51687
by the juvenile court of a county that has had one-tenth of one 51688
per cent or less of the statewide adjudications for felony 51689
delinquents as averaged for the past four fiscal years. 51690

(iv) They are in the care and custody of an institution or a 51691
community corrections facility. 51692

(d) Felony delinquents who, while committed to the department 51693
of youth services and in the care and custody of an institution, 51694

commit in that institution an act that if committed by an adult 51695
would be a felony, who are serving disciplinary time for having 51696
committed that act, and who have been institutionalized or 51697
institutionalized in a secure facility for the minimum period of 51698
time specified in divisions (A)(1)(b) to (e) of section 2152.16 of 51699
the Revised Code. 51700

(e) Felony delinquents who are subject to and serving a 51701
three-year period of commitment order imposed by a juvenile court 51702
pursuant to divisions (A) and (B) of section 2152.17 of the 51703
Revised Code for an act, other than a violation of section 2911.11 51704
of the Revised Code, that would be a category one offense or 51705
category two offense if committed by an adult. 51706

(f) Felony delinquents who are described in divisions 51707
(A)(13)(a) to (e) of this section, who have been granted a 51708
judicial release to court supervision under division (B) of 51709
section 2152.22 of the Revised Code or a judicial release to the 51710
department of youth services supervision under division (C) of 51711
that section from the commitment to the department of youth 51712
services for the act described in divisions (A)(13)(a) to (e) of 51713
this section, who have violated the terms and conditions of that 51714
release, and who, pursuant to an order of the court of the county 51715
in which the particular felony delinquent was placed on release 51716
that is issued pursuant to division (D) of section 2152.22 of the 51717
Revised Code, have been returned to the department for 51718
institutionalization or institutionalization in a secure facility. 51719

(g) Felony delinquents who have been committed to the custody 51720
of the department of youth services, who have been granted 51721
supervised release from the commitment pursuant to section 5139.51 51722
of the Revised Code, who have violated the terms and conditions of 51723
that supervised release, and who, pursuant to an order of the 51724
court of the county in which the particular child was placed on 51725
supervised release issued pursuant to division (F) of section 51726

5139.52 of the Revised Code, have had the supervised release
revoked and have been returned to the department for
institutionalization. A felony delinquent described in this
division shall be a public safety bed only for the time during
which the felony delinquent is institutionalized as a result of
the revocation subsequent to the initial thirty-day period of
institutionalization required by division (F) of section 5139.52
of the Revised Code.

(14) "State target youth" means twenty-five per cent of the
projected total number of felony delinquents for each year of a
biennium, factoring in revocations and recommitments.

(15) Unless the context requires a different meaning,
"community corrections facility" means a county or multicounty
rehabilitation center for felony delinquents who have been
committed to the department of youth services and diverted from
care and custody in an institution and placed in the
rehabilitation center pursuant to division (E) of section 5139.36
of the Revised Code.

(16) "Secure facility" means any facility that is designed
and operated to ensure that all of its entrances and exits are
under the exclusive control of its staff and to ensure that,
because of that exclusive control, no child who has been
institutionalized in the facility may leave the facility without
permission or supervision.

(17) "Community residential program" means a program that
satisfies both of the following:

(a) It is housed in a building or other structure that has no
associated major restraining construction, including, but not
limited to, a security fence.

(b) It provides twenty-four-hour care, supervision, and
programs for felony delinquents who are in residence.

(18) "Category one offense" and "category two offense" have 51758
the same meanings as in section 2151.26 of the Revised Code. 51759

(19) "Disciplinary time" means additional time that the 51760
department of youth services requires a felony delinquent to serve 51761
in an institution, that delays the person's or felony delinquent's 51762
planned release, and that the department imposes upon the person 51763
or felony delinquent following the conduct of an internal due 51764
process hearing for having committed any of the following acts 51765
while committed to the department and in the care and custody of 51766
an institution: 51767

(a) An act that if committed by an adult would be a felony; 51768

(b) An act that if committed by an adult would be a 51769
misdemeanor; 51770

(c) An act that is not described in division (A)(19)(a) or 51771
(b) of this section and that violates an institutional rule of 51772
conduct of the department. 51773

(20) "Unruly child" has the same meaning as in section 51774
2151.022 of the Revised Code. 51775

(21) "Revocation" means the act of revoking a child's 51776
supervised release for a violation of a term or condition of the 51777
child's supervised release in accordance with section 5139.52 of 51778
the Revised Code. 51779

(22) "Release authority" means the release authority of the 51780
department of youth services that is established by section 51781
5139.50 of the Revised Code. 51782

(23) "Supervised release" means the event of the release of a 51783
child under this chapter from an institution and the period after 51784
that release during which the child is supervised and assisted by 51785
an employee of the department of youth services under specific 51786
terms and conditions for reintegration of the child into the 51787

community. 51788

(24) "Victim" means the person identified in a police report, 51789
complaint, or information as the victim of an act that would have 51790
been a criminal offense if committed by an adult and that provided 51791
the basis for adjudication proceedings resulting in a child's 51792
commitment to the legal custody of the department of youth 51793
services. 51794

(25) "Victim's representative" means a member of the victim's 51795
family or another person whom the victim or another authorized 51796
person designates in writing, pursuant to section 5139.56 of the 51797
Revised Code, to represent the victim with respect to proceedings 51798
of the release authority of the department of youth services and 51799
with respect to other matters specified in that section. 51800

(26) "Member of the victim's family" means a spouse, child, 51801
stepchild, sibling, parent, stepparent, grandparent, other 51802
relative, or legal guardian of a child but does not include a 51803
person charged with, convicted of, or adjudicated a delinquent 51804
child for committing a criminal or delinquent act against the 51805
victim or another criminal or delinquent act arising out of the 51806
same conduct, criminal or delinquent episode, or plan as the 51807
criminal or delinquent act committed against the victim. 51808

(27) "Judicial release to court supervision" means a release 51809
of a child from institutional care or institutional care in a 51810
secure facility that is granted by a court pursuant to division 51811
(B) of section 2152.22 of the Revised Code during the period 51812
specified in that division. 51813

(28) "Judicial release to department of youth services 51814
supervision" means a release of a child from institutional care or 51815
institutional care in a secure facility that is granted by a court 51816
pursuant to division (C) of section 2152.22 of the Revised Code 51817
during the period specified in that division. 51818

(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. 51819
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(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. 51825
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(31) "Administrative planning district" means a district that is established pursuant to division (A) or (B) of section 181.56 of the Revised Code. 51828
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(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. 51831
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(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: 51834
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(a) Delinquency; 51842

(b) Identification, detection, apprehension, and detention of persons charged with delinquent acts; 51843
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(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; 51845
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(d) Adjudication or diversion of persons charged with delinquent acts; 51849
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(e) Custodial treatment of delinquent children; 51851

(f) Institutional and noninstitutional rehabilitation of delinquent children. 51852
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(B) There is hereby created the department of youth services. 51854
The governor shall appoint the director of the department with the 51855
advice and consent of the senate. The director shall hold office 51856
during the term of the appointing governor but subject to removal 51857
at the pleasure of the governor. Except as otherwise authorized in 51858
section 108.05 of the Revised Code, the director shall devote the 51859
director's entire time to the duties of the director's office and 51860
shall hold no other office or position of trust or profit during 51861
the director's term of office. 51862

The director is the chief executive and administrative 51863
officer of the department and has all the powers of a department 51864
head set forth in Chapter 121. of the Revised Code. The director 51865
may adopt rules for the government of the department, the conduct 51866
of its officers and employees, the performance of its business, 51867
and the custody, use, and preservation of the department's 51868
records, papers, books, documents, and property. The director 51869
shall be an appointing authority within the meaning of Chapter 51870
124. of the Revised Code. Whenever this or any other chapter or 51871
section of the Revised Code imposes a duty on or requires an 51872
action of the department, the duty or action shall be performed by 51873
the director or, upon the director's order, in the name of the 51874
department. 51875

Sec. 5139.11. The department of youth services shall do all 51876
of the following: 51877

(A) Through a program of education, promotion, and 51878

organization, form groups of local citizens and assist these	51879
groups in conducting activities aimed at the prevention and	51880
control of juvenile delinquency, making use of local people and	51881
resources for the following purposes:	51882
(1) Combatting local conditions known to contribute to	51883
juvenile delinquency;	51884
(2) Developing recreational and other programs for youth	51885
work;	51886
(3) Providing adult sponsors for delinquent children cases;	51887
(4) Dealing with other related problems of the locality.	51888
(B) Advise local, state, and federal officials, public and	51889
private agencies, and lay groups on the needs for and possible	51890
methods of the reduction and prevention of juvenile delinquency	51891
and the treatment of delinquent children;	51892
(C) Consult with the schools and courts of this state on the	51893
development of programs for the reduction and prevention of	51894
delinquency and the treatment of delinquents;	51895
(D) Cooperate with other agencies whose services deal with	51896
the care and treatment of delinquent children to the end that	51897
delinquent children who are state wards may be assisted whenever	51898
possible to a successful adjustment outside of institutional care;	51899
(E) Cooperate with other agencies in surveying, developing,	51900
and utilizing the recreational resources of a community as a means	51901
of combatting the problem of juvenile delinquency and effectuating	51902
rehabilitation;	51903
(F) Hold district and state conferences from time to time in	51904
order to acquaint the public with current problems of juvenile	51905
delinquency and develop a sense of civic responsibility toward the	51906
prevention of juvenile delinquency;	51907
(G) Assemble and distribute information relating to juvenile	51908

delinquency and report on studies relating to community conditions 51909
that affect the problem of juvenile delinquency; 51910

(H) Assist any community within the state by conducting a 51911
comprehensive survey of the community's available public and 51912
private resources, and recommend methods of establishing a 51913
community program for combatting juvenile delinquency and crime, 51914
but no survey of that type shall be conducted unless local 51915
individuals and groups request it through their local authorities, 51916
and no request of that type shall be interpreted as binding the 51917
community to following the recommendations made as a result of the 51918
request; 51919

(I) Evaluate the rehabilitation of children committed to the 51920
department and prepare and submit periodic reports to the 51921
committing court for the following purposes: 51922

(1) Evaluating the effectiveness of institutional treatment; 51923

(2) Making recommendations for judicial release under section 51924
2152.22 of the Revised Code if appropriate and recommending 51925
conditions for judicial release; 51926

(3) Reviewing the placement of children and recommending 51927
alternative placements where appropriate. 51928

(J) Coordinate dates for hearings to be conducted under 51929
section 2152.22 of the Revised Code and assist in the transfer and 51930
release of children from institutionalization to the custody of 51931
the committing court; 51932

(K)(1) Coordinate and assist juvenile justice systems by 51933
doing the following: 51934

(a) Performing juvenile justice system planning in the state, 51935
including any planning that is required by any federal law; 51936

(b) Collecting, analyzing, and correlating information and 51937
data concerning the juvenile justice system in the state; 51938

(c) Cooperating with and providing technical assistance to state departments, administrative planning districts, metropolitan county criminal justice services agencies, criminal justice coordinating councils, and agencies, offices, and departments of the juvenile justice system in the state, and other appropriate organizations and persons; 51939
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(d) Encouraging and assisting agencies, offices, and departments of the juvenile justice system in the state and other appropriate organizations and persons to solve problems that relate to the duties of the department; 51945
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51948

(e) Administering within the state any juvenile justice acts and programs that the governor requires the department to administer; 51949
51950
51951

(f) Implementing the state comprehensive plans; 51952

(g) Auditing grant activities of agencies, offices, organizations, and persons that are financed in whole or in part by funds granted through the department; 51953
51954
51955

(h) Monitoring or evaluating the performance of juvenile justice system projects and programs in the state that are financed in whole or in part by funds granted through the department; 51956
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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 51960
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<u>fund.</u>	51970
<u>(j) Contracting with federal, state, and local agencies,</u>	51971
<u>foundations, corporations, businesses, and persons when necessary</u>	51972
<u>to carry out the duties of the department;</u>	51973
<u>(k) Overseeing the activities of metropolitan county criminal</u>	51974
<u>justice services agencies, administrative planning districts, and</u>	51975
<u>juvenile justice coordinating councils in the state;</u>	51976
	51977
<u>(l) Advising the general assembly and governor on legislation</u>	51978
<u>and other significant matters that pertain to the improvement and</u>	51979
<u>reform of the juvenile justice system in the state;</u>	51980
	51981
<u>(m) Preparing and recommending legislation to the general</u>	51982
<u>assembly and governor for the improvement of the juvenile justice</u>	51983
<u>system in the state;</u>	51984
<u>(n) Assisting, advising, and making any reports that are</u>	51985
<u>required by the governor, attorney general, or general assembly;</u>	51986
<u>(o) Adopting rules pursuant to Chapter 119. of the Revised</u>	51987
<u>Code.</u>	51988
<u>(2) Division (K)(1) of this section does not limit the</u>	51989
<u>discretion or authority of the attorney general with respect to</u>	51990
<u>crime victim assistance and criminal and juvenile justice</u>	51991
<u>programs.</u>	51992
<u>(3) Nothing in division (K)(1) of this section is intended to</u>	51993
<u>diminish or alter the status of the office of the attorney general</u>	51994
<u>as a criminal justice services agency.</u>	51995
<u>(4) The governor may appoint any advisory committees to</u>	51996
<u>assist the department that the governor considers appropriate or</u>	51997
<u>that are required under any state or federal law.</u>	51998

Section 7. That the existing versions of sections 5139.01 and 51999
5139.11 of the Revised Code that are scheduled to take effect 52000
January 1, 2002, are hereby repealed. 52001

Section 8. Sections 6 and 7 of this act shall take effect on 52002
January 1, 2002. 52003

Section 9. Except as otherwise provided, all appropriation 52004
items (AI) in this act are appropriated out of any moneys in the 52005
state treasury to the credit of the designated fund that are not 52006
otherwise appropriated. For all appropriations made in this act, 52007
the amounts in the first column are for fiscal year 2002 and the 52008
amounts in the second column are for fiscal year 2003. 52009

FND AI AI TITLE FY 2002 FY 2003 52010
52011

Section 10. ACC ACCOUNTANCY BOARD OF OHIO 52012

General Services Fund Group 52013

4J8 889-601 CPA Education \$ 204,400 \$ 209,510 52014
Assistance

4K9 889-609 Operating Expenses \$ 870,318 \$ 917,458 52015

TOTAL GSF General Services Fund 52016

Group \$ 1,074,718 \$ 1,126,968 52017

TOTAL ALL BUDGET FUND GROUPS \$ 1,074,718 \$ 1,126,968 52018

Section 11. PAY ACCRUED LEAVE LIABILITY 52020

Accrued Leave Liability Fund Group 52021

806 995-666 Accrued Leave Fund \$ 52,083,178 \$ 56,760,331 52022

807 995-667 Disability Fund \$ 42,843,384 \$ 47,127,722 52023

TOTAL ALF Accrued Leave Liability 52024

Fund Group \$ 94,926,562 \$ 103,888,053 52025

Agency Fund Group				52026	
808 995-668 State Employee Health	\$	163,866,236	\$	187,635,594	52027
Benefit Fund					
809 995-669 Dependent Care	\$	3,050,554	\$	3,355,609	52028
Spending Account					
810 995-670 Life Insurance	\$	2,109,592	\$	2,236,167	52029
Investment Fund					
811 995-671 Parental Leave Benefit	\$	4,914,815	\$	6,143,519	52030
Fund					
TOTAL AGY Agency Fund Group	\$	173,941,197	\$	199,370,889	52031
TOTAL ALL BUDGET FUND GROUPS	\$	268,867,759	\$	303,258,942	52032

ACCRUED LEAVE LIABILITY FUND 52033

The foregoing appropriation item 995-666, Accrued Leave Fund, 52034
shall be used to make payments from the Accrued Leave Liability 52035
Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 52036
If it is determined by the Director of Budget and Management that 52037
additional amounts are necessary, the amounts are appropriated. 52038

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 52039

The foregoing appropriation item 995-667, Disability Fund, 52040
shall be used to make payments from the State Employee Disability 52041
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 52042
Revised Code. If it is determined by the Director of Budget and 52043
Management that additional amounts are necessary, the amounts are 52044
appropriated. 52045

STATE EMPLOYEE HEALTH BENEFIT FUND 52046

The foregoing appropriation item 995-668, State Employee 52047
Health Benefit Fund, shall be used to make payments from the State 52048
Employee Health Benefit Fund (Fund 808), pursuant to section 52049
124.87 of the Revised Code. If it is determined by the Director of 52050
Budget and Management that additional amounts are necessary, the 52051
amounts are appropriated. 52052

DEPENDENT CARE SPENDING ACCOUNT 52053

The foregoing appropriation item 995-669, Dependent Care 52054
Spending Account, shall be used to make payments from the 52055
Dependent Care Spending Account (Fund 809) to employees eligible 52056
for dependent care expenses. If it is determined by the Director 52057
of Budget and Management that additional amounts are necessary, 52058
the amounts are appropriated. 52059

LIFE INSURANCE INVESTMENT FUND 52060

The foregoing appropriation item 995-670, Life Insurance 52061
Investment Fund, shall be used to make payments from the Life 52062
Insurance Investment Fund (Fund 810) for the costs and expenses of 52063
the state's life insurance benefit program pursuant to section 52064
125.212 of the Revised Code. If it is determined by the Director 52065
of Budget and Management that additional amounts are necessary, 52066
the amounts are appropriated. 52067

PARENTAL LEAVE BENEFIT FUND 52068

The foregoing appropriation item 995-671, Parental Leave 52069
Benefit Fund, shall be used to make payments from the Parental 52070
Leave Benefit Fund (Fund 811) to employees eligible for parental 52071
leave benefits pursuant to section 124.137 of the Revised Code. If 52072
it is determined by the Director of Budget and Management that 52073
additional amounts are necessary, the amounts are appropriated. 52074

Section 12. ADJ ADJUTANT GENERAL 52075

General Revenue Fund 52076

GRF 745-401 Ohio Military Reserve \$ 14,901 \$ 15,200 52077

GRF 745-403 Armory Deferred \$ 250,000 \$ 250,000 52078

Maintenance

GRF 745-404 Air National Guard \$ 1,845,527 \$ 1,921,854 52079

GRF 745-409 Central Administration \$ 3,975,185 \$ 4,222,598 52080

GRF 745-499 Army National Guard \$ 3,878,881 \$ 3,988,519 52081

GRF 745-502	Ohio National Guard	\$	106,980	\$	103,058	52082
	Unit Fund					
TOTAL GRF	General Revenue Fund	\$	10,071,474		10,501,229	52083
	General Services Fund Group					52084
534 745-612	Armory Improvements	\$	529,014	\$	534,304	52085
536 745-620	Camp Perry Clubhouse	\$	1,054,359	\$	1,094,970	52086
	and Rental					
537 745-604	ONG Maintenance	\$	214,464	\$	219,826	52087
TOTAL GSF	General Services Fund	\$	1,797,837	\$	1,849,100	52088
	Group					
	Federal Special Revenue Fund Group					52089
3E8 745-628	Air National Guard	\$	11,821,084	\$	12,770,931	52090
	Operations and					
	Maintenance Agreement					
3R8 745-603	Counter Drug	\$	25,000	\$	25,000	52091
	Operations					
3S0 745-602	Higher Ground Training	\$	20,000	\$	20,000	52092
341 745-615	Air National Guard	\$	1,770,744	\$	1,841,573	52093
	Base Security					
342 745-616	Army National Guard	\$	6,429,352	\$	6,749,210	52094
	Service Agreement					
TOTAL FED	Federal Special Revenue	\$	20,066,180	\$	21,406,714	52095
	Fund Group					
	State Special Revenue Fund Group					52096
528 745-605	Marksmanship	\$	64,466	\$	66,078	52097
	Activities					
TOTAL SSR	State Special Revenue	\$	64,466	\$	66,078	52098
	Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$	31,999,957	\$	33,823,121	52099
	ARMY NATIONAL GUARD SERVICE AGREEMENT AND ARMY NATIONAL GUARD					52100
	TRAINING SITE AGREEMENT					52101
	On July 1, 2001, or as soon thereafter as possible, the					52102

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				52113	
General Revenue Fund				52114	
GRF 100-402	Unemployment	\$	107,713 \$	109,114	52115
Compensation					
GRF 100-405	Agency Audit Expenses	\$	662,147 \$	614,704	52116
GRF 100-406	County & University	\$	850,133 \$	838,777	52117
Human Resources					
Services					
GRF 100-409	Departmental	\$	948,332 \$	975,481	52118
Information Services					
GRF 100-414	Ohio Geographically	\$	512,410 \$	510,807	52119
Referenced Information					
Program					
GRF 100-416	Strategic Technology	\$	3,470,440 \$	5,000,000	52120
Development Programs					
GRF 100-417	MARCS	\$	5,350,344 \$	6,176,160	52121
GRF 100-419	Ohio SONET	\$	4,527,924 \$	4,625,879	52122
GRF 100-420	Innovation Ohio	\$	144,000 \$	144,000	52123
GRF 100-421	ERP Project	\$	600,000 \$	624,000	52124
Implementation					
GRF 100-433	State of Ohio Computer	\$	5,003,580 \$	5,027,234	52125
Center					

GRF 100-439	Equal Opportunity Certification Programs	\$ 817,894	\$ 861,093	52126
GRF 100-447	OBA - Building Rent Payments	\$ 100,075,600	\$ 119,923,600	52127
GRF 100-448	OBA - Building Operating Payments	\$ 26,098,000	\$ 26,098,000	52128
GRF 100-449	DAS - Building Operating Payments	\$ 5,126,955	\$ 5,126,968	52129
GRF 100-451	Minority Affairs	\$ 119,706	\$ 118,043	52130
GRF 100-734	Major Maintenance	\$ 70,224	\$ 68,376	52131
GRF 102-321	Construction Compliance	\$ 1,392,590	\$ 1,396,506	52132
GRF 130-321	State Agency Support Services	\$ 3,632,427	\$ 3,740,888	52133
TOTAL GRF	General Revenue Fund	\$ 159,510,419	\$ 181,979,630	52134
	General Services Fund Group			52135
112 100-616	DAS Administration	\$ 5,243,105	\$ 5,503,547	52136
115 100-632	Central Service Agency	\$ 399,438	\$ 376,844	52137
117 100-644	General Services Division - Operating	\$ 5,790,000	\$ 7,091,000	52138
122 100-637	Fleet Management	\$ 1,600,913	\$ 1,652,189	52139
125 100-622	Human Resources Division - Operating	\$ 23,895,125	\$ 24,640,311	52140
127 100-627	Vehicle Liability Insurance	\$ 3,373,835	\$ 3,487,366	52141
128 100-620	Collective Bargaining	\$ 3,292,859	\$ 3,410,952	52142
130 100-606	Risk Management Reserve	\$ 185,900	\$ 197,904	52143
131 100-639	State Architect's Office	\$ 7,504,787	\$ 7,772,789	52144
132 100-631	DAS Building Management	\$ 10,887,913	\$ 11,362,872	52145
188 100-649	Equal Opportunity	\$ 1,214,691	\$ 1,253,311	52146

		Programs				
201	100-653	General Services	\$	1,779,000	\$	1,833,000 52147
		Resale Merchandise				
210	100-612	State Printing	\$	6,648,503	\$	6,928,823 52148
4H2	100-604	Governor's Residence	\$	22,628	\$	23,194 52149
		Gift				
4P3	100-603	Departmental MIS	\$	7,447,713	\$	7,761,365 52150
		Services				
427	100-602	Investment Recovery	\$	4,204,735	\$	4,179,184 52151
5C2	100-605	MARCS Development	\$	3,429,947	\$	4,475,190 52152
5C3	100-608	Skilled Trades	\$	2,237,200	\$	2,332,464 52153
5D7	100-621	Workforce Development	\$	12,000,000	\$	12,000,000 52154
5L7	100-610	Professional	\$	2,700,000	\$	2,700,000 52155
		Development				
TOTAL GSF		General Services Fund				52156
Group			\$	103,858,292	\$	108,982,305 52157
Intragovernmental Service Fund		Group				52158
133	100-607	Information Technology	\$	104,482,097	\$	111,387,436 52159
		Fund				
4N6	100-617	Major Computer	\$	12,000,000	\$	4,500,000 52160
		Purchases				
TOTAL ISF		Intragovernmental				52161
Service Fund		Group	\$	116,482,097	\$	115,887,436 52162
Agency Fund		Group				52163
113	100-628	Unemployment	\$	3,500,000	\$	3,577,000 52164
		Compensation				
124	100-629	Payroll Deductions	\$	1,877,100,000	\$	1,999,100,000 52165
TOTAL AGY		Agency Fund	\$	1,880,600,000	\$	2,002,677,000 52166
Group						
Holding Account		Redistribution Fund				52167
Group						
R08	100-646	General Services	\$	20,000	\$	20,000 52168
		Refunds				
TOTAL 090		Holding Account				52169

Redistribution Fund Group	\$	20,000	\$	20,000	52170
TOTAL ALL BUDGET FUND GROUPS	\$	2,260,470,808	\$	2,409,546,371	52171

Section 13.01. AGENCY AUDIT EXPENSES 52173

Of the foregoing appropriation item 100-405, Agency Audit 52174
Expenses, up to \$145,261 in fiscal year 2002 and up to \$74,447 in 52175
fiscal year 2003 shall be used to subsidize the operations of the 52176
Central Service Agency. The Department of Administrative Services 52177
shall transfer cash from appropriation item 100-405, Agency Audit 52178
Expenses, to the Central Service Agency Fund (Fund 115) using an 52179
intrastate transfer voucher. 52180

Of the foregoing appropriation item 100-405, Agency Audit 52181
Expenses, up to \$30,000 in fiscal year 2002 and \$30,000 in fiscal 52182
year 2003 shall be used for the Department of Administrative 52183
Services' GRF appropriation item-related auditing expenses. The 52184
remainder of the appropriation shall be used for auditing expenses 52185
designated in division (A)(1) of section 117.13 of the Revised 52186
Code for those state agencies audited on a biennial basis. 52187

Section 13.02. OHIO BUILDING AUTHORITY 52188

The foregoing appropriation item 100-447, OBA - Building Rent 52189
Payments, shall be used to meet all payments at the times they are 52190
required to be made during the period from July 1, 2001, to June 52191
30, 2003, by the Department of Administrative Services to the Ohio 52192
Building Authority pursuant to leases and agreements under Chapter 52193
152. of the Revised Code, but limited to the aggregate amount of 52194
\$219,999,200. The foregoing appropriation item 100-448, OBA - 52195
Building Operating Payments, shall be used to meet all payments at 52196
the times that they are required to be made during the period from 52197
July 1, 2001, to June 30, 2003, by the Department of 52198
Administrative Services to the Ohio Building Authority pursuant to 52199
leases and agreements under Chapter 152. of the Revised Code, but 52200

limited to the aggregate amount of \$52,196,000. These 52201
appropriations are the source of funds pledged for bond service 52202
charges on obligations issued pursuant to Chapter 152. of the 52203
Revised Code. 52204

The payments to the Ohio Building Authority are for the 52205
purpose of paying the expenses of agencies that occupy space in 52206
the various state facilities. The Department of Administrative 52207
Services may enter into leases and agreements with the Ohio 52208
Building Authority providing for the payment of these expenses. 52209
The Ohio Building Authority shall report to the Department of 52210
Administrative Services and the Office of Budget and Management 52211
not later than five months after the start of a fiscal year the 52212
actual expenses incurred by the Ohio Building Authority in 52213
operating the facilities and any balances remaining from payments 52214
and rentals received in the prior fiscal year. The Department of 52215
Administrative Services shall reduce subsequent payments by the 52216
amount of the balance reported to it by the Ohio Building 52217
Authority. 52218

Section 13.03. DAS - BUILDING OPERATING PAYMENTS 52219

The foregoing appropriation item 100-449, DAS - Building 52220
Operating Payments, shall be used to pay the rent expenses of 52221
veterans organizations pursuant to section 123.024 of the Revised 52222
Code in fiscal years 2002 and 2003. 52223

The foregoing appropriation item, 100-449, DAS - Building 52224
Operating Payments, may be used to provide funding for the cost of 52225
property appraisals that the Department of Administrative Services 52226
may be required to obtain for property that is being sold by the 52227
state or property under consideration to be purchased by the 52228
state. 52229

Of the foregoing appropriation item 100-449, DAS - Building 52230
Operating Payment, \$100,000 shall be used in fiscal year 2002 to 52231

fund the renovation of new office space for the State Library and 52232
the Ohioana Library Association. 52233

Notwithstanding section 125.28 of the Revised Code, the 52234
remaining portion of the appropriation may be used to pay the 52235
operating expenses of state facilities maintained by the 52236
Department of Administrative Services that are not billed to 52237
building tenants. These expenses may include, but are not limited 52238
to, the costs for vacant space and space undergoing renovation, 52239
and the rent expenses of tenants that are relocated due to 52240
building renovations. These payments shall be processed by the 52241
Department of Administrative Services through intrastate transfer 52242
vouchers and placed in the Facilities Management Fund (Fund 132). 52243

Section 13.04. MINORITY AFFAIRS 52244

The foregoing appropriation item 100-451, Minority Affairs, 52245
shall be used to establish minority affairs programs within the 52246
Equal Opportunity Division. The office shall provide an access 52247
point and official representation to multi-cultural communities; 52248
research and reports on multi-cultural issues; and educational, 52249
governmental, and other services that foster multi-cultural 52250
opportunities and understanding in the state of Ohio. 52251

Section 13.05. CENTRAL SERVICE AGENCY FUND 52252

In order to complete the migration of the licensing 52253
applications of the professional licensing boards to a local area 52254
network, the Director of Budget and Management may, at the request 52255
of the Director of Administrative Services, cancel related 52256
encumbrances in the Central Service Agency Fund (Fund 115) and 52257
reestablish these encumbrances in fiscal year 2002 for the same 52258
purpose and to the same vendor. The Director of Budget and 52259
Management shall reduce the appropriation balance in fiscal year 52260
2001 by the amount of encumbrances canceled in Fund 115. As 52261

determined by the Director of Budget and Management, the amount 52262
necessary to reestablish such encumbrances or parts of 52263
encumbrances in fiscal year 2002 in the Central Service Agency 52264
Fund (Fund 115) is appropriated. 52265

The Director of Budget and Management may transfer up to 52266
\$399,000 in fiscal year 2002 and up to \$354,000 in fiscal year 52267
2003 from the Occupational Licensing and Regulatory Fund (Fund 52268
4K9) to the Central Service Agency Fund (Fund 115). The Director 52269
of Budget and Management may transfer up to \$34,000 in fiscal year 52270
2002 and up to \$30,000 in fiscal year 2003 from the State Medical 52271
Board Operating Fund (Fund 5C6) to the Central Service Agency Fund 52272
(Fund 115). The Director of Budget and Management may transfer up 52273
to \$18,000 in fiscal year 2002 and up to \$16,000 in fiscal year 52274
2003 from the Pharmacy Board Operating Fund (Fund 5N2) to the 52275
Central Service Agency Fund (Fund 115). The appropriation item 52276
100-632, Central Service Agency, shall be used to purchase the 52277
necessary equipment, products, and services to install and 52278
maintain a local area network for the professional licensing 52279
boards, and to support their licensing applications. The amount of 52280
the cash transfer is appropriated to appropriation item 100-632, 52281
Central Service Agency. 52282

Section 13.06. TUITION REIMBURSEMENT 52283

Of the foregoing appropriation item 100-622, Human Resources 52284
Division - Operating, \$350,000 in fiscal year 2002 and \$400,000 in 52285
fiscal year 2003 shall be set aside for the District 1199 Health 52286
Care Employees Tuition Reimbursement Program, per existing 52287
collective bargaining agreements. Of the foregoing appropriation 52288
item 100-622, Human Resources Division - Operating, \$75,000 in 52289
fiscal year 2002 and \$75,000 in fiscal year 2003 shall be set 52290
aside for the Ohio Education Association Tuition Reimbursement 52291
Program, per existing collective bargaining agreements. The 52292

Department of Administrative Services, with the approval of the 52293
Director of Budget and Management, shall establish charges for 52294
recovering the costs of administering the District 1199 Health 52295
Care Employees Tuition Reimbursement Program and the Ohio 52296
Education Association Tuition Reimbursement Program. Receipts for 52297
these charges shall be deposited into the Human Resources Services 52298
Fund (Fund 125). 52299

Section 13.07. COLLECTIVE BARGAINING ARBITRATION EXPENSES 52300

With approval of the Director of Budget and Management, the 52301
Department of Administrative Services may seek reimbursement from 52302
state agencies for the actual costs and expenses the department 52303
incurs in the collective bargaining arbitration process. The 52304
reimbursements shall be processed through intrastate transfer 52305
vouchers and placed in the Collective Bargaining Fund (Fund 128). 52306

Section 13.08. EQUAL OPPORTUNITY PROGRAM 52307

The Department of Administrative Services, with the approval 52308
of the Director of Budget and Management, shall establish charges 52309
for recovering the costs of administering the activities supported 52310
by the Equal Opportunity Programs Fund (Fund 188). These charges 52311
shall be deposited to the credit of the Equal Opportunity Programs 52312
Fund (Fund 188) upon payment made by state agencies, 52313
state-supported or state-assisted institutions of higher 52314
education, and tax-supported agencies, municipal corporations, and 52315
other political subdivisions of the state, for services rendered. 52316

Section 13.09. MERCHANDISE FOR RESALE 52317

The foregoing appropriation item 100-653, General Services 52318
Resale Merchandise, shall be used to account for merchandise for 52319
resale, which is administered by the General Services Division. 52320
Deposits to the fund may comprise the cost of merchandise for 52321

resale and shipping fees. 52322

Section 13.10. GOVERNOR'S RESIDENCE GIFT 52323

The foregoing appropriation item 100-604, Governor's 52324
Residence Gift, shall be used to provide part or all of the 52325
funding related to construction, goods, or services for the 52326
Governor's residence. All receipts for this purpose shall be 52327
deposited into Fund 4H2. 52328

Section 13.11. DEPARTMENTAL MIS 52329

The foregoing appropriation item 100-603, Departmental MIS 52330
Services, may be used to pay operating expenses of management 52331
information systems activities in the Department of Administrative 52332
Services. The Department of Administrative Services shall 52333
establish charges for recovering the costs of management 52334
information systems activities. These charges shall be deposited 52335
to the credit of the Departmental MIS Fund (Fund 4P3). 52336

Notwithstanding any other language to the contrary, the 52337
Director of Budget and Management may transfer up to \$3,000,000 of 52338
fiscal year 2002 appropriations and up to \$3,000,000 of fiscal 52339
year 2003 appropriations from appropriation item 100-603, 52340
Departmental MIS Services, to any Department of Administrative 52341
Services non-General Revenue Fund appropriation item. The 52342
appropriations transferred shall be used to make payments for 52343
management information systems services. Notwithstanding any other 52344
language to the contrary, the Director of Budget and Management 52345
may transfer up to \$217,313 of fiscal year 2002 appropriations and 52346
up to \$193,031 of fiscal year 2003 appropriations from 52347
appropriation item 100-409, Departmental Information Services, to 52348
any Department of Administrative Services appropriation item in 52349
the General Revenue Fund. The appropriations transferred shall be 52350
used to make payments for management information systems services. 52351

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Section 13.12. INVESTMENT RECOVERY FUND 52353

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. 52354
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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. 52358
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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. 52362
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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. 52373
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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.

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Section 13.13. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM 52393

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.

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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 52414

There is hereby established in the state treasury the 52415
Workforce Development Fund (Fund 5D7). The foregoing appropriation 52416
item 100-621, Workforce Development, shall be used to make 52417
payments from the fund. The fund shall be under the supervision of 52418
the Department of Administrative Services, which may adopt rules 52419
with regard to administration of the fund. The fund shall be used 52420
to pay the costs of the Workforce Development Program established 52421
by Article 37 of the contract between the State of Ohio and 52422
OCSEA/AFSCME, Local 11, effective March 1, 2000. The program shall 52423
be administered in accordance with the contract. Revenues shall 52424
accrue to the fund as specified in the contract. The fund may be 52425
used to pay direct and indirect costs of the program that are 52426
attributable to staff, consultants, and service providers. All 52427
income derived from the investment of the fund shall accrue to the 52428
fund. 52429

If it is determined by the Director of Administrative 52430
Services that additional appropriation amounts are necessary, the 52431
Director of Administrative Services may request that the Director 52432
of Budget and Management increase such amounts. Such amounts are 52433
appropriated. 52434

Section 13.15. PROFESSIONAL DEVELOPMENT FUND 52435

The foregoing appropriation item 100-610, Professional 52436
Development, shall be used to make payments from the Professional 52437
Development Fund (Fund 5L7) pursuant to section 124.182 of the 52438
Revised Code. 52439

Section 13.16. COMPUTER EQUIPMENT PURCHASES 52440

The Director of Administrative Services shall compute the 52441
amount of revenue attributable to the amortization of all 52442

equipment purchases from appropriation item 100-607, Information 52443
Technology Fund; appropriation item 100-617, Major Computer 52444
Purchases; and appropriation item CAP-837, Major Equipment 52445
Purchases, which is recovered by the Department of Administrative 52446
Services as part of the rates charged by the Information 52447
Technology Fund (Fund 133) created in section 125.15 of the 52448
Revised Code. The Director of Budget and Management may transfer 52449
cash in an amount not to exceed the amount of amortization 52450
computed from the Information Technology Fund (Fund 133) to Major 52451
Computer Purchases (Fund 4N6). 52452

Section 13.17. INFORMATION TECHNOLOGY ASSESSMENT 52453

The Director of Administrative Services, with the approval of 52454
the Director of Budget and Management, may establish an 52455
information technology assessment for the purpose of recovering 52456
the cost of selected infrastructure development and statewide 52457
programs. Such assessment shall comply with applicable cost 52458
principles issued by the federal Office of Management and Budget. 52459
During the fiscal year 2001-2003 biennium, the information 52460
technology assessment may be used to partially fund the cost of 52461
electronic-government infrastructure. The information technology 52462
assessment shall be charged to all organized bodies, offices, or 52463
agencies established by the laws of the state for the exercise of 52464
any function of state government except for the General Assembly, 52465
any legislative agency, the Supreme Court, the other courts of 52466
record in Ohio, or any judicial agency, the Adjutant General, the 52467
Bureau of Workers' Compensation, and institutions administered by 52468
a board of trustees. Any state-entity exempted by this section may 52469
utilize the infrastructure or statewide program by participating 52470
in the information technology assessment. All charges for the 52471
information technology assessment shall be deposited to the credit 52472
of the Information Technology Fund (Fund 133) created in section 52473
125.15 of the Revised Code. 52474

Section 13.18. E-GOVERNMENT DEVELOPMENT FUND 52475

The Director of Budget and Management shall transfer any cash 52476
balances remaining in the E-Government Development Fund (Fund 5M6) 52477
after November 30, 2001, from the E-Government Development Fund to 52478
the Information Technology Fund (Fund 133) created in section 52479
125.15 of the Revised Code. 52480

Section 13.19. UNEMPLOYMENT COMPENSATION FUND 52481

The foregoing appropriation item 100-628, Unemployment 52482
Compensation, shall be used to make payments from the Unemployment 52483
Compensation Fund (Fund 113), pursuant to section 4141.241 of the 52484
Revised Code. If it is determined that additional amounts are 52485
necessary, such amounts are appropriated. 52486

Section 13.20. PAYROLL WITHHOLDING FUND 52487

The foregoing appropriation item 100-629, Payroll Deductions, 52488
shall be used to make payments from the Payroll Withholding Fund 52489
(Fund 124). If it is determined by the Director of Budget and 52490
Management that additional appropriation amounts are necessary, 52491
such amounts are appropriated. 52492

Section 13.21. GENERAL SERVICES REFUNDS 52493

The foregoing appropriation item 100-646, General Services 52494
Refunds, shall be used to hold bid guarantee and building plans 52495
and specifications deposits until they are refunded. The Director 52496
of Administrative Services may request that the Director of Budget 52497
and Management transfer cash received for the costs of providing 52498
the building plans and specifications to contractors from the 52499
General Services Refund Fund to Fund 131, State Architect's 52500
Office. Prior to the transfer of cash, the Director of 52501
Administrative Services shall certify that such amounts are in 52502

excess of amounts required for refunding deposits and are directly 52503
related to costs of producing building plans and specifications. 52504
If it is determined that additional appropriations are necessary, 52505
such amounts are appropriated. 52506

Section 13.22. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 52507
SERVICE PAYMENTS 52508

The Director of Administrative Services, in consultation with 52509
the Multi-Agency Radio Communication System (MARCS) Steering 52510
Committee and the Director of Budget and Management, shall 52511
determine the share of debt service payments attributable to 52512
spending for MARCS components that are not specific to any one 52513
agency and that shall be charged to agencies supported by the 52514
motor fuel tax. Such share of debt service payments shall be 52515
calculated for MARCS capital disbursements made beginning July 1, 52516
1997. Within thirty days of any payment made from appropriation 52517
item 100-447, OBA - Building Rent Payments, the Director of 52518
Administrative Services shall certify to the Director of Budget 52519
and Management the amount of this share. The Director of Budget 52520
and Management shall transfer such amounts to the General Revenue 52521
Fund from the Highway Operating Fund (Fund 002) established in 52522
section 5735.281 of the Revised Code. 52523

The Director of Administrative Services shall consider 52524
renting or leasing existing tower sites at reasonable or current 52525
market rates, so long as these existing sites are equipped with 52526
the technical capabilities to support the MARCS project. 52527

Section 13.23. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY 52528

Whenever the Director of Administrative Services declares a 52529
"Public Exigency," as provided in division (C) of section 123.15 52530
of the Revised Code, the Director shall also notify the members of 52531
the Controlling Board. 52532

Section 13.24. GENERAL SERVICE CHARGES 52533

The Department of Administrative Services, with the approval 52534
of the Director of Budget and Management, shall establish charges 52535
for recovering the costs of administering the programs in the 52536
General Services Fund (Fund 117) and the State Printing Fund (Fund 52537
210). 52538

Section 14. AAM COMMISSION ON AFRICAN AMERICAN MALES 52539

General Revenue Fund 52540

GRF 036-100 Personal Services	\$	254,538	\$	267,265	52541
GRF 036-200 Maintenance	\$	47,500	\$	47,175	52542
GRF 036-300 Equipment	\$	19,000	\$	18,870	52543
GRF 036-501 CAAM Awards and	\$	15,200	\$	15,096	52544

Scholarships

GRF 036-502 Community Projects	\$	38,000	\$	27,750	52545
TOTAL GRF General Revenue Fund	\$	374,238	\$	376,156	52546

State Special Revenue Fund Group 52547

4H3 036-601 Commission on African	\$	10,000	\$	10,000	52548
American Males -					
Gifts/Grants					

TOTAL SSR State Special Revenue	\$	10,000	\$	10,000	52549
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Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$	384,238	\$	386,156	52550
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COMMISSION ON AFRICAN AMERICAN MALES PROGRESS REVIEW 52551

No later than December 31, 2001, the Commission on African 52552
American Males shall submit to the chairperson and ranking 52553
minority member of the Human Services Subcommittee of the Finance 52554
and Appropriations Committee of the House of Representatives a 52555
report that demonstrates the progress that has been made toward 52556
meeting the Commission's mission statement. 52557

Section 15. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW				52558
General Revenue Fund				52559
GRF 029-321	Operating Expenses	\$ 365,881	\$ 365,881	52560
TOTAL GRF General Revenue Fund				52561
TOTAL ALL BUDGET FUND GROUPS				52562
OPERATING				52563
The Chief Administrative Officer of the House of				52564
Representatives and the Clerk of the Senate shall determine, by				52565
mutual agreement, which of them shall act as fiscal agent for the				52566
Joint Committee on Agency Rule Review.				52567
Section 16. AGE DEPARTMENT OF AGING				52568
General Revenue Fund				52569
GRF 490-321	Operating Expenses	\$ 2,896,946	\$ 2,877,346	52570
GRF 490-403	PASSPORT	\$ 61,867,800	\$ 63,840,739	52571
GRF 490-405	Golden Buckeye Card	\$ 377,560	\$ 377,560	52572
GRF 490-406	Senior Olympics	\$ 39,862	\$ 39,862	52573
GRF 490-407	Long-Term Care	\$ 622,799	\$ 622,799	52574
Consumer Guide				
GRF 490-409	Ohio Community Service	\$ 311,640	\$ 311,640	52575
Council Operations				
GRF 490-410	Long-Term Care	\$ 1,412,058	\$ 1,412,058	52576
Ombudsman				
GRF 490-411	Senior Community	\$ 13,784,750	\$ 13,784,750	52577
Services				
GRF 490-412	Residential State	\$ 12,534,591	\$ 12,290,915	52578
Supplement				
GRF 490-414	Alzheimers Respite	\$ 4,436,673	\$ 4,436,673	52579
GRF 490-416	Transportation For	\$ 183,000	\$ 183,000	52580
Elderly				
GRF 490-499	Senior Employment	\$ 15,574	\$ 15,574	52581
Program				

GRF 490-504 Senior Facilities	\$	130,000	\$	100,000	52582
GRF 490-506 Senior Volunteers	\$	491,614	\$	496,580	52583
TOTAL GRF General Revenue Fund	\$	99,104,867	\$	100,789,496	52584
General Services Fund Group					52585
480 490-606 Senior Citizens	\$	363,587	\$	372,677	52586
Services Special					
Events					
TOTAL GSF General Services Fund					52587
Group	\$	363,587	\$	372,677	52588
Federal Special Revenue Fund Group					52589
3C4 490-607 PASSPORT	\$	129,645,833	\$	144,875,065	52590
3M3 490-611 Federal Aging	\$	22,943,588	\$	23,517,178	52591
Nutrition					
3M4 490-612 Federal Supportive	\$	21,025,940	\$	21,545,338	52592
Services					
3R7 490-617 Ohio Community Service	\$	7,350,920	\$	7,350,920	52593
Council Programs					
322 490-618 Older Americans	\$	10,873,661	\$	11,144,778	52594
Support Services					
TOTAL FED Federal Special Revenue					52595
Fund Group	\$	191,839,942	\$	208,433,279	52596
State Special Revenue Fund Group					52597
4C4 490-609 Regional Long-Term	\$	440,185	\$	451,190	52598
Care Ombudsman Program					
4J4 490-610 PASSPORT/Residential	\$	24,000,000	\$	24,000,000	52599
State Supplement					
4U9 490-602 PASSPORT Fund	\$	5,000,000	\$	5,000,000	52600
5K9 490-613 Nursing Home Consumer	\$	400,000	\$	400,000	52601
Guide					
624 490-604 OCSC Community Support	\$	2,500	\$	2,500	52602
TOTAL SSR State Special Revenue					52603
Fund Group	\$	29,842,685	\$	29,853,690	52604

Appropriation item 490-403, PASSPORT, and the amounts set aside 52636
for the PASSPORT Waiver Program in appropriation item 490-610, 52637
PASSPORT/Residential State Supplement, may also be used to support 52638
the Department of Aging's administrative costs associated with 52639
operating the PASSPORT program. 52640

The foregoing appropriation item 490-607, PASSPORT, shall be 52641
used to provide the federal matching share for all PASSPORT 52642
program costs determined by the Department of Job and Family 52643
Services to be eligible for Medicaid reimbursement. 52644

ELDERCARE PILOT 52645

The foregoing appropriation item 490-404, Eldercare, shall be 52646
used to fund the existing eldercare service programs and shall be 52647
limited to providing services to those persons who are enrolled in 52648
these programs on the effective date of this section. 52649

SENIOR COMMUNITY SERVICES 52650

The foregoing appropriation item 490-411, Senior Community 52651
Services, shall be used for services designated by the Department 52652
of Aging, including, but not limited to, home-delivered meals, 52653
transportation services, personal care services, respite services, 52654
home repair, and care coordination. Service priority shall be 52655
given to low income, frail, and cognitively impaired persons 60 52656
years of age and over. The department shall promote cost sharing 52657
by service recipients for those services funded with block grant 52658
funds, including, where possible, sliding-fee scale payment 52659
systems based on the income of service recipients. 52660

ALZHEIMERS RESPITE 52661

The foregoing appropriation item 490-414, Alzheimers Respite, 52662
shall be used only to fund Alzheimer's disease services under 52663
section 173.04 of the Revised Code. 52664

TRANSPORTATION FOR ELDERLY 52665

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

Under the Residential State Supplement Program, the amount used to determine whether a resident is eligible for payment and for determining the amount per month the eligible resident will receive shall be as follows:

(A) \$900 for a residential care facility, as defined in

section 3721.01 of the Revised Code;	52695
(B) \$900 for an adult group home, as defined in Chapter 3722. of the Revised Code;	52696
(C) \$800 for an adult foster home, as defined in Chapter 173. of the Revised Code;	52698
(D) \$800 for an adult family home, as defined in Chapter 3722. of the Revised Code;	52700
(E) \$800 for an adult community alternative home, as defined in Chapter 3724. of the Revised Code;	52702
(F) \$800 for an adult residential facility, as defined in Chapter 5119. of the Revised Code;	52704
(G) \$600 for adult community mental health housing services, as defined in division (B)(5) of section 173.35 of the Revised Code.	52706
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.	52709
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	52710
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.	52711
LONG-TERM CARE OMBUDSMAN	52712
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	52713
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homes, and home and community care services.	52724
SENIOR FACILITIES	52725
Of the foregoing appropriation item 490-504, Senior Facilities, in fiscal year 2002, \$10,000 shall be for the Tri-city Senior Center, \$10,000 shall be for the Westlake Senior Center, and \$10,000 shall be for the Rocky River Senior Center.	52726 52727 52728 52729
REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAMS	52730
The foregoing appropriation item 490-609, Regional Long-Term Care Ombudsman Programs, shall be used solely to pay the costs of operating the regional long-term care ombudsman programs.	52731 52732 52733
PASSPORT/RESIDENTIAL STATE SUPPLEMENT	52734
Of the foregoing appropriation item 490-610, PASSPORT/Residential State Supplement, up to \$2,835,000 each fiscal year shall be used to fund the Residential State Supplement Program. The remaining available funds shall be used to fund the PASSPORT program.	52735 52736 52737 52738 52739
Section 16.03. RESIDENTIAL STATE SUPPLEMENT	52740
If the Department of Aging, in consultation with the Director of Budget and Management, determines that available funding is insufficient to make payments to all eligible individuals, the department may establish priority policies to further limit eligibility criteria.	52741 52742 52743 52744 52745
TRANSFER OF APPROPRIATIONS - FEDERAL AGING NUTRITION, FEDERAL SUPPORTIVE SERVICES, AND OLDER AMERICANS SUPPORT SERVICES	52746 52747
Upon written request of the Director of Aging, the Director of Budget and Management may transfer appropriation authority among appropriation items 490-611, Federal Aging Nutrition, 490-612, Federal Supportive Services, and 490-618, Older Americans Support Services, in amounts not to exceed 30 per cent of the	52748 52749 52750 52751 52752

appropriation from which the transfer is made. The Department of 52753
Aging shall report such transfers to the Controlling Board at the 52754
next regularly scheduled meeting of the board. 52755

OHIO COMMUNITY SERVICE COUNCIL 52756

The foregoing appropriation items 490-409, Ohio Community 52757
Service Council, and 490-617, Ohio Community Service Council 52758
Programs, shall be used in accordance with section 121.40 of the 52759
Revised Code. 52760

Section 17. AGR DEPARTMENT OF AGRICULTURE 52761

General Revenue Fund 52762

GRF 700-321 Operating Expenses \$ 3,160,884 \$ 3,334,073 52763

GRF 700-401 Animal Disease Control \$ 4,340,887 \$ 4,385,108 52764

GRF 700-402 Amusement Ride Safety \$ 226,451 \$ 230,769 52765

GRF 700-403 Dairy Division \$ 1,569,097 \$ 1,707,877 52766

GRF 700-404 Ohio Proud \$ 222,856 \$ 228,266 52767

GRF 700-405 Animal Damage Control \$ 86,780 \$ 84,358 52768

GRF 700-406 Consumer Analytical \$ 889,058 \$ 900,001 52769

Lab

GRF 700-407 Food Safety \$ 1,422,998 \$ 1,377,956 52770

GRF 700-409 Farmland Preservation \$ 100,000 \$ 100,000 52771

GRF 700-410 Plant Industry \$ 1,517,969 \$ 1,561,620 52772

GRF 700-411 International Trade \$ 889,620 \$ 798,062 52773

and Market Development

GRF 700-412 Weights and Measures \$ 991,136 \$ 996,634 52774

GRF 700-413 Gypsy Moth Prevention \$ 633,214 \$ 634,279 52775

GRF 700-414 Concentrated Animal \$ 23,275 \$ 22,663 52776

Feeding Facilities

Advisory Committee

GRF 700-415 Poultry Inspection \$ 322,256 \$ 320,960 52777

GRF 700-418 Livestock Regulation \$ 1,357,487 \$ 1,563,898 52778

Program

GRF 700-424	Livestock Testing and Inspections	\$	229,996	\$	228,438	52779
GRF 700-499	Meat Inspection Program - State Share	\$	4,654,566	\$	4,977,168	52780
GRF 700-501	County Agricultural Societies	\$	466,842	\$	466,842	52781
GRF 700-503	Swine and Cattle Breeder Awards	\$	113,160	\$	107,076	52782
TOTAL GRF	General Revenue Fund	\$	23,218,532	\$	24,026,048	52783
Federal Special Revenue Fund Group						52784
3J4 700-607	Indirect Cost	\$	1,380,026	\$	1,314,020	52785
3R2 700-614	Federal Plant Industry	\$	1,607,887	\$	1,682,330	52786
326 700-618	Meat Inspection Service - Federal Share	\$	4,401,707	\$	4,959,973	52787
336 700-617	Ohio Farm Loan Revolving Fund	\$	181,774	\$	181,774	52788
382 700-601	Cooperative Contracts	\$	1,027,692	\$	1,091,347	52789
TOTAL FED	Federal Special Revenue Fund Group	\$	8,599,086	\$	9,229,444	52791
State Special Revenue Fund Group						52792
4C9 700-605	Feed, Fertilizer, and Lime Inspection	\$	909,033	\$	975,244	52793
4D2 700-609	Auction Education	\$	30,476	\$	30,476	52794
4E4 700-606	Utility Radiological Safety	\$	69,016	\$	73,059	52795
4P7 700-610	Food Safety Inspection	\$	559,611	\$	575,797	52796
4R0 700-636	Ohio Proud Marketing	\$	125,297	\$	133,614	52797
4R2 700-637	Dairy Inspection Fund	\$	1,183,358	\$	1,174,591	52798
4T6 700-611	Poultry and Meat Inspection	\$	47,294	\$	47,294	52799
4T7 700-613	International Trade	\$	161,991	\$	166,356	52800

		and Market Development				
		Rotary				
4V5	700-615	Animal Industry Lab	\$	626,633	\$	633,097 52801
		Fees				
493	700-603	Fruits and Vegetables	\$	212,764	\$	171,772 52802
		Inspection Fees				
494	700-612	Agricultural Commodity	\$	166,536	\$	169,867 52803
		Marketing Program				
496	700-626	Ohio Grape Industries	\$	1,048,667	\$	1,071,099 52804
497	700-627	Commodity Handlers	\$	566,862	\$	648,616 52805
		Regulatory Program				
5B8	700-628	Auctioneers	\$	346,769	\$	365,390 52806
5H2	700-608	Metrology Lab	\$	74,674	\$	138,624 52807
5L8	700-604	Livestock Management	\$	250,000	\$	250,000 52808
		Program				
578	700-620	Ride Inspection Fees	\$	634,099	\$	650,774 52809
579	700-630	Scale Certification	\$	230,047	\$	230,047 52810
652	700-634	Laboratory Services	\$	1,179,560	\$	1,144,766 52811
669	700-635	Pesticide Program	\$	2,108,049	\$	2,181,491 52812
TOTAL SSR State Special Revenue						52813
Fund Group			\$	10,530,736	\$	10,831,974 52814
TOTAL ALL BUDGET FUND GROUPS			\$	42,348,354	\$	44,087,466 52815

ANIMAL DISEASE CONTROL 52816

The funds in appropriation item 700-401, Animal Disease 52817
Control, may be used for the detection, prevention, and emergency 52818
management of, and the education of the public regarding, Foot and 52819
Mouth disease, Mad Cow disease, and West Nile virus. 52820

THE AUCTION FUND 52821

On October 1, 2001, the unencumbered cash balances in the 52822
Auction Education Fund (Fund 4D2) and the Auction Licensing Fund 52823
(Fund 5B8) shall be transferred from the Department of Commerce to 52824
the Department of Agriculture. During the 90-day period before the 52825

transfer, the Director of Commerce and the Director of Agriculture 52826
shall enter into an agreement and take all steps necessary to 52827
transfer the duties and responsibilities related to the licensing 52828
and oversight of auctioneers from the Department of Commerce to 52829
the Department of Agriculture. The Director of Commerce and the 52830
Director of Agriculture shall recommend to the Director of Budget 52831
and Management any transfer of funds necessary to carry out this 52832
transfer of responsibilities. 52833

THE DAIRY INDUSTRY FUND 52834

On July 1, 2001, or as soon thereafter as possible, the 52835
Director of Budget and Management shall transfer the cash balance 52836
in the License Fees (Fund 4V0) to the Dairy Inspection Fund (Fund 52837
4R2). The director shall cancel any existing encumbrances against 52838
appropriation item 700-602, License Fees (Fund 4V0), and 52839
reestablish them against appropriation item 700-637, Dairy 52840
Inspection (Fund 4R2). The amounts of the reestablished 52841
encumbrances are appropriated. 52842

Section 18. AIR AIR QUALITY DEVELOPMENT AUTHORITY 52843

Agency Fund Group					52844
4Z9 898-602 Small Business	\$	222,719	\$	233,482	52845
Ombudsman					
5A0 898-603 Small Business	\$	192,647	\$	197,463	52846
Assistance					
570 898-601 Operating Expenses	\$	243,070	\$	258,383	52847
TOTAL AGY Agency Fund Group	\$	658,436	\$	689,328	52848
TOTAL ALL BUDGET FUND GROUPS	\$	658,436	\$	689,328	52849

Section 19. ADA DEPARTMENT OF ALCOHOL AND 52851

DRUG ADDICTION SERVICES 52852

General Revenue Fund					52853
GRF 038-321 Operating Expenses	\$	1,500,549	\$	1,548,211	52854

GRF 038-401 Alcohol and Drug	\$	29,742,355	\$	28,946,504	52855
Addiction Services					
GRF 038-404 Prevention Services	\$	1,327,357	\$	1,292,427	52856
TOTAL GRF General Revenue Fund	\$	32,570,261	\$	31,787,142	52857
General Services Fund					52858
5B7 038-629 TANF Transfer -	\$	3,500,000	\$	3,500,000	52859
Treatment					
5EB 038-630 TANF Transfer -	\$	1,500,000	\$	1,500,000	52860
Mentoring					
TOTAL GSF General Services Fund	\$	5,000,000	\$	5,000,000	52861
Group					
Federal Special Revenue Fund Group					52862
3G3 038-603 Drug Free Schools	\$	3,500,000	\$	3,500,000	52863
3G4 038-614 Substance Abuse Block	\$	65,062,211	\$	65,062,211	52864
Grant					
3H8 038-609 Demonstration Grants	\$	3,093,075	\$	3,093,075	52865
3J8 038-610 Medicaid	\$	21,500,000	\$	21,500,000	52866
3N8 038-611 Administrative	\$	500,000	\$	500,000	52867
Reimbursement					
TOTAL FED Federal Special Revenue					52868
Fund Group	\$	93,655,286	\$	93,655,286	52869
State Special Revenue Fund Group					52870
475 038-621 Statewide Treatment	\$	15,100,000	\$	14,550,000	52871
and Prevention					
5P1 038-615 Credentialing	\$	450,000	\$	0	52872
689 038-604 Education and	\$	245,000	\$	245,000	52873
Conferences					
TOTAL SSR State Special Revenue					52874
Fund Group	\$	15,795,000	\$	14,795,000	52875
TOTAL ALL BUDGET FUND GROUPS	\$	147,020,547	\$	145,237,428	52876
AM. SUB. H.B. 484 OF THE 122nd GENERAL ASSEMBLY					52877
Of the foregoing appropriation item 038-401, Alcohol and Drug					52878

Addiction Services, \$4 million in each fiscal year shall be 52879
allocated for services to families, adults, and adolescents 52880
pursuant to the requirements of Am. Sub. H.B. 484 of the 122nd 52881
General Assembly. 52882

ALCOHOL AND DRUG ADDICTION SERVICES TRANSFER 52883

The foregoing appropriation item 038-629, TANF 52884
Transfer-Treatment, shall be used to provide substance abuse 52885
prevention and treatment services to children, or their families, 52886
whose income is at or below 200 per cent of the official income 52887
poverty guideline. 52888

The foregoing appropriation item 038-630, TANF 52889
Transfer-Mentoring, shall be used to fund adolescent youth 52890
mentoring programs for children, or their families, whose income 52891
is at or below 200 per cent of the official income poverty 52892
guideline. The Director of Alcohol and Drug Addiction Services and 52893
the Director of Job and Family Services shall develop operating 52894
and reporting guidelines for these programs. 52895

PARENT AWARENESS TASK FORCE 52896

The Parent Awareness Task Force shall study ways to engage 52897
more parents in activities, coalitions, and educational programs 52898
in Ohio relating to alcohol and other drug abuse prevention. Of 52899
the foregoing appropriation item 038-404, Prevention Services, 52900
\$30,000 in each fiscal year may be used to support the functions 52901
of the Parent Awareness Task Force. 52902

PLAN TO EVALUATE PER CAPITA FORMULA 52903

Not later than June 30, 2002, the Department of Alcohol and 52904
Drug Addiction Services shall establish a plan to evaluate the 52905
current per capita formula used in determining how state and 52906
federal funds for alcohol and drug addiction services are 52907
allocated under section 3793.04 of the Revised Code. The plan 52908
shall evaluate all of the following: 52909

(A) Whether population statistics alone should be used to quantify the need for funding in a county;				52910
				52911
(B) Whether other social and economic demographic indicators should be utilized;				52912
				52913
(C) The appropriateness of the current per capita formula.				52914
Section 20. AMB AMBULANCE LICENSING BOARD				52915
General Services Fund Group				52916
4N1 915-601 Operating Expenses	\$	240,894	\$ 251,255	52917
TOTAL GSF General Services Fund Group				52918
	\$	240,894	\$ 251,255	52919
TOTAL ALL BUDGET FUND GROUPS	\$	240,894	\$ 251,255	52920
Section 21. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS				52922
General Services Fund Group				52923
4K9 891-609 Operating Expenses	\$	461,465	\$ 484,574	52924
TOTAL GSF General Services Fund Group				52925
	\$	461,465	\$ 484,574	52926
TOTAL ALL BUDGET FUND GROUPS	\$	461,465	\$ 484,574	52927
Section 22. ART OHIO ARTS COUNCIL				52929
General Revenue Fund				52930
GRF 370-100 Personal Services	\$	2,104,509	\$ 2,176,032	52931
GRF 370-200 Maintenance	\$	517,233	\$ 513,694	52932
GRF 370-300 Equipment	\$	21,843	\$ 21,693	52933
GRF 370-502 Program Subsidies	\$	13,199,273	\$ 13,199,273	52934
TOTAL GRF General Revenue Fund	\$	15,842,858	\$ 15,910,692	52935
General Services Fund Group				52936
4B7 370-603 Per Cent for Art Acquisitions	\$	84,672	\$ 86,366	52937
460 370-602 Gifts and Donations	\$	334,969	\$ 345,012	52938

TOTAL GSF General Services Fund	\$	419,641	\$	431,378	52939
Group					
Federal Special Revenue Fund Group					52940
314 370-601 Federal Programs	\$	862,000	\$	862,000	52941
TOTAL FED Federal Special Revenue	\$	862,000	\$	862,000	52942
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	17,124,499	\$	17,204,070	52943
PROGRAM SUBSIDIES					52944
A museum is not eligible to receive funds from appropriation					52945
item 370-502, Program Subsidies, if \$8,000,000 or more in capital					52946
appropriations were appropriated by the state for the museum					52947
between January 1, 1986, and December 31, 2002.					52948
PER CENT FOR ART ACQUISITIONS					52949
The unobligated balance remaining from prior projects of					52950
appropriation item 370-603, Per Cent for Art Acquisitions, shall					52951
be used by the Ohio Arts Council to pay for start-up costs in					52952
connection with the selection of artists of new Per Cent for Art					52953
projects.					52954
Section 23. AFC OHIO ARTS AND SPORTS FACILITIES					52955
COMMISSION					52956
General Revenue Fund					52957
GRF 371-321 Operating Expenses	\$	100,000	\$	100,000	52958
GRF 371-401 Lease Rental Payments	\$	33,526,100	\$	36,413,200	52959
TOTAL GRF General Revenue Fund	\$	33,626,100	\$	36,513,200	52960
State Special Revenue Fund Group					52961
4T8 371-601 Riffe Theatre	\$	22,628	\$	23,194	52962
Equipment Maintenance					
4T8 371-603 Project Administration	\$	924,075	\$	921,868	52963
TOTAL SSR State Special Revenue	\$	946,703	\$	945,062	52964
Group					

TOTAL ALL BUDGET FUND GROUPS	\$	34,572,803	\$	37,458,262	52965
OHIO BUILDING AUTHORITY LEASE PAYMENTS					52966
Appropriations to the Arts and Sports Facilities Commission					52967
from the General Revenue Fund include \$69,939,300 for the biennium					52968
for appropriation item 371-401, Lease Rental Payments. This					52969
appropriation shall be used for payments to the Ohio Building					52970
Authority for the period July 1, 2001, to June 30, 2003, pursuant					52971
to the primary leases and agreements for those buildings made					52972
under Chapter 152. of the Revised Code which are the source of					52973
funds pledged for bond service charges on related obligations					52974
issued pursuant to Chapter 152. of the Revised Code.					52975
OPERATING EXPENSES					52976
The foregoing appropriation item 371-603, Project					52977
Administration, shall be used by the Ohio Arts and Sports					52978
Facilities Commission to carry out its responsibilities pursuant					52979
to this section and Chapter 3383. of the Revised Code.					52980
Within ten days after the effective date of this section, or					52981
as soon as possible thereafter, the Executive Director of the Ohio					52982
Arts and Sports Facilities Commission shall certify to the					52983
Director of Budget and Management the amount of cash to be					52984
transferred, up to the amount of the appropriation, from the Arts					52985
Facilities Building Fund (Fund 030) and the Sports Facilities					52986
Building Fund (Fund 024) to the Arts and Sports Facilities					52987
Commission Administration Fund (Fund 4T8).					52988
By July 10, 2002, or as soon as possible thereafter, the					52989
Executive Director of the Arts and Sports Facilities Commission					52990
shall certify to the Director of Budget and Management the amount					52991
of cash to be transferred, up to the amount of the appropriation,					52992
from the Arts Facilities Building Fund (Fund 030) and the Sports					52993
Facilities Fund (Fund 024) to the Arts and Sports Administration					52994
Fund (Fund 4T8).					52995

Section 24. ATH ATHLETIC COMMISSION				52996
General Services Fund Group				52997
4K9 175-609 Athletic Commission -	\$	140,088	\$ 144,343	52998
Operating				
5R1 175-602 Athlete Agents	\$	35,000	\$ 35,000	52999
Registration				
TOTAL GSF General Services Fund	\$	175,088	\$ 179,343	53000
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	175,088	\$ 179,343	53001
 Section 25. AGO ATTORNEY GENERAL				53003
General Revenue Fund				53004
GRF 055-321 Operating Expenses	\$	59,120,482	\$ 61,775,856	53005
GRF 055-405 Law-Related Education	\$	199,790	\$ 204,785	53006
GRF 055-406 Community Police Match	\$	3,013,464	\$ 3,111,336	53007
and Law Enforcement				
Assistance				
GRF 055-411 County Sheriffs	\$	620,506	\$ 636,019	53008
GRF 055-415 County Prosecutors	\$	520,084	\$ 533,086	53009
TOTAL GRF General Revenue Fund	\$	63,474,326	\$ 66,261,082	53010
General Services Fund Group				53011
106 055-612 General Reimbursement	\$	14,997,546	\$ 15,786,163	53012
107 055-624 Employment Services	\$	1,211,307	\$ 1,284,396	53013
195 055-660 Workers' Compensation	\$	7,343,128	\$ 7,769,628	53014
Section				
4Y7 055-608 Title Defect	\$	840,260	\$ 870,623	53015
Rescission				
4Z2 055-609 BCI Asset Forfeiture	\$	324,009	\$ 332,109	53016
and Cost Reimbursement				
418 055-615 Charitable Foundations	\$	1,841,113	\$ 1,899,066	53017
420 055-603 Attorney General	\$	435,560	\$ 446,449	53018

		Antitrust					
421	055-617	Police Officers' Training Academy Fee	\$	1,134,861	\$	1,193,213	53019
5A9	055-618	Telemarketing Fraud Enforcement	\$	51,100	\$	52,378	53020
590	055-633	Peace Officer Private Security Fund	\$	94,784	\$	98,370	53021
629	055-636	Corrupt Activity Investigation and Prosecution	\$	105,590	\$	108,230	53022
631	055-637	Consumer Protection Enforcement	\$	1,254,020	\$	1,373,832	53023
TOTAL GSF General Services Fund Group							53024
			\$	29,633,278	\$	31,214,457	53025
Federal Special Revenue Fund Group							53026
3E5	055-638	Anti-Drug Abuse	\$	2,939,693	\$	2,939,693	53027
3R6	055-613	Attorney General Federal Funds	\$	1,929,110	\$	1,998,972	53028
306	055-620	Medicaid Fraud Control	\$	2,633,348	\$	2,765,015	53029
381	055-611	Civil Rights Legal Service	\$	334,249	\$	354,304	53030
383	055-634	Crime Victims Assistance	\$	14,500,000	\$	15,225,000	53031
TOTAL FED Federal Special Revenue Fund Group							53032
			\$	22,336,400	\$	23,282,984	53033
State Special Revenue Fund Group							53034
4L6	055-606	DARE	\$	3,830,137	\$	3,927,962	53035
402	055-616	Victims of Crime	\$	26,144,763	\$	27,933,893	53036
417	055-621	Domestic Violence Shelter	\$	14,139	\$	14,492	53037
419	055-623	Claims Section	\$	14,017,852	\$	14,749,954	53038
659	055-641	Solid and Hazardous	\$	834,417	\$	880,751	53039

Waste Background
Investigations

TOTAL SSR State Special Revenue				53040	
Fund Group	\$	44,841,308	\$	47,507,052	53041
Holding Account Redistribution Fund Group				53042	
R03 055-629 Bingo License Refunds	\$	5,200	\$	5,200	53043
R04 055-631 General Holding	\$	275,000	\$	275,000	53044
Account					
R05 055-632 Antitrust Settlements	\$	10,400	\$	10,400	53045
R18 055-630 Consumer Frauds	\$	750,000	\$	750,000	53046
R42 055-601 Organized Crime	\$	200,000	\$	200,000	53047
Commission Account					
TOTAL 090 Holding Account				53048	
Redistribution Fund Group	\$	1,240,600	\$	1,240,600	53049
TOTAL ALL BUDGET FUND GROUPS	\$	161,525,912	\$	169,506,175	53050

LAW-RELATED EDUCATION 53051

The foregoing appropriation item 055-405, Law-Related 53052
Education, shall be distributed directly to the Ohio Center for 53053
Law-Related Education for the purposes of providing continuing 53054
citizenship education activities to primary and secondary students 53055
and accessing additional public and private money for new 53056
programs. 53057

WORKERS' COMPENSATION SECTION 53058

The Workers' Compensation Section Fund (Fund 195) shall 53059
receive payments from the Bureau of Workers' Compensation and the 53060
Ohio Industrial Commission at the beginning of each quarter of 53061
each fiscal year to fund legal services to be provided to the 53062
Bureau of Workers' Compensation and the Ohio Industrial Commission 53063
during the ensuing quarter. Such advance payment shall be subject 53064
to adjustment. 53065

In addition, the Bureau of Workers' Compensation shall 53066

transfer payments at the beginning of each quarter for the support 53067
of the Workers' Compensation Fraud Unit. 53068

All amounts shall be mutually agreed upon by the Attorney 53069
General, the Bureau of Workers' Compensation, and the Ohio 53070
Industrial Commission. 53071

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 53072

The foregoing appropriation item 055-636, Corrupt Activity 53073
Investigation and Prosecution, shall be used as provided by 53074
division (D)(2) of section 2923.35 of the Revised Code to dispose 53075
of the proceeds, fines, and penalties credited to the Corrupt 53076
Activity Investigation and Prosecution Fund, which is created in 53077
division (D)(1)(b) of section 2923.35 of the Revised Code. If it 53078
is determined that additional amounts are necessary, the amounts 53079
are appropriated. 53080

COMMUNITY POLICE MATCH AND LAW ENFORCEMENT ASSISTANCE 53081

In fiscal years 2002 and 2003, the Attorney General's Office 53082
may request that the Director of Budget and Management transfer 53083
appropriation authority from appropriation Item 055-321, Operating 53084
Expenses, to appropriation item 055-406, Community Police Match 53085
and Law Enforcement Assistance. The Director of Budget and 53086
Management shall then transfer appropriation authority from 53087
appropriation item 055-321, Operating Expenses, to appropriation 53088
item 055-406, Community Police Match and Law Enforcement 53089
Assistance. Moneys transferred to appropriation item 055-406 shall 53090
be used to pay operating expenses and to provide grants to local 53091
law enforcement agencies and communities for the purpose of 53092
supporting law enforcement-related activities. 53093

Section 26. AUD AUDITOR OF STATE 53094

General Revenue Fund 53095

GRF 070-321 Operating Expenses \$ 34,052,713 \$ 35,006,189 53096

GRF 070-403	Fiscal Watch/Emergency	\$	1,000,000	\$	1,000,000	53097
	Technical Assistance					
GRF 070-405	Electronic Data	\$	1,030,137	\$	1,058,981	53098
	Processing - Auditing					
	and Administration					
GRF 070-406	Uniform Accounting	\$	2,423,314	\$	2,458,201	53099
	Network/Technology					
	Improvements Fund					
TOTAL GRF	General Revenue Fund	\$	38,506,164	\$	39,523,371	53100
	General Services Fund Group					53101
109 070-601	Public Audit Expense -	\$	9,497,201	\$	9,629,588	53102
	Intra-State					
422 070-601	Public Audit Expense -	\$	37,450,472	\$	37,617,072	53103
	Local Government					
584 070-603	Training Program	\$	198,200	\$	217,000	53104
675 070-605	Uniform Accounting	\$	2,809,200	\$	2,741,600	53105
	Network					
TOTAL GSF	General Services Fund					53106
Group		\$	49,955,073	\$	50,205,260	53107
	Holding Account Redistribution Fund Group					53108
R06 070-604	Continuous Receipts	\$	204,400	\$	209,510	53109
TOTAL 090	Holding Account					53110
Redistribution Fund Group		\$	204,400	\$	209,510	53111
TOTAL ALL BUDGET FUND GROUPS		\$	88,665,637	\$	89,938,141	53112
	FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE					53113
	The foregoing appropriation item 070-403, Fiscal					53114
	Watch/Emergency Technical Assistance, shall be used for all					53115
	expenses incurred by the Office of the Auditor of State in its					53116
	role relating to fiscal watch or fiscal emergency activities under					53117
	Chapters 118. and 3316. of the Revised Code. Expenses shall					53118
	include, but shall not be limited to, the following: duties					53119
	related to the determination or termination of fiscal watch or					53120

fiscal emergency of municipal corporations, counties, or townships 53121
as outlined in Chapter 118. of the Revised Code and of school 53122
districts as outlined in Chapter 3316. of the Revised Code; 53123
development of preliminary accounting reports; performance of 53124
annual forecasts; provision of performance audits; and 53125
supervisory, accounting, or auditing services for the mentioned 53126
public entities and school districts. The unencumbered balance of 53127
appropriation item 070-403, Fiscal Watch/Fiscal Emergency 53128
Technical Assistance, at the end of fiscal year 2002 is 53129
transferred to fiscal year 2003 for use under the same 53130
appropriation item. 53131

ELECTRONIC DATA PROCESSING 53132

The unencumbered balance of appropriation item 070-405, 53133
Electronic Data Processing-Auditing and Administration, at the end 53134
of fiscal year 2002 is transferred to fiscal year 2003 for use 53135
under the same appropriation item. 53136

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND 53137

The foregoing appropriation item 070-406, Uniform Accounting 53138
Network/Technology Improvements Fund, shall be used to pay the 53139
costs of developing and implementing the Uniform Accounting 53140
Network and technology improvements for the Office of the Auditor 53141
of State. The unencumbered balance of the appropriation at the end 53142
of fiscal year 2002 is transferred to fiscal year 2003 to pay the 53143
costs of the developing and implementing the Uniform Accounting 53144
Network and technology improvements for the Office of the Auditor 53145
of State. 53146

Section 27. BRB BOARD OF BARBER EXAMINERS 53147

General Services Fund Group 53148
4K9 877-609 Operating Expenses \$ 479,264 \$ 505,999 53149
TOTAL GSF General Services Fund 53150

Group	\$	479,264	\$	505,999	53151
TOTAL ALL BUDGET FUND GROUPS	\$	479,264	\$	505,999	53152

Section 28. OBM OFFICE OF BUDGET AND MANAGEMENT 53154

General Revenue Fund 53155

GRF 042-321 Budget Development and \$ 2,356,547 \$ 2,492,956 53156
Implementation

GRF 042-401 Office of Quality \$ 583,551 \$ 606,924 53157
Services

GRF 042-410 National Association \$ 24,522 \$ 25,296 53158
Dues

GRF 042-412 Audit of Auditor of \$ 44,160 \$ 46,080 53159
State

TOTAL GRF General Revenue Fund \$ 3,008,780 \$ 3,171,255 53160

General Services Fund Group 53161

105 042-603 State Accounting \$ 9,554,743 \$ 9,934,755 53162

4C1 042-601 Quality Services \$ 125,000 \$ 125,000 53163
Academy

TOTAL GSF General Services Fund \$ 9,679,743 \$ 10,059,755 53164

Group

State Special Revenue Fund Group 53165

5N4 042-602 ERP Project \$ 6,600,000 \$ 2,600,000 53166
Implementation

TOTAL SSR State Special Revenue \$ 6,600,000 \$ 2,600,000 53167

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 19,288,523 \$ 15,831,011 53168

Section 28.01. OFFICE OF QUALITY SERVICES 53170

A portion of the foregoing appropriation item 042-401, Office 53171

of Quality Services, may be used to provide financial sponsorship 53172

support for conferences and showcases that promote quality 53173

improvement efforts. These expenditures are not subject to Chapter 53174

125. of the Revised Code.	53175
OHIO'S QUALITY SHOWCASE	53176
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.	53177 53178 53179 53180
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.	53181 53182 53183 53184 53185
AUDIT COSTS	53186
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.	53187 53188 53189 53190 53191 53192
Section 28.02. TRANSFER OF GRF FUNDS TO DEPARTMENT OF DEVELOPMENT	53193 53194
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.	53195 53196 53197 53198 53199 53200
Section 28.03. 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	53201 53202 53203

fewer full-time equivalent personnel than any of the departments 53204
 listed in that section, to prepare a full zero-base budget for the 53205
 biennium ending June 30, 2005, shall inform the agencies of their 53206
 selection, and shall offer the two agencies substantial technical 53207
 assistance throughout the process of preparing their zero-base 53208
 budgets. Each of the agencies shall prepare a full zero-base 53209
 budget in such manner and according to such schedule as the 53210
 Director of Budget and Management requires. The zero-base budgets 53211
 shall, as the Director of Budget and Management determines, be in 53212
 addition to or in place of the estimates of revenue and proposed 53213
 expenditures that other state agencies are required to prepare 53214
 under section 126.02 of the Revised Code. 53215

Section 29. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 53216

General Revenue Fund 53217

GRF 874-321 Operating Expenses	\$	3,293,519	\$	3,312,263	53218
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TOTAL GRF General Revenue Fund	\$	3,293,519	\$	3,312,263	53219
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General Services Fund Group 53220

4G5 874-603 Capitol Square	\$	15,000	\$	15,000	53221
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Maintenance Expenses

4S7 874-602 Statehouse Gift	\$	623,293	\$	670,484	53222
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Shop/Events

TOTAL GSF General Services 53223

Fund Group	\$	638,293	\$	685,484	53224
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Underground Parking Garage 53225

208 874-601 Underground Parking	\$	2,863,603	\$	2,996,801	53226
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Garage Operating

TOTAL UPG Underground Parking 53227

Garage	\$	2,863,603	\$	2,996,801	53228
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TOTAL ALL BUDGET FUND GROUPS	\$	6,795,415	\$	6,994,548	53229
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Section 30. CHR STATE BOARD OF CHIROPRACTIC EXAMINERS 53231

General Services Fund Group				53232
4K9 878-609 Operating Expenses	\$	561,949	\$ 591,724	53233
TOTAL GSF General Services Fund				53234
Group	\$	561,949	\$ 591,724	53235
TOTAL ALL BUDGET FUND GROUPS	\$	561,949	\$ 591,724	53236

Section 30.01. CHIROPRACTIC LICENSE EXAMINATION REQUIREMENTS 53238

If the State Chiropractic Board refused to issue a license to 53239
practice chiropractic to an individual solely because the 53240
individual did not meet the examination requirements of division 53241
(B)(4)(b) or (c) of section 4734.20 of the Revised Code, as 53242
specified on and after the effective date of Am. Sub. H.B. 506 of 53243
the 123rd General Assembly but before the effective date of this 53244
section, the Board shall reconsider the application and issue or 53245
refuse to issue a license according to the examination 53246
requirements specified in division (B)(4)(b) or (c) of section 53247
4734.20 of the Revised Code, as amended by this act. 53248

Section 31. CIV OHIO CIVIL RIGHTS COMMISSION 53249

General Revenue Fund				53250
GRF 876-100 Personal Services	\$	9,159,420	\$ 9,159,421	53251
GRF 876-200 Maintenance	\$	987,372	\$ 987,372	53252
GRF 876-300 Equipment	\$	111,842	\$ 111,842	53253
TOTAL GRF General Revenue Fund	\$	10,258,634	\$ 10,258,635	53254
Federal Special Revenue Fund Group				53255
334 876-601 Federal Programs	\$	3,702,577	\$ 4,284,113	53256
TOTAL FED Federal Special Revenue				53257
Fund Group	\$	3,702,577	\$ 4,284,113	53258
State Special Revenue Fund Group				53259
217 876-604 General Reimbursement	\$	20,440	\$ 20,951	53260
TOTAL SSR State Special				53261
Revenue Fund Group	\$	20,440	\$ 20,951	53262

TOTAL ALL BUDGET FUND GROUPS	\$	13,981,651	\$	14,563,699	53263
Section 32. COM DEPARTMENT OF COMMERCE					53264
General Revenue Fund					53265
GRF 800-402 Grants-Volunteer Fire	\$	912,500	\$	793,750	53266
Departments					
GRF 800-410 Labor and Worker	\$	3,898,792	\$	4,042,587	53267
Safety					
Total GRF General Revenue Fund	\$	4,811,292	\$	4,836,337	53268
General Services Fund Group					53269
163 800-620 Division of	\$	5,873,604	\$	6,189,578	53270
Administration					
5F1 800-635 Small Government Fire	\$	250,000	\$	250,000	53271
Departments					
TOTAL GSF General Services Fund					53272
Group	\$	6,123,604	\$	6,439,578	53273
Federal Special Revenue Fund Group					53274
348 800-622 Underground Storage	\$	195,008	\$	195,008	53275
Tanks					
348 800-624 Leaking Underground	\$	1,850,000	\$	1,850,000	53276
Storage Tanks					
349 800-626 OSHA Enforcement	\$	1,346,000	\$	1,386,380	53277
TOTAL FED Federal Special Revenue					53278
Fund Group	\$	3,391,008	\$	3,431,388	53279
State Special Revenue Fund Group					53280
4B2 800-631 Real Estate Appraisal	\$	69,870	\$	71,267	53281
Recovery					
4H9 800-608 Cemeteries	\$	260,083	\$	273,465	53282
4L5 800-609 Fireworks Training and	\$	10,526	\$	10,976	53283
Education					
4X2 800-619 Financial Institutions	\$	2,020,646	\$	2,134,754	53284
5B9 800-632 PI & Security Guard	\$	1,139,377	\$	1,188,716	53285
Provider					

5K7	800-621	Penalty Enforcement	\$	2,000	\$	2,000	53286
543	800-602	Unclaimed	\$	5,921,792	\$	6,151,051	53287
		Funds-Operating					
543	800-625	Unclaimed Funds-Claims	\$	24,890,602	\$	25,512,867	53288
544	800-612	Banks	\$	6,346,230	\$	6,657,997	53289
545	800-613	Savings Institutions	\$	2,790,960	\$	2,894,399	53290
546	800-610	Fire Marshal	\$	10,245,737	\$	10,777,694	53291
547	800-603	Real Estate	\$	258,796	\$	264,141	53292
		Education/Research					
548	800-611	Real Estate Recovery	\$	150,000	\$	150,000	53293
549	800-614	Real Estate	\$	2,885,785	\$	3,039,837	53294
550	800-617	Securities	\$	4,611,800	\$	4,864,800	53295
552	800-604	Credit Union	\$	2,368,450	\$	2,477,852	53296
553	800-607	Consumer Finance	\$	2,305,339	\$	2,258,822	53297
556	800-615	Industrial Compliance	\$	22,176,840	\$	23,415,776	53298
6A4	800-630	Real Estate	\$	522,125	\$	548,006	53299
		Appraiser-Operating					
653	800-629	UST	\$	1,072,795	\$	1,121,632	53300
		Registration/Permit Fee					
TOTAL SSR State Special Revenue							53301
Fund Group			\$	90,049,753	\$	93,816,052	53302
Liquor Control Fund Group							53303
043	800-601	Merchandising	\$	322,741,245	\$	341,222,192	53304
043	800-627	Liquor Control	\$	16,250,400	\$	15,801,163	53305
		Operating					
043	800-633	Development Assistance	\$	16,134,800	\$	16,141,100	53306
		Debt Service					
043	800-636	Revitalization Debt	\$	1,600,000	\$	6,700,000	53307
		Service					
TOTAL LCF Liquor Control							53308
Fund Group			\$	356,726,445	\$	379,864,455	53309
TOTAL ALL BUDGET FUND GROUPS			\$	461,102,102	\$	488,387,810	53310

GRANTS-VOLUNTEER FIRE DEPARTMENTS 53311

The foregoing appropriation item 800-402, Grants-Volunteer 53312
Fire Departments, shall be used to make annual grants to volunteer 53313
fire departments of up to \$10,000, or up to \$25,000 if the 53314
volunteer fire department provides service for an area affected by 53315
a natural disaster. The grant program shall be administered by the 53316
Fire Marshal under the Department of Commerce. The Fire Marshal 53317
shall adopt rules necessary for the administration and operation 53318
of the grant program. 53319

Notwithstanding section 3737.17 of the Revised Code, upon the 53320
request of the Director of Commerce, the Director of Budget and 53321
Management shall transfer \$200,000 cash in fiscal year 2002 and 53322
\$100,000 cash in fiscal year 2003 from the State Fire Marshal Fund 53323
(Fund 546) to the General Revenue Fund. 53324

LABOR AND WORKER SAFETY 53325

The Department of Commerce may designate a portion of 53326
appropriation item 800-410, Labor and Worker Safety, to be used to 53327
match federal funding for the OSHA on-site consultation program. 53328

SMALL GOVERNMENT FIRE DEPARTMENTS 53329

Upon the request of the Director of Commerce, the Director of 53330
Budget and Management shall transfer \$250,000 cash in each fiscal 53331
year from the State Fire Marshal Fund (Fund 546) within the State 53332
Special Revenue Fund Group to the Small Government Fire 53333
Departments Fund (Fund 5F1) within the General Services Fund 53334
Group. 53335

Notwithstanding section 3737.17 of the Revised Code, the 53336
foregoing appropriation item 800-635, Small Government Fire 53337
Departments, may be used to provide loans to private fire 53338
departments. 53339

PENALTY ENFORCEMENT 53340

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

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

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

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.

DEVELOPMENT ASSISTANCE DEBT SERVICE 53372

The foregoing appropriation item 800-633, Development 53373
Assistance Debt Service, shall be used to meet all payments at the 53374
times they are required to be made during the period from July 1, 53375
2001, to June 30, 2003, for bond service charges on obligations 53376
issued under section 166.08 of the Revised Code, but limited to 53377
the aggregate amount of \$32,275,900. If it is determined that 53378
additional appropriations are necessary for this purpose, such 53379
amounts are hereby appropriated, provided that the appropriation 53380
does not exceed \$25,000,000 in any fiscal year, except as may be 53381
needed for payments on obligations issued to meet guarantees. The 53382
General Assembly acknowledges that an appropriation for this 53383
purpose is not required, but is made in this form and in this act 53384
for record purposes only. 53385

REVITALIZATION DEBT SERVICE 53386

The foregoing appropriation item 800-636, Revitalization Debt 53387
Service, shall be used to pay debt service and related financing 53388
costs during the period from July 1, 2001, to June 30, 2003, on 53389
obligations to be issued for revitalization purposes under Section 53390
20 of Article VIII, Ohio Constitution, and implementing 53391
legislation. If it is determined that additional appropriations 53392
are necessary for this purpose, such amounts are hereby 53393
appropriated. The General Assembly acknowledges: (A) the priority 53394
of the pledge of a portion of receipts from that source to 53395
obligations issued and to be issued and guarantees made and to be 53396
made under Chapter 166. of the Revised Code; and (B) that this 53397
appropriation is subject to further consideration pursuant to 53398
implementing legislation. 53399

ADMINISTRATIVE ASSESSMENTS 53400

Notwithstanding any other provision of law to the contrary, 53401
Fund 163, Administration, shall receive assessments from all 53402

operating funds of the department in accordance with procedures 53403
prescribed by the Director of Commerce and approved by the 53404
Director of Budget and Management. 53405

Section 33. OCC OFFICE OF CONSUMERS' COUNSEL 53406

General Services Fund Group 53407

5F5 053-601 Operating Expenses \$ 8,560,182 \$ 9,277,518 53408

TOTAL GSF General Services Fund \$ 8,560,182 \$ 9,277,518 53409

Group

TOTAL ALL BUDGET FUND GROUPS \$ 8,560,182 \$ 9,277,518 53410

CONSUMERS' COUNSEL TRANSFER 53411

On July 1, 2001, or as soon as possible thereafter, the 53412

Director of Budget and Management shall transfer \$349,758.12 in 53413

cash from Fund 5F5, Consumers' Counsel Operating Fund, to the 53414

General Revenue Fund. 53415

Section 34. CEB CONTROLLING BOARD 53416

General Revenue Fund 53417

GRF 911-404 Mandate Assistance \$ 2,000,000 \$ 2,000,000 53418

GRF 911-408 Ohio's Bicentennial \$ 3,000,000 \$ 5,000,000 53419

Celebration

GRF 911-441 Ballot Advertising \$ 600,000 \$ 600,000 53420

Costs

TOTAL GRF General Revenue Fund \$ 5,600,000 \$ 7,600,000 53421

State Special Revenue Fund Group 53422

5E2 911-601 Disaster Services \$ 8,000,000 \$ 4,000,000 53423

TOTAL SSR State Special 53424

Revenue Fund Group \$ 8,000,000 \$ 4,000,000 53425

TOTAL ALL BUDGET FUND GROUPS \$ 13,600,000 \$ 11,600,000 53426

FEDERAL SHARE 53427

In transferring appropriations to or from appropriation items 53428

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;

(3) The cost to school districts of in-service training for child abuse detection. 53489
 53490

(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. 53491
 53492
 53493
 53494
 53495
 53496
 53497
 53498

	ADMINISTERING	ESTIMATED ANNUAL	
PROGRAM	AGENCY	AMOUNT	
Prosecution Costs	Office of Criminal Justice Services	\$200,000	53501 53502
Firefighter Training Costs	Department of Commerce	\$1,000,000	53503
Child Abuse Detection Training Costs	Department of Education	\$800,000	53504

(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. 53505
 53506
 53507
 53508
 53509
 53510

(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. 53511
 53512
 53513
 53514
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 53516
 53517

(E) It is expected that not all costs incurred by local units 53518

of government, school districts, and fire departments under each 53519
of the three programs of state financial assistance identified 53520
under this section will be fully reimbursed by the state. 53521
Reimbursement levels may vary by program and shall be based on: 53522
the relationship between the appropriation transfers requested by 53523
the Department of Commerce, the Office of Criminal Justice 53524
Services, and the Department of Education and provided by the 53525
Controlling Board for each of the programs; the rules and 53526
procedures established for each program by the administering state 53527
agency; and the actual costs incurred by local units of 53528
government, school districts, and fire departments. 53529

(F) Each of these programs of state financial assistance 53530
shall be carried out as follows: 53531

(1) PROSECUTION COSTS 53532

(a) Appropriations may be transferred to the Office of 53533
Criminal Justice Services to cover local prosecution costs for 53534
aggravated murder, murder, felonies of the first degree, and 53535
felonies of the second degree that occur on the grounds of 53536
institutions operated by the Department of Rehabilitation and 53537
Correction and the Department of Youth Services. 53538

(b) Upon a delinquency filing in juvenile court or the return 53539
of an indictment for aggravated murder, murder, or any felony of 53540
the first or second degree that was committed at a Department of 53541
Youth Services or a Department of Rehabilitation and Correction 53542
institution, the affected county may, in accordance with rules 53543
that the Office of Criminal Justice Services shall adopt, apply to 53544
the Office of Criminal Justice Services for a grant to cover all 53545
documented costs that are incurred by the county prosecutor's 53546
office. 53547

(c) Twice each year, the Office of Criminal Justice Services 53548
shall designate counties to receive grants from those counties 53549

that have submitted one or more applications in compliance with 53550
the rules that have been adopted by the Office of Criminal Justice 53551
Services for the receipt of such grants. In each year's first 53552
round of grant awards, if sufficient appropriations have been 53553
made, up to a total of \$100,000 may be awarded. In each year's 53554
second round of grant awards, the remaining appropriations 53555
available for this purpose may be awarded. 53556

(d) If for a given round of grants there are insufficient 53557
appropriations to make grant awards to all the eligible counties, 53558
the first priority shall be given to counties with cases involving 53559
aggravated murder and murder, second priority shall be given to 53560
cases involving a felony of the first degree, and third priority 53561
shall be given to cases involving a felony of the second degree. 53562
Within these priorities, the grant awards shall be based on the 53563
order in which the applications were received, except that 53564
applications for cases involving a felony of the first or second 53565
degree shall not be considered in more than two consecutive rounds 53566
of grant awards. 53567

(2) FIREFIGHTER TRAINING COSTS 53568

Appropriations may be transferred to the Department of 53569
Commerce for use as full or partial reimbursement to local units 53570
of government and fire departments for the cost of firefighter 53571
training and equipment or gear. In accordance with rules that the 53572
department shall adopt, a local unit of government or fire 53573
department may apply to the department for a grant to cover all 53574
documented costs that are incurred to provide firefighter training 53575
and equipment or gear. The department shall make grants within the 53576
limits of the funding provided, with priority given to fire 53577
departments that serve small villages and townships. 53578

(3) CHILD ABUSE DETECTION TRAINING COSTS 53579

Appropriations may be transferred to the Department of 53580

Education for disbursement to local school districts as full or 53581
partial reimbursement for the cost of providing in-service 53582
training for child abuse detection. In accordance with rules that 53583
the department shall adopt, a local school district may apply to 53584
the department for a grant to cover all documented costs that are 53585
incurred to provide in-service training for child abuse detection. 53586
The department shall make grants within the limits of the funding 53587
provided. 53588

(G) Any moneys allocated within appropriation item 911-404, 53589
Mandate Assistance, not fully utilized may, upon application of 53590
the Department of Education, and with the approval of the 53591
Controlling Board, be disbursed to boards of county commissioners 53592
to provide reimbursement for office space, equipment, and related 53593
mandated expenses for educational service centers. 53594

The amount to be disbursed to each county shall be allocated 53595
proportionately to the ADM of the educational service center for 53596
which a board of county commissioners is required to provide an 53597
office under section 3319.19 of the Revised Code. 53598

OHIO'S BICENTENNIAL CELEBRATION 53599

The foregoing appropriation item 911-408, Ohio's Bicentennial 53600
Celebration, shall be distributed according to a plan approved by 53601
the Ohio Bicentennial Commission. Pursuant to requests submitted 53602
by the Ohio Bicentennial Commission, the Controlling Board may 53603
approve transfers from the foregoing appropriation item 911-408, 53604
Ohio's Bicentennial Celebration, to appropriation item 360-503, 53605
Ohio Bicentennial Commission, or to other new or existing 53606
appropriation items of a state agency or other entity as specified 53607
by the commission. 53608

BALLOT ADVERTISING COSTS 53609

Pursuant to requests submitted by the Ohio Ballot Board, the 53610
Controlling Board shall approve transfers from the foregoing 53611

appropriation item 911-441, Ballot Advertising Costs, to an Ohio 53612
Ballot Board appropriation item in order to reimburse county 53613
boards of elections for the cost of public notices associated with 53614
statewide ballot initiatives. 53615

Of the foregoing appropriation item 911-441, Ballot 53616
Advertising Costs, the Director of Budget and Management shall 53617
transfer any amounts that are not needed for the purpose of 53618
reimbursing county boards of elections for the cost of public 53619
notices associated with statewide ballot initiatives to 53620
appropriation item 911-404, Mandate Assistance. 53621

Section 35. COS STATE BOARD OF COSMETOLOGY 53622

General Services Fund Group 53623
4K9 879-609 Operating Expenses \$ 2,528,489 \$ 2,728,359 53624
TOTAL GSF General Services Fund 53625
Group \$ 2,528,489 \$ 2,728,359 53626
TOTAL ALL BUDGET FUND GROUPS \$ 2,528,489 \$ 2,728,359 53627

Section 36. CSW COUNSELOR AND SOCIAL WORKERS BOARD 53629

General Services Fund Group 53630
4K9 899-609 Operating Expenses \$ 907,772 \$ 953,563 53631
TOTAL GSF General Services Fund 53632
Group \$ 907,772 \$ 953,563 53633
TOTAL ALL BUDGET FUND GROUPS \$ 907,772 \$ 953,563 53634

Section 37. CLA COURT OF CLAIMS 53636

General Revenue Fund 53637
GRF 015-321 Operating Expenses \$ 2,953,045 \$ 3,035,730 53638
TOTAL GRF General Revenue Fund \$ 2,953,045 \$ 3,035,730 53639
State Special Revenue Fund Group 53640
5K2 015-603 CLA Victims of Crime \$ 1,891,183 \$ 1,602,716 53641

TOTAL SSR State Special Revenue				53642	
Fund Group	\$	1,891,183	\$	1,602,716	53643
TOTAL ALL BUDGET FUND GROUPS	\$	4,844,228	\$	4,638,446	53644

Section 38. CJS OFFICE OF CRIMINAL JUSTICE SERVICES 53646

General Revenue Fund 53647

GRF 196-401 Criminal Justice	\$	772,236	\$	798,575	53648
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Information System

GRF 196-403 Violence Prevention	\$	292,891	\$	277,924	53649
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GRF 196-405 Family Violence	\$	775,000	\$	775,000	53650
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Prevention Program

GRF 196-424 Operating Expenses	\$	1,655,987	\$	1,840,186	53651
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TOTAL GRF General Revenue Fund	\$	3,496,114	\$	3,691,685	53652
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General Services Fund Group 53653

4P6 196-601 General Services	\$	107,310	\$	109,992	53654
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TOTAL GSF General Services Fund	\$	107,310	\$	109,992	53655
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Group

Federal Special Revenue Fund Group 53656

3L5 196-604 Justice Programs	\$	29,464,972	\$	29,494,089	53657
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3U1 196-602 Juvenile Justice	\$	250,000	\$	0	53658
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Program

TOTAL FED Federal Special Revenue	\$	29,714,972	\$	29,494,089	53659
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Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$	33,318,396	\$	33,295,766	53660
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INDIGENT DEFENSE 53661

The Office of Criminal Justice Services shall make all 53662

efforts to maximize the amount of funding available for the 53663

defense of indigent persons. 53664

CRIMINAL JUSTICE INFORMATION SYSTEM 53665

The foregoing appropriation item 196-401, Criminal Justice 53666

Information System, shall be used by the Office of Criminal 53667

Justice Services to work on a plan to improve Ohio's criminal
justice information systems. The Director of Criminal Justice
Services shall evaluate the progress of this plan and issue a
report to the Governor, the Speaker and the Minority Leader of the
House of Representatives, the President and the Minority Leader of the
Senate, the Criminal Justice Policy Board, and the Legislative
Service Commission by the first day of January of each year of the
two-year biennium beginning July 1, 2001, and ending June 30,
2003.

OPERATING EXPENSES 53677

Of the foregoing appropriation item 196-424, Operating
Expenses, up to \$577,642 in fiscal year 2002 and up to \$606,109 in
fiscal year 2003 shall be used for the purpose of matching federal
funds.

JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT 53682

The foregoing appropriation item 196-602, Juvenile Justice
Program, shall be used to fund and close out the Juvenile
Accountability Incentive Block Grant Program for federal fiscal
year 1999.

Section 39. DEN STATE DENTAL BOARD 53687

General Services Fund Group 53688
4K9 880-609 Operating Expenses \$ 1,250,703 \$ 1,281,056 53689
TOTAL GSF General Services Fund 53690
Group \$ 1,250,703 \$ 1,281,056 53691
TOTAL ALL BUDGET FUND GROUPS \$ 1,250,703 \$ 1,281,056 53692

Section 40. BDP BOARD OF DEPOSIT 53694

General Services Fund Group 53695
4M2 974-601 Board of Deposit \$ 838,000 \$ 838,000 53696
TOTAL GSF General Services Fund 53697

Group	\$	838,000	\$	838,000	53698
TOTAL ALL BUDGET FUND GROUPS	\$	838,000	\$	838,000	53699
BOARD OF DEPOSIT EXPENSE FUND					53700
Upon receiving certification of expenses from the Treasurer					53701
of State, the Director of Budget and Management shall transfer					53702
cash from the Investment Earnings Redistribution Fund (Fund 608)					53703
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund					53704
shall be used to pay for banking charges and fees required for the					53705
operation of the State of Ohio Regular Account.					53706
Section 41. DEV DEPARTMENT OF DEVELOPMENT					53707
General Revenue Fund					53708
GRF 195-100 Personal Services	\$	2,651,334	\$	2,920,941	53709
GRF 195-200 Maintenance	\$	589,524	\$	601,314	53710
GRF 195-300 Equipment	\$	108,161	\$	110,324	53711
GRF 195-401 Thomas Edison Program	\$	20,000,000	\$	20,000,000	53712
GRF 195-404 Small Business	\$	2,452,342	\$	2,529,843	53713
Development					
GRF 195-405 Minority Business	\$	2,278,888	\$	2,297,314	53714
Development Division					
GRF 195-406 Transitional and	\$	2,770,145	\$	2,770,155	53715
Permanent Housing					
GRF 195-407 Travel and Tourism	\$	6,345,500	\$	6,448,399	53716
GRF 195-408 Coal Research	\$	210,498	\$	233,237	53717
Development					
GRF 195-409 Utility Payment	\$	666,033	\$	701,173	53718
Administration					
GRF 195-412 Business Development	\$	8,033,935	\$	9,092,851	53719
Grants					
GRF 195-414 First Frontier Match	\$	490,000	\$	490,000	53720
GRF 195-415 Regional Offices and	\$	6,420,675	\$	6,735,253	53721
Economic Development					
GRF 195-416 Governor's Office of	\$	5,466,954	\$	5,475,126	53722

	Appalachia			
GRF 195-417	Urban/Rural Initiative	\$ 980,000	\$ 980,000	53723
GRF 195-422	Technology Action	\$ 14,000,000	\$ 14,000,000	53724
GRF 195-431	Community Development	\$ 2,530,860	\$ 2,530,860	53725
	Corporation Grants			
GRF 195-432	International Trade	\$ 5,390,000	\$ 5,551,700	53726
GRF 195-434	Investment in Training	\$ 12,500,000	\$ 12,500,000	53727
	Grants			
GRF 195-436	Labor/Management	\$ 1,146,805	\$ 1,152,752	53728
	Cooperation			
GRF 195-440	Emergency Shelter	\$ 2,768,313	\$ 2,841,441	53729
	Housing Grants			
GRF 195-441	Low and Moderate	\$ 19,000,000	\$ 19,000,000	53730
	Income Housing			
GRF 195-497	CDBG Operating Match			53731
	State	\$ 1,208,576	\$ 1,215,295	53732
	Federal	\$ 5,200,000	\$ 6,500,000	53733
	CDBG Operating Match	\$ 6,408,576	\$ 7,715,295	53734
	Total			
GRF 195-498	State Energy Match	\$ 153,558	\$ 158,548	53735
GRF 195-501	Appalachian Local	\$ 453,962	\$ 453,962	53736
	Development Districts			
GRF 195-502	Appalachian Regional	\$ 219,912	\$ 219,912	53737
	Commission Dues			
GRF 195-505	Utility Bill Credits	\$ 7,350,000	\$ 7,350,000	53738
GRF 195-507	Travel and Tourism	\$ 1,500,000	\$ 1,500,000	53739
	Grants			
GRF 195-510	Issue 1 Implementation	\$ 1,000,000	\$ 1,500,000	53740
GRF 195-906	Coal Research and	\$ 8,971,700	\$ 9,420,300	53741
	Development General			
	Obligation Debt			
	Service			
TOTAL GRF General Revenue Fund				53742

State	\$	137,657,675	\$	140,780,700	53743
Federal	\$	5,200,000	\$	6,500,000	53744
GRF TOTAL	\$	142,857,675	\$	147,280,700	53745
General Services Fund Group					53746
135 195-605 Supportive Services	\$	9,038,988	\$	9,531,707	53747
136 195-621 International Trade	\$	100,000	\$	24,915	53748
685 195-636 General Reimbursements	\$	1,275,234	\$	1,323,021	53749
TOTAL GSF General Services Fund					53750
Group	\$	10,414,222	\$	10,879,643	53751
Federal Special Revenue Fund Group					53752
3K8 195-613 Community Development	\$	65,149,441	\$	65,088,961	53753
Block Grant					
3K9 195-611 Home Energy Assistance	\$	62,000,000	\$	62,000,000	53754
Block Grant					
3K9 195-614 HEAP Weatherization	\$	10,412,041	\$	10,412,041	53755
3L0 195-612 Community Services	\$	22,135,000	\$	22,135,000	53756
Block Grant					
3V1 195-601 HOME Program	\$	40,000,000	\$	40,000,000	53757
308 195-602 Appalachian Regional	\$	350,000	\$	350,200	53758
Commission					
308 195-603 Housing and Urban	\$	5,000,000	\$	5,000,000	53759
Development					
308 195-605 Federal Projects	\$	7,855,501	\$	7,855,501	53760
308 195-609 Small Business	\$	3,799,626	\$	3,799,626	53761
Administration					
308 195-618 Energy Federal Grants	\$	2,803,560	\$	2,803,560	53762
335 195-610 Oil Overcharge	\$	8,500,000	\$	8,500,000	53763
380 195-622 Housing Development	\$	4,507,212	\$	4,696,198	53764
Operating					
TOTAL FED Federal Special Revenue					53765
Fund Group	\$	232,512,381	\$	232,641,087	53766
State Special Revenue Fund Group					53767

4F2	195-639	State Special Projects	\$	1,052,762	\$	1,079,082	53768
4H4	195-641	First Frontier	\$	600,000	\$	650,000	53769
4S0	195-630	Enterprise Zone Operating	\$	211,900	\$	211,900	53770
4S1	195-634	Job Creation Tax Credit Operating	\$	372,700	\$	375,800	53771
4W1	195-646	Minority Business Enterprise Loan	\$	2,572,960	\$	2,580,597	53772
444	195-607	Water and Sewer Commission Loans	\$	511,000	\$	523,775	53773
445	195-617	Housing Finance Operating	\$	3,782,808	\$	3,968,184	53774
450	195-624	Minority Business Bonding Program Administration	\$	13,232	\$	13,563	53775
451	195-625	Economic Development Financing Operating	\$	2,062,451	\$	2,143,918	53776
5M4	195-659	Universal Service	\$	160,000,000	\$	160,000,000	53777
5M5	195-660	Energy Efficiency Revolving Loan	\$	12,000,000	\$	12,000,000	53778
611	195-631	Water and Sewer Administration	\$	15,330	\$	15,713	53779
617	195-654	Volume Cap Administration	\$	200,000	\$	200,000	53780
646	195-638	Low and Moderate Income Housing Trust Fund	\$	21,539,552	\$	22,103,807	53781
TOTAL SSR State Special Revenue							53782
Fund Group			\$	204,934,695	\$	205,866,339	53783
Facilities Establishment Fund							53784
037	195-615	Facilities Establishment	\$	56,701,684	\$	58,119,226	53785
4Z6	195-647	Rural Industrial Park	\$	5,000,000	\$	5,000,000	53786

		Loan				
5D1	195-649	Port Authority Bond	\$	2,500,000	\$	2,500,000 53787
		Reserves				
5D2	195-650	Urban Redevelopment	\$	10,000,000	\$	10,475,000 53788
		Loans				
5H1	195-652	Family Farm Loan	\$	2,246,375	\$	2,246,375 53789
		Guarantee				
TOTAL	037	Facilities				53790
		Establishment Fund	\$	76,448,059	\$	78,340,601 53791
		Coal Research/Development Fund				53792
046	195-632	Coal Research and	\$	12,847,178	\$	13,168,357 53793
		Development Fund				
TOTAL	046	Coal Research/				53794
		Development Fund	\$	12,847,178	\$	13,168,357 53795
TOTAL	ALL BUDGET FUND GROUPS		\$	680,014,210	\$	688,176,727 53796

Section 41.01. WASHINGTON OFFICE 53798

Of the foregoing appropriation items 195-100, Personal 53799
 Services, 195-200, Maintenance, and 195-300, Equipment, no more 53800
 than \$335,700 in fiscal year 2002 and \$335,700 in fiscal year 2003 53801
 may be transferred to the General Reimbursement Fund (Fund 685) to 53802
 support the Washington Office. The transfer shall be made using an 53803
 intrastate transfer voucher. 53804

THOMAS EDISON PROGRAM 53805

The foregoing appropriation item 195-401, Thomas Edison 53806
 Program, shall be used for the purposes of sections 122.28 to 53807
 122.38 of the Revised Code in order to provide funds for 53808
 cooperative public and private efforts in technological innovation 53809
 to promote the development and transfer of technology by and to 53810
 Ohio businesses that will lead to the creation of jobs, and to 53811
 provide for the administration of this program by the Technology 53812
 Division. 53813

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

Business Development Division, no less than \$1,060,000 in each 53844
fiscal year shall be used to fund minority contractors and 53845
business assistance organizations. The Minority Business 53846
Development Division shall determine which cities need minority 53847
contractors and business assistance organizations by utilizing 53848
United States Census Bureau data and zip codes to locate the 53849
highest concentrations of minority businesses. The Minority 53850
Business Development Division also shall determine the numbers of 53851
minority contractors and business assistance organizations 53852
necessary and the amount of funding to be provided each. In 53853
addition, the Minority Business Development Division shall 53854
continue to plan and implement business conferences. 53855

Section 41.03. TRANSITIONAL AND PERMANENT HOUSING PROGRAM 53856

Of the foregoing appropriation item 195-406, Transitional and 53857
Permanent Housing, the Office of Housing and Community 53858
Partnerships shall make grants to local governments and nonprofit 53859
organizations for the acquisition, rehabilitation, renovation, 53860
construction, conversion, operating, and supportive services costs 53861
for both new and existing transitional and permanent housing for 53862
the homeless. 53863

COAL RESEARCH DEVELOPMENT 53864

The foregoing appropriation item 195-408, Coal Research 53865
Development, shall be used for the administrative costs of the 53866
Coal Development Office within the Technology Division and for 53867
grants that encourage, promote, and assist the use of Ohio coal 53868
pursuant to section 1551.32 of the Revised Code. 53869

UTILITY PAYMENT ADMINISTRATION 53870

The foregoing appropriation item 195-409, Utility Payment 53871
Administration, shall be used for the administrative costs 53872
necessary to provide utility and fuel assistance benefits to 53873

eligible low-income Ohio households with elderly and disabled members. 53874
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Section 41.04. BUSINESS DEVELOPMENT 53876

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. 53877
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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. 53888
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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. 53900
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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 53912

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 53923

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 53929

The foregoing appropriation item 195-416, Governor's Office of Appalachia, shall be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachian Ohio. Funds not expended for liaison and training activities may be expended for special project grants within the

Appalachian Region.	53935
Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, up to \$250,000 each fiscal year shall be used to match federal funds from the Appalachian Development Commission to provide job training to impact the Appalachian Region.	53936 53937 53938 53939 53940
Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, \$4,400,000 in each fiscal year shall be used in conjunction with other federal and state funds to provide financial assistance to projects in Ohio's Appalachian counties in order to further the goals of the Appalachian Regional Commission. Such projects and project sponsors shall meet Appalachian Regional Commission eligibility requirements. Grants shall be administered by the Department of Development.	53941 53942 53943 53944 53945 53946 53947 53948
Of the foregoing appropriation item 195-416, Governor's Office of Appalachia, \$500,000 in each fiscal year shall be used by the Appalachian Energy Grant Authority to make grants to eligible applicants to enhance and maintain the economic welfare of the Appalachian Region through the support of manufacturing in the region.	53949 53950 53951 53952 53953 53954
URBAN/RURAL INITIATIVE	53955
The foregoing appropriation item 195-417, Urban/Rural Initiative, shall be used to make grants in accordance with sections 122.19 to 122.22 of the Ohio Revised Code.	53956 53957 53958
TECHNOLOGY ACTION	53959
Prior to the release of funds from appropriation item 195-422, Technology Action, each grant award shall first obtain approval from eight members of the Technology Action Board and from the Controlling Board.	53960 53961 53962 53963
The Technology Action Board shall consist of fourteen	53964

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

for-profit organizations and businesses.	53997
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.	53998 53999 54000
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.	54001 54002 54003 54004 54005
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.	54006 54007 54008
Section 41.07. COMMUNITY DEVELOPMENT CORPORATIONS	54009
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.	54010 54011 54012 54013 54014 54015 54016 54017 54018 54019 54020
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	54021 54022 54023 54024 54025 54026

be given to proposals submitted by nonprofit development 54027
organizations from underserved areas of the state. 54028

Section 41.08. INTERNATIONAL TRADE 54029

The foregoing appropriation item 195-432, International 54030
Trade, shall be used to operate and to maintain Ohio's 54031
out-of-state trade offices. 54032

The Director of Development may enter into contracts with 54033
foreign nationals to staff foreign offices. Such contracts may be 54034
paid in local currency or United States currency and shall be 54035
exempt from the provisions of section 127.16 of the Revised Code. 54036
The director also may establish foreign currency accounts in 54037
accordance with section 122.05 of the Revised Code for the payment 54038
of expenses related to the operation and maintenance of the 54039
foreign trade offices. 54040

The foregoing appropriation item 195-432, International 54041
Trade, shall be used to fund the International Trade Division and 54042
to assist Ohio manufacturers and agricultural producers in 54043
exporting to foreign countries in conjunction with the Department 54044
of Agriculture. 54045

Of the foregoing appropriation item 195-432, International 54046
Trade, up to \$35,000 may be used to purchase gifts for 54047
representatives of foreign governments or dignitaries of foreign 54048
countries. 54049

Section 41.09. OHIO INVESTMENT IN TRAINING PROGRAM 54050

The foregoing appropriation item 195-434, Investment in 54051
Training Grants, shall be used to promote industrial training 54052
through training grants for the reimbursement of eligible training 54053
expenses. 54054

Section 41.10. EMERGENCY SHELTER HOUSING GRANTS 54055

(A) As used in this section, "emergency shelter housing" 54056
means a structure suitable for the temporary housing of the 54057
homeless and the provision of, or referral to, supportive 54058
services. Shelters that restrict admission to victims of domestic 54059
violence, runaways, or alcohol or substance abusers shall not be 54060
considered emergency shelter housing. 54061

(B) The foregoing appropriation item 195-440, Emergency 54062
Shelter Housing Grants, shall be used by the Office of Housing and 54063
Community Partnerships in the Department of Development to make 54064
grants to private, nonprofit organizations to provide emergency 54065
shelter housing for the homeless. The department shall distribute 54066
the grants pursuant to rules adopted by the Director of 54067
Development. The director may amend or rescind the rules and may 54068
adopt other rules necessary to implement this section. In awarding 54069
grants, the department shall give preference to organizations 54070
applying to fund existing emergency shelter housing. 54071

The department shall notify each organization that applied 54072
for a grant under this section of the amount of its grant award, 54073
if any. To receive a grant, the organization shall provide 54074
matching funds equal to 50 per cent of the total grant it was 54075
awarded. The organization shall expend its grant for shelter 54076
operations and supportive services, which include employment 54077
assistance, case management, information and referral services, 54078
transportation, and clothing. In providing employment assistance, 54079
the organization shall, at a minimum, refer persons to the 54080
Department of Job and Family Services. 54081

LOW AND MODERATE INCOME HOUSING 54082

The Director of Budget and Management, after consulting with 54083
the Director of Development, shall transfer up to \$19,000,000 from 54084
appropriation item 195-441, Low and Moderate Income Housing, to 54085

appropriation item 195-638, Low and Moderate Income Housing Trust Fund. This transfer shall be made via an intrastate transfer voucher. 54086
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TANF TRANSFER TO CDBG OPERATING MATCH 54089

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. 54090
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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. 54110
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No more than five per cent of transferred funds may be used 54118
by the department for administrative expenses of these programs. 54119
Transfer of funds between these programs shall first obtain 54120
approval of the Controlling Board. 54121

As used in this section, "federal poverty guideline" means 54122
the poverty guideline as defined by the United States Office of 54123
Management and Budget and revised by the United States Secretary 54124
of Health and Human Services in accordance with section 673 of the 54125
"Community Services Block Grant Act," 95 Stat. 511 (1981), 42 54126
U.S.C.A. 9902, as amended. 54127

UTILITY BILL CREDIT 54128

The foregoing appropriation item 195-505, Utility Bill 54129
Credits, shall be used to provide utility and fuel assistance to 54130
eligible low-income Ohio households with elderly and disabled 54131
members. 54132

Section 41.11. TRAVEL AND TOURISM GRANTS 54133

The foregoing appropriation item 195-507, Travel and Tourism 54134
Grants, shall be used to provide grants to local organizations to 54135
support various local travel and tourism events in Ohio. 54136

Of the foregoing appropriation item 195-507, Travel and 54137
Tourism Grants, up to \$200,000 in each fiscal year of the biennium 54138
may be used to support the outdoor dramas Trumpet in the Land, 54139
Blue Jacket, Tecumseh, and the Becky Thatcher Showboat Drama; 54140
\$50,000 in each fiscal year shall be used for the Greater 54141
Cleveland Film Commission; \$50,000 in each fiscal year shall be 54142
used for the Cincinnati Film Commission; \$50,000 in each fiscal 54143
year shall be used for the American Classical Music Hall of Fame; 54144
\$100,000 in each fiscal year shall be used for the Ottawa County 54145
Visitors Bureau, the Sandusky/Erie County Visitors and Convention 54146
Bureau, and the Lorain County Visitors Bureau for collaborative 54147

efforts to promote tourism; \$50,000 in each fiscal year shall be 54148
used for the Ohio River Trails; and \$1,000,000 in each fiscal year 54149
shall be used for grants to the International Center for the 54150
Preservation of Wild Animals. 54151

ISSUE 1 IMPLEMENTATION 54152

The foregoing appropriation item 195-510, Issue 1 54153
Implementation, shall be used to begin the implementation of 54154
Article VIII, Section 20 of the Ohio Constitution. 54155

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 54156

The foregoing appropriation item 195-906, Coal Research and 54157
Development General Obligation Debt Service shall be used to pay 54158
all debt service and financing costs at the times they are 54159
required to be made under sections 151.01 and 151.07 of the 54160
Revised Code during the period from July 1, 2001, to June 30, 54161
2003. The Office of the Sinking Fund or the Director of Budget and 54162
Management shall effectuate the required payments by an intrastate 54163
transfer voucher. 54164

Section 41.12. SUPPORTIVE SERVICES 54165

The Director of Development may assess divisions of the 54166
department for the cost of central service operations. Such an 54167
assessment shall be based on a plan submitted to and approved by 54168
the Office of Budget and Management by the first day of August of 54169
each fiscal year, and contain the characteristics of 54170
administrative ease and uniform application. 54171

A division's payments shall be credited to the Supportive 54172
Services Fund (Fund 135) using an intrastate transfer voucher. 54173

GENERAL REIMBURSEMENT 54174

The foregoing appropriation item 195-636, General 54175
Reimbursements, shall be used for conference and subscription fees 54176

and other reimbursable costs. Revenues to the General 54177
Reimbursement Fund (Fund 685) shall consist of fees and other 54178
moneys charged for conferences, subscriptions, and other 54179
administrative costs that are not central service costs. 54180

HEAP WEATHERIZATION 54181

Fifteen per cent of the federal funds received by the state 54182
for the Home Energy Assistance Block Grant shall be deposited in 54183
the Department of Development's Federal Special Revenue Fund (Fund 54184
3K9) and shall be used to provide home weatherization services in 54185
the state. 54186

HOME PROGRAM 54187

On July 1, 2001, or as soon as possible thereafter, the 54188
Director of Development shall certify to the Director of Budget 54189
and Management the cash balance and open encumbrances relating to 54190
the HOME Program located within Fund 308, appropriation item 54191
195-603, Housing and Urban Development. The Director of Budget and 54192
Management shall transfer the certified amount to newly created 54193
Fund 3V1, HOME Program. Any existing encumbrances in appropriation 54194
item 195-603 for the HOME Program shall be canceled and 54195
re-established against appropriation item 195-601, HOME Program. 54196
These re-established amounts are appropriated. 54197

STATE SPECIAL PROJECTS 54198

The foregoing appropriation item 195-639, State Special 54199
Projects, shall be used as a general account for the deposit of 54200
private-sector funds from utility companies and other 54201
miscellaneous state funds. Private-sector moneys shall be used to 54202
(1) pay the expenses of verifying the income-eligibility of HEAP 54203
applicants, (2) market economic development opportunities in the 54204
state, and (3) leverage additional federal funds. State funds 54205
shall be used to match federal housing grants for the homeless. 54206

Section 41.13. MINORITY BUSINESS ENTERPRISE LOAN 54207

All repayments from the Minority Development Financing 54208
Advisory Board loan program and the Ohio Mini-Loan Guarantee 54209
Program shall be deposited in the State Treasury, to the credit of 54210
the Minority Business Enterprise Loan Fund (Fund 4W1). 54211

All operating costs of administering the Minority Business 54212
Enterprise Loan Fund shall be paid from the Minority Business 54213
Enterprise Loan Fund (Fund 4WI). 54214

MINORITY BUSINESS BONDING FUND 54215

Notwithstanding Chapters 122., 169., and 175. of the Revised 54216
Code and other provisions of Am. Sub. H.B. 283 of the 123rd 54217
General Assembly, the Director of Development may, upon the 54218
recommendation of the Minority Development Financing Advisory 54219
Board, pledge up to \$10,000,000 in the 2001-2003 biennium of 54220
unclaimed funds administered by the Director of Commerce and 54221
allocated to the Minority Business Bonding Program pursuant to 54222
section 169.05 of the Revised Code. The transfer of any cash by 54223
the Director of Budget and Management from the Department of 54224
Commerce's Unclaimed Funds Fund (Fund 543) to the Department of 54225
Development's Minority Business Bonding Fund (Fund 449) shall 54226
occur, if requested by the Director of Development, only if such 54227
funds are needed for payment of losses arising from the Minority 54228
Business Bonding Program, and only after proceeds of the initial 54229
transfer of \$2,700,000 by the Controlling Board to the Minority 54230
Business Bonding Program has been used for that purpose. Moneys 54231
transferred by the Director of Budget and Management from the 54232
Department of Commerce for this purpose may be moneys in custodial 54233
funds held by the Treasurer of State. If expenditures are required 54234
for payment of losses arising from the Minority Business Bonding 54235
Program, such expenditures shall be made from appropriation item 54236
195-623, Minority Business Bonding Contingency in the Minority 54237

Business Bonding Fund, and such amounts are appropriated.	54238
	54239
MINORITY BUSINESS BONDING PROGRAM ADMINISTRATION	54240
Investment earnings of the Minority Business Bonding Fund	54241
(Fund 449) shall be credited to the Minority Business Bonding	54242
Program Administration Fund (Fund 450).	54243
Section 41.14. ECONOMIC DEVELOPMENT FINANCING OPERATING	54244
The foregoing appropriation item 195-625, Economic	54245
Development Financing Operating, shall be used for the operating	54246
expenses of financial assistance programs authorized under Chapter	54247
166. of the Revised Code and under sections 122.43 and 122.45 of	54248
the Revised Code.	54249
UNIVERSAL SERVICE FUND	54250
The foregoing appropriation item 195-659, Universal Service,	54251
shall be used to provide electric utility assistance benefits to	54252
Percentage of Income Payment Plan (PIPP) electric accounts, to	54253
fund targeted energy efficiency and customer education services to	54254
PIPP customers, and to cover the department's administrative costs	54255
related to the Universal Service Fund Programs.	54256
ENERGY EFFICIENCY REVOLVING LOAN FUND	54257
The foregoing appropriation item 195-660, Energy Efficiency	54258
Revolving Loan, shall be used to provide financial assistance to	54259
customers for eligible energy efficiency projects for residential,	54260
commercial and industrial business, local government, educational	54261
institution, nonprofit, and agriculture customers, and to pay for	54262
the program's administrative costs as provided in the Revised Code	54263
and rules adopted by the Director of Development.	54264
VOLUME CAP ADMINISTRATION	54265
The foregoing appropriation item 195-654, Volume Cap	54266

Administration, shall be used for expenses related to the 54267
administration of the Volume Cap Program. Revenues received by the 54268
Volume Cap Administration Fund (Fund 617) shall consist of 54269
application fees, forfeited deposits, and interest earned from the 54270
custodial account held by the Treasurer of State. 54271

Section 41.15. FACILITIES ESTABLISHMENT FUND 54272

The foregoing appropriation item 195-615, Facilities 54273
Establishment (Fund 037), shall be used for the purposes of the 54274
Facilities Establishment Fund under Chapter 166. of the Revised 54275
Code. 54276

Of the foregoing appropriation item 195-615, Facilities 54277
Establishment (Fund 037), up to \$3,000,000 in each fiscal year 54278
shall be used for the implementation of S.B. 10 of the 124th 54279
General Assembly, if the bill becomes law. 54280

Notwithstanding Chapter 166. of the Revised Code, up to 54281
\$1,600,000 may be transferred each fiscal year from the Facilities 54282
Establishment Fund (Fund 037) to the Economic Development 54283
Financing Operating Fund (Fund 451). The transfer is subject to 54284
Controlling Board approval pursuant to division (B) of section 54285
166.03 of the Revised Code. 54286

Notwithstanding Chapter 166. of the Revised Code, up to 54287
\$3,800,000 may be transferred in each fiscal year of the biennium 54288
from the Facilities Establishment Fund (Fund 037) to the Minority 54289
Business Enterprise Loan Fund (Fund 4W1). The transfer is subject 54290
to Controlling Board approval pursuant to division (B) of section 54291
166.03 of the Revised Code. 54292

Notwithstanding Chapter 166. of the Revised Code, up to 54293
\$5,000,000 cash may be transferred during the biennium from the 54294
Facilities Establishment Fund (Fund 037) to the Port Authority 54295
Bond Reserves Fund (Fund 5D1) for use by any port authority in 54296

establishing or supplementing bond reserve funds for any bond 54297
issuance permitted under Chapter 4582. of the Revised Code. The 54298
Director of Development shall develop program guidelines for the 54299
transfer and release of funds, including, but not limited to, a 54300
provision that a port authority shall receive not more than 54301
\$2,000,000 total from the fund. The transfer and release of funds 54302
are subject to Controlling Board approval. Of the foregoing 54303
appropriation item 195-649, Port Authority Bond Reserves, 54304
\$2,000,000 over the biennium, subject to Controlling Board 54305
approval, shall go to the Dayton Montgomery County Port Authority 54306
to establish or supplement bond reserves for job retention 54307
purposes per the guidelines set forth by the Director of 54308
Development. 54309

Notwithstanding Chapter 166. of the Revised Code, up to 54310
\$20,475,000 cash may be transferred during the biennium from the 54311
Facilities Establishment Fund (Fund 037) to the Urban 54312
Redevelopment Loans Fund (Fund 5D2) for the purpose of removing 54313
barriers to urban core redevelopment. The Director of Development 54314
shall develop program guidelines for the transfer and release of 54315
funds, including, but not limited to, the completion of all 54316
appropriate environmental assessments before state assistance is 54317
committed to a project. 54318

Notwithstanding Chapter 166. of the Revised Code, up to 54319
\$5,000,000 per fiscal year in cash may be transferred from the 54320
Facilities Establishment Fund (Fund 037) to the Rural Industrial 54321
Park Loan Fund (Fund 4Z6). The transfer is subject to Controlling 54322
Board approval pursuant to section 166.03 of the Revised Code. 54323

FAMILY FARM LOAN PROGRAM 54324

Notwithstanding Chapter 166. of the Revised Code, up to 54325
\$2,246,375 in each fiscal year shall be transferred from moneys in 54326
the Facilities Establishment Fund (Fund 037) to the Family Farm 54327
Loan Fund (Fund 5H1) in the Department of Development. These 54328

moneys shall be used for loan guarantees. The transfer is subject 54329
to Controlling Board approval. 54330

Financial assistance from the Family Farm Loan Fund (Fund 54331
5H1) shall be repaid to Fund 5H1. This fund is established in 54332
accordance with sections 166.031, 901.80, 901.81, 901.82, and 54333
901.83 of the Revised Code. 54334

When the Family Farm Loan Fund (Fund 5H1) ceases to exist, 54335
all outstanding balances, all loan repayments, and any other 54336
outstanding obligations shall revert to the Facilities 54337
Establishment Fund (Fund 037). 54338

Section 41.16. FUND 5F7 TRANSFER 54339

On July 1, 2001, or as soon as possible thereafter, the 54340
Director of Budget and Management shall transfer all cash in Fund 54341
5F7, Local Government Y2K Loan Program, to the General Revenue 54342
Fund. Upon completion of the transfer, Fund 5F7 is abolished. 54343

Section 42. OBD OHIO BOARD OF DIETETICS 54344

General Services Fund Group 54345
4K9 860-609 Operating Expenses \$ 300,591 \$ 317,617 54346
TOTAL GSF General Services Fund 54347
Group \$ 300,591 \$ 317,617 54348
TOTAL ALL BUDGET FUND GROUPS \$ 300,591 \$ 317,617 54349

Section 43. CDR COMMISSION ON DISPUTE RESOLUTION AND 54351
CONFLICT MANAGEMENT 54352

General Revenue Fund 54353
GRF 145-401 Commission on Dispute \$ 581,192 \$ 609,974 54354
Resolution/Management
TOTAL GRF General Revenue Fund \$ 581,192 \$ 609,974 54355
General Services Fund Group 54356

4B6 145-601 Gifts and Grants	\$	160,590	\$	164,605	54357
TOTAL GSF General Services Fund					54358
Group	\$	160,590	\$	164,605	54359
Federal Special Revenue Fund Group					54360
3S6 145-602 Dispute Resolution:	\$	32,917	\$	0	54361
Federal					
TOTAL FED Federal Special Revenue	\$	32,917	\$	0	54362
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	774,699	\$	774,579	54363

COMMISSION ON DISPUTE RESOLUTION/MANAGEMENT 54364

The foregoing appropriation item 145-401, Commission on 54365
 Dispute Resolution/Management, shall be used in each fiscal year 54366
 by the Commission on Dispute Resolution and Conflict Management 54367
 for the purpose of providing dispute resolution and conflict 54368
 management training, consultation, and materials for state and 54369
 local government, communities, school districts, and courts and, 54370
 in consultation with the Department of Education, for the purpose 54371
 of offering competitive school conflict programs to school 54372
 districts. 54373

The Commission shall assist the Department of Education in 54374
 the development and dissemination of the school conflict 54375
 management programs to school districts. 54376

Section 44. EDU DEPARTMENT OF EDUCATION 54377

General Revenue Fund					54378
GRF 200-100 Personal Services	\$	11,819,828	\$	12,113,828	54379
GRF 200-320 Maintenance and	\$	5,052,866	\$	5,185,051	54380
Equipment					
GRF 200-406 Head Start	\$	98,843,825	\$	98,843,825	54381
GRF 200-408 Public Preschool	\$	19,506,206	\$	19,506,206	54382
GRF 200-410 Professional	\$	23,463,829	\$	34,810,579	54383
Development					

GRF 200-411	Family and Children First	\$ 10,642,188	\$ 10,642,188	54384
GRF 200-416	Vocational Education Match	\$ 2,381,738	\$ 2,381,738	54385
GRF 200-420	Technical Systems Development	\$ 6,000,000	\$ 6,500,000	54386
GRF 200-421	Alternative Education Programs	\$ 20,000,000	\$ 20,000,000	54387
GRF 200-422	School Management Assistance	\$ 2,185,675	\$ 1,971,219	54388
GRF 200-424	Policy Analysis	\$ 642,756	\$ 674,894	54389
GRF 200-425	Tech Prep Administration	\$ 2,431,012	\$ 2,431,012	54390
GRF 200-426	Ohio Educational Computer Network	\$ 39,871,927	\$ 39,871,927	54391
GRF 200-427	Academic Standards	\$ 8,474,999	\$ 8,862,500	54392
GRF 200-431	School Improvement Initiatives	\$ 15,850,000	\$ 14,625,000	54393
GRF 200-432	School Conflict Management	\$ 626,496	\$ 657,821	54394
GRF 200-433	Reading/Writing Improvement	\$ 18,962,948	\$ 19,276,694	54395
GRF 200-437	Student Assessment	\$ 23,692,045	\$ 25,942,045	54396
GRF 200-438	Safe Schools	\$ 2,050,000	\$ 2,050,000	54397
GRF 200-441	American Sign Language	\$ 232,073	\$ 236,715	54398
GRF 200-442	Child Care Licensing	\$ 1,517,751	\$ 1,548,107	54399
GRF 200-444	Professional Recruitment	\$ 1,917,000	\$ 1,705,800	54400
GRF 200-445	OhioReads Admin/Volunteer Support	\$ 5,485,440	\$ 5,485,440	54401
GRF 200-446	Education Management Information System	\$ 16,479,636	\$ 17,573,430	54402

GRF 200-447	GED Testing/Adult High School	\$ 2,038,678	\$ 2,079,451	54403
GRF 200-455	Community Schools	\$ 4,728,935	\$ 4,824,517	54404
GRF 200-500	School Finance Equity	\$ 23,560,125	\$ 19,975,864	54405
GRF 200-501	Base Cost Funding	\$ 4,273,654,781	\$ 4,441,014,505	54406
GRF 200-502	Pupil Transportation	\$ 334,183,786	\$ 377,305,465	54407
GRF 200-503	Bus Purchase Allowance	\$ 36,735,279	\$ 36,799,984	54408
GRF 200-505	School Lunch Match	\$ 9,639,000	\$ 9,831,780	54409
GRF 200-509	Adult Literacy Education	\$ 8,628,000	\$ 8,628,000	54410
GRF 200-511	Auxiliary Services	\$ 122,782,475	\$ 127,650,709	54411
GRF 200-513	Student Intervention Services	\$ 31,900,000	\$ 38,280,000	54412
GRF 200-514	Post-Secondary/Adult Career-Technical Education	\$ 23,240,243	\$ 23,240,243	54413
GRF 200-520	Disadvantaged Pupil Impact Aid	\$ 360,149,743	\$ 360,149,743	54414
GRF 200-521	Gifted Pupil Program	\$ 45,930,131	\$ 47,983,321	54415
GRF 200-525	Parity Aid	\$ 99,813,832	\$ 210,305,911	54416
GRF 200-532	Nonpublic Administrative Cost Reimbursement	\$ 53,533,703	\$ 55,675,051	54417
GRF 200-534	Desegregation Costs	\$ 500,000	\$ 500,000	54418
GRF 200-540	Special Education Enhancements	\$ 139,006,701	\$ 141,950,428	54419
GRF 200-545	Career-Technical Education Enhancements	\$ 21,673,574	\$ 22,406,349	54420
GRF 200-546	Charge-Off Supplement	\$ 39,191,433	\$ 28,684,104	54421
GRF 200-552	County MR/DD Boards Vehicle Purchases	\$ 1,666,204	\$ 1,666,204	54422
GRF 200-553	County MR/DD Boards Transportation	\$ 9,575,910	\$ 9,575,910	54423

		Operating					
GRF	200-558	Emergency Loan	\$	4,500,000	\$	3,300,000	54424
		Interest Subsidy					
GRF	200-566	OhioReads Grants	\$	27,148,000	\$	27,148,000	54425
GRF	200-570	School Improvement	\$	1,587,500	\$	1,737,500	54426
		Incentive Grants					
GRF	200-573	Character Education	\$	1,050,000	\$	1,050,000	54427
GRF	200-574	Substance Abuse	\$	1,948,200	\$	1,948,200	54428
		Prevention					
GRF	200-580	Bethel School Cleanup	\$	65,000	\$	65,000	54429
GRF	200-901	Property Tax	\$	707,700,000	\$	743,000,000	54430
		Allocation - Education					
GRF	200-906	Tangible Tax Exemption	\$	73,500,000	\$	75,700,000	54431
		- Education					
TOTAL GRF		General Revenue Fund	\$	6,797,761,471	\$	7,175,372,258	54432
		General Services Fund Group					54433
138	200-606	Information Technology	\$	6,629,469	\$	6,761,034	54434
4D1	200-602	Ohio	\$	345,000	\$	345,000	54435
		Prevention/Education					
		Resource Center					
4L2	200-681	Teacher Certification	\$	4,684,143	\$	4,856,290	54436
		and Licensure					
452	200-638	Miscellaneous Revenue	\$	1,045,000	\$	1,045,000	54437
5H3	200-687	School District	\$	24,000,000	\$	24,000,000	54438
		Solvency Assistance					
596	200-656	Ohio Career	\$	743,217	\$	769,230	54439
		Information System					
TOTAL GSF		General Services					54440
Fund Group			\$	37,446,829	\$	37,776,554	54441
		Federal Special Revenue Fund Group					54442
3C5	200-661	Federal Dependent Care	\$	18,189,907	\$	18,233,488	54443
		Programs					

3D1	200-664	Drug Free Schools	\$	20,621,375	\$	20,660,570	54444
3D2	200-667	Honors Scholarship Program	\$	2,454,688	\$	2,540,602	54445
3H9	200-605	Head Start Collaboration Project	\$	250,000	\$	250,000	54446
3M0	200-623	ESEA Chapter One	\$	320,505,063	\$	330,172,277	54447
3M1	200-678	ESEA Chapter Two	\$	13,595,978	\$	14,059,555	54448
3M2	200-680	Ind W/Disab Education Act	\$	186,000,000	\$	206,000,000	54449
3L6	200-617	Federal School Lunch	\$	175,274,000	\$	180,181,672	54450
3L7	200-618	Federal School Breakfast	\$	45,746,000	\$	47,026,888	54451
3L8	200-619	Child and Adult Care Programs	\$	60,257,639	\$	61,966,125	54452
3L9	200-621	Vocational Education Basic Grant	\$	43,613,582	\$	45,142,330	54453
3S2	200-641	Tech Literacy Transfer	\$	15,183,430	\$	15,183,430	54454
3T4	200-613	Public Charter Schools	\$	4,887,260	\$	5,055,185	54455
3T6	200-611	Class Size Reduction	\$	63,000,000	\$	65,000,000	54456
3U2	200-662	Teacher Quality Enhancement Grants	\$	1,300,501	\$	1,352,000	54457
3U3	200-665	Reading Excellence Grant Program	\$	10,018,756	\$	0	54458
3U6	200-675	Provision 2 & 3 Grant	\$	191,050	\$	0	54459
309	200-601	Educationally Disadvantaged	\$	20,759,222	\$	21,425,345	54460
366	200-604	Adult Basic Education	\$	17,527,286	\$	18,140,740	54461
367	200-607	School Food Services	\$	10,089,884	\$	10,408,199	54462
368	200-614	Veterans' Training	\$	648,514	\$	671,212	54463
369	200-616	Vocational Education	\$	8,000,000	\$	8,000,000	54464
370	200-624	Education of All Handicapped Children	\$	1,364,246	\$	1,410,908	54465
371	200-631	EEO Title IV	\$	1,155,361	\$	1,213,894	54466

374	200-647	E.S.E.A. Consolidated	\$	110,094	\$	110,094	54467
378	200-660	Math/Science	\$	12,696,055	\$	13,036,530	54468
		Technology Investments					
		TOTAL FED Federal Special					54469
		Revenue Fund Group	\$	1,053,439,891	\$	1,087,241,044	54470
		State Special Revenue Fund Group					54471
4R7	200-695	Indirect Cost Recovery	\$	3,942,779	\$	4,168,947	54472
4V7	200-633	Interagency Vocational	\$	695,197	\$	731,674	54473
		Support					
053	200-900	School District	\$	102,000,000	\$	115,911,593	54474
		Property Tax					
		Replacement					
454	200-610	Guidance and Testing	\$	940,636	\$	956,761	54475
455	200-608	Commodity Foods	\$	10,000,000	\$	11,000,000	54476
598	200-659	Auxiliary Services	\$	1,328,910	\$	1,328,910	54477
		Mobile Units					
620	200-615	Educational Grants	\$	1,525,000	\$	1,525,000	54478
		TOTAL SSR State Special Revenue					54479
		Fund Group	\$	120,432,522	\$	135,622,885	54480
		Lottery Profits Education Fund Group					54481
017	200-612	Base Cost Funding	\$	604,000,000	\$	596,000,000	54482
017	200-682	Lease Rental Payment	\$	29,722,100	\$	25,722,600	54483
		Reimbursement					
		TOTAL LPE Lottery Profits					54484
		Education Fund Group	\$	633,722,100	\$	621,722,600	54485
		TOTAL ALL BUDGET FUND GROUPS	\$	8,642,802,813	\$	9,057,735,341	54486

Section 44.01. MAINTENANCE AND EQUIPMENT 54488

Of the foregoing appropriation item 200-320, Maintenance and 54489
Equipment, up to \$25,000 may be expended in each year of the 54490
biennium for State Board of Education out-of-state travel. 54491

Section 44.02. HEAD START 54492

No later than July 15, 2001, the Director of Budget and 54493
Management shall transfer \$76,156,175 from Fund 3W6, TANF 54494
Education, to the General Revenue Fund. No later than July 15, 54495
2002, the Director of Budget and Management shall transfer 54496
\$98,843,825 from Fund 3W6, TANF Education, to the General Revenue 54497
Fund. The transferred funds are appropriated for the appropriation 54498
item 200-406, Head Start. The foregoing appropriation item 54499
200-406, Head Start, includes transferred funds of \$76,156,175 in 54500
fiscal year 2002 and \$98,843,825 in fiscal year 2003. 54501

Of the foregoing appropriation item 200-406, Head Start, 54502
\$100,000 per fiscal year shall be used for the Read Baby Read Book 54503
Club Program. 54504

The remainder of foregoing appropriation item 200-406, Head 54505
Start, shall be distributed by the Department of Education to Head 54506
Start agencies. A "Head Start agency" means an entity that has 54507
been approved to be an agency in accordance with Section 641 (42 54508
U.S.C. 9836) of the Head Start Act and amendments thereto, or an 54509
entity designated for state Head Start funding under this section. 54510
Participation in state-funded Head Start programs is voluntary. 54511

Moneys distributed under this heading shall not be used to 54512
reduce expenditures from funds received by a Head Start agency 54513
from any other sources. Section 3301.31 of the Revised Code does 54514
not apply to funds distributed under this heading. In lieu of 54515
section 3301.31 of the Revised Code, distribution of moneys under 54516
this heading shall be as follows: 54517

(A) In fiscal years 2002 and 2003, up to two per cent of the 54518
appropriation may be used by the department for administrative 54519
costs of complying with this section; developing program capacity; 54520
and assisting programs with facilities planning, construction, 54521
renovation, or lease agreements in combination with the Community 54522

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

federal poverty level when the children otherwise qualify as 54553
"eligible children" under this division. 54554

In order to serve children whose families receive child care 54555
subsidy and whose incomes do not exceed 185 per cent of the 54556
federal poverty guidelines, Head Start grantees may enroll 54557
children whose families receive child care subsidy from the Ohio 54558
Department of Job and Family Services. Head Start grantees 54559
providing full-day, full-year comprehensive services, or otherwise 54560
meeting the child care needs of working families, may partner with 54561
child care centers or family day care homes or may access child 54562
care subsidy directly. This provision is to meet the child care 54563
needs of low-income families who are working, in training or 54564
education programs, or participating in Ohio Works First approved 54565
activities. 54566

(D) After setting aside amounts to make any payments due from 54567
the prior fiscal year, in fiscal years 2002 and 2003, funds shall 54568
only be distributed to recipients of Head Start funds during the 54569
preceding fiscal year. Awards under this division shall be based 54570
on a per-pupil formula prescribed by the Department of Education 54571
and may be adjusted for one-time start-up costs, actual months of 54572
program operation, or the number of children enrolled and 54573
receiving services, as defined by the Department of Education, 54574
reported during the first full week of December, and may be 54575
increased by a reasonable percentage for inflation to be 54576
determined by the Department of Education and in accordance with 54577
this section. The department may redistribute dollars to programs 54578
demonstrating an unmet need based on updated assessments of family 54579
needs and community resources. In fiscal years 2002 and 2003, the 54580
department may authorize recipients to carry over funds to the 54581
subsequent fiscal year. 54582

The department may reallocate unobligated or unspent money to 54583
participating Head Start agencies for: (1) facilities planning 54584

grants and to leverage construction, renovation, or lease 54585
agreements and for repair of critical deferred maintenance and 54586
safety items in combination with the CDFF; (2) teacher 54587
professional development and enhanced compensation in order to 54588
meet the requirements of section 3301.311 of the Revised Code; (3) 54589
meeting the documentation and reporting requirements and for 54590
technical support in accordance with division (F) of this section; 54591
and (4) expansion, improvement, or special projects to promote 54592
excellence and innovation. 54593

(E) Costs for developing and administering a Head Start 54594
program may not exceed fifteen per cent of the total approved 54595
costs of the program. 54596

All recipients of funds shall maintain such fiscal control 54597
and accounting procedures as may be necessary to ensure the 54598
disbursement of, and accounting for, these funds. The control of 54599
funds provided in this program, and title to property obtained 54600
therefrom, shall be under the authority of the approved recipient 54601
for purposes provided in the program. The approved recipient shall 54602
administer and use such property and funds for the purposes 54603
specified. 54604

Each recipient shall furnish the department an annual audit 54605
that includes the review of state funds received under this 54606
section. 54607

In conjunction with the required audit of federal Head Start 54608
funds, the independent auditor shall examine state Head Start 54609
funds in accordance with the federal regulations and agreed-upon 54610
state procedures formulated by the department. 54611

(F) The department shall prescribe target levels for critical 54612
performance indicators for the purpose of assessing Head Start 54613
programs. On-site reviews and follow-up visits shall be based on 54614
grantee progress in meeting the prescribed target levels. 54615

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

department, and report results annually. The department shall 54647
determine the dates for documenting and reporting. 54648

(H) In either event, the grantee and delegate shall transfer 54649
control of title to property, equipment, and remaining supplies 54650
obtained through this program to the newly designated grantee and 54651
return any unexpended funds to the department along with any 54652
reports prescribed by the department. 54653

Section 3313.646 of the Revised Code does not apply to funds 54654
distributed under this section. 54655

(I) It is the intent of the General Assembly that 54656
appropriations for appropriation items 200-406, Head Start, and 54657
200-408, Public Preschool, be available for transfer between Head 54658
Start and public preschool programs so that unallocated funds may 54659
be used between the two programs. 54660

(J) The Department of Education shall comply with all TANF 54661
requirements, including reporting requirements and timelines, as 54662
specified in state and federal laws, federal regulations, state 54663
rules, and the Title IV-A state plan, and is responsible for 54664
payment of any adverse audit finding, final disallowance of 54665
federal financial participation, or other sanction or penalty 54666
issued by the federal government or other entity concerning these 54667
funds. Having met all of the above requirements, the Department 54668
shall have the authority to administer these funds in accordance 54669
with its own rules and guidelines, including grant administration 54670
procedures. 54671

Section 44.03. PUBLIC PRESCHOOL 54672

The Department of Education shall distribute the foregoing 54673
appropriation item 200-408, Public Preschool, to pay the costs of 54674
comprehensive preschool programs. As used in this section, "school 54675
district" means a city, local, exempted village, or joint 54676

vocational school district, or an educational service center. 54677

(A) In fiscal years 2002 and 2003, up to two per cent of the 54678
total appropriation may be used by the department for 54679
administrative costs of complying with this section; developing 54680
program capacity; and assisting programs with facilities planning, 54681
construction, renovation, or lease agreements in conjunction with 54682
the Community Development Finance Fund (CDFF). 54683

(B) The department shall provide an annual report to the 54684
Governor, the Speaker of the House of Representatives, the 54685
President of the Senate, the State Board of Education, Head Start 54686
grantees, and other interested parties. The report shall include: 54687

(1) The number and per cent of eligible children by county 54688
and by school district; 54689

(2) The amount of state funds requested for continuation per 54690
school district; 54691

(3) The amount of state funds received for continuation per 54692
school district; 54693

(4) A summary of program performance on the state critical 54694
performance indicators in the public preschool program; 54695

(5) A summary of developmental progress of children 54696
participating in the state-funded public preschool program; 54697

(6) Any other data reflecting the performance of public 54698
preschool programs that the department considers pertinent. 54699

(C) For purposes of this section, "eligible child" means a 54700
child who is at least three years of age whose family earns no 54701
more than 185 per cent of the federal poverty level. 54702

The Department of Education, in consultation with the 54703
Department of Job and Family Services, interested parties, and 54704
Head Start agencies shall formulate a method for determining an 54705
estimate of the number of eligible children and the percentage 54706

served by grantees in each county.

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(D) After setting aside amounts to make any payments due from the prior fiscal year, in fiscal years 2002 and 2003, funds shall first be distributed to recipients of funds during the preceding fiscal year. Awards under this division may be reduced by the amount received in that fiscal year for one-time start-up costs and may be adjusted for actual months of program operation or enrollment as reported during the first full week of December, and may be increased by a reasonable percentage to be determined by the Department of Education. The department may redistribute dollars to programs demonstrating an unmet need based on updated assessments of family needs and community resources, with special attention to the projected impact of welfare reform. In fiscal years 2002 and 2003, the department may authorize recipients to carry over funds to the subsequent fiscal year.

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The department may reallocate unobligated or unspent money to participating school districts for purposes of program expansion, improvement, or special projects to promote excellence and innovation.

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(E) Costs for developing and administering a preschool program may not exceed fifteen per cent of the total approved costs of the program.

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All recipients of funds shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained therefrom, shall be under the authority of the approved recipient for purposes provided in the program. The approved recipient shall administer and use such property and funds for the purposes specified.

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(F) The department shall prescribe target levels for critical

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performance indicators for the purpose of assessing public 54738
preschool programs. On-site reviews and follow-up visits shall be 54739
based on progress in meeting the prescribed target levels. 54740
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The department may audit a school district's preschool 54742
financial and program records. School districts that have 54743
financial practices not in accordance with standard accounting 54744
principles, that operate preschool programs that fail to 54745
substantially meet the Head Start performance standards, or that 54746
exhibit below-average performance shall be subject to an on-site 54747
review. 54748

The department shall require corrective plans of action for 54749
programs not achieving target levels or financial and program 54750
standards. Action plans shall include activities to be conducted 54751
by the grantee and timelines for activities to be completed and 54752
timelines for additional data submission to the department 54753
demonstrating that targets have been met. The appropriate school 54754
board official shall sign the corrective plans of action. 54755

Public preschool programs not meeting performance targets in 54756
accordance with the plan of action and prescribed timelines may 54757
have their continuation funding reduced, be disqualified for 54758
expansion consideration until targets are met, or have all state 54759
funds withdrawn and a new program established. 54760

(G) The department shall require public preschool programs to 54761
document child progress, using a common instrument prescribed by 54762
the department, and report results annually. The department shall 54763
determine the dates for documenting and reporting. 54764

The State Board of Education shall adopt rules addressing the 54765
use of screening and assessment data, including, but not limited 54766
to, all of the following: 54767

(1) Protection of the identity of individual children through 54768

assignment of a unique but not personally identifiable code;	54769
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(2) Parents' rights;	54771
(3) Use of the data by school personnel as it relates to kindergarten entrance.	54772
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(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.	54774
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	54776
(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.	54777
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Section 44.04. PROFESSIONAL DEVELOPMENT	54782
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.	54783
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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	54791
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by the board pursuant to section 3319.55 of the Revised Code, and 54799
up to \$300,000 in each fiscal year of this set-aside may be used 54800
to pay for costs associated with activities to support candidates 54801
through the application and certification process. 54802

These moneys shall be used to pay for the first 900 54803
applications in fiscal year 2002 and up to the first 550 54804
applications in fiscal year 2003 received by the department. Each 54805
prospective applicant for certification or licensure shall submit 54806
an application to the Department of Education. When the department 54807
has collected a group of applications, but not later than 30 days 54808
after receipt of the first application in a group, it shall send 54809
the applications to the National Board for Professional Teaching 54810
Standards along with a check to cover the cost of the application 54811
fee for all applicants in that group. 54812

Of the foregoing appropriation item 200-410, Professional 54813
Development, up to \$8,296,000 in fiscal year 2002 and up to 54814
\$19,387,750 in fiscal year 2003 shall be allocated for entry year 54815
programs. These funds shall be used to support mentoring services 54816
of beginning teachers, including chartered nonpublic beginning 54817
teachers. In fiscal year 2002, the Department of Education shall 54818
select eligible beginning teachers to participate in a year-long 54819
entry year program that provides mentoring by experienced school 54820
and university faculty and Praxis III teacher performance 54821
assessment. In fiscal year 2003, the program shall also include 54822
the assessment of all beginning teachers with the Education 54823
Testing Service's Praxis III examination. 54824

Of the foregoing appropriation item 200-410, Professional 54825
Development, up to \$650,000 in each fiscal year shall be used to 54826
continue Ohio leadership academies to develop and train 54827
superintendents in new leadership and management practices to 54828
support high performance schools. This training shall be 54829
coordinated with other locally administered leadership programs. 54830

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.

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. 54894

(B) Of the foregoing appropriation item 200-411, Family and 54895
Children First, up to \$1,775,000 in each fiscal year shall be used 54896
as administrative grants to county family and children first 54897
councils to provide a portion of the salary and fringe benefits 54898
necessary to fund county council coordinators, administrative 54899
support, training, or parental involvement. The total initial 54900
grant under this provision to any county family and children first 54901
council shall not exceed \$20,000. In the event that not all 54902
counties in the state have established a county council, at the 54903
beginning of the fourth quarter of a fiscal year, any remaining 54904
funds to be used as administrative grants may be redirected by the 54905
Family and Children First Cabinet Council to other priorities and 54906
activities. Up to \$15,000 of the \$1,775,000 in each fiscal year 54907
shall be used by the Family and Children First Cabinet Council for 54908
administrative costs, including stipends to family representatives 54909
participating in approved activities of the initiative, 54910
educational and informational forums, and technical assistance to 54911
local family and children first councils. 54912

(C) Of the foregoing appropriation item 200-411, Family and 54913
Children First, up to \$5,190,000 in each fiscal year shall be used 54914
to fund school-based or school-linked school readiness resource 54915
centers in school districts where there is a concentration of risk 54916
factors to school readiness and success, including indicators of 54917
poverty, health, and family stability. The purpose of these 54918
centers is to assist in providing services to families of 54919
school-age children who want and need support. 54920

School readiness resource centers shall be located in each of 54921
the state's 21 urban school districts as defined in division (O) 54922
of section 3317.02 of the Revised Code, as that section existed 54923
prior to July 1, 1998. The Ohio Family and Children First Cabinet 54924
Council, in consultation with the Department of Education and 54925

school districts, shall identify individual schools based on 54926
quantitative and qualitative factors that reflect both the need 54927
for school readiness resource centers and the local capacity for 54928
redesigning, as necessary, a delivery system of family support 54929
services. The council and the Department of Education shall 54930
organize and provide technical assistance to the school districts 54931
and communities in planning, developing, and implementing the 54932
centers. The council shall also negotiate a performance agreement 54933
that details required program characteristics, service options, 54934
and expected results. 54935

Each urban school district and community may receive up to 54936
\$240,000 to maintain three school readiness resource centers that 54937
are located in or linked to elementary, middle, and high school 54938
sites that are connected by student assignment patterns within the 54939
school districts. Each school district shall work with a 54940
representative of the local family and children first council and 54941
a representative cross-section of families and community leaders 54942
in the district to operate the school readiness resource centers 54943
based upon conditions agreed to in the performance agreement 54944
negotiated with the cabinet council. 54945

Up to \$50,000 in each fiscal year may be used by the Ohio 54946
Family and Children First Cabinet Council for an evaluation of the 54947
effectiveness of the school readiness resource centers. Up to 54948
\$100,000 in each fiscal year may be used by the cabinet council to 54949
approve technical assistance and oversee the implementation of the 54950
centers. The administration and management of the school readiness 54951
resource centers may be contracted out through a competitive 54952
bidding process established by the cabinet council in consultation 54953
with the Department of Education. 54954

Section 44.06. VOCATIONAL EDUCATION MATCH 54955

The foregoing appropriation item 200-416, Vocational 54956

Education Match, shall be used by the Department of Education to 54957
provide vocational administration matching funds pursuant to 20 54958
U.S.C. 2311. 54959

TECHNICAL SYSTEMS DEVELOPMENT 54960

The foregoing appropriation item 200-420, Technical Systems 54961
Development, shall be used to support the development and 54962
implementation of information technology solutions designed to 54963
improve the performance and customer service of the Department of 54964
Education. Funds may be used for personnel, maintenance, and 54965
equipment costs related to the development and implementation of 54966
these technical system projects. Implementation of these systems 54967
shall allow the department to provide greater levels of assistance 54968
to school districts and to provide more timely information to the 54969
public, including school districts, administrators, and 54970
legislators. 54971

ALTERNATIVE EDUCATION PROGRAMS 54972

There is hereby created the Alternative Education Advisory 54973
Council, which shall consist of one representative from each of 54974
the following agencies: the Ohio Department of Education; the 54975
Department of Youth Services; the Ohio Department of Alcohol and 54976
Drug Addiction Services; the Department of Mental Health; the 54977
Office of the Governor or, at the Governor's discretion, the 54978
Office of the Lieutenant Governor; and the Office of the Attorney 54979
General. 54980

Of the foregoing appropriation item 200-421, Alternative 54981
Education Programs, not less than \$9,253,031 in each fiscal year 54982
shall be used for the renewal of successful implementation grants 54983
and for competitive matching grants to the 21 urban school 54984
districts as defined in division (O) of section 3317.02 of the 54985
Revised Code as it existed prior to July 1, 1998, and not less 54986
than \$9,253,031 in each fiscal year shall be used for the renewal 54987

of successful implementation of grants and for competitive 54988
matching grants to rural and suburban school districts for 54989
alternative educational programs for existing and new at-risk and 54990
delinquent youth. Programs shall be focused on youth in one or 54991
more of the following categories: those who have been expelled or 54992
suspended, those who have dropped out of school or who are at risk 54993
of dropping out of school, those who are habitually truant or 54994
disruptive, or those on probation or on parole from a Department 54995
of Youth Services facility. Grants shall be awarded according to 54996
the criteria established by the Alternative Education Advisory 54997
Council in 1999. Grants shall be awarded only to programs where 54998
the grant would not serve as the program's primary source of 54999
funding. These grants shall be administered by the Department of 55000
Education. Of the set-aside for the 21 urban school districts, 55001
\$1,000,000 in each fiscal year shall be used for programs where 55002
the minimum length of each student's assignment is 90 days in 55003
length. 55004

The Department of Education may waive compliance with any 55005
minimum education standard established under section 3301.07 of 55006
the Revised Code for any alternative school that receives a grant 55007
under this section on the grounds that the waiver will enable the 55008
program to more effectively educate students enrolled in the 55009
alternative school. 55010

Of the foregoing appropriation item 200-421, Alternative 55011
Education Programs, up to \$480,552 in each fiscal year may be used 55012
for program administration, monitoring, technical assistance, 55013
support, research, and evaluation. Any unexpended balance may be 55014
used to provide additional matching grants to urban, suburban, or 55015
rural school districts as outlined above. 55016

Of the foregoing appropriation item 200-421, Alternative 55017
Education Programs, \$313,386 in each fiscal year shall be used to 55018
contract with the Center for Learning Excellence at The Ohio State 55019

University to provide technical support for the project and the 55020
completion of formative and summative evaluation of the grants. 55021

Of the foregoing appropriation item 200-421, Alternative 55022
Education Programs, up to \$700,000 in each fiscal year shall be 55023
used to support Amer-I-Can. Of this set aside, no funds shall be 55024
disbursed without approval of the Controlling Board. Amer-I-Can 55025
programs shall submit to the Controlling Board a biennial spending 55026
plan that delineates how these funds will be spent. Amer-I-can 55027
programs also shall demonstrate to the Controlling Board that they 55028
have hired an independent evaluator and have selected valid and 55029
reliable instruments to assess pre and post changes in student 55030
behavior. 55031

SCHOOL MANAGEMENT ASSISTANCE 55032

Of the foregoing appropriation item 200-422, School 55033
Management Assistance, \$700,000 in fiscal year 2002 and \$400,000 55034
in fiscal year 2003 shall be used by the Auditor of State for 55035
expenses incurred in the Auditor of State's role relating to 55036
fiscal caution activities as defined in Chapter 3316. of the 55037
Revised Code. Expenses include duties related to the completion of 55038
performance audits for school districts that the Superintendent of 55039
Public Instruction determines are employing fiscal practices or 55040
experiencing budgetary conditions that could produce a state of 55041
fiscal watch or fiscal emergency. 55042

The remainder of foregoing appropriation item 200-422, School 55043
Management Assistance, shall be used by the Department of 55044
Education to provide fiscal technical assistance and inservice 55045
education for school district management personnel and to 55046
administer, monitor, and implement the fiscal watch and fiscal 55047
emergency provisions under Chapter 3316. of the Revised Code. 55048

POLICY ANALYSIS 55049

The foregoing appropriation item 200-424, Policy Analysis, 55050

shall be used by the Department of Education to support a system 55051
of administrative, statistical, and legislative education 55052
information to be used for policy analysis. Staff supported by 55053
this appropriation shall administer the development of reports, 55054
analyses, and briefings to inform education policymakers of 55055
current trends in education practice, efficient and effective use 55056
of resources, and evaluation of programs to improve education 55057
results. The database shall be kept current at all times. These 55058
research efforts shall be used to supply information and analysis 55059
of data to the General Assembly and other state policymakers, 55060
including the Office of Budget and Management and the Legislative 55061
Service Commission. 55062

The Department of Education may use funding from this 55063
appropriation item to purchase or contract for the development of 55064
software systems or contract for policy studies that will assist 55065
in the provision and analysis of policy-related information. 55066
Funding from this appropriation item also may be used to monitor 55067
and enhance quality assurance for research-based policy analysis 55068
and program evaluation to enhance the effective use of education 55069
information to inform education policymakers. 55070

TECH PREP ADMINISTRATION 55071

The foregoing appropriation item 200-425, Tech Prep 55072
Administration, shall be used by the Department of Education to 55073
support state-level activities designed to support, promote, and 55074
expand tech prep programs. Use of these funds shall include, but 55075
not be limited to, administration of grants, program evaluation, 55076
professional development, curriculum development, assessment 55077
development, program promotion, communications, and statewide 55078
coordination of tech prep consortia. 55079

OHIO EDUCATIONAL COMPUTER NETWORK 55080

The foregoing appropriation item 200-426, Ohio Educational 55081

Computer Network, shall be used by the Department of Education to 55082
maintain a system of information technology throughout Ohio and to 55083
provide technical assistance for such a system in support of the 55084
State Education Technology Plan pursuant to section 3301.07 of the 55085
Revised Code. 55086

Of the foregoing appropriation item 200-426, Ohio Educational 55087
Computer Network, up to \$20,571,198 in fiscal year 2002 and up to 55088
\$21,188,334 in fiscal year 2003 shall be used by the Department of 55089
Education to support connection of all public school buildings to 55090
the state's education network, to each other, and to the Internet. 55091
In each fiscal year the Department of Education shall use these 55092
funds to help reimburse data acquisition sites or school districts 55093
for the operational costs associated with this connectivity. The 55094
Department of Education shall develop a formula and guidelines for 55095
the distribution of these funds to the data acquisition sites or 55096
individual school districts. As used in this section, "public 55097
school building" means a school building of any city, local, 55098
exempted village, or joint vocational school district, or any 55099
community school established under Chapter 3314. of the Revised 55100
Code, or any educational service center building used for 55101
instructional purposes. 55102

Of the foregoing appropriation item 200-426, Ohio Educational 55103
Computer Network, up to \$2,043,938 in fiscal year 2002 and up to 55104
\$2,095,037 in fiscal year 2003 shall be used for the Union Catalog 55105
and InfoOhio Network. 55106

The Department of Education shall use up to \$4,590,000 in 55107
fiscal year 2002 and up to \$4,727,700 in fiscal year 2003 to 55108
assist designated data acquisition sites with operational costs 55109
associated with the increased use of the state's education network 55110
by chartered nonpublic schools. The Department of Education shall 55111
develop a formula and guidelines for distribution of these funds 55112
to designated data acquisition sites. 55113

The remainder in each fiscal year of appropriation item 55114
200-426, Ohio Educational Computer Network, shall be used to 55115
support development, maintenance, and operation of a network of 55116
uniform and compatible computer-based information and 55117
instructional systems. The technical assistance shall include, but 55118
not be restricted to, development and maintenance of adequate 55119
computer software systems to support network activities. Program 55120
funds may be used, through a formula and guidelines devised by the 55121
department, to subsidize the activities of not more than 24 55122
designated data acquisition sites, as defined by State Board of 55123
Education rules, to provide school districts and chartered 55124
nonpublic schools with computer-based student and teacher 55125
instructional and administrative information services, including 55126
approved computerized financial accounting, and to ensure the 55127
effective operation of local automated administrative and 55128
instructional systems. To broaden the scope of the use of 55129
technology for education, the department may use up to \$250,000 in 55130
each fiscal year to coordinate the activities of the computer 55131
network with other agencies funded by the department or the state. 55132
In order to improve the efficiency of network activities, the 55133
department and data acquisition sites may jointly purchase 55134
equipment, materials, and services from funds provided under this 55135
appropriation for use by the network and, when considered 55136
practical by the department, may utilize the services of 55137
appropriate state purchasing agencies. 55138

ACADEMIC STANDARDS 55139

The foregoing appropriation item 200-427, Academic Standards, 55140
shall be used by the Department of Education to develop and 55141
disseminate academic content standards. These funds shall be used 55142
to develop academic content standards and curriculum models and to 55143
fund communication of expectations to teachers, school districts, 55144
parents, and communities. 55145

Section 44.07. SCHOOL IMPROVEMENT INITIATIVES 55146

Of the foregoing appropriation item 200-431, School 55147
Improvement Initiatives, up to \$3,700,000 in fiscal year 2002 55148
shall be used to continue previously awarded venture capital 55149
grants of \$25,000 to 148 schools and up to \$975,000 in fiscal year 55150
2003 shall be used to continue previously awarded venture capital 55151
grants of \$25,000 to 39 schools. 55152

Of the foregoing appropriation item 200-431, School 55153
Improvement Initiatives, \$4,500,000 in fiscal year 2002 and 55154
\$5,000,000 in fiscal year 2003 shall be used for the development 55155
and distribution of school report cards pursuant to section 55156
3302.03 of the Revised Code, for the development of core 55157
competencies for the proficiency tests, and to support the 55158
recommendations of the Governor's Commission for Student Success. 55159

Of the foregoing appropriation item 200-431, School 55160
Improvement Initiatives, \$7,500,000 in fiscal year 2002 and 55161
\$8,500,000 in fiscal year 2003 shall be used to provide technical 55162
assistance to school districts that are declared to be in a state 55163
of academic watch or academic emergency under section 3302.03 of 55164
the Revised Code to develop their continuous improvement plans as 55165
required in section 3302.04 of the Revised Code. 55166

Of the foregoing appropriation item 200-431, School 55167
Improvement Initiatives, up to \$150,000 in each fiscal year shall 55168
be used to support a teacher-in-residence at the Governor's office 55169
and related support staff, travel expenses, and administrative 55170
overhead. 55171

SCHOOL CONFLICT MANAGEMENT 55172

Of the foregoing appropriation item 200-432, School Conflict 55173
Management, amounts shall be used by the Department of Education 55174
for the purpose of providing dispute resolution and conflict 55175

management training, consultation, and materials for school 55176
districts, and for the purpose of providing competitive school 55177
conflict management grants to school districts. 55178

The Department of Education shall assist the Commission on 55179
Dispute Resolution and Conflict Management in the development and 55180
dissemination of the school conflict management program. The 55181
assistance provided by the Department of Education shall include 55182
the assignment of a full-time employee of the department to the 55183
Commission on Dispute Resolution and Conflict Management to 55184
provide technical and administrative support to maximize the 55185
quality of dispute resolution and conflict management programs and 55186
services provided to school districts. 55187

Of the foregoing appropriation item 200-432, School Conflict 55188
Management, up to \$5,000 in fiscal year 2002 shall be used to 55189
support the Character Council Initiative. The Initiative works to 55190
instill character and values at all levels in the community. 55191

READING/WRITING IMPROVEMENT 55192

Of the foregoing appropriation item 200-433, Reading/Writing 55193
Improvement, up to \$12,396,970 in each fiscal year shall be used 55194
for professional development in literacy for classroom teachers, 55195
administrators, and literacy specialists. 55196

Of the foregoing appropriation item 200-433, Reading/Writing 55197
Improvement, up to \$1,780,268 in fiscal year 2002 and up to 55198
\$1,815,874 in fiscal year 2003 shall be used by the Department of 55199
Education to fund the Reading Recovery Training Network, to cover 55200
the cost of release time for the teacher trainers, and to provide 55201
grants to districts to implement other reading improvement 55202
programs on a pilot basis. Funds for this appropriation item may 55203
also be used to conduct evaluations of the impact and 55204
effectiveness of Reading Recovery and other reading improvement 55205
programs. 55206

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

program would be a meaningful aid to school security. 55238

Of the foregoing appropriation item 200-438, Safe Schools, up 55239
to \$20,000 in each fiscal year may be used by schools for the 55240
Eddie Eagle Gun Safety Pilot Program. School districts wishing to 55241
participate in the pilot program shall apply to the Department of 55242
Education under guidelines established by the Superintendent of 55243
Public Instruction. 55244

AMERICAN SIGN LANGUAGE 55245

Of the foregoing appropriation item 200-441, American Sign 55246
Language, up to \$153,000 in fiscal year 2002 and up to \$156,060 in 55247
fiscal year 2003 shall be used to implement pilot projects for the 55248
integration of American Sign Language deaf language into the 55249
kindergarten through twelfth-grade curriculum. 55250

The remainder of the appropriation shall be used by the 55251
Department of Education to provide supervision and consultation to 55252
school districts in dealing with parents of handicapped children 55253
who are deaf or hard of hearing, in integrating American Sign 55254
Language as a foreign language, and in obtaining interpreters and 55255
improving their skills. 55256

CHILD CARE LICENSING 55257

The foregoing appropriation item 200-442, Child Care 55258
Licensing, shall be used by the Department of Education to license 55259
and to inspect preschool and school-age child care programs in 55260
accordance with sections 3301.52 to 3301.59 of the Revised Code. 55261

PROFESSIONAL RECRUITMENT 55262

Of the foregoing appropriation item 200-444, Professional 55263
Recruitment, \$1,300,000 in each fiscal year shall be used by the 55264
Department of Education to establish programs targeted at 55265
recruiting underrepresented populations into the teaching 55266
profession. In each year, the recruitment programs shall include, 55267

but not be limited to, alternative teacher licensure or 55268
certification programs emphasizing the recruitment of highly 55269
qualified minority candidates into teaching, including emphasizing 55270
the recruitment of highly qualified minority candidates into 55271
teaching positions in schools that have a high percentage of 55272
minority students. The recruitment programs also shall target 55273
recruiting qualified candidates available as a result of 55274
downsizing of the military and business sectors. Funding also 55275
shall be targeted to statewide, regional, and local programs that 55276
are competitively selected as promising programs demonstrating the 55277
potential of significantly increasing Ohio's minority teaching 55278
force. 55279

The remainder of appropriation item 200-444 shall be used by 55280
the Department of Education for recruitment programs targeting 55281
special needs areas: recruiting prospective mathematics and 55282
science teachers, recruiting special educators, recruiting 55283
principals, developing a web-based placement bureau, establishing 55284
a pre-collegiate program to target future teachers, and piloting 55285
paraeducators-to-teacher programs. 55286

OHIOREADS ADMIN/VOLUNTEER SUPPORT 55287

The foregoing appropriation item 200-445, OhioReads 55288
Admin/Volunteer Support, may be allocated by the OhioReads Council 55289
for volunteer coordinators in public school buildings, to 55290
educational service centers for costs associated with volunteer 55291
coordination, for background checks for volunteers, to evaluate 55292
the OhioReads Program, and for operating expenses associated with 55293
administering the program. 55294

Section 44.08. EDUCATION MANAGEMENT INFORMATION SYSTEM 55295

The foregoing appropriation item 200-446, Education 55296
Management Information System, shall be used by the Department of 55297
Education to provide school districts with the means to implement 55298

local automated information systems and to implement, develop, and 55299
improve the Education Management Information System (EMIS) for the 55300
common student information management software developed by the 55301
Department of Education. 55302

Of the foregoing appropriation item 200-446, Education 55303
Management Information System, up to \$1,000,000 in each fiscal 55304
year may be used by the Department of Education to assist 55305
designated data acquisition sites or school districts with 55306
deployment and implementation of the common student management 55307
record system software, and for hardware, personnel, equipment, 55308
staff development, software, and forms modification, as well as to 55309
support EMIS special report activities in the department. 55310

Of the foregoing appropriation item 200-446, Education 55311
Management Information System, up to \$2,213,639 in fiscal year 55312
2002 and up to \$1,476,760 in fiscal year 2003 shall be distributed 55313
to designated data acquisition sites for costs relating to 55314
processing, storing, and transferring data for the effective 55315
operation of the EMIS. These costs may include, but are not 55316
limited to, personnel, hardware, software development, 55317
communications connectivity, professional development, and support 55318
services, and to provide services to participate in the State 55319
Education Technology Plan pursuant to section 3301.07 of the 55320
Revised Code. 55321

Of the foregoing appropriation item 200-446, Education 55322
Management Information System, up to \$7,763,297 in fiscal year 55323
2002 and up to \$8,999,708 in fiscal year 2003 shall be distributed 55324
to school districts, community schools established under Chapter 55325
3314. of the Revised Code, education service centers, and joint 55326
vocational school districts on a per-pupil basis. From this 55327
funding, each school district or community school established 55328
under Chapter 3314. of the Revised Code with enrollment greater 55329
than 100 students and each vocational school district shall 55330

receive a minimum of \$5,000 for each year of the biennium. Each 55331
school district or community school established under Chapter 55332
3314. of the Revised Code with enrollment between one and one 55333
hundred and each education service center and each county board of 55334
MR/DD that submits data through EMIS shall receive \$3,000 for each 55335
year of the biennium. This money shall be used for costs 55336
associated with the development and operation of local automated 55337
record-based information systems that provide data as required by 55338
the education management information system, and facilitate local 55339
district, school, and classroom management activities. 55340

GED TESTING/ADULT HIGH SCHOOL 55341

The foregoing appropriation item 200-447, GED Testing/Adult 55342
High School, shall be used to provide General Educational 55343
Development (GED) testing at no cost to applicants, pursuant to 55344
rules adopted by the State Board of Education. The Department of 55345
Education shall reimburse school districts and community schools, 55346
created in accordance with Chapter 3314. of the Revised Code, for 55347
a portion of the costs incurred in providing summer instructional 55348
or intervention services to students who have not graduated due to 55349
their inability to pass one or more parts of the state's ninth 55350
grade proficiency test. School districts shall also provide such 55351
services to students who are residents of the district pursuant to 55352
section 3313.64 of the Revised Code, but who are enrolled in 55353
chartered, nonpublic schools. The services shall be provided in 55354
the public school, in nonpublic schools, in public centers, or in 55355
mobile units located on or off the nonpublic school premises. No 55356
school district shall provide summer instructional or intervention 55357
services to nonpublic school students as authorized by this 55358
section unless such services are available to students attending 55359
the public schools within the district. No school district shall 55360
provide services for use in religious courses, devotional 55361
exercises, religious training, or any other religious activity. 55362

Chartered, nonpublic schools shall pay for any unreimbursed costs 55363
incurred by school districts for providing summer costs incurred 55364
by school districts for providing summer instruction or 55365
intervention services to students enrolled in chartered, nonpublic 55366
schools. School districts may provide these services to students 55367
directly or contract with postsecondary or nonprofit 55368
community-based institutions in providing instruction. The 55369
appropriation also shall be used for state reimbursement to school 55370
districts for adult high school continuing education programs 55371
pursuant to section 3313.531 of the Revised Code or for costs 55372
associated with awarding adult high school diplomas under section 55373
3313.611 of the Revised Code. 55374

COMMUNITY SCHOOLS 55375

Of the foregoing appropriation item 200-455, Community 55376
Schools, up to \$100,000 in each fiscal year may be used by the 55377
Lucas County Educational Service Center to pay for additional 55378
services provided to community schools, subject to the reporting 55379
by the service center of actual expenses incurred to the 55380
Department of Education. Up to \$1,628,935 in fiscal year 2002 and 55381
up to \$1,724,517 in fiscal year 2003 may be used by the Office of 55382
School Options in the Department of Education for additional 55383
services and responsibilities under section 3314.11 of the Revised 55384
Code. 55385

The remaining appropriation may be used by the Department of 55386
Education and the Lucas County Educational Service Center to make 55387
grants of up to \$50,000 to each proposing group with a preliminary 55388
agreement obtained under division (C)(2) of section 3314.02 of the 55389
Revised Code in order to defray planning and initial start-up 55390
costs. In the first year of operation of a community school, the 55391
Department of Education and the Lucas County Educational Service 55392
Center may make a grant of no more than \$100,000 to the governing 55393
authority of the school to partially defray additional start-up 55394

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

Management shall then reduce the appropriation for item 200-501, 55425
Base Cost Funding, by the difference amount and notify the 55426
Controlling Board of this action. The appropriation decrease 55427
determined by the Director of Budget and Management, if any, is 55428
hereby approved, and appropriations are hereby reduced by the 55429
amount determined. 55430

Of the foregoing appropriation item 200-501, Base Cost 55431
Funding, up to \$425,000 shall be expended in each year of the 55432
biennium for court payments pursuant to section 2151.357 of the 55433
Revised Code; an amount shall be available each year of the 55434
biennium for the cost of the reappraisal guarantee pursuant to 55435
section 3317.04 of the Revised Code; an amount shall be available 55436
in each year of the biennium to fund up to 225 full-time 55437
equivalent approved GRADS teacher grants pursuant to division (R) 55438
of section 3317.024 of the Revised Code; an amount shall be 55439
available in each year of the biennium to make payments to school 55440
districts pursuant to division (A)(2) of section 3317.022 of the 55441
Revised Code; an amount shall be available in fiscal year 2003 to 55442
make payments to school districts pursuant to division (F) of 55443
section 3317.022 of the Revised Code; an amount shall be available 55444
in fiscal year 2002 to make payments to school districts pursuant 55445
to division (C) of section 3317.0212 of the Revised Code; and up 55446
to \$15,000,000 in each year of the biennium shall be reserved for 55447
payments pursuant to sections 3317.026, 3317.027, and 3317.028 of 55448
the Revised Code except that the Controlling Board may increase 55449
the \$15,000,000 amount if presented with such a request from the 55450
Department of Education. Of the foregoing appropriation item 55451
200-501, Base Cost Funding, up to \$14,000,000 in fiscal year 2002 55452
and up to \$23,000,000 in fiscal year 2003 shall be used to provide 55453
additional state aid to school districts for special education 55454
students pursuant to division (C)(5) of section 3317.022 of the 55455
Revised Code; up to \$2,000,000 in each year of the biennium shall 55456

be reserved for Youth Services tuition payments pursuant to 55457
section 3317.024 of the Revised Code; and up to \$52,000,000 in 55458
each fiscal year shall be reserved to fund the state reimbursement 55459
of educational service centers pursuant to section 3317.11 of the 55460
Revised Code. 55461

Of the foregoing appropriation item 200-501, Base Cost 55462
Funding, up to \$1,000,000 in each fiscal year shall be used by the 55463
Department of Education for a pilot program to pay for educational 55464
services for youth who have been assigned by a juvenile court or 55465
other authorized agency to any of the facilities described in 55466
division (A) of the section titled "Private Treatment Facility 55467
Pilot Project." 55468

The remaining portion of appropriation item 200-501, Base 55469
Cost Funding, shall be expended for the public schools of city, 55470
local, exempted village, and joint vocational school districts, 55471
including base cost funding, special education weight funding, 55472
special education speech service enhancement funding, 55473
career-technical education weight funding, career-technical 55474
education associated service funding, guarantee funding, and 55475
teacher training and experience funding pursuant to sections 55476
3317.022, 3317.023, 3317.0212, and 3317.16 of the Revised Code. 55477

Appropriation items 200-500, School Finance Equity, 200-501, 55478
Base Cost Funding, 200-502, Pupil Transportation, 200-520, 55479
Disadvantaged Pupil Impact Aid, 200-521, Gifted Pupil Program, 55480
200-525, Parity Aid, and 200-546, Charge-Off Supplement, other 55481
than specific set-asides, are collectively used to pay state 55482
formula aid obligations for school districts and joint vocational 55483
school districts pursuant to Chapter 3317. of the Revised Code. 55484
The first priority of these appropriation items, with the 55485
exception of specific set-asides, is to fund state formula aid 55486
obligations under Chapter 3317. of the Revised Code. It may be 55487
necessary to reallocate funds among these appropriation items in 55488

order to meet state formula aid obligations. If it is determined 55489
that it is necessary to transfer funds among these appropriation 55490
items to meet state formula aid obligations, the Department of 55491
Education shall seek approval from the Controlling Board to 55492
transfer funds among these appropriation items. 55493

Section 44.11. SUPPLEMENTAL PAYMENT 55494

Upon the recommendation of the Superintendent of Public 55495
Instruction, and subject to the approval of the Controlling Board, 55496
the Department of Education shall pay a school district in fiscal 55497
year 2002 an amount not greater than the difference between the 55498
following: 55499

(A) The cost of increasing teachers' salaries above the 55500
district's salary schedule to comply with division (C) of section 55501
3317.13 of the Revised Code as amended by this act, multiplied by 55502
one hundred fourteen per cent; 55503

(B) The district's increases in state funds for fiscal year 55504
2002. 55505

The increases in state funds for fiscal year 2002 shall be 55506
calculated by determining additional state funds received for 55507
fiscal year 2002 under sections 3317.022, 3317.023, 3317.029, 55508
3317.0212, and 3317.053 and division (P) of section 3317.024 of 55509
the Revised Code and uncodified sections of this act, above the 55510
amount of state funds the district received for fiscal year 2001 55511
under sections 3317.022, 3317.023, 3317.029, 3317.0212, and 55512
3317.162 and division (P) of section 3317.024 of the Revised Code 55513
and uncodified sections of Am. Sub. H.B. 282 of the 123rd General 55514
Assembly. 55515

The Department shall determine application procedures and a 55516
schedule for applications and payments under this section, which 55517
shall be subject to the approval of the Controlling Board. The 55518

Department may pay one-half of an estimated amount of a district's 55519
payment under this section during the first half of fiscal year 55520
2002, and the remainder of the actual calculated amount during the 55521
second half of the fiscal year. Subject to the approval of the 55522
Controlling Board, the amount of any overpayments under this 55523
section shall be deducted from payments made to the school 55524
district under Chapter 3317. of the Revised Code for the remainder 55525
of the fiscal year. 55526

Section 44.12. PUPIL TRANSPORTATION 55527

Of the foregoing appropriation item 200-502, Pupil 55528
Transportation, up to \$800,000 in fiscal year 2002 and up to 55529
\$822,400 in fiscal year 2003 may be used by the Department of 55530
Education for training prospective and experienced school bus 55531
drivers in accordance with training programs prescribed by the 55532
department; an amount shall be available in each year of the 55533
biennium to be used for special education transportation 55534
reimbursements. The reimbursement rate in each year shall be based 55535
on the rate defined in division (D) of section 3317.022 of the 55536
Revised Code. The remainder of appropriation item 200-502, Pupil 55537
Transportation, shall be used for the state reimbursement of 55538
public school districts' costs in transporting pupils to and from 55539
the school they attend in accordance with the district's policy, 55540
State Board of Education standards, and the Revised Code. 55541

BUS PURCHASE ALLOWANCE 55542

The foregoing appropriation item 200-503, Bus Purchase 55543
Allowance, shall be distributed to school districts and 55544
educational service centers pursuant to rules adopted under 55545
section 3317.07 of the Revised Code. Up to 25 per cent of the 55546
amount appropriated may be used to reimburse school districts and 55547
educational service centers for the purchase of buses to transport 55548
handicapped and nonpublic school students. 55549

SCHOOL LUNCH 55550

The foregoing appropriation item 200-505, School Lunch Match, 55551
shall be used to provide matching funds to obtain federal funds 55552
for the school lunch program. 55553

Section 44.13. ADULT LITERACY EDUCATION 55554

The foregoing appropriation item 200-509, Adult Literacy 55555
Education, shall be used to support adult basic and literacy 55556
education instructional programs and the State Literacy Resource 55557
Center Program. 55558

Of the foregoing appropriation item 200-509, Adult Literacy 55559
Education, up to \$543,150 in fiscal year 2002 and up to \$554,013 55560
in fiscal year 2003 shall be used for the support and operation of 55561
the State Literacy Resource Center. 55562

The remainder shall be used to continue to satisfy the state 55563
match and maintenance of effort requirements for the support and 55564
operation of the Department of Education-administered 55565
instructional grant program for adult basic and literacy education 55566
in accordance with the department's state plan for adult basic and 55567
literacy education as approved by the State Board of Education and 55568
the Secretary of the United States Department of Education. 55569

AUXILIARY SERVICES 55570

The foregoing appropriation item 200-511, Auxiliary Services, 55571
shall be used by the State Board of Education for the purpose of 55572
implementing section 3317.06 of the Revised Code. Of the 55573
appropriation, up to \$1,250,000 in fiscal year 2002 and up to 55574
\$1,500,000 in fiscal year 2003 may be used for payment of the 55575
Post-Secondary Enrollment Options Program for nonpublic students 55576
pursuant to section 3365.10 of the Revised Code. 55577

STUDENT INTERVENTION SERVICES 55578

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 55601

The foregoing appropriation item 200-514, Post-Secondary/Adult Career-Technical Education, shall be used by the State Board of Education to provide post-secondary/adult career-technical education under sections 3313.52 and 3313.53 of the Revised Code.

Of the foregoing appropriation item 200-514, Post-Secondary/Adult Career-Technical Education, up to \$500,000 in each fiscal year shall be allocated for the Ohio Career

Information System (OCIS) and used for the dissemination of career 55610
information data to public schools, libraries, rehabilitation 55611
centers, two- and four-year colleges and universities, and other 55612
governmental units. 55613

Of the foregoing appropriation item 200-514, 55614
Post-Secondary/Adult Career-Technical Education, up to \$40,000 in 55615
each fiscal year shall be used for the statewide coordination of 55616
the activities of the Ohio Young Farmers. 55617

DISADVANTAGED PUPIL IMPACT AID 55618

The foregoing appropriation item 200-520, Disadvantaged Pupil 55619
Impact Aid, shall be distributed to school districts according to 55620
section 3317.029 of the Revised Code. However, no money shall be 55621
distributed for all-day kindergarten to any school district whose 55622
three-year average formula ADM exceeds 17,500 but whose DPIA index 55623
is not at least equal to 1.00 in each fiscal year, unless the 55624
Department of Education certifies that sufficient funds exist in 55625
this appropriation to make all other payments required by section 55626
3317.029 of the Revised Code. 55627

The Department of Education shall pay all-day, everyday 55628
kindergarten funding to all school districts in fiscal year 2002 55629
and fiscal year 2003 that qualified for and provided the service 55630
in a preceding fiscal year pursuant to section 3317.029 of the 55631
Revised Code, regardless of changes to such districts' DPIA 55632
indexes in fiscal year 2002 and fiscal year 2003. 55633

The Department of Education shall pay to community schools an 55634
amount for all-day kindergarten if the school district in which 55635
the student is entitled to attend school is eligible but does not 55636
receive a payment for all-day kindergarten, pursuant to division 55637
(B) of section 3314.13 of the Revised Code, and the student is 55638
reported by the community school as enrolled in all-day 55639
kindergarten at the community school. 55640

Of the foregoing appropriation item 200-520, Disadvantaged 55641
Pupil Impact Aid, up to \$3,200,000 in fiscal year 2002 and up to 55642
\$3,300,000 in fiscal year 2003 shall be used for school breakfast 55643
programs. Of these amounts, up to \$500,000 shall be used each year 55644
by the Department of Education to provide start-up grants to rural 55645
school districts and to school districts with less than 1,500 ADM 55646
that start school breakfast programs. The remainder of the 55647
appropriation shall be used to: (1) partially reimburse school 55648
buildings within school districts that are required to have a 55649
school breakfast program pursuant to section 3313.813 of the 55650
Revised Code, at a rate decided by the department, for each 55651
breakfast served to any pupil enrolled in the district; (2) 55652
partially reimburse districts participating in the National School 55653
Lunch Program that have at least 20 per cent of students who are 55654
eligible for free and reduced meals according to federal 55655
standards, at a rate decided by the department; and (3) to 55656
partially reimburse districts participating in the National School 55657
Lunch Program for breakfast served to children eligible for free 55658
and reduced meals enrolled in the district, at a rate decided by 55659
the department. 55660

Of the portion of the funds distributed to the Cleveland City 55661
School District under section 3317.029 of the Revised Code 55662
calculated under division (F)(2) of that section, up to 55663
\$14,903,943 in fiscal year 2002 and up to \$18,066,820 in fiscal 55664
year 2003 shall be used to operate the pilot school choice program 55665
in the Cleveland City School District pursuant to sections 55666
3313.974 to 3313.979 of the Revised Code. 55667

Of the foregoing appropriation item 200-520, Disadvantaged 55668
Pupil Impact Aid, \$1,000,000 in each fiscal year shall be used to 55669
support dropout recovery programs administered by the Department 55670
of Education, Jobs for Ohio's Graduates Program. 55671

Section 44.14. GIFTED PUPIL PROGRAM 55672

The foregoing appropriation item 200-521, Gifted Pupil 55673
Program, shall be used for gifted education units not to exceed 55674
1,050 in fiscal year 2002 and 1,100 in fiscal year 2003 pursuant 55675
to division (P) of section 3317.024 and division (F) of section 55676
3317.05 of the Revised Code. 55677

Of the foregoing appropriation item 200-521, Gifted Pupil 55678
Program, up to \$5,000,000 in each fiscal year of the biennium may 55679
be used as an additional supplement for identifying gifted 55680
students pursuant to Chapter 3324. of the Revised Code. 55681

Of the foregoing appropriation item 200-521, Gifted Pupil 55682
Program, the Department of Education may expend up to \$1,000,000 55683
each year for the Summer Honors Institute for gifted freshman and 55684
sophomore high school students. Up to \$600,000 in each fiscal year 55685
shall be used for research and demonstration projects. The 55686
Department of Education shall research and evaluate the 55687
effectiveness of gifted education programs in Ohio. Up to \$70,000 55688
in each year shall be used for the Ohio Summer School for the 55689
Gifted (Martin Essex Program). 55690

Section 44.15. PARITY AID 55691

The foregoing appropriation item 200-525, Parity Aid, shall 55692
be distributed to school districts based on the formulas specified 55693
in section 3317.0217 of the Revised Code. 55694

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 55695

The foregoing appropriation item 200-532, Nonpublic 55696
Administrative Cost Reimbursement, shall be used by the State 55697
Board of Education for the purpose of implementing section 55698
3317.063 of the Revised Code. 55699

DESEGREGATION COSTS 55700

The foregoing appropriation item 200-534, Desegregation 55701
Costs, shall be used to pay the legal fees associated with 55702
desegregation cases brought against the state. 55703

As part of managing state desegregation costs, any board of 55704
education of a school district subject to a federal court 55705
desegregation order that requires the district board to bus 55706
students for the purpose of racial balance shall, within one year 55707
after the effective date of this section: 55708

(1) Update its plan required under Am. Sub. H.B. 298 of the 55709
119th General Assembly designed to satisfy the court so as to 55710
obtain release from the court's desegregation order; and 55711

(2) Submit an updated copy of the plan to the State Board of 55712
Education. 55713

Upon request of the district board, the State Board shall provide 55714
technical assistance to the school district board in developing a 55715
plan. 55716

Within ninety days after the date on which the plan is 55717
submitted to the State Board of Education, the district board, or 55718
the district board and the State Board of Education jointly if 55719
both are parties to the desegregation case, shall submit the plan 55720
to the court and apply for release from the court's desegregation 55721
order. 55722

Section 44.16. SPECIAL EDUCATION ENHANCEMENTS 55723

Of the foregoing appropriation item 200-540, Special 55724
Education Enhancements, up to \$45,295,000 in fiscal year 2002 and 55725
up to \$47,809,750 in fiscal year 2003 shall be used to fund 55726
special education and related services at county boards of mental 55727
retardation and developmental disabilities for eligible students 55728
under section 3317.20 of the Revised Code. Up to \$2,500,000 shall 55729
be used in each fiscal year to fund up to 57 special education 55730

classroom and related services units at institutions. 55731

Of the foregoing appropriation item 200-540, Special 55732
Education Enhancements, up to \$3,293,959 in fiscal year 2002 and 55733
up to \$3,425,717 in fiscal year 2003 shall be used for home 55734
instruction for handicapped children; up to \$1,500,000 in each 55735
fiscal year shall be used for parent mentoring programs; and up to 55736
\$2,744,966 in fiscal year 2002 and up to \$2,854,764 in fiscal year 55737
2003 may be used for school psychology interns. 55738

Of the foregoing appropriation item 200-540, Special 55739
Education Enhancements, \$3,852,160 in fiscal year 2002 and up to 55740
\$4,006,246 in fiscal year 2003 shall be used by the Department of 55741
Education to assist school districts in funding aides pursuant to 55742
paragraph (A)(3)(c)(i)(b) of rule 3301-51-04 of the Administrative 55743
Code. 55744

Of the foregoing appropriation item 200-540, Special 55745
Education Enhancements, \$78,623,506 in each fiscal year shall be 55746
distributed by the Department of Education to county boards of 55747
mental retardation and developmental disabilities, educational 55748
service centers, and school districts for preschool special 55749
education units and preschool supervisory units in accordance with 55750
section 3317.161 of the Revised Code. The department may reimburse 55751
county boards of mental retardation and developmental 55752
disabilities, educational service centers, and school districts 55753
for related services as defined in rule 3301-31-05 of the 55754
Administrative Code, for preschool occupational and physical 55755
therapy services provided by a physical therapy assistant and 55756
certified occupational therapy assistant, and for an instructional 55757
assistant. To the greatest extent possible, the Department of 55758
Education shall allocate these units to school districts and 55759
educational service centers. The Controlling Board may approve the 55760
transfer of unallocated funds from appropriation item 200-501, 55761
Base Cost Funding, to appropriation item 200-540, Special 55762

Education Enhancements, to fully fund existing units as necessary 55763
or to fully fund additional units. The Controlling Board may 55764
approve the transfer of unallocated funds from appropriation item 55765
200-540, Special Education Enhancements, to appropriation item 55766
200-501, Base Cost Funding, to fully fund the special education 55767
weight cost funding. 55768

The Department of Education shall require school districts, 55769
educational service centers, and county MR/DD boards serving 55770
preschool children with disabilities to document child progress 55771
using a common instrument prescribed by the department and report 55772
results annually. The reporting dates and methodology shall be 55773
determined by the department. 55774

The department shall adopt rules addressing the use of 55775
screening and assessment data including, but not limited to: 55776

(1) Protection of the identity of individual children through 55777
assignment of a unique, but not personally identifiable, code; 55778
55779

(2) Parents' rights; and 55780

(3) Use of the child data by school personnel as it relates 55781
to kindergarten entrance. 55782

Of the foregoing appropriation item 200-540, Special 55783
Education Enhancements, up to \$808,081 in fiscal year 2002 and up 55784
to \$832,323 in fiscal year 2003 shall be allocated to provide 55785
grants to research-based reading mentoring programs for students 55786
with disabilities in kindergarten through fourth grade. Priority 55787
shall be given to mentoring programs that have been recognized by 55788
the Education Commission of the States as promising educational 55789
practices for accelerating student achievement, are easily 55790
replicated, have strong evaluative components, and have goals 55791
aligned to the Ohio Proficiency Test. Priority in awarding grants 55792
funding in this program shall be given to existing targeted 55793

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.

Section 44.17. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 55825

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

approved for such instruction by the State Board of Education. 55857
School districts replacing or updating career-technical education 55858
equipment may purchase or lease such equipment. The Department of 55859
Education shall review and approve all equipment requests and may 55860
allot appropriated funds to eligible school districts on the basis 55861
of the number of full-time equivalent workforce development 55862
teachers in all eligible districts making application for funds. 55863

The State Board of Education may adopt standards of need for 55864
equipment allocation. Pursuant to the adoption of any such 55865
standards of need by the State Board of Education, appropriated 55866
funds may be allotted to eligible districts according to such 55867
standards. Equipment funds allotted under either process shall be 55868
provided to a school district on a 30, 40, or 50 per cent of cost 55869
on the basis of a district career-technical priority index rating 55870
developed by the Department of Education for all districts each 55871
year. The career-technical priority index shall give preference to 55872
districts with a large percentage of disadvantaged students and 55873
shall include other socio-economic factors as determined by the 55874
State Board of Education. 55875

Of the foregoing appropriation item 200-545, Career-Technical 55876
Education Enhancements, up to \$3,650,000 in each fiscal year shall 55877
be awarded by the Superintendent of Public Instruction to an Ohio 55878
nonprofit corporation to support existing High Schools That Work 55879
(HSTW) sites, develop new sites, fund technical assistance, and 55880
support regional centers and middle school programs. The purpose 55881
of HSTW is to combine challenging academic courses and modern 55882
vocational and technical studies to raise the academic achievement 55883
of students. It provides intensive technical assistance, focused 55884
staff development, targeted assessment services, and ongoing 55885
communications and networking opportunities. Any grant awarded 55886
under this program by the Superintendent of Public Instruction 55887
shall require a matching contribution of at least \$1,000,000 from 55888

the Ohio nonprofit corporation. 55889

Of the foregoing appropriation item 200-545, Career-Technical 55890
Education Enhancements, \$3,750,000 in fiscal year 2002 and 55891
\$4,000,000 in fiscal year 2003 shall be used for K-12 career 55892
development. 55893

Of the foregoing appropriation item 200-545, Career-Technical 55894
Educational Enhancements, \$250,000 in each fiscal year shall be 55895
used by the Department of Education to establish the Voc-Ag 5th 55896
Quarter Pilot Project. The project shall enable students in 55897
agricultural programs to enroll in a fifth quarter of instruction. 55898
The fifth quarter concept is based on the long-standing and 55899
successful agricultural education model of delivering work-based 55900
learning through supervised agricultural experience. The 55901
Department of Education shall establish rules governing 55902
eligibility criteria and the reporting process for the project 55903
that must include the following: (1) a school is required to hire 55904
a certified teacher for the fifth quarter, (2) a school must have 55905
a curriculum for the fifth quarter that is approved by the 55906
Department of Education, (3) students must earn credit for the 55907
agricultural experience, (4) the program must be approved by the 55908
school district's superintendent, and (5) the program must be in 55909
existence on the effective date of this section. The Department of 55910
Education shall fund as many programs as possible given the 55911
\$250,000 set aside. The Department of Education shall report 55912
students' performance results under the project to the General 55913
Assembly not later than December 31, 2002. 55914

Of the foregoing appropriation item 200-545, Career-Technical 55915
Educational Enhancements, \$25,000 in each fiscal year shall be 55916
used for the Virtual Simulations in Manufacturing Program. 55917

Section 44.18. CHARGE-OFF SUPPLEMENT 55918

The foregoing appropriation item 200-546, Charge-Off 55919

Supplement, shall be used by the Department of Education to make 55920
payments pursuant to section 3317.0216 of the Revised Code. 55921

COUNTY MR/DD BOARDS - VEHICLE PURCHASES 55922

The foregoing appropriation item 200-552, County MR/DD Boards 55923
Vehicle Purchases, shall be used to provide financial assistance 55924
to MR/DD boards for the purchase of vehicles as permitted in 55925
section 3317.07 of the Revised Code. 55926

COUNTY MR/DD BOARDS - TRANSPORTATION 55927

The foregoing appropriation item 200-553, County MR/DD Boards 55928
Transportation Operating, shall be used to provide financial 55929
assistance for transportation operating costs as provided in 55930
division (M) of section 3317.024 of the Revised Code. 55931

EMERGENCY LOAN INTEREST SUBSIDY 55932

The foregoing appropriation item 200-558, Emergency Loan 55933
Interest Subsidy, shall be used to provide a subsidy to school 55934
districts receiving emergency school loans pursuant to section 55935
3313.484 of the Revised Code. The subsidy shall be used to pay 55936
these districts the difference between the amount of interest the 55937
district is paying on an emergency loan, and the interest that the 55938
district would have paid if the interest rate on the loan had been 55939
two per cent. 55940

Section 44.19. OHIOREADS GRANTS 55941

Of the foregoing appropriation item 200-566, OhioReads 55942
Grants, \$21,898,000 each year shall be disbursed by the OhioReads 55943
Office in the Department of Education at the direction of the 55944
OhioReads Council to provide classroom grants to public schools in 55945
city, local, and exempted village school districts; community 55946
schools; and educational service centers serving kindergarten 55947
through fourth grade students, except that the Department of 55948
Education may use these funds to support the STARS program 55949

previously operated by the Department of Aging. 55950

Of the foregoing appropriation item 200-566, OhioReads 55951
Grants, \$5,000,000 each year shall be disbursed by the OhioReads 55952
Office in the Department of Education at the direction of the 55953
OhioReads Council to provide community matching grants to 55954
community organizations and associations, libraries, and others 55955
for tutoring, tutor recruitment and training, and parental 55956
involvement. 55957

Of the foregoing appropriation item 200-566, OhioReads 55958
Grants, \$250,000 in each fiscal year shall be allocated to provide 55959
grants to research-based reading mentoring programs for students 55960
with disabilities in kindergarten through fourth grade. Priority 55961
shall be given to mentoring programs that have been recognized by 55962
the Education Commission of the States as promising educational 55963
practices for accelerating student achievement, are easily 55964
replicated, have strong evaluative components, and have goals 55965
aligned to the Ohio proficiency tests. Programs may be implemented 55966
at times deemed most appropriate but at least one program shall be 55967
created for and applied in an urban school district. The awarding 55968
of these grants shall be made in conjunction with the Ohio 55969
Coalition for Education of Children with Disabilities. Certified 55970
staff shall administer these programs and testing of participants 55971
shall be required prior to, during, and after participation in 55972
these programs. The results of the tests shall be reported to the 55973
Governor, Superintendent of Public Instruction, the General 55974
Assembly, and the OhioReads Council. 55975

Grants awarded by the OhioReads Council are intended to 55976
improve reading outcomes, especially on the fourth grade reading 55977
proficiency test. 55978

SCHOOL IMPROVEMENT INCENTIVE GRANTS 55979

Of the foregoing appropriation item 200-570, School 55980

Improvement Incentive Grants, up to \$750,000 shall be used to 55981
provide grants of up to \$50,000 each to educational best practices 55982
award winners selected for superior performance by BEST, Building 55983
Excellent Schools for Today and the 21st Century. 55984

Any grants awarded from the foregoing appropriation item 55985
200-570, School Improvement Incentive Grants, shall be awarded to 55986
individual school buildings, educational service centers, or joint 55987
vocational school districts, as appropriate. Grant awards shall be 55988
expended for staff development, classroom equipment, materials, 55989
and books. The principal or administrator of each grantee shall 55990
decide how best to use the grant award, with input from staff 55991
members, consistent with the budget and grant award for the grant. 55992

Of the foregoing appropriation item 200-570, School 55993
Improvement Incentive Grants, \$100,000 in each fiscal year shall 55994
be used to support the Bellefaire Jewish Children's Bureau. 55995

Of the foregoing appropriation item 200-570, School 55996
Improvement Incentive Grants, \$50,000 in each fiscal year shall be 55997
used to support the Cleveland School of Art. 55998

Of the foregoing appropriation item 200-570, School 55999
Improvement Incentive Grants, \$50,000 in each fiscal year shall be 56000
used to support the Tuscarawas County Educational Service Center. 56001

Of the foregoing appropriation item 200-570, School 56002
Improvement Incentive Grants, \$50,000 in each fiscal year shall be 56003
used to support LEAF. 56004

Of the foregoing appropriation item 200-570, School 56005
Improvement Incentive Grants, \$50,000 in each fiscal year shall be 56006
used to support the Toledo Tech Academy. 56007

Of the foregoing appropriation item 200-570, School 56008
Improvement Incentive Grants, \$150,000 in fiscal year 2002 and 56009
\$300,000 in fiscal year 2003 shall be used to support the COSI 56010
Education Project. 56011

Of the foregoing appropriation item 200-570, School 56012
Improvement Incentive Grants, \$25,000 in each fiscal year shall be 56013
used to support the Magellan Program. 56014

Of the foregoing appropriation item 200-570, School 56015
Improvement Incentive Grants, \$25,000 in each fiscal year shall be 56016
used to support I Know I Can Columbus. 56017

Of the foregoing appropriation item 200-570, School 56018
Improvement Incentive Grants, \$25,000 in each fiscal year shall be 56019
used to support the Clerity Program. 56020

Of the foregoing appropriation item 200-570, School 56021
Improvement Incentive Grants, \$12,500 in each fiscal year shall be 56022
used to support the Strongsville Youth Council. 56023

Of the foregoing appropriation item 200-570, School 56024
Improvement Incentive Grants, \$50,000 in each fiscal year shall be 56025
used to support the Lorain County Access Program. 56026

Of the foregoing appropriation item 200-570, School 56027
Improvement Incentive Grants, \$100,000 in each fiscal year shall 56028
be used to support the Summit County Education Initiative. 56029

Of the foregoing appropriation item 200-570, School 56030
Improvement Incentive Grants, \$80,000 in each fiscal year shall be 56031
used to support the Cleveland Language Project. 56032

Of the foregoing appropriation item 200-570, School 56033
Improvement Incentive Grants, \$25,000 in each fiscal year shall be 56034
used to support the Columbus Language Project. 56035

Of the foregoing appropriation item 200-570, School 56036
Improvement Incentive Grants, \$30,000 in each fiscal year shall be 56037
used to support the Cincinnati Language Project. 56038

Of the foregoing appropriation item 200-570, School 56039
Improvement Incentive Grants, \$15,000 in each fiscal year shall be 56040
used to support the Dayton Language Project. 56041

CHARACTER EDUCATION 56042

The foregoing appropriation item 200-573, Character 56043
Education, shall be used by the Department of Education to provide 56044
matching grants of up to \$50,000 each to school districts to 56045
develop pilot character education programs. 56046

SUBSTANCE ABUSE PREVENTION 56047

Of the foregoing appropriation item 200-574, Substance Abuse 56048
Prevention, up to \$1,660,200 in each fiscal year shall be used for 56049
the Safe and Drug Free Schools Coordinators Program. Of the 56050
foregoing appropriation item 200-574, Substance Abuse Prevention, 56051
up to \$288,000 in each fiscal year of the biennium shall be used 56052
for the Substance Abuse Prevention Student Assistance Program. The 56053
Department of Education and the Department of Alcohol and Drug 56054
Addiction Services shall jointly develop and approve a plan for 56055
the expenditure of these funds including, but not limited to, the 56056
development of position descriptions and training specifications 56057
for safe and drug free schools coordinators. Safe and drug free 56058
schools coordinators shall possess or be in the process of 56059
obtaining credentials issued by the Ohio Credentialing Board for 56060
Chemical Dependency Professionals or other credentials recognized 56061
by that board. 56062

BETHEL SCHOOL CLEANUP 56063

The foregoing appropriation item 200-580, Bethel School 56064
Cleanup, shall be used for the Bethel Local School District in 56065
Miami County. The moneys shall be used to purchase water for the 56066
school and four adjacent households, for expenses incurred by 56067
Bethel Local School District for well-monitoring activities and 56068
water-system conversions, and for expenses incurred by the Ohio 56069
Environmental Protection Agency as the Agency continues to monitor 56070
activities associated with the Bethel Local School District water 56071
supply. 56072

AUXILIARY SERVICES MOBILE REPAIR 56073

Notwithstanding section 3317.064 of the Revised Code, if the 56074
unobligated cash balance is sufficient, the Treasurer of State 56075
shall transfer \$1,500,000 in fiscal year 2002 within thirty days 56076
after the effective date of this section and \$1,500,000 in fiscal 56077
year 2003 by August 1, 2002, from the Auxiliary Services Personnel 56078
Unemployment Compensation Fund to the Department of Education's 56079
Auxiliary Services Mobile Repair Fund (Fund 598). 56080

Section 44.20. LOTTERY PROFITS EDUCATION FUND 56081

Appropriation item 200-612, Base Cost Funding (Fund 017), 56082
shall be used in conjunction with appropriation item 200-501, Base 56083
Cost Funding (GRF), to provide payments to school districts 56084
pursuant to Chapter 3317. of the Revised Code. 56085

Of the foregoing appropriation item 200-612, Base Cost 56086
Funding (Fund 017), \$25,000,000 in each fiscal year shall be used 56087
from the funds transferred from the Unclaimed Prizes Trust Fund 56088
pursuant to the section entitled "Transfers from the Unclaimed 56089
Prizes Fund" of this act. 56090

The Department of Education, with the approval of the 56091
Director of Budget and Management, shall determine the monthly 56092
distribution schedules of appropriation item 200-501, Base Cost 56093
Funding (GRF), and appropriation item 200-612, Base Cost Funding 56094
(Fund 017). If adjustments to the monthly distribution schedule 56095
are necessary, the Department of Education shall make such 56096
adjustments with the approval of the Director of Budget and 56097
Management. 56098

The Director of Budget and Management shall transfer via 56099
intrastate transfer voucher the amount appropriated under the 56100
Lottery Profits Education Fund for appropriation item 200-682, 56101
Lease Rental Payment Reimbursement, to the General Revenue Fund on 56102

a schedule determined by the director. These funds shall support 56103
the appropriation item 230-428, Lease Rental Payments (GRF), of 56104
the School Facilities Commission. 56105

LOTTERY PROFITS TRANSFERS* 56106

On the fifteenth day of May of each fiscal year, the Director 56107
of Budget and Management shall determine if lottery profits 56108
transfers will meet the appropriation amounts from the Lottery 56109
Profits Education Fund. 56110

On or after the date specified in each fiscal year, if the 56111
director determines that lottery profits will not meet 56112
appropriations and if other funds are not available to meet the 56113
shortfall, the Superintendent of Public Instruction shall take the 56114
actions specified under the "Reallocation of Funds" section of 56115
this act. 56116

TRANSFERS FROM THE UNCLAIMED PRIZES FUND 56117

By the fifteenth day of January of fiscal year 2002 and 56118
fiscal year 2003, the Director of Budget and Management shall 56119
transfer \$25,000,000 from the State Lottery Commission's Unclaimed 56120
Prizes Fund to the Lottery Profits Education Fund, to be used 56121
solely for purposes specified in the Department of Education's 56122
budget. Transfers of unclaimed prizes under this provision shall 56123
not count as lottery profits in the determination made concerning 56124
excess profits titled "Lottery Profits" under the Department of 56125
Education in this act. 56126

TEACHER CERTIFICATION AND LICENSURE 56127

The foregoing appropriation item 200-681, Teacher 56128
Certification and Licensure, shall be used by the Department of 56129
Education in each year of the biennium to administer teacher 56130
certification and licensure functions pursuant to sections 56131
3301.071, 3301.074, 3301.50, 3301.51, 3319.088, 3319.22, 3319.24 56132
to 3319.28, 3319.281, 3319.282, 3319.29, 3319.301, 3319.31, and 56133

3319.51 of the Revised Code. 56134

Section 44.21. LOTTERY PROFITS 56135

(A) There is hereby created the Lottery Profits Education 56136
Reserve Fund (Fund 018) in the State Treasury. At no time shall 56137
the amount to the credit of the fund exceed \$75,000,000. 56138
Investment earnings of the Lottery Profits Education Reserve Fund 56139
shall be credited to the fund. Notwithstanding any provisions of 56140
law to the contrary, for fiscal years 2002 and 2003, there is 56141
appropriated to the Department of Education, from the Lottery 56142
Profits Education Reserve Fund, an amount necessary to make loans 56143
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 56144
Revised Code. All loan repayments from loans made in fiscal years 56145
1992, 1993, 1994, 1995, 1996, 1997, 1998, or 1999 shall be 56146
deposited into the credit of the Lottery Profits Education Reserve 56147
Fund. 56148

(B)(1) On or before July 15, 2001, the Director of Budget and 56149
Management shall determine the amount by which lottery profit 56150
transfers received by the Lottery Profits Education Fund for 56151
fiscal year 2001 exceed \$665,200,000. The amount so certified 56152
shall be distributed in fiscal year 2002 pursuant to divisions (C) 56153
and (D) of this section. 56154

(2) On or before July 15, 2002, the Director of Budget and 56155
Management shall determine the amount by which lottery profit 56156
transfers received by the Lottery Profits Education Fund for 56157
fiscal year 2002 exceed \$608,722,100. The amount so determined 56158
shall be distributed in fiscal year 2003 pursuant to divisions (E) 56159
and (F) of this section. 56160

The Director of Budget and Management shall annually certify 56161
the amounts determined pursuant to this section to the Speaker of 56162
the House of Representatives and the President of the Senate. 56163

(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 56196
titled "Reallocation of Funds" is required. 56197

If a reallocation of funds is required, then the 56198
Superintendent of Public Instruction shall request Controlling 56199
Board approval for a release of any balances in the Lottery 56200
Profits Education Fund available for the purpose of this division 56201
and pursuant to divisions (C)(1) and (2) of the section of this 56202
act titled "Reallocation of Funds." Any moneys so released are 56203
appropriated. 56204

(F) In fiscal year 2003, if the Department of Education does 56205
not determine that a reallocation of funds is necessary by the 56206
fifteenth day of June, as provided in division (E) of this 56207
section, or if there is a balance in the Lottery Profits Education 56208
Fund after the release of any amount needed to preclude a 56209
reallocation of funds as provided in division (E) of this section, 56210
the moneys in the Lottery Profits Education Fund shall be 56211
allocated as provided in this division. Any amounts so allocated 56212
are appropriated. 56213

An amount equal to five per cent of the estimated lottery 56214
profits transfers of \$608,722,100 in fiscal year 2002 or the 56215
amount remaining in the fund, whichever is the lesser amount, 56216
shall be transferred to the Lottery Profits Education Reserve Fund 56217
within the limitations specified in division (A) of this section 56218
and be reserved and shall not be available for allocation or 56219
distribution during fiscal year 2003. Any amounts exceeding 56220
\$75,000,000 shall be distributed pursuant to division (G) of this 56221
section. 56222

(G) In the appropriate fiscal year, any remaining amounts 56223
after the operations required by division (D) or (F) of this 56224
section, respectively, shall be transferred to the Public School 56225
Building Fund (Fund 021) and such amount is appropriated to 56226
appropriation item CAP-622, Public School Buildings, in the School 56227

Facilities Commission.	56228
Section 44.22. PROPERTY TAX ALLOCATION	56229
The Superintendent of Public Instruction shall not request,	56230
and the Controlling Board shall not approve, the transfer of funds	56231
from appropriation item 200-901, Property Tax	56232
Allocation-Education, to any other appropriation item.	56233
SCHOOL DISTRICT SOLVENCY ASSISTANCE	56234
Of the foregoing appropriation item 200-687, School District	56235
Solvency Assistance, \$12,000,000 in each fiscal year shall be	56236
allocated to the School District Shared Resource Account and	56237
\$12,000,000 in each fiscal year shall be allocated to the	56238
Catastrophic Expenditures Account. These funds shall be used to	56239
provide assistance and grants to school districts to enable them	56240
to remain solvent pursuant to section 3316.20 of the Revised Code.	56241
Assistance and grants shall be subject to approval by the	56242
Controlling Board. Any required reimbursements from school	56243
districts for solvency assistance shall be made to the appropriate	56244
account in the School District Solvency Assistance Fund.	56245
SCHOOL DISTRICT PROPERTY TAX REPLACEMENT	56246
The foregoing appropriation item 200-900, School District	56247
Property Tax Replacement, shall be used by the Department of	56248
Education, in consultation with the Department of Taxation, to	56249
make payments to school districts and joint vocational school	56250
districts pursuant to section 5727.85 of the Revised Code.	56251
Section 44.23. PROPERTY TAX ALLOCATION - EDUCATION	56252
The appropriation item 200-901, Property Tax Allocation -	56253
Education, is appropriated to pay for the state's costs incurred	56254
due to the homestead exemption and the property tax rollback. In	56255
cooperation with the Department of Taxation, the Department of	56256

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

property tax rollback payments, and 200-906, Tangible Tax 56289
Exemption - Education, for the \$10,000 tangible personal property 56290
tax exemption payments, which are determined to be necessary for 56291
these purposes, are appropriated. 56292

Section 44.24. DISTRIBUTION FORMULAS* 56293

The Department of Education shall report the following to the 56294
Director of Budget and Management, the Legislative Office of 56295
Education Oversight, and the Legislative Service Commission: 56296

(A) Changes in formulas for distributing state 56297
appropriations, including administratively defined formula 56298
factors; 56299

(B) Discretionary changes in formulas for distributing 56300
federal appropriations; 56301

(C) Federally mandated changes in formulas for distributing 56302
federal appropriations. 56303

Any such changes shall be reported two weeks prior to the 56304
effective date of the change. 56305

Section 44.25. DISTRIBUTION - SCHOOL DISTRICT SUBSIDY 56306
PAYMENTS 56307

This section shall not take effect unless the Director of 56308
Budget and Management adopts an order putting it into effect and 56309
certifies a copy of the order to the Superintendent of Public 56310
Instruction and the Controlling Board. 56311

Notwithstanding any other provision of the Revised Code, the 56312
monthly distribution of payments made to school districts and 56313
educational service centers pursuant to section 3317.01 of the 56314
Revised Code for the first six months of each fiscal year shall 56315
equal, as nearly as possible, six and two-thirds per cent of the 56316
estimate of the amounts payable for each fiscal year. The monthly 56317

distribution of payments for the last six months of each fiscal 56318
year shall equal, as nearly as possible, ten per cent of the final 56319
calculation of the amounts payable to each school district for 56320
that fiscal year. 56321

The treasurer of each school district or educational service 56322
center may accrue, in addition to the payments defined in this 56323
section, to the accounts of the calendar years that end during 56324
each fiscal year, the difference between the sum of the first six 56325
months' payments in each fiscal year and the amounts the district 56326
would have received had the payments been made in, as nearly as 56327
possible in each fiscal year, twelve equal monthly payments. 56328

Notwithstanding the limitations on the amount of borrowing 56329
and time of payment provided for in section 133.10 of the Revised 56330
Code but subject to sections 133.26 and 133.30 of the Revised 56331
Code, a board of education of a school district may at any time 56332
between July 1, 2001, and December 31, 2001, or at any time 56333
between July 1, 2002, and December 31, 2002, borrow money to pay 56334
any necessary and actual expenses of the school district during 56335
the last six months of calendar years 2001 and 2002 and in 56336
anticipation of the receipt of any portion of the payments to be 56337
received by that district in the first six months of calendar 56338
years 2002 and 2003 representing the respective amounts accrued 56339
pursuant to the preceding paragraph, and issue notes to evidence 56340
that borrowing to mature no later than the thirtieth day of June 56341
of the calendar year following the calendar year in which such 56342
amount was borrowed. The principal amount borrowed in the last six 56343
months of calendar years 2001 or 2002 under this paragraph may not 56344
exceed the entire amount accrued or to be accrued by the district 56345
treasurer in those calendar years pursuant to the preceding 56346
paragraph. The proceeds of the notes shall be used only for the 56347
purposes for which the anticipated receipts are lawfully 56348
appropriated by the board of education. No board of education 56349

shall be required to use the authority granted by this paragraph. 56350
The receipts so anticipated, and additional amounts from 56351
distributions to the districts in the first six months of calendar 56352
years 2002 and 2003 pursuant to Chapter 3317. of the Revised Code 56353
needed to pay the interest on the notes, shall be deemed 56354
appropriated by the board of education to the extent necessary for 56355
the payment of the principal of and interest on the notes at 56356
maturity, and the amounts necessary to make those monthly 56357
distributions are appropriated from the General Revenue Fund. For 56358
the purpose of better ensuring the prompt payment of principal of 56359
and interest on the notes when due, the resolution of the board of 56360
education authorizing the notes may direct that the amount of the 56361
receipts anticipated, together with those additional amounts 56362
needed to pay the interest on the borrowed amounts, shall be 56363
deposited and segregated, in trust or otherwise, to the extent, at 56364
the time or times, and in the manner provided in that resolution. 56365
The borrowing authorized by this section does not constitute debt 56366
for purposes of section 133.04 of the Revised Code. School 56367
districts shall be reimbursed by the state for all necessary and 56368
actual costs to districts arising from this provision, including, 56369
without limitation, the interest paid on the notes while the notes 56370
are outstanding. The Department of Education shall adopt rules 56371
that are not inconsistent with this section for school district 56372
eligibility and application for reimbursement of such costs. 56373
Payments of these costs shall be made out of any anticipated 56374
balances in appropriation items distributed under Chapter 3317. of 56375
the Revised Code. The department shall submit all requests for 56376
reimbursement under these provisions to the Controlling Board for 56377
approval. 56378

During the last six months of each calendar year, instead of 56379
deducting the amount the Superintendent of Public Instruction 56380
would otherwise deduct from a school district's or educational 56381

service center's state aid payments in accordance with the 56382
certifications made for such year pursuant to sections 3307.56 and 56383
3309.51 of the Revised Code, the superintendent shall deduct an 56384
amount equal to forty per cent of the amount so certified. The 56385
secretaries of the retirement systems shall compute the 56386
certifications for the ensuing year under such sections as if the 56387
entire amounts certified as due in the calendar year ending the 56388
current fiscal year, but not deducted pursuant to this paragraph, 56389
had been deducted and paid in that calendar year. During the first 56390
six months of the ensuing calendar year, in addition to deducting 56391
the amounts the Superintendent of Public Instruction is required 56392
to deduct under such sections during such period, the 56393
superintendent shall deduct from a district's or educational 56394
service center's state aid payments an additional amount equal to 56395
the amount that was certified as due from the district for the 56396
calendar year that ends during the fiscal year, but that was not 56397
deducted because of this paragraph. The superintendent's 56398
certifications to the Director of Budget and Management during the 56399
first six months of the calendar year shall reflect such 56400
additional deduction. 56401

Section 44.26. REALLOCATION OF FUNDS 56402

(A) As used in this section: 56403

(1) "Basic aid" means the amount calculated for the school 56404
district received for the fiscal year under divisions (A) and (C) 56405
of section 3317.022 and sections 3317.023, 3317.025 to 3317.029, 56406
3317.0212, and 3317.0213 of the Revised Code and the amount 56407
computed for a joint vocational school district under section 56408
3317.16 of the Revised Code. 56409

(2) "Nonbasic aid" means the amount computed for a school 56410
district for fiscal year 2002 or fiscal year 2003 under Chapter 56411
3317. of the Revised Code and this act, excluding the district's 56412

basic aid and the amount computed under such chapter and acts for 56413
educational service centers, MR/DD boards, and institutions. 56414

(B) If in either fiscal year of the biennium the Governor 56415
issues an order under section 126.05 of the Revised Code to reduce 56416
expenditures and incurred obligations and the order requires the 56417
superintendent to reduce such state education payments, or if 56418
lottery profits transfers are insufficient to meet the amounts 56419
appropriated from the Lottery Profits Education Fund for base cost 56420
funding, and if other funds are not sufficient to offset the 56421
shortfall, the superintendent shall reduce nonbasic aid payments 56422
so that the total amount expended in the fiscal year will not 56423
exceed the amount available for expenditure pursuant to the 56424
Governor's order. Subject to Controlling Board approval, the 56425
superintendent shall reallocate appropriations not yet expended 56426
from one program to another. 56427

(C)(1) If further reductions in nonbasic aid are necessary 56428
following the reallocations implemented pursuant to division (B) 56429
of this section, the superintendent shall request the Controlling 56430
Board to approve the use of the money appropriated by this 56431
division. The superintendent shall include with the 56432
superintendent's request a report listing the amount of reductions 56433
that each school district will receive if the request is not 56434
approved, and also the amount of the reduction, if any, that will 56435
still be required if the use of the money appropriated by this 56436
section is approved. 56437

(2) In accordance with division (C)(1) of this section, there 56438
is appropriated to the Department of Education from the 56439
unobligated balance remaining in the Lottery Profits Education 56440
Fund at the end of fiscal year 2001 the lesser of: the unobligated 56441
balance in the fund, or the amount needed to preclude a 56442
reallocation pursuant to this section. The money appropriated by 56443
this division may be spent or distributed by the department only 56444

with the approval of the Controlling Board. 56445

(D) If reductions in nonbasic aid are still necessary 56446
following the actions taken pursuant to divisions (B) and (C) of 56447
this section, the superintendent shall determine by what 56448
percentage expenditures for nonbasic aid must be reduced for the 56449
remainder of the fiscal year to make the total amount distributed 56450
for the year equal the amount appropriated or available for 56451
distribution. The superintendent shall reduce by that percentage 56452
the amount to be paid in nonbasic aid to each city, exempted 56453
village, local, and joint vocational school district, to each 56454
educational service center, to each county board of mental 56455
retardation and developmental disabilities, and to each 56456
institution providing special education programs under section 56457
3323.091 of the Revised Code for the remainder of the fiscal year. 56458

Section 44.27. EDUCATIONAL SERVICE CENTERS FUNDING 56459

Notwithstanding division (B) of section 3317.11 of the 56460
Revised Code, no funds shall be provided to an educational service 56461
center in either fiscal year for any pupils of a city or exempted 56462
village school district unless an agreement to provide services 56463
under section 3313.843 of the Revised Code was entered into by 56464
January 1, 1997, except that funds shall be provided to an 56465
educational service center for any pupils of a city school 56466
district if the agreement to provide services was entered into 56467
within one year of the date upon which such district changed from 56468
a local school district to a city school district. If insufficient 56469
funds are appropriated in fiscal year 2002 or fiscal year 2003 for 56470
the purposes of division (B) of section 3317.11 of the Revised 56471
Code, the department shall first distribute to each educational 56472
service center \$37 per pupil in its service center ADM, as defined 56473
in that section. The remaining funds in each fiscal year shall be 56474
distributed proportionally, on a per-student basis, to each 56475

educational service center for its client ADM, as defined in that 56476
section, that is attributable to each city and exempted village 56477
school district that had entered into an agreement with an 56478
educational service center for that fiscal year under section 56479
3313.843 of the Revised Code by January 1, 1997. 56480

Section 44.28. The State Board of Education shall adopt rules 56481
in accordance with section 119.03 of the Revised Code establishing 56482
a method for school districts to report their spending for special 56483
education and related services. Not later than February 1, 2002, 56484
the State Board shall file the rules in proposed form in 56485
accordance with section 119.03 of the Revised Code. The State 56486
Board shall make every effort to file the rules in final form so 56487
that they apply first in fiscal year 2003. 56488

Section 44.29. The Legislative Office of Education Oversight 56489
shall conduct a statistical sampling of individualized education 56490
programs developed for handicapped children under Chapter 3323. of 56491
the Revised Code to determine the following: 56492

(A) The extent to which school districts provide, and 56493
handicapped children utilize, all of the following: 56494

(1) Attendant services; 56495

(2) Vocational special education coordinator services; 56496

(3) Work-study services. 56497

(B) The handicaps that school districts identify as "other 56498
health handicaps" and the services that school districts provide 56499
to children identified as having "other health handicaps"; 56500

(C) How school districts currently serve children identified 56501
as having learning disabilities. 56502

The Office shall report its findings and any recommendations 56503
to the General Assembly no later than January 1, 2003. 56504

Section 44.30. * For the school year commencing July 1, 2001, 56505
or the school year commencing July 1, 2002, or both, the 56506
Superintendent of Public Instruction may waive for the board of 56507
education of any school district the ratio of teachers to pupils 56508
in kindergarten through fourth grade required under paragraph 56509
(A)(3) of rule 3301-35-03 of the Administrative Code if the 56510
following conditions apply: 56511

(A) The board of education requests the waiver. 56512

(B) After the Department of Education conducts an on-site 56513
evaluation of the district related to meeting the required ratio, 56514
the board of education demonstrates to the satisfaction of the 56515
Superintendent of Public Instruction that providing the facilities 56516
necessary to meet the required ratio during the district's regular 56517
school hours with pupils in attendance would impose an extreme 56518
hardship on the district. 56519

(C) The board of education provides assurances that are 56520
satisfactory to the Superintendent of Public Instruction that the 56521
board will act in good faith to meet the required ratio as soon as 56522
possible. 56523

Section 44.31. PRIVATE TREATMENT FACILITY PILOT PROJECT 56524

(A) As used in this section: 56525

(1) The following are "participating residential treatment 56526
centers": 56527

(a) Private residential treatment facilities that have 56528
entered into a contract with the Department of Youth Services to 56529
provide services to children placed at the facility by the 56530
department and which, in fiscal year 2002 or 2003 or both, the 56531
department pays through appropriation item 470-401, Care and 56532
Custody; 56533

(b) Abraxas, in Shelby;	56534
(c) Paint Creek, in Bainbridge;	56535
(d) Act One, in Akron;	56536
(e) Friars Club, in Cincinnati.	56537
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	56538 56539 56540
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	56541 56542
(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.	56543 56544 56545 56546 56547
(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.	56548 56549 56550
(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	56551 56552 56553 56554 56555 56556 56557 56558 56559 56560 56561 56562 56563

center in the county in which the facility is located shall 56564
provide the educational program at the treatment center to 56565
children under twenty-two years of age residing in the treatment 56566
center. 56567

(C) Any school district responsible for tuition for a 56568
residential child shall, notwithstanding any conflicting provision 56569
of the Revised Code regarding tuition payment, pay tuition for the 56570
child for fiscal years 2002 and 2003 to the education program 56571
provider and in the amount specified in this division. If there is 56572
no school district responsible for tuition for a residential child 56573
and if the participating residential treatment center to which the 56574
child is assigned is located in the city, exempted village, or 56575
local school district that, if the child were not a resident of 56576
that treatment center, would be the school district where the 56577
child is entitled to attend school under sections 3313.64 and 56578
3313.65 of the Revised Code, that school district shall, 56579
notwithstanding any conflicting provision of the Revised Code, pay 56580
tuition for the child for fiscal years 2002 and 2003 under this 56581
division unless that school district is providing the educational 56582
program to the child under division (B) of this section. 56583
56584

A tuition payment under this division shall be made to the 56585
school district, educational service center, or residential 56586
treatment facility providing the educational program to the child. 56587

The amount of tuition paid shall be: 56588

(1) The amount of tuition determined for the district under 56589
division (A) of section 3317.08 of the Revised Code; 56590

(2) In addition, for any student receiving special education 56591
pursuant to an individualized education program as defined in 56592
section 3323.01 of the Revised Code, a payment for excess costs. 56593
This payment shall equal the actual cost to the school district, 56594

educational service center, or residential treatment facility of 56595
providing special education and related services to the student 56596
pursuant to the student's individualized education program, minus 56597
the tuition paid for the child under division (C)(1) of this 56598
section. 56599

A school district paying tuition under this division shall 56600
not include the child for whom tuition is paid in the district's 56601
average daily membership certified under division (A) of section 56602
3317.03 of the Revised Code. 56603

(D) In each of fiscal years 2002 and 2003, the Department of 56604
Education shall reimburse, from appropriations made for the 56605
purpose, a school district, educational service center, or 56606
residential treatment facility, whichever is providing the 56607
service, that has demonstrated that it is in compliance with the 56608
funding criteria for each served child for whom a school district 56609
must pay tuition under division (C) of this section. The amount of 56610
the reimbursement in either fiscal year shall be the formula 56611
amount specified in section 3317.022 of the Revised Code, except 56612
that the department shall proportionately reduce this 56613
reimbursement if sufficient funds are not available to pay this 56614
amount to all qualified providers. 56615

(E) Funds provided to a school district, educational service 56616
center, or residential treatment facility under this section shall 56617
be used to supplement, not supplant, funds from other public 56618
sources for which the school district, service center, or 56619
residential treatment facility is entitled or eligible. 56620

(F) The Department of Education shall track the utilization 56621
of funds provided to school districts, educational service 56622
centers, and residential treatment facilities under this section 56623
and monitor the effect of the funding on the educational programs 56624
they provide in participating residential treatment facilities. 56625
The department shall monitor the programs for educational 56626

accountability. 56627

Section 44.32. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 56628
ASSESSMENT OF EDUCATION PROGRESS 56629

The General Assembly intends for the Superintendent of Public 56630
Instruction to provide for school district participation in the 56631
administration of the National Assessment of Education Progress in 56632
fiscal years 2002 and 2003 in accordance with section 3301.27 of 56633
the Revised Code. 56634

Section 44.33. Notwithstanding Chapter 3318. of the Revised 56635
Code, for purposes of complying with the local share and repayment 56636
tax requirements of section 3318.05 of the Revised Code, any 56637
school district given conditional approval for classroom 56638
facilities assistance under section 3318.04 of the Revised Code as 56639
of January 1, 1993, that approved a replacement permanent 56640
improvement levy at the November 5, 1996, election shall be 56641
permitted to use the proceeds of such levy, and any notes issued 56642
or to be issued in anticipation thereof, as available funds, 56643
within the meaning specified under section 3318.03 of the Revised 56644
Code, to pay the local share of the cost of the approved classroom 56645
facilities project. Notwithstanding the local share as previously 56646
determined for purposes of the conditional approval of the 56647
project, the local share shall be equal to the amount of proceeds 56648
to be obtained by the district under such replacement permanent 56649
improvement levy. Such school districts shall not be required to 56650
obtain approval of either of the propositions described in 56651
division (A) or (B) of section 3318.051 of the Revised Code. The 56652
agreement required under section 3318.08 of the Revised Code for 56653
the construction and sale of the project shall include provisions 56654
for the transfer of the proceeds of the replacement permanent 56655
improvement levy, and any notes issued in anticipation thereof, to 56656
the school district's project construction account, and for the 56657

levy of the replacement permanent improvement levy. 56658

Section 44.34. The Superintendent of Public Instruction shall 56659
contract with an independent research entity to evaluate the pilot 56660
project approved pursuant to section 3313.975 of the Revised Code. 56661
The evaluation shall study the impact of scholarships on student 56662
attendance, conduct, commitment to education, and standardized 56663
test scores; parental involvement; the school district's ability 56664
to provide services to district students; and the availability of 56665
alternative educational opportunities. The evaluation shall also 56666
study the economic impact of scholarships on the school district. 56667
56668

Section 44.35. Notwithstanding division (C)(1) of section 56669
3313.975 of the Revised Code, in addition to students in 56670
kindergarten through third grade, initial scholarships may be 56671
awarded to fourth, fifth, sixth, seventh, and eighth grade 56672
students in fiscal year 2002 and in fiscal year 2003. 56673

Section 44.36. (A) As used in this section, "pilot project 56674
area" means the school districts included in the territory of the 56675
former community school pilot project established by former 56676
Section 50.52 of Am. Sub. H.B. 215 of the 122nd General Assembly. 56677

(B) Any teacher or nonteaching employee of a school district 56678
in the pilot project area who, on the effective date of this 56679
section, is taking a leave of absence from the district pursuant 56680
to a policy adopted under former Section 50.52.13 of that act to 56681
work at a community school established under the pilot project and 56682
located in another school district may continue the leave under 56683
the terms of that policy and former section. Upon termination of 56684
the leave, the district shall return the teacher or nonteaching 56685
employee to a position, salary, and level of seniority as required 56686

by that former section. 56687

Section 44.37. As required by Section 50.52.2 of Am. Sub. 56688
H.B. 215 of the 122nd General Assembly, as subsequently amended, 56689
the Legislative Office of Education Oversight shall complete, by 56690
June 1, 2003, its final report on community schools with 56691
recommendations as to the future of community schools in Ohio. 56692
Copies of the report shall be delivered to the President of the 56693
Senate and the Speaker of the House of Representatives. 56694

Section 44.38. STATEMENT OF STATE SHARE PERCENTAGE FOR BASE 56695
COST AND PARITY AID FUNDING 56696

Pursuant to division (D)(3) of section 3317.012 of the 56697
Revised Code, and based on the most recent data available prior to 56698
the enactment of this act, the General Assembly has determined 56699
that the state share percentage of base cost and parity aid 56700
funding for the update year (fiscal year 2002) is 49.0%. This is 56701
the target percentage for fiscal years 2003 through 2007 that the 56702
General Assembly shall use to fulfill its obligation under 56703
division (D)(4) of section 3317.012 of the Revised Code. 56704

Pursuant to division (D)(4) of section 3317.012 of the 56705
Revised Code, and based on the most recent data available prior to 56706
the enactment of this act, the General Assembly has determined 56707
that the state share percentage of base cost and parity aid 56708
funding for fiscal year 2003 is 49.4%. This determination fulfills 56709
the General Assembly's obligation under that division for fiscal 56710
year 2003. 56711

Section 45. OEB OHIO EDUCATIONAL TELECOMMUNICATIONS 56712

NETWORK COMMISSION 56713

General Revenue Fund 56714

GRF 374-100 Personal Services \$ 1,585,648 \$ 1,705,463 56715

GRF 374-200	Maintenance	\$	902,477	\$	891,968	56716
GRF 374-300	Equipment	\$	46,760	\$	45,313	56717
GRF 374-401	Statehouse News Bureau	\$	253,175	\$	245,344	56718
GRF 374-402	Ohio Government	\$	806,053	\$	910,296	56719
	Telecommunications					
	Studio					
GRF 374-404	Telecommunications	\$	5,239,754	\$	5,051,174	56720
	Operating Subsidy					
TOTAL GRF	General Revenue Fund	\$	8,833,867	\$	8,849,558	56721
	General Services Fund Group					56722
4F3 374-603	Affiliate Services	\$	2,941,810	\$	3,067,586	56723
4T2 374-605	Government	\$	150,000	\$	150,000	56724
	Television/Telecommunications					
	Operating					
TOTAL GSF	General Services					56725
Fund Group		\$	3,091,810	\$	3,217,586	56726
TOTAL ALL BUDGET FUND GROUPS		\$	11,925,677	\$	12,067,144	56727
	STATEHOUSE NEWS BUREAU					56728
	The foregoing appropriation item 374-401, Statehouse News					56729
	Bureau, shall be used solely to support the operations of the Ohio					56730
	Statehouse News Bureau.					56731
	OHIO GOVERNMENT TELECOMMUNICATIONS STUDIO					56732
	The foregoing appropriation item 374-402, Ohio Government					56733
	Telecommunications Studio, shall be used solely to support the					56734
	operations of the Ohio Government Telecommunications Studio.					56735
	TELECOMMUNICATIONS OPERATING SUBSIDY					56736
	The foregoing appropriation item 374-404, Telecommunications					56737
	Operating Subsidy, shall be distributed by the Ohio Educational					56738
	Telecommunications Network Commission to Ohio's qualified public					56739
	educational television stations, radio reading services, and					56740
	educational radio stations to support their operations. The funds					56741

shall be distributed pursuant to an allocation developed by the 56742
 Ohio Educational Telecommunications Network Commission. 56743

GOVERNMENT TELEVISION/TELECOMMUNICATIONS OPERATING 56744

The Director of Budget and Management shall transfer, by July 56745
 15, 2001, all remaining balances in General Services Fund 4T2, 56746
 Government Television/Telecommunications Operating, in the Capital 56747
 Square Review and Advisory Board to General Services Fund 4T2, 56748
 Government Television/Telecommunications Operating, in the Ohio 56749
 Educational Telecommunications Network Commission. General 56750
 Services Fund 4T2, Government Television/Telecommunications 56751
 Operating, is hereby created in the Ohio Educational 56752
 Telecommunications Network Commission. 56753

Section 46. ELC OHIO ELECTIONS COMMISSION 56754

General Revenue Fund 56755

GRF 051-321 Operating Expenses	\$	298,660	\$	307,022	56756
TOTAL GRF General Revenue Fund	\$	298,660	\$	307,022	56757

State Special Revenue Fund Group 56758

4P2 051-601 Ohio Elections 56759

Commission Fund	\$	298,660	\$	312,923	56760
TOTAL SSR State Special					56761

Revenue Fund Group	\$	298,660	\$	312,923	56762
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TOTAL ALL BUDGET FUND GROUPS	\$	597,320	\$	619,945	56763
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Section 47. FUN STATE BOARD OF EMBALMERS AND FUNERAL 56765

DIRECTORS 56766

General Services Fund Group 56767

4K9 881-609 Operating Expenses	\$	507,667	\$	533,541	56768
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TOTAL GSF General Services 56769

Fund Group	\$	507,667	\$	533,541	56770
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TOTAL ALL BUDGET FUND GROUPS	\$	507,667	\$	533,541	56771
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Section 48. ERB STATE EMPLOYMENT RELATIONS BOARD				56773
General Revenue Fund				56774
GRF 125-321 Operating Expenses	\$	3,622,827	\$ 3,724,266	56775
TOTAL GRF General Revenue Fund	\$	3,622,827	\$ 3,724,266	56776
General Services Fund Group				56777
572 125-603 Training and Publications	\$	73,699	\$ 75,541	56778
TOTAL GSF General Services Fund Group	\$	73,699	\$ 75,541	56780
TOTAL ALL BUDGET FUND GROUPS	\$	3,696,526	\$ 3,799,807	56781
 Section 49. ENG STATE BOARD OF ENGINEERS AND SURVEYORS				56783
General Services Fund Group				56784
4K9 892-609 Operating Expenses	\$	919,315	\$ 956,188	56785
TOTAL GSF General Services Fund Group	\$	919,315	\$ 956,188	56787
TOTAL ALL BUDGET FUND GROUPS	\$	919,315	\$ 956,188	56788
 Section 50. EPA ENVIRONMENTAL PROTECTION AGENCY				56789
General Revenue Fund				56790
GRF 715-501 Local Air Pollution Control	\$	1,364,111	\$ 1,444,068	56791
GRF 717-321 Surface Water	\$	10,005,388	\$ 11,104,082	56792
GRF 718-321 Groundwater	\$	1,430,912	\$ 1,540,938	56793
GRF 719-321 Air Pollution Control	\$	2,838,394	\$ 3,015,444	56794
GRF 721-321 Drinking Water	\$	3,043,210	\$ 3,216,737	56795
GRF 723-321 Hazardous Waste	\$	142,080	\$ 142,080	56796
GRF 724-321 Pollution Prevention	\$	927,221	\$ 986,633	56797
GRF 725-321 Laboratory	\$	1,411,197	\$ 1,551,342	56798
GRF 726-321 Corrective Actions	\$	1,890,915	\$ 1,912,937	56799
TOTAL GRF General Revenue Fund	\$	23,053,428	\$ 24,914,261	56800

General Services Fund Group				56801
199 715-602 Laboratory Services	\$	1,003,616	\$ 1,042,081	56802
219 715-604 Central Support	\$	14,935,955	\$ 16,462,642	56803
Indirect				
4A1 715-640 Operating Expenses	\$	3,214,075	\$ 3,304,835	56804
TOTAL GSF General Services				56805
Fund Group	\$	19,153,646	\$ 20,809,558	56806
Federal Special Revenue Fund Group				56807
3F2 715-630 Revolving Loan Fund -	\$	33,700	\$ 80,000	56808
Operating				
3F3 715-632 Fed Supported Cleanup	\$	4,551,830	\$ 4,600,910	56809
and Response				
3F4 715-633 Water Quality	\$	702,849	\$ 702,849	56810
Management				
3F5 715-641 Nonpoint Source	\$	5,820,330	\$ 5,820,330	56811
Pollution Management				
3J1 715-620 Urban Stormwater	\$	522,000	\$ 348,000	56812
3J5 715-615 Maumee River	\$	61,196	\$ 0	56813
3K2 715-628 Clean Water Act 106	\$	3,769,255	\$ 3,769,254	56814
3K4 715-634 DOD Monitoring and	\$	1,388,552	\$ 1,487,341	56815
Oversight				
3K6 715-639 Remedial Action Plan	\$	600,000	\$ 270,000	56816
3N4 715-657 DOE Monitoring and	\$	4,080,203	\$ 4,162,907	56817
Oversight				
3T1 715-668 Rural Hardship Grant	\$	50,000	\$ 50,000	56818
3V7 715-606 Agencywide Grants	\$	360,000	\$ 80,000	56819
352 715-611 Wastewater Pollution	\$	200,000	\$ 278,000	56820
353 715-612 Public Water Supply	\$	2,489,460	\$ 2,489,460	56821
354 715-614 Hazardous Waste	\$	3,900,000	\$ 3,900,000	56822
Management - Federal				
357 715-619 Air Pollution Control	\$	4,919,683	\$ 4,835,600	56823
- Federal				

362	715-605	Underground Injection Control - Federal	\$	107,856	\$	107,856	56824
TOTAL FED Federal Special Revenue							
Fund Group							
			\$	33,556,914	\$	32,982,507	56826
State Special Revenue Fund Group							
3T3	715-669	Drinking Water SRF	\$	5,577,473	\$	5,839,217	56828
4J0	715-638	Underground Injection Control	\$	377,268	\$	394,097	56829
4K2	715-648	Clean Air - Non Title V	\$	3,558,719	\$	3,725,707	56830
4K3	715-649	Solid Waste	\$	12,883,012	\$	13,578,411	56831
4K4	715-650	Surface Water Protection	\$	9,052,930	\$	9,053,183	56832
4K5	715-651	Drinking Water Protection	\$	5,420,914	\$	5,780,021	56833
4P5	715-654	Cozart Landfill	\$	140,404	\$	143,914	56834
4R5	715-656	Scrap Tire Management	\$	5,526,050	\$	5,607,911	56835
4R9	715-658	Voluntary Action Program	\$	760,038	\$	880,324	56836
4T3	715-659	Clean Air - Title V Permit Program	\$	16,330,021	\$	16,919,482	56837
4U7	715-660	Construction & Demolition Debris	\$	136,347	\$	143,435	56838
5H4	715-664	Groundwater Support	\$	1,718,659	\$	1,820,773	56839
500	715-608	Immediate Removal Special Account	\$	508,000	\$	428,547	56840
503	715-621	Hazardous Waste Facility Management	\$	10,274,613	\$	11,045,132	56841
503	715-662	Hazardous Waste Facility Board	\$	688,634	\$	725,713	56842
505	715-623	Hazardous Waste Cleanup	\$	12,786,201	\$	13,427,443	56843
541	715-670	Site Specific Cleanup	\$	2,206,952	\$	2,345,990	56844

542	715-671	Risk Management Reporting	\$	174,924	\$	185,605	56845
592	715-627	Anti-Tampering Settlement	\$	10,000	\$	10,000	56846
6A1	715-645	Environmental Education	\$	1,500,000	\$	1,500,000	56847
602	715-626	Motor Vehicle Inspection and Maintenance	\$	2,653,217	\$	2,795,062	56848
644	715-631	ER Radiological Safety	\$	242,446	\$	255,947	56849
660	715-629	Infectious Waste Management	\$	138,899	\$	145,271	56850
676	715-642	Water Pollution Control Loan Administration	\$	4,874,302	\$	5,252,873	56851
678	715-635	Air Toxic Release	\$	394,489	\$	413,938	56852
679	715-636	Emergency Planning	\$	2,000,708	\$	2,054,868	56853
696	715-643	Air Pollution Control Administration	\$	750,000	\$	750,000	56854
699	715-644	Water Pollution Control Administration	\$	250,000	\$	250,000	56855
TOTAL SSR State Special Revenue							56856
Fund Group			\$	100,935,220	\$	105,472,864	56857
TOTAL ALL BUDGET FUND GROUPS			\$	176,699,208	\$	184,179,190	56858

Section 50.01. AREAWIDE PLANNING AGENCIES 56860

Of the foregoing appropriation item 717-321, Surface Water, 56861
 \$250,000 in fiscal year 2002 and \$250,000 in fiscal year 2003 56862
 shall be divided evenly between the following six areawide 56863
 planning agencies for the purpose of regional water management 56864
 planning: Eastgate Regional Council of Governments, Miami Valley 56865
 Regional Planning Commission, Northeast Ohio Four County Regional 56866
 Planning and Development Organization, Northeast Ohio Areawide 56867

Coordinating Agency, Ohio-Kentucky-Indiana Regional Council of 56868
Governments, and Toledo Metropolitan Area Council of Governments. 56869

CENTRAL SUPPORT INDIRECT 56870

Notwithstanding any other provision of law to the contrary, 56871
the Director of Environmental Protection, with the approval of the 56872
Director of Budget and Management, shall utilize a methodology for 56873
determining each division's payments into the Central Support 56874
Indirect Fund (Fund 219). The methodology used shall contain the 56875
characteristics of administrative ease and uniform application. 56876
Payments to the Central Support Indirect Fund (Fund 219) shall be 56877
made using an intrastate transfer voucher. 56878

Not later than November 30, 2001, the Director of 56879
Environmental Protection shall certify to the Director of Budget 56880
and Management the cash balances in Fund 356, Indirect Costs, and 56881
Fund 4C3, Central Support Indirect, and may request the Director 56882
of Budget and Management to transfer up to the certified amounts 56883
into Fund 219, Central Support Indirect. The amount transferred is 56884
hereby appropriated. 56885

SOLID WASTE FUND TRANSFER 56886

Not later than March 1, 2002, the Director of Environmental 56887
Protection shall certify to the Director of Budget and Management 56888
the amount expended from Fund 4K3, Solid Waste, during fiscal 56889
years 2000 and 2001 for emergency expenses incurred as a result of 56890
the fire at the Kirby Tire site. In fiscal years 2002 and 2003, 56891
the Director of Environmental Protection shall request the 56892
Director of Budget and Management to transfer up to one-half of 56893
the certified amount during fiscal year 2002 and the balance of 56894
the certified amount during fiscal year 2003 from Fund 4R5, Scrap 56895
Tire Management, to Fund 4K3, Solid Waste. The amounts transferred 56896
are hereby appropriated. 56897

Moneys transferred from Fund 4R5, Scrap Tire Management, to 56898

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. 56899
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KIRBY TIRE SITE 56902

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. 56903
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Section 51. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 56908

General Revenue Fund 56909

GRF 172-321 Operating Expenses	\$	465,008	\$	481,221	56910
TOTAL GRF General Revenue Fund	\$	465,008	\$	481,221	56911
TOTAL ALL BUDGET FUND GROUPS	\$	465,008	\$	481,221	56912

Section 52. ETH OHIO ETHICS COMMISSION 56914

General Revenue Fund 56915

GRF 146-321 Operating Expenses	\$	1,325,713	\$	1,415,005	56916
TOTAL GRF General Revenue Fund	\$	1,325,713	\$	1,415,005	56917

General Services Fund Group 56918

4M6 146-601 Operating Expenses	\$	386,485	\$	409,543	56919
TOTAL GSF General Services Fund Group	\$	386,485	\$	409,543	56921
TOTAL ALL BUDGET FUND GROUPS	\$	1,712,198	\$	1,824,548	56922

FEE REVENUE TRANSFER 56923

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 56924
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amount equal to the amount of the extra fee revenue generated each 56929
fiscal year. 56930

Section 53. EXP OHIO EXPOSITIONS COMMISSION 56931

General Revenue Fund 56932

GRF 723-403 Junior Fair Subsidy \$ 525,000 \$ 525,000 56933

TOTAL GRF General Revenue Fund \$ 525,000 \$ 525,000 56934

State Special Revenue Fund Group 56935

506 723-601 Operating Expenses \$ 14,411,437 \$ 14,875,658 56936

4N2 723-602 Ohio State Fair \$ 511,000 \$ 520,000 56937

Harness Racing

640 723-603 State Fair Reserve \$ 700,000 \$ 0 56938

TOTAL SSR State Special Revenue 56939

Fund Group \$ 15,622,437 \$ 15,395,658 56940

TOTAL ALL BUDGET FUND GROUPS \$ 16,147,437 \$ 15,920,658 56941

STATE FAIR RESERVE 56942

The foregoing appropriation item 723-603, State Fair Reserve, 56943
shall serve as a budget reserve fund for the Ohio Expositions 56944
Commission in the event of a significant decline in attendance due 56945
to inclement weather or extraordinary circumstances during the 56946
Ohio State Fair and resulting in a loss of revenue. The State Fair 56947
Reserve may be used by the Ohio Expositions Commission to pay 56948
bills resulting from the Ohio State Fair only if all the following 56949
criteria are met: 56950

(A) Admission revenues for the 2001 Ohio State Fair are less 56951
than \$2,920,000 or admission revenues for the 2002 Ohio State Fair 56952
are less than \$3,010,000 due to inclement weather or extraordinary 56953
circumstances. These amounts are ninety per cent of the projected 56954
admission revenues for each year. 56955

(B) The Ohio Expositions Commission declares a state of 56956
fiscal exigency and requests release of funds by the Director of 56957

Budget and Management. 56958

(C) The Director of Budget and Management releases the funds. 56959
The Director of Budget and Management may approve or disapprove 56960
the request for release of funds, may increase or decrease the 56961
amount of release, and may place such conditions as the director 56962
deems necessary on the use of the released funds. The Director of 56963
Budget and Management may transfer appropriation authority from 56964
fiscal year 2002 to fiscal year 2003 as needed. 56965

In the event that the Ohio Expositions Commission faces a 56966
temporary cash shortage that will preclude them from meeting 56967
current obligations, the Commission may request the Director of 56968
Budget and Management to approve use of the State Fair Reserve to 56969
meet those obligations. The request shall include a plan 56970
describing how the Commission will eliminate the cash shortage. If 56971
the Director of Budget and Management approves the expenditures, 56972
the Commission shall reimburse Fund 640 by the thirtieth day of 56973
June of that same fiscal year through an intrastate transfer 56974
voucher. The amount reimbursed is appropriated. 56975

Section 54. GOV OFFICE OF THE GOVERNOR 56976

General Revenue Fund 56977

GRF 040-321 Operating Expenses \$ 4,608,731 \$ 4,748,556 56978

GRF 040-403 National Governors \$ 174,001 \$ 179,224 56979

Conference

GRF 040-408 Office of Veterans' \$ 271,599 \$ 279,748 56980

Affairs

TOTAL GRF General Revenue Fund \$ 5,054,331 \$ 5,207,528 56981

TOTAL ALL BUDGET FUND GROUPS \$ 5,054,331 \$ 5,207,528 56982

APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR 56983

The Governor may expend a portion of the foregoing 56984
appropriation item 040-321, Operating Expenses, to hire or appoint 56985

legal counsel to be used in proceedings involving the Governor in 56986
the Governor's official capacity or the Governor's office only, 56987
without the approval of the Attorney General, notwithstanding 56988
sections 109.02 and 109.07 of the Revised Code. 56989

Section 55. DOH DEPARTMENT OF HEALTH 56990

General Revenue Fund 56991

GRF 440-406 Hemophilia Services \$ 1,230,492 \$ 1,230,492 56992

GRF 440-407 Animal Borne Disease \$ 2,643,874 \$ 2,598,297 56993
and Prevention

GRF 440-412 Cancer Incidence \$ 898,978 \$ 1,104,175 56994
Surveillance System

GRF 440-413 Ohio Health Care \$ 3,306,959 \$ 3,407,200 56995
Policy and Data

GRF 440-416 Child and Family \$ 11,187,078 \$ 10,839,187 56996
Health Services

GRF 440-418 Immunizations \$ 9,403,469 \$ 9,616,514 56997

GRF 440-419 Sexual Assault \$ 50,000 \$ 50,000 56998
Prevention and
Intervention

GRF 440-444 AIDS Prevention and \$ 9,142,101 \$ 9,476,508 56999
Treatment

GRF 440-446 Infectious Disease \$ 642,821 \$ 649,291 57000
Prevention

GRF 440-451 Public Health \$ 7,708,440 \$ 7,212,245 57001
Prevention Programs

GRF 440-452 Child and Family \$ 1,316,947 \$ 1,320,455 57002
Health Care Operations

GRF 440-453 Health Care Facility \$ 12,466,643 \$ 12,662,779 57003
Protection and Safety

GRF 440-454 Local Environmental \$ 1,243,340 \$ 1,244,824 57004
Health

GRF 440-459 Help Me Grow \$ 12,500,000 \$ 12,500,000 57005

GRF 440-461	Vital Statistics	\$	3,891,580	\$	3,863,425	57006
GRF 440-501	Local Health Districts	\$	3,991,111	\$	3,991,111	57007
GRF 440-504	Poison Control Network	\$	388,000	\$	388,000	57008
GRF 440-505	Medically Handicapped Children	\$	7,634,095	\$	7,540,879	57009
GRF 440-507	Cystic Fibrosis	\$	818,131	\$	818,131	57010
GRF 440-508	Migrant Health	\$	120,767	\$	118,049	57011
GRF 440-510	Arthritis Care	\$	75,000	\$	75,000	57012
TOTAL GRF	General Revenue Fund	\$	90,659,826	\$	90,706,562	57013
General Services Fund Group						57014
142 440-618	General Operations	\$	2,764,557	\$	2,892,340	57015
211 440-613	Central Support Indirect Costs	\$	25,527,855	\$	26,149,512	57016
473 440-622	Lab Operating Expenses	\$	4,006,440	\$	4,154,045	57017
5C1 440-642	TANF Family Planning	\$	255,500	\$	261,888	57018
683 440-633	Employee Assistance Program	\$	1,017,408	\$	1,062,965	57019
698 440-634	Nurse Aide Training	\$	240,000	\$	265,808	57020
TOTAL GSF	General Services Fund Group	\$	33,811,760	\$	34,786,558	57021 57022
Federal Special Revenue Fund Group						57023
320 440-601	Maternal Child Health Block Grant	\$	32,702,100	\$	34,335,562	57024
387 440-602	Preventive Health Block Grant	\$	9,278,173	\$	9,278,173	57025
389 440-604	Women, Infants, and Children	\$	185,850,000	\$	195,142,500	57026
391 440-606	Medicaid/Medicare	\$	24,297,017	\$	25,778,700	57027
392 440-618	General Operations	\$	74,384,890	\$	77,720,166	57028
TOTAL FED	Federal Special Revenue Fund Group	\$	326,512,180	\$	342,255,101	57029 57030
State Special Revenue Fund Group						57031

3W5	440-611	Title XX Transfer	\$	500,000	\$	500,000	57032
4D6	440-608	Genetics Services	\$	2,725,894	\$	2,799,641	57033
4F9	440-610	Sickle Cell Disease Control	\$	1,010,091	\$	1,035,344	57034
4G0	440-636	Heirloom Birth Certificate	\$	1,000	\$	1,000	57035
4G0	440-637	Birth Certificate Surcharge	\$	5,000	\$	5,000	57036
4L3	440-609	Miscellaneous Expenses	\$	257,548	\$	258,570	57037
4T4	440-603	Child Highway Safety	\$	224,855	\$	233,894	57038
4V6	440-641	Save Our Sight	\$	1,232,421	\$	1,266,900	57039
470	440-618	General Operations	\$	12,364,273	\$	12,941,359	57040
471	440-619	Certificate of Need	\$	352,598	\$	370,524	57041
477	440-627	Medically Handicapped Children Audit	\$	4,400,452	\$	4,640,498	57042
5B5	440-616	Quality, Monitoring, and Inspection	\$	802,502	\$	838,479	57043
5C0	440-615	Alcohol Testing and Permit	\$	1,395,439	\$	1,455,405	57044
5D6	440-620	Second Chance Trust	\$	831,924	\$	852,723	57045
5L1	440-623	Nursing Facility Technical Assistance Program	\$	1,080,000	\$	1,157,150	57046
610	440-626	Radiation Emergency Response	\$	870,505	\$	923,315	57047
666	440-607	Medically Handicapped Children - County Assessments	\$	14,039,889	\$	14,039,889	57048
TOTAL SSR State Special Revenue							57049
Fund Group			\$	42,094,391	\$	43,319,691	57050
Holding Account Redistribution Fund Group							57051
R14	440-631	Vital Statistics	\$	49,000	\$	49,000	57052
R48	440-625	Refunds, Grants	\$	20,000	\$	20,000	57053

Reconciliation, and
Audit Settlements

TOTAL 090 Holding Account				57054
Redistribution Fund Group	\$	69,000	\$ 69,000	57055
TOTAL ALL BUDGET FUND GROUPS	\$	495,147,157	\$ 511,136,912	57056

Section 55.01. HEMOPHILIA SERVICES 57058

Of the foregoing appropriation item 440-406, Hemophilia 57059
Services, \$205,000 in each fiscal year shall be used to implement 57060
the Hemophilia Insurance Pilot Project. 57061

Of the foregoing appropriation item 440-406, Hemophilia 57062
Services, up to \$245,000 in each fiscal year shall be used by the 57063
Department of Health to provide grants to the nine hemophilia 57064
treatment centers to provide prevention services for persons with 57065
hemophilia and their family members affected by AIDS and other 57066
bloodborne pathogens. 57067

CANCER REGISTRY SYSTEM 57068

Of the foregoing appropriation item 440-412, Cancer Incidence 57069
Surveillance System, \$50,000 in each fiscal year shall be provided 57070
to the Northern Ohio Cancer Resource Center. 57071

The remaining moneys in appropriation item 440-412, Cancer 57072
Incidence Surveillance System, shall be used to maintain and 57073
operate the Ohio Cancer Incidence Surveillance System pursuant to 57074
sections 3701.261 to 3701.263 of the Revised Code. 57075

No later than March 1, 2002, the Ohio Cancer Incidence 57076
Surveillance Advisory Board shall report to the General Assembly 57077
on the effectiveness of the cancer incidence surveillance system 57078
and the partnership between the Department of Health and the 57079
Arthur G. James Cancer Hospital and Richard J. Solove Research 57080
Institute of The Ohio State University. 57081

CHILD AND FAMILY HEALTH SERVICES 57082

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

professionals providing prenatal services in programs funded by the Department of Health. 57115
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Of the foregoing appropriation item 440-416, Child and Family Health Services, \$279,000 shall be used in each fiscal year for the OPTIONS dental care access program. 57117
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Of the foregoing appropriation item 440-416, Child and Family Health Services, \$600,000 in each fiscal year shall be used by local child and family health services clinics to provide services to uninsured low-income persons. 57120
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Of the foregoing appropriation item 440-416, Child and Family Health Services, \$900,000 in each fiscal year shall be used by federally qualified health centers and federally designated look-alikes to provide services to uninsured low-income persons. 57124
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Of the foregoing appropriation item 440-416, Child and Family Health Services, \$50,000 in each fiscal year shall be used for the Tree of Knowledge Learning Center in Cleveland Heights. 57128
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Of the foregoing appropriation item 440-416, Child and Family Health Services, \$25,000 in fiscal year 2002 shall be provided to the Suicide Prevention Program of Clermont County. 57131
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Of the foregoing appropriation item 440-416, Child and Family Health Services, \$50,000 in fiscal year 2002 shall be provided to the Discover Health Project. 57134
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Of the foregoing appropriation item 440-416, Child and Family Health Services, \$75,000 in fiscal year 2002 shall be provided to the Mayerson Center. 57137
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Of the foregoing appropriation item 440-416, Child and Family Health Services, \$50,000 in fiscal year 2002 shall be provided to the Central Clinic at the University of Cincinnati. 57140
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IMMUNIZATIONS 57143

Of the foregoing appropriation item 440-418, Immunizations, 57144

\$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

The foregoing appropriation item 440-419, Sexual Assault
Prevention and Intervention, shall be used for the following
purposes:

(A) Funding of new services in counties with no services for
sexual assault;

(B) Expansion of services provided in currently funded
projects so that comprehensive crisis intervention and prevention
services are offered;

(C) Start-up funding for Sexual Assault Nurse Examiner (SANE)
projects;

(D) Statewide expansion of local outreach and public
awareness efforts.

HIV/AIDS PREVENTION/TREATMENT

Of the foregoing appropriation item 440-444, AIDS Prevention
and Treatment, \$6.7 million in fiscal year 2002 and \$7.1 million
in fiscal year 2003 shall be used to assist persons with HIV/AIDS
in acquiring HIV-related medications.

The HIV Drug Assistance Program is pursuant to section
3701.241 of the Revised Code and Title XXVI of the "Public Health
Services Act," 104 Stat. 576 (1990), 42 U.S.C.A. 2601, as amended.
The Department of Health may adopt rules pursuant to Chapter 119.
of the Revised Code as necessary for the administration of the

program. 57175

INFECTIOUS DISEASE PREVENTION 57176

Notwithstanding section 339.77 of the Revised Code, \$60,000 57177
of the foregoing appropriation item 440-446, Infectious Disease 57178
Prevention, shall be used by the Director of Health to reimburse 57179
Boards of County Commissioners for the cost of detaining indigent 57180
persons with tuberculosis. Any portion of the \$60,000 allocated 57181
for detainment not used for that purpose shall be used to make 57182
payments to counties pursuant to section 339.77 of the Revised 57183
Code. 57184

Of the foregoing appropriation item 440-446, Infectious 57185
Disease Prevention, \$200,000 in each fiscal year shall be used for 57186
the purchase of drugs for sexually transmitted diseases. 57187

HELP ME GROW 57188

The foregoing appropriation item 440-459, Help Me Grow, shall 57189
be used by the Department of Health to distribute subsidies to 57190
counties to implement the Ohio Early Start, Early Intervention, 57191
and Welcome Home Programs. Counties that receive subsidies from 57192
appropriation item 440-459, Help Me Grow, shall use the funds to 57193
provide home-visiting services to newborn infants and their 57194
families, and services to infants and toddlers under three years 57195
of age who are at risk for, or with a, developmental delay or 57196
disability, and their families. Appropriation item 440-459 may be 57197
used in conjunction with Temporary Assistance for Needy Families 57198
from the Department of Job and Family Services, Even Start from 57199
the Department of Education, and in conjunction with other early 57200
childhood funds and services to promote the optimal development of 57201
young children. Local contacts shall be developed between local 57202
departments of job and family services and family and children 57203
first councils for the administration of TANF funding for the Help 57204
Me Grow Program. The Department of Health shall enter into an 57205

interagency agreement with the Department of Education to 57206
coordinate the planning, design, and grant selection process for 57207
any new Even Start grants and to ensure that all new and existing 57208
programs within Help Me grow are school linked. 57209

POISON CONTROL NETWORK 57210

The foregoing appropriation item 440-504, Poison Control 57211
Network, shall be used in each fiscal year by the Department of 57212
Health for grants to the consolidated Ohio Poison Control Center 57213
to provide poison control services to Ohio citizens. 57214

BIRTH DEFECTS INFORMATION SYSTEM 57215

Of the foregoing appropriation item 440-507, Cystic Fibrosis, 57216
\$50,000 in each fiscal year shall be used to begin implementation 57217
of the Birth Defects Information System established under Sub. 57218
H.B. 534 of the 123rd General Assembly. 57219

TANF FAMILY PLANNING 57220

The Director of Budget and Management shall transfer by 57221
intrastate transfer voucher, no later than the fifteenth day of 57222
July of each fiscal year, cash from the General Revenue Fund, 57223
appropriation item 600-410, TANF State, to General Services Fund 57224
5C1 in the Department of Health, in an amount of \$250,000 in each 57225
fiscal year for the purpose of family planning services for 57226
children or their families whose income is at or below 200 per 57227
cent of the official poverty guideline. 57228

As used in this section, "poverty guideline" means the 57229
official poverty guideline as revised annually by the United 57230
States Secretary of Health and Human Services in accordance with 57231
section 673 of the "Community Services Block Grant Act," 95 Stat. 57232
511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal 57233
to the size of the family of the person whose income is being 57234
determined. 57235

MATERNAL CHILD HEALTH BLOCK GRANT 57236

Of the foregoing appropriation item 440-601, Maternal Child 57237
Health Block Grant (Fund 320), \$2,091,299 shall be used in each 57238
fiscal year for the purposes of abstinence-only education. The 57239
Director of Health shall develop guidelines for the establishment 57240
of abstinence programs for teenagers with the purpose of 57241
decreasing unplanned pregnancies and abortion. Such guidelines 57242
shall be pursuant to Title V of the "Social Security Act," 42 57243
U.S.C.A. 510, and shall include, but are not limited to, 57244
advertising campaigns and direct training in schools and other 57245
locations. 57246

A portion of the foregoing appropriation item 440-601, 57247
Maternal Child Health Block Grant (Fund 320), may be used to 57248
ensure that current information on sudden infant death syndrome is 57249
available for distribution by local health districts. 57250

TITLE XX TRANSFER 57251

Of the foregoing appropriation item 440-611, Title XX 57252
Transfer (Fund 3W5), \$500,000 in each fiscal year shall be used 57253
for the purposes of abstinence-only education. The Director of 57254
Health shall develop guidelines for the establishment of 57255
abstinence programs for teenagers with the purpose of decreasing 57256
unplanned pregnancies and abortion. The guidelines shall be 57257
developed pursuant to Title V of the "Social Security Act," 42 57258
U.S.C. 510, and shall include, but are not to be limited to, 57259
advertising campaigns and direct training in schools and other 57260
locations. 57261

GENETICS SERVICES 57262

The foregoing appropriation item 440-608, Genetics Services 57263
(Fund 4D6), shall be used by the Department of Health to 57264
administer programs authorized by sections 3701.501 and 3701.502 57265
of the Revised Code. None of these funds shall be used to counsel 57266

or refer for abortion, except in the case of a medical emergency.	57267
SICKLE CELL FUND	57268
The foregoing appropriation item 440-610, Sickle Cell Disease Control (Fund 4F9), shall be used by the Department of Health to administer programs authorized by section 3701.131 of the Revised Code. The source of the funds is as specified in section 3701.23 of the Revised Code.	57269 57270 57271 57272 57273
SAFETY AND QUALITY OF CARE STANDARDS	57274
The Department of Health may use Fund 471, Certificate of Need, for administering sections 3702.11 to 3702.20 and 3702.30 of the Revised Code in each fiscal year.	57275 57276 57277
MEDICALLY HANDICAPPED CHILDREN AUDIT	57278
The Medically Handicapped Children Audit Fund (Fund 477) shall receive revenue from audits of hospitals and recoveries from third-party payors. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payors and for encouraging Medically Handicapped Children's Program recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of medically handicapped children, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis. Moneys may also be expended for administrative expenses incurred in operating the Medically Handicapped Children's Program.	57279 57280 57281 57282 57283 57284 57285 57286 57287 57288 57289 57290 57291
CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND PERMIT FUND	57292 57293
The Director of Budget and Management, pursuant to a plan submitted by the Department of Health, or as otherwise determined by the Director of Budget and Management, shall set a schedule to	57294 57295 57296

transfer cash from the Liquor Control Fund (Fund 043) to the 57297
Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating 57298
needs of the Alcohol Testing and Permit program. 57299

The Director of Budget and Management shall transfer to the 57300
Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control 57301
Fund (Fund 043) established in section 4301.12 of the Revised Code 57302
such amounts at such times as determined by the transfer schedule. 57303

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 57304

The foregoing appropriation item 440-607, Medically 57305
Handicapped Children - County Assessments (Fund 666), shall be 57306
used to make payments pursuant to division (E) of section 3701.023 57307
of the Revised Code. 57308

Section 55.02. (A) There is hereby created the Health Care 57309
Workforce Shortage Task Force to study the shortage of health care 57310
professionals and health care workers in the health care workforce 57311
and to propose a state plan to address the problem. For the 57312
purposes of the Task Force, "health care professional" and "health 57313
care worker" have the same meanings as in section 2305.234 of the 57314
Revised Code. 57315

(B) The Director of Health shall serve as chair of the Health 57316
Care Workforce Shortage Task Force. The Task Force shall consist 57317
of not more than twenty-one members, who shall serve without 57318
compensation. The Director of Aging, one member of the Senate, 57319
appointed by the President of the Senate, and one member of the 57320
House of Representatives, appointed by the Speaker of the House of 57321
Representatives, shall serve on the Task Force. The member from 57322
the House of Representatives and the member from the Senate shall 57323
be from different political parties. The Director of Health shall 57324
appoint health care professionals and health care workers 57325
representing each of the following organizations: 57326

(1) Ohio Hospital Association;	57327
(2) Ohio Association of Children's Hospitals;	57328
(3) Ohio Council for Home Care;	57329
(4) Ohio Health Care Association;	57330
(5) Ohio Hospice and Palliative Care Organization;	57331
(6) Ohio Association of Philanthropic Homes;	57332
(7) Ohio Commission on Minority Health;	57333
(8) Ohio Nurses Association;	57334
(9) Ohio Pharmacists Association;	57335
(10) Ohio State Medical Association;	57336
(11) Families for Improved Care;	57337
(12) Ohio Association of Health Care Quality;	57338
(13) Ohio Academy of Family Physicians;	57339
(14) Ohio Provider Resource Association;	57340
(15) Ohio Association of Adult Day Services.	57341
(C) The Department of Health shall provide the Task Force	57342
with office space, staff, supplies, services, and other support as	57343
needed.	57344
(D) The Task Force shall do all of the following:	57345
(1) Review the licensing standards for all health care	57346
professionals;	57347
(2) Identify strategies to increase recruitment, retention,	57348
and development of qualified health care professionals and health	57349
care workers in health care settings;	57350
(3) Develop recommendations for improving scopes of practice	57351
to remove unnecessary barriers to high quality provision of health	57352
care;	57353

(4) Develop possible demonstration projects to present technology's potential to increase the efficiency of health care personnel; 57354
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(5) Recommend education strategies to meet health care workforce needs. 57357
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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. 57359
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Section 56. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 57364

Agency Fund Group				57365
461 372-601 Operating Expenses	\$	13,080	\$ 13,900	57366
TOTAL AGY Agency Fund Group	\$	13,080	\$ 13,900	57367
TOTAL ALL BUDGET FUND GROUPS	\$	13,080	\$ 13,900	57368

Section 57. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 57370

General Revenue Fund				57371
GRF 148-100 Personal Services	\$	171,161	\$ 176,004	57372
GRF 148-200 Maintenance	\$	35,821	\$ 35,751	57373
GRF 148-300 Equipment	\$	3,648	\$ 3,552	57374
TOTAL GRF General Revenue Fund	\$	210,630	\$ 215,307	57375
General Services Fund Group				57376
601 148-602 Gifts and	\$	8,485	\$ 8,697	57377
Miscellaneous				
TOTAL GSF General Services				57378
Fund Group	\$	8,485	\$ 8,697	57379
TOTAL ALL BUDGET FUND GROUPS	\$	219,115	\$ 224,004	57380

COMMISSION ON HISPANIC/LATINO AFFAIRS PROGRESS REVIEW 57381

No later than December 31, 2001, the Commission on 57382

Hispanic/Latino Affairs shall submit to the chairperson and 57383
ranking minority member of the Human Services Subcommittee of the 57384
Finance and Appropriations Committee of the House of 57385
Representatives a report that demonstrates the progress that has 57386
been made toward meeting the Commission's mission statement. 57387

Section 58. OHS OHIO HISTORICAL SOCIETY 57388

General Revenue Fund 57389

GRF 360-501 Operating Subsidy \$ 3,784,283 \$ 3,816,047 57390

GRF 360-502 Site Operations \$ 7,471,775 \$ 7,458,843 57391

GRF 360-503 Ohio Bicentennial \$ 1,750,000 \$ 1,750,000 57392

Commission

GRF 360-504 Ohio Preservation \$ 400,575 \$ 383,704 57393

Office

GRF 360-505 Afro-American Museum \$ 1,049,836 \$ 1,030,641 57394

GRF 360-506 Hayes Presidential \$ 708,203 \$ 695,253 57395

Center

GRF 360-508 Historical Grants \$ 1,005,000 \$ 775,000 57396

TOTAL GRF General Revenue Fund \$ 16,169,672 \$ 15,909,488 57397

TOTAL ALL BUDGET FUND GROUPS \$ 16,169,672 \$ 15,909,488 57398

SUBSIDY APPROPRIATION 57399

Upon approval by the Director of Budget and Management, the 57400
foregoing appropriation items shall be released to the Ohio 57401
Historical Society in quarterly amounts that in total do not 57402
exceed the annual appropriations. The funds and fiscal records of 57403
the society for fiscal years 2002 and 2003 shall be examined by 57404
independent certified public accountants approved by the Auditor 57405
of State, and a copy of the audited financial statements shall be 57406
filed with the Office of Budget and Management. The society shall 57407
prepare and submit to the Office of Budget and Management the 57408
following: 57409

(A) An estimated operating budget for each fiscal year of the 57410

biennium. The operating budget shall be submitted at or near the beginning of each year. 57411
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(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. 57413
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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. 57416
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OPERATING SUBSIDY 57420

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. 57421
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HAYES PRESIDENTIAL CENTER 57437

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 57438
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arrangements with the National Park Service or other United States 57442
government agency for the efficient transfer of operations or 57443
maintenance. 57444

HISTORICAL GRANTS 57445

Of the foregoing appropriation item 360-508, Historical 57446
Grants, \$50,000 in each fiscal year shall be distributed to the 57447
Hebrew Union College in Cincinnati for the Holocaust Education 57448
Project, \$20,000 in fiscal year 2002 shall be distributed to the 57449
Clinton County Historical Society, \$60,000 in fiscal year 2002 57450
shall be distributed to the Holbrook College Project, \$100,000 in 57451
each fiscal year shall be distributed to the Western Reserve 57452
Historical Society Hale Farm Project, \$125,000 in each fiscal year 57453
shall be distributed to the Great lakes Historical Society, 57454
\$500,000 in each fiscal year shall be distributed to the Western 57455
Reserve Historical Society, \$75,000 in fiscal year 2002 shall be 57456
distributed to the Cincinnati Museum Center, \$50,000 in fiscal 57457
year 2002 shall be distributed to the Underground Railroad Freedom 57458
Center, and \$25,000 in fiscal year 2002 shall be distributed to 57459
the Emery Theatre. 57460

Section 59. REP OHIO HOUSE OF REPRESENTATIVES 57461

General Revenue Fund 57462

GRF 025-321 Operating Expenses \$ 18,654,083 \$ 19,562,481 57463

TOTAL GRF General Revenue Fund \$ 18,654,083 \$ 19,562,481 57464

General Services Fund Group 57465

103 025-601 House Reimbursement \$ 1,287,500 \$ 1,287,500 57466

4A4 025-602 Miscellaneous Sales \$ 33,990 \$ 33,990 57467

TOTAL GSF General Services 57468

Fund Group \$ 1,321,490 \$ 1,321,490 57469

TOTAL ALL BUDGET FUND GROUPS \$ 19,975,573 \$ 20,883,971 57470

Section 60. IGO OFFICE OF THE INSPECTOR GENERAL 57472

General Revenue Fund				57473
GRF 965-321 Operating Expenses	\$	630,334	\$ 663,877	57474
TOTAL GRF General Revenue Fund	\$	630,334	\$ 663,877	57475
State Special Revenue Fund Group				57476
4Z3 965-602 Special Investigations	\$	100,000	\$ 100,000	57477
TOTAL SSR State Special Revenue	\$	100,000	\$ 100,000	57478
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	730,334	\$ 763,877	57479

Of the foregoing appropriation item 965-602, Special 57480
Investigations, up to \$100,000 in each fiscal year may be used for 57481
investigative costs, pursuant to section 121.481 of the Revised 57482
Code. 57483

Section 61. INS DEPARTMENT OF INSURANCE 57484

Federal Special Revenue Fund Group				57485
3U5 820-602 OSHIIP Operating Grant	\$	400,000	\$ 400,000	57486
TOTAL FED Federal Special				57487
Revenue Fund Group	\$	400,000	\$ 400,000	57488
State Special Revenue Fund Group				57489
554 820-601 Operating Expenses -	\$	543,101	\$ 601,773	57490
OSHIIP				
554 820-606 Operating Expenses	\$	20,090,984	\$ 22,350,783	57491
555 820-605 Examination	\$	6,581,705	\$ 6,963,535	57492
TOTAL SSR State Special Revenue				57493
Fund Group	\$	27,215,790	\$ 29,916,091	57494
TOTAL ALL BUDGET FUND GROUPS	\$	27,615,790	\$ 30,316,091	57495

MARKET CONDUCT EXAMINATION 57496

When conducting a market conduct examination of any insurer 57497
doing business in this state, the Superintendent of Insurance may 57498
assess the costs of the examination against the insurer. The 57499
superintendent may enter into consent agreements to impose 57500

administrative assessments or fines for conduct discovered that 57501
 may be violations of statutes or regulations administered by the 57502
 superintendent. All costs, assessments, or fines collected shall 57503
 be deposited to the credit of the Department of Insurance 57504
 Operating Fund (Fund 554). 57505

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 57506

The Superintendent of Insurance may transfer funds from the 57507
 Department of Insurance Operating Fund (Fund 554), established by 57508
 section 3901.021 of the Revised Code, to the Superintendent's 57509
 Examination Fund (Fund 555), established by section 3901.071 of 57510
 the Revised Code, only for the expenses incurred in examining 57511
 domestic fraternal benefit societies as required by section 57512
 3921.28 of the Revised Code. 57513

Section 62. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 57514

General Revenue Fund 57515

GRF 600-100 Personal Services 57516

State	\$	56,614,143	\$	58,715,838	57517
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Federal	\$	18,645,558	\$	19,317,882	57518
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Personal Services	\$	75,259,701	\$	78,033,720	57519
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Total

GRF 600-200 Maintenance 57520

State	\$	30,439,164	\$	24,320,541	57521
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Federal	\$	7,295,237	\$	5,828,810	57522
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Maintenance Total	\$	37,734,401	\$	30,149,351	57523
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GRF 600-300 Equipment 57524

State	\$	5,469,830	\$	979,504	57525
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Federal	\$	179,026	\$	32,059	57526
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Equipment Total	\$	5,648,856	\$	1,011,563	57527
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GRF 600-402 Electronic Benefits 57528

Transfer (EBT)

State	\$	7,551,305	\$	7,715,079	57529
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	Federal	\$	7,551,305	\$	7,715,079	57530
	EBT Total	\$	15,102,610	\$	15,430,158	57531
GRF 600-410	TANF State	\$	268,636,561	\$	268,619,061	57532
GRF 600-413	Day Care	\$	84,120,606	\$	84,120,606	57533
	Match/Maintenance of Effort					
GRF 600-416	Computer Projects					57534
	State	\$	137,583,171	\$	142,908,736	57535
	Federal	\$	32,665,206	\$	34,770,353	57536
	Computer Projects	\$	170,248,377	\$	177,679,089	57537
	Total					
GRF 600-420	Child Support Administration	\$	7,919,511	\$	7,885,309	57538
GRF 600-426	Children's Health Insurance Plan (CHIP)					57539
	State	\$	7,071,338	\$	8,570,373	57540
	Federal	\$	17,473,395	\$	21,177,537	57541
	CHIP Total	\$	24,544,733	\$	29,747,910	57542
GRF 600-427	Child and Family Services Activities	\$	7,189,086	\$	7,000,427	57543
GRF 600-435	Unemployment Compensation Review Commission	\$	3,759,151	\$	3,785,380	57544
GRF 600-436	Medicaid Systems Enhancements	\$	4,445,384	\$	1,853,611	57545
GRF 600-502	Child Support Match	\$	17,383,992	\$	16,814,103	57546
GRF 600-504	Non-TANF County Administration	\$	70,554,373	\$	68,697,679	57547
GRF 600-511	Disability Assistance/Other Assistance	\$	79,562,017	\$	89,752,408	57548
GRF 600-512	Non-TANF Emergency Assistance	\$	1,079,000	\$	1,079,000	57549

GRF 600-522	Burial Claims	\$	25,000	\$	25,000	57550
GRF 600-525	Health Care/Medicaid					57551
	State	\$	2,847,181,745	\$	3,059,934,875	57552
	Federal	\$	4,087,925,198	\$	4,384,423,698	57553
	Health Care Total	\$	6,935,106,943	\$	7,444,358,573	57554
GRF 600-527	Child Protective Services	\$	59,592,059	\$	64,047,479	57555
GRF 600-528	Adoption Services					57556
	State	\$	31,385,023	\$	34,597,562	57557
	Federal	\$	30,506,168	\$	33,628,748	57558
	Adoption Services Total	\$	61,891,191	\$	68,226,310	57559
GRF 600-534	Adult Protective Services	\$	2,850,975	\$	2,775,950	57560
GRF 600-552	County Social Services	\$	11,354,550	\$	11,055,746	57561
TOTAL GRF	General Revenue Fund					57562
	State	\$	3,741,767,984	\$	3,965,254,267	57563
	Federal	\$	4,202,241,093	\$	4,506,894,166	57564
	GRF Total	\$	7,944,009,077	\$	8,472,148,433	57565
	General Services Fund Group					57566
4A8 600-658	Child Support Collections	\$	42,389,027	\$	42,389,027	57567
4R4 600-665	BCII Service Fees	\$	124,522	\$	136,974	57568
5C9 600-671	Medicaid Program Support	\$	50,846,239	\$	59,226,893	57569
5R1 600-677	County Computers	\$	5,000,000	\$	5,000,000	57570
613 600-645	Training Activities	\$	1,462,626	\$	1,157,525	57571
TOTAL GSF	General Services Fund Group					57572
		\$	99,822,414	\$	107,910,419	57573
	Federal Special Revenue Fund Group					57574
3A2 600-641	Emergency Food Distribution	\$	2,018,844	\$	2,018,844	57575

3D3	600-648	Children's Trust Fund Federal	\$	2,040,524	\$	2,040,524	57576
3F0	600-623	Health Care Federal	\$	175,148,990	\$	168,503,630	57577
3F0	600-650	Hospital Care Assurance Match	\$	292,915,017	\$	276,736,571	57578
3G5	600-655	Interagency Reimbursement	\$	852,461,818	\$	860,986,436	57579
3G9	600-657	Special Activities Self Sufficiency	\$	522,500	\$	190,000	57580
3H7	600-617	Day Care Federal	\$	299,156,430	\$	337,848,130	57581
3N0	600-628	IV-E Foster Care Maintenance	\$	152,981,760	\$	173,963,142	57582
3S5	600-622	Child Support Projects	\$	534,050	\$	534,050	57583
3V0	600-688	Workforce Investment Act	\$	128,476,093	\$	128,476,093	57584
3V4	600-678	Federal Unemployment Programs	\$	74,025,525	\$	74,025,525	57585
3V4	600-679	Unemployment Compensation Review Commission - Federal	\$	2,286,421	\$	2,286,421	57586
3V6	600-689	TANF Block Grant	\$	654,410,661	\$	677,098,311	57587
3V6	600-690	Wellness	\$	14,337,515	\$	14,337,515	57588
316	600-602	State and Local Training	\$	10,166,587	\$	10,325,460	57589
327	600-606	Child Welfare	\$	34,594,191	\$	34,592,977	57590
331	600-686	Federal Operating	\$	41,600,896	\$	41,640,897	57591
365	600-681	JOB Training Program	\$	25,000,000	\$	5,469,259	57592
384	600-610	Food Stamps and State Administration	\$	160,371,358	\$	161,716,857	57593
385	600-614	Refugee Services	\$	4,388,503	\$	4,559,632	57594
395	600-616	Special Activities/Child and Family Services	\$	9,491,000	\$	9,491,000	57595

396	600-620	Social Services Block Grant	\$	51,195,100	\$	51,297,478	57596
397	600-626	Child Support	\$	248,001,590	\$	247,353,041	57597
398	600-627	Adoption Maintenance/ Administration	\$	277,806,175	\$	341,298,661	57598
TOTAL FED Federal Special Revenue							57599
Fund Group			\$	3,513,931,548	\$	3,626,790,454	57600
State Special Revenue Fund Group							57601
198	600-647	Children's Trust Fund	\$	4,368,785	\$	4,379,333	57602
3W3	600-695	Adult Protective Services	\$	120,227	\$	120,227	57603
3W3	600-696	Non-TANF Adult Assistance	\$	1,000,000	\$	1,000,000	57604
3W8	600-638	Hippy Program	\$	62,500	\$	62,500	57605
3W9	600-640	Adoption Connection	\$	50,000	\$	50,000	57606
4A9	600-607	Unemployment Compensation Admin Fund	\$	9,420,000	\$	9,420,000	57607
4E3	600-605	Nursing Home Assessments	\$	95,511	\$	95,511	57608
4E7	600-604	Child and Family Services Collections	\$	145,805	\$	149,450	57609
4F1	600-609	Foundation Grants/Child and Family Services	\$	116,400	\$	119,310	57610
4J5	600-613	Nursing Facility Bed Assessments	\$	31,179,798	\$	31,279,798	57611
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	57612
4K1	600-621	ICF/MR Bed Assessments	\$	21,604,331	\$	22,036,418	57613
4R3	600-687	Banking Fees	\$	592,937	\$	592,937	57614
4V2	600-612	Child Support Activities	\$	124,993	\$	124,993	57615

4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	57616
5A5	600-685	Unemployment Benefit	\$	19,607,027	\$	13,555,667	57617
		Automation					
5E6	600-634	State Option Food	\$	6,000,000	\$	6,000,000	57618
		Stamps					
5P4	600-691	TANF Child Welfare	\$	7,500,000	\$	7,500,000	57619
5P5	600-692	Health Care Services	\$	223,847,498	\$	255,386,713	57620
651	600-649	Hospital Care	\$	203,298,801	\$	192,070,088	57621
		Assurance Program Fund					
TOTAL SSR	State	Special Revenue					57622
Fund Group			\$	554,834,613	\$	569,642,945	57623
Agency Fund Group							57624
192	600-646	Support Intercept -	\$	80,000,000	\$	82,000,000	57625
		Federal					
5B6	600-601	Food Stamp Intercept	\$	5,283,920	\$	5,283,920	57626
583	600-642	Support Intercept -	\$	20,162,335	\$	20,565,582	57627
		State					
TOTAL AGY	Agency	Fund Group	\$	105,446,255	\$	107,849,502	57628
Holding Account	Redistribution	Fund Group					57629
R12	600-643	Refunds and Audit	\$	200,000	\$	200,000	57630
		Settlements					
R13	600-644	Forgery Collections	\$	700,000	\$	700,000	57631
TOTAL 090	Holding Account						57632
Redistribution							
Fund Group			\$	900,000	\$	900,000	57633
TOTAL ALL BUDGET	FUND GROUPS		\$12,218,943,907	\$12,885,241,753			57634

Section 62.01. JOB AND FAMILY SERVICES REPORT TO THE GENERAL ASSEMBLY 57636
ASSEMBLY 57637

In addition to other reporting requirements established in 57638
the Revised Code, the Department of Job and Family Services shall, 57639
not later than June 30, 2002, at the request of the Finance and 57640

Appropriations Committee of the House of Representatives, report 57641
to the General Assembly on the department's performance in 57642
carrying out its mission and include in the report at least the 57643
following: the long-term planning and vision for the various 57644
elements of the Department of Job and Family Services, and an 57645
analysis of the fund balances and cash flow in the department's 57646
budget. 57647

Section 62.02. ALCOHOL AND DRUG ADDICTION SERVICES TRANSFER 57648

Each fiscal year, the Director of Budget and Management shall 57649
transfer \$3,500,000 in appropriation authority from appropriation 57650
item 600-410, TANF State, to State Special Revenue Fund 5B7 57651
appropriation item 038-629, TANF Transfer-Treatment, and 57652
\$1,500,000 in appropriation authority from appropriation item 57653
600-410, TANF State, to State Special Revenue Fund 5E8 57654
appropriation item 038-630, TANF Transfer-Mentoring, in the 57655
Department of Alcohol and Drug Addiction Services. The Department 57656
of Alcohol and Drug Addiction Services shall comply with all TANF 57657
reporting requirements and timelines specified by the Department 57658
of Job and Family Services. 57659

Section 62.03. DISABILITY ASSISTANCE 57660

The following schedule shall be used to determine monthly 57661
grant levels in the Disability Assistance Program effective July 57662
1, 2001. 57663

Persons in			57664
Assistance Group		Monthly Grant	57665
1		\$115	57666
2		159	57667
3		193	57668
4		225	57669
5		251	57670

6	281	57671
7	312	57672
8	361	57673
9	394	57674
10	426	57675
11	458	57676
12	490	57677
13	522	57678
14	554	57679
For each additional person add	40	57680
Section 62.04. ADULT EMERGENCY ASSISTANCE PROGRAM		57681
Appropriations in appropriation item 600-512, Non-TANF		57682
Emergency Assistance, in each fiscal year shall be used for the		57683
Adult Emergency Assistance Program established under section		57684
5101.86 of the Revised Code.		57685
Section 62.05. HEALTH CARE/MEDICAID		57686
The foregoing appropriation item 600-525, Health		57687
Care/Medicaid, shall not be limited by the provisions of section		57688
131.33 of the Revised Code.		57689
Section 62.06. CHILD SUPPORT COLLECTIONS/TANF MOE		57690
The foregoing appropriation item 600-658, Child Support		57691
Collections, shall be used by the Department of Job and Family		57692
Services to meet the TANF maintenance of effort requirements of		57693
Pub. L. No. 104-193. After the state has met the maintenance of		57694
effort requirement, the Department of Job and Family Services may		57695
use funds from appropriation item 600-658 to support public		57696
assistance activities.		57697
Section 62.07. MEDICAID PROGRAM SUPPORT FUND - STATE		57698

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 57702

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 57707

TANF COUNTY INCENTIVES 57708

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

these financial incentives and an evaluation of the effectiveness 57729
of the county department's use of these funds in achieving 57730
self-sufficiency for families eligible for assistance under 57731
Chapter 5107. or benefits and services under Chapter 5108. of the 57732
Revised Code. 57733

TANF YOUTH DIVERSION PROGRAMS 57734

Of the foregoing appropriation item 600-689, TANF Block 57735
Grant, \$19,500,000 in each fiscal year shall be allocated by the 57736
Department of Job and Family Services to the counties according to 57737
the allocation formula established in division (D) of section 57738
5101.14 of the Revised Code. Of the funds allocated to each 57739
county, up to half may be used for contract or county-provided 57740
services for unruly and misdemeanor diversionary programs. The 57741
juvenile court in each county shall have a right of first refusal 57742
for the use of these funds for the purpose of juvenile diversion 57743
activities in accordance with the county's comprehensive joint 57744
service plan, as provided by divisions (C), (D), and (E) of 57745
section 121.37 of the Revised Code. 57746

The remaining funds not allocated for use in juvenile 57747
diversion activities may be used by the county for other contract 57748
or county-provided child welfare services. In counties with 57749
separate departments of job and family services and public 57750
children services agencies, the county department of job and 57751
family services shall serve as a pass through to the public 57752
children services agencies for these funds. Separate public 57753
children services agencies receiving such funds shall comply with 57754
all TANF requirements, including reporting requirements and 57755
timelines, as specified in state and federal laws, federal 57756
regulations, state rules, and the Title IV-A state plan, and are 57757
responsible for payment of any adverse audit finding, final 57758
disallowance of federal financial participation, or other sanction 57759
or penalty issued by the federal government or other entity 57760

concerning these funds. 57761

Of the foregoing \$19,500,000 set aside, any funds remaining 57762
unspent on June 30, 2002, shall be carried forward and added to 57763
the earmark for fiscal year 2003, and allocated to the counties 57764
according to the allocation formula established in division (D) of 57765
section 5101.14 of the Revised Code. 57766

KINSHIP NAVIGATORS 57767

Of the foregoing appropriation item 600-689, TANF Block 57768
Grant, up to \$3 million in each fiscal year shall be allocated by 57769
the Department of Job and Family Services to county departments of 57770
job and family services for the purpose of making allocations to 57771
local public children services agencies to provide services in the 57772
Kinship Navigation program. The allocation to county departments 57773
of job and family services shall be based on the number of Ohio 57774
works first cases in the county, and the number of children 57775
seventeen years of age or younger in the county. The Department of 57776
Job and Family Services shall develop an appropriate method of 57777
reallocating these funds in each fiscal year among the county 57778
deparments of job and family services, if they would otherwise be 57779
unspent. 57780

TANF FAITH-BASED CAPACITY-BUILDING PROGRAMS 57781

From the foregoing appropriation item 600-689, TANF Block 57782
Grant, up to \$1,000,000 in each fiscal year shall be used to 57783
support capacity-building efforts among faith-based organizations, 57784
for the purpose of providing allowable services to TANF-eligible 57785
individuals. Organizations receiving these funds shall comply with 57786
all TANF requirements, and shall agree with the Department of Job 57787
and Family Services on reporting requirements to be incorporated 57788
into the grant agreement. 57789

TANF EDUCATION 57790

Not later than July 15, 2002, the Director of Budget and 57791

Management shall transfer \$35,000,000 in appropriation authority 57792
from appropriation item 600-689, TANF Block Grant (Fund 3V6), to 57793
Fund 3W6, TANF Education, in the Department of Education, which is 57794
created in the State Treasury. The transferred funds shall be used 57795
for the purpose of providing allowable services to TANF-eligible 57796
individuals. 57797

Not later than July 15, 2001, the Director of Budget and 57798
Management shall transfer \$76,156,175 from Fund 3V6, TANF Block 57799
Grant, to Fund 3W6, TANF Education, in the Department of 57800
Education. Not later than July 15, 2002, the Director of Budget 57801
and Management shall transfer \$98,843,825 from Fund 3V6, TANF 57802
Block Grant, to Fund 3W6, TANF Education, in the Department of 57803
Education. The transferred funds shall be used for the purpose of 57804
providing allowable services to TANF-eligible individuals. The 57805
Department of Education shall comply with all TANF requirements, 57806
including reporting requirements and timelines, as specified in 57807
state and federal laws, federal regulations, state rules, and the 57808
Title IV-A state plan, and is responsible for payment of any 57809
adverse audit finding, final disallowance of federal financial 57810
participation, or other sanction or penalty issued by the federal 57811
government or other entity concerning these funds. 57812

TANF ADULT LITERACY AND CHILD READING PROGRAMS 57813

From the foregoing appropriation item 600-689, TANF Block 57814
Grant, up to \$5,000,000 in each fiscal year shall be used to 57815
support local adult literacy and child reading programs. 57816

COMMUNITY SERVICE CENTERS 57817

In each fiscal year, some portion of the TANF funds allocated 57818
to Butler, Lorain, Mahoning, and Richland counties from 57819
appropriation items 600-410, TANF State, or 600-689, TANF Block 57820
Grant, or a combination of both, shall be used to provide 57821
allowable services to TANF-eligible individuals who are tenants at 57822

a former hospital facility that is now controlled by a community
development corporation and operated as a community service
center. 57823
57824
57825

TALBERT HOUSE 57826

In each fiscal year, the Director of Job and Family Services 57827
shall provide \$100,500 from appropriation item 600-689, TANF Block 57828
Grant, to the Hamilton County Department of Job and Family 57829
Services to contract with the Talbert House for the purpose of 57830
providing allowable servcies to TANF-eligible individuals. The 57831
Hamilton County Department of Job and Family Services and the 57832
Talbert House shall agree on reporting requirements that meet all 57833
TANF reporting requirements and timelines specified by the 57834
Department of Job and Family Services to be incorporated into the 57835
contract. 57836

MONTGOMERY COUNTY OUT-OF-SCHOOL YOUTH PROJECT 57837

In each fiscal year, the Director of Job and Family Services 57838
shall provide \$500,000 from appropriation item 600-689, TANF Block 57839
Grant, to the Montgomery County Department of Job and Family 57840
Services to be used to support the Out-of-School Youth Project in 57841
Montgomery County for the purpose of providing allowable services 57842
to TANF-eligible individuals. The Montgomery County Department of 57843
Job and Family Services andthe Sinclair Community College shall 57844
comply with all TANF requirements, including reporting 57845
requirements and timelines, as specified in state and federal 57846
laws, federal regulations, state rules, and the Title IV-A state 57847
plan. 57848

DYS COMPREHENSIVE STRATEGIES 57849

No later than July 15, 2001, the Director of Budget and 57850
Management shall transfer \$5,000,000 in appropriation authority 57851
from appropriation item 600-689, TANF Block Grant, to Federal 57852
Special Revenue Fund 321 appropriation item 470-614, TANF Transfer 57853

- Comprehensive Strategies, in the Department of Youth Services. 57854
These funds shall be used by the Department of Youth Services to 57855
make grants to local communities to establish models of 57856
inter-system collaboration to prevent children from entering the 57857
juvenile justice system. In making the grants, the Department of 57858
Youth Services shall require that grantees use the funds only to 57859
plan, develop, or enhance collaborative models. Funds provided to 57860
grantees may not be used for any type of direct or purchased 57861
services. The Department of Youth Services shall comply with all 57862
TANF requirements, including reporting requirements and timelines, 57863
as specified in state and federal laws, federal regulations, state 57864
rules, and the Title IV-A state plan, and is responsible for 57865
payment of any adverse audit finding, final disallowance of 57866
federal financial participation, or other sanction or penalty 57867
issued by the federal government or other entity concerning these 57868
funds. 57869

TANF TRANSFER DOWN PAYMENT ASSISTANCE AND FAMILY SHELTER 57870
PROGRAM 57871

No later than July 15, 2001, the Director of Budget and 57872
Management shall transfer \$5,200,000 in appropriation authority 57873
from appropriation item 600-689, TANF Block Grant, to 57874
appropriation item 195-497, CDBG Operating Match, in the 57875
Department of Development. No later than July 15, 2002, the 57876
Director of Budget and Management shall transfer \$6,500,000 in 57877
appropriation authority from appropriation item 600-689, TANF 57878
Block Grant, to appropriation item 195-497, CDBG Operating Match, 57879
in the Department of Development. These funds shall be used to 57880
provide supportive services for low-income families related to 57881
housing or homelessness, including housing counseling; to provide 57882
grants to nonprofit organizations to assist families with incomes 57883
at or below 200 per cent of the federal poverty guidelines with 57884
down-payment assistance for homeownership, including the purchase 57885

of mobile homes; to provide emergency home repair funding for 57886
families with incomes at or below 200 per cent of the federal 57887
poverty guidelines; to provide operating support for family 57888
emergency shelter programs; and to provide emergency rent and 57889
mortgage assistance for families with incomes at or below 200 per 57890
cent of the federal poverty guidelines. The funds shall not be 57891
used to match federal funds. The Department of Development shall 57892
comply with all TANF requirements, including reporting 57893
requirements and timelines, as specified in state and federal 57894
laws, federal regulations, state rules, and the Title IV-A state 57895
plan, and is responsible for payment of any adverse audit finding, 57896
final disallowance of federal financial participation, or other 57897
sanction or penalty issued by the federal government or other 57898
entity concerning these funds. 57899

TANF FAMILY PLANNING 57900

The Director of Budget and Management shall transfer by 57901
intrastate voucher, no later than the fifteenth day of July of 57902
each fiscal year, cash from the General Revenue Fund, 57903
appropriation item 600-410, TANF State, to General Services Fund 57904
5C1 in the Department of Health, in an amount of \$250,000 in each 57905
fiscal year for the purpose of family planning services for 57906
children or their families whose income is at or below 200 per 57907
cent of the official poverty guideline. 57908

TANF FEDERAL BLOCK GRANT FUNDS AND TRANSFERS 57909

From the foregoing appropriation items 600-410, TANF State; 57910
600-658, Child Support Collections; or 600-689, TANF Block Grant, 57911
or a combination of these appropriation items, no less than 57912
\$369,040,735 in each fiscal year shall be allocated to county 57913
departments of job and family services as follows: 57914

County Allocations	\$276,586,957	57915
WIA Supplement	\$35,109,178	57916
Early Start - Statewide	\$38,034,600	57917

Transportation	\$5,000,000	57918
County Training	\$3,050,000	57919
Adult Literacy and Child		57920
ading Programs	\$5,000,000	57921
Disaster Relief	\$5,000,000	57922
School Readiness Centers	\$1,260,000	57923

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

15, 2001, the Director of Budget and Management shall transfer 57950
\$60,000,000 in receipts from TANF Block Grant funds that have been 57951
credited to the Social Services Block Grant to State Special 57952
Revenue Fund 5Q8, in the Office of Budget and Management. Not 57953
later than June 1, 2002, the Director of Budget and Management 57954
shall determine the amount of funds in State Special Revenue Fund 57955
XXX that is needed for the purpose of balancing the General 57956
Revenue Fund, and may transfer that amount to the General Revenue 57957
Fund. That amount is hereby appropriated. Any moneys remaining in 57958
State Special Revenue Fund 5Q8 on June 15, 2002, shall be 57959
transferred not later than June 20, 2002 to Fund 3V6, TANF Block 57960
Grant, in the Department of Job and Family Services. Not later 57961
than July 15, 2002, the Director of Budget and Management shall 57962
transfer to State Special Revenue Fund 5Q8, from Fund 3V6 in the 57963
Department of Job and Family Services, the amount of funds that 57964
remained in Special Revenue Fund 5Q8 on June 15, 2002, and that 57965
were transferred to Fund 3V6. Not later than June 1, 2003, the 57966
Director of Budget and Management shall determine the amount of 57967
funds in State Special Revenue Fund 5Q8 that is needed for the 57968
purpose of balancing the General Revenue Fund, and may transfer 57969
that amount to the General Revenue Fund. That amount is hereby 57970
appropriated. Any moneys remaining in State Special Revenue Fund 57971
5Q8 on June 15, 2003, shall be transferred not later than June 20, 57972
2003, to Fund 3V6, TANF Block Grant, in the Department of Job and 57973
Family Services. 57974

Before the thirtieth day of September of each fiscal year, 57975
the Department of Job and Family Services shall file claims with 57976
the United States Department of Health and Human Services for 57977
reimbursement for all allowable expenditures for services provided 57978
by the Department of Job and Family Services, or other agencies 57979
that may qualify for Social Services Block Grant funding pursuant 57980
to Title XX of the Social Security Act. The Department of Job and 57981

Family Services shall deposit, during each fiscal year, into Fund 57982
5E6, State Option Food Stamps, \$6 million, into Fund 5P4, TANF 57983
Child Welfare, \$7.5 million, into Fund 3W5, Health Care Services, 57984
\$500,000, into Fund 3W8, Hippy Program, \$62,500, and into Fund 57985
3W9, Adoption Connection, \$50,000 and deposit in fiscal year 2002, 57986
into Fund 3W2, Title XX Vocational Rehabilitation, \$600,000, and 57987
into Fund 3W3, Adult Special Needs, \$2,920,227 and deposit in 57988
fiscal year 2003, into Fund 3W2, Title XX Vocational 57989
Rehabilitation, \$897,052, and into Fund 3W3, Adult Special Needs, 57990
\$6,520,227 in receipts from TANF Block Grant funds credited to the 57991
Social Services Block Grant. On verification of the receipt of the 57992
above revenue, the funds provided by these transfers shall be used 57993
as follows: 57994

Fund 5E6 57995

Second Harvest Food Bank \$4,500,000 57996

Child Nutrition Services \$900,000 57997

Ohio Alliance of Boys and Girls Clubs \$600,000 57998

Fund 5P4 57999

Support and Expansion for PCSA Activities \$5,500,000 58000

Pilot Projects for Violent and Aggressive Youth \$2,000,000 58001

Fund 3W2 58002

Title XX Vocational Rehabilitation in fiscal \$600,000 58003
year 2002

Title XX Vocational Rehabilitation in fiscal \$897,052 58004
year 2003

Fund 3W3 58005

Adult Protective Services in fiscal year 2002 \$120,227 58006

Adult Protective Services in fiscal year 2003 \$120,227 58007

Non-TANF Adult Assistance in fiscal year 2002 \$1,000,000 58008

Non-TANF Adult Assistance in fiscal year 2003 \$1,000,000 58009

Community-Based Correctional Facilities in \$1,800,000 58010
fiscal year 2002

Community-Based Correctional Facilities in \$5,400,000 58011

fiscal year 2003

Fund 3W5 58012

Abstinence-only Education \$500,000 58013

Fund 3W8 58014

Hippy Program \$62,500 58015

Fund 3W9 58016

Adoption Connection \$50,000 58017

WELLNESS 58018

The foregoing appropriation item 600-690, Wellness, shall be 58019
used by county departments of job and family services for teen 58020
pregnancy prevention programming. Local contracts shall be 58021
developed between county departments of job and family services 58022
and local family and children first councils for the 58023
administration of TANF funding for this program. 58024

Section 62.10. OHIO ASSOCIATION OF SECOND HARVEST FOOD BANKS 58025

The Department of Job and Family Services may use up to 58026
\$4,500,000 of appropriation item 600-634, State Options Food 58027
Stamps (Fund 5E6), in each fiscal year of the biennium to support 58028
expenditures to the Ohio Association of Second Harvest Food Banks 58029
pursuant to the following criteria. 58030

As used in this section, "federal poverty guidelines" has the 58031
same meaning as in section 5101.46 of the Revised Code. 58032

The Department of Job and Family Services shall provide an 58033
annual grant of \$4,500,000 in each of the fiscal years 2002 and 58034
2003 to the Ohio Association of Second Harvest Food Banks. In each 58035
fiscal year, the Ohio Association of Second Harvest Food Banks 58036
shall use \$2,500,000 for the purchase of food products for the 58037
Ohio Food Program, of which up to \$105,000 may be used for food 58038
storage and transport, and shall use \$2,000,000 for the 58039
Agricultural Surplus Production Alliance Project. Funds provided 58040
for the Ohio Food Program shall be used to purchase food products 58041

and distribute those food products to agencies participating in 58042
the emergency food distribution program. No funds provided through 58043
this grant may be used for administrative expenses other than 58044
funds provided for food storage and transport. As soon as possible 58045
after entering into a grant agreement at the beginning of the 58046
fiscal year, the Department of Job and Family Services shall 58047
distribute the grant funds in one single payment. The Ohio 58048
Association of Second Harvest Food Banks shall develop a plan for 58049
the distribution of the food products to local food distribution 58050
agencies. Agencies receiving these food products shall ensure that 58051
individuals and families who receive any of the food products 58052
purchased with these funds have an income at or below 150 per cent 58053
of the federal poverty guidelines. The Department of Job and 58054
Family Services and the Ohio Association of Second Harvest Food 58055
Banks shall agree on reporting requirements to be incorporated 58056
into the grant agreement. 58057

The Ohio Association of Second Harvest Food Banks shall 58058
return any fiscal year 2002 funds from this grant remaining 58059
unspent on June 30, 2002, to the Department of Job and Family 58060
Services no later than November 1, 2002. The Ohio Association of 58061
Second Harvest Food Banks shall return any fiscal year 2003 funds 58062
from this grant remaining unspent on June 30, 2003, to the 58063
Department no later than November 1, 2003. 58064

Section 62.11. CHILD NUTRITION SERVICES 58065

The Department of Job and Family Services may use up to 58066
\$900,000 in each fiscal year of appropriation item 600-634, State 58067
Option Food Stamps(Fund 5E6), to support Child Nutrition Services 58068
in the Department of Education. As soon as possible after the 58069
effective date of this section, the Department of Job and Family 58070
Services shall enter into an interagency agreement with the 58071
Department of Education to reimburse the 19 pilot programs that 58072

provide nutritional evening meals to adolescents 13 through 18 58073
years of age participating in educational or enrichment activities 58074
at youth development centers. Such funds shall not be used as 58075
matching funds. Eligibility and reporting guidelines shall be 58076
detailed in the interagency agreement. 58077

OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 58078

Of the foregoing appropriation item 600-634, State Option 58079
Food Stamps (Fund 5E6), the Department of Job and Family Services 58080
shall use up to \$600,000 in each fiscal year to support 58081
expenditures of the Ohio Alliance of Boys and Girls Clubs to 58082
provide nutritional meals, snacks, and educational and enrichment 58083
services, including tutoring, homework assistance, and 58084
standardized achievement test preparation, to children 58085
participating in programs and activities operated by eligible Boys 58086
and Girls Clubs. The Ohio Alliance of Boys and Girls Clubs shall 58087
provide allowable services to Title XX eligible children. 58088

As soon as possible after entering into a grant agreement at 58089
the beginning of the fiscal year, the Department of Job and Family 58090
Services shall distribute the grant funds in one single payment. 58091
The Ohio Alliance of Boys and Girls Clubs shall return any fiscal 58092
year 2002 funds from this grant remaining unspent on June 30, 58093
2002, to the Department of Job and Family Services not later than 58094
November 1, 2002. The Ohio Alliance of Boys and Girls Clubs shall 58095
return any fiscal year 2003 funds from this grant remaining 58096
unspent on June 30, 2003, to the Department of Job and Family 58097
Services not later than November 1, 2003. 58098

Section 62.12. PRESCRIPTION DRUG REBATE FUND 58099

The foregoing appropriation item 600-692, Health Care 58100
Services, shall be used by the Department of Job and Family 58101
Services in accordance with section 5111.081 of the Revised Code. 58102

Section 62.13. MEDICAID PHARMACY SERVICES FOR NURSING HOME	58103
RESIDENTS	58104
(A) As used in this section:	58105
(1) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.	58106 58107
(2) "Pharmacy provider" has the same meaning as in rule 5101:3-9-01 of the Administrative Code.	58108 58109
(3) "Wholesale acquisition cost" is the cost of a particular drug estimated by the Department of Job and Family Services by periodic review of pricing information from drug wholesalers in this state, pharmaceutical manufacturers, and one or more pharmacy pricing update services.	58110 58111 58112 58113 58114
(B) During the first quarter of the biennium ending June 30, 2003, a pharmacy provider shall be reimbursed for the pharmacy services provided to a Medicaid recipient who resides in a nursing home at a rate of the wholesale acquisition cost plus nine per cent plus any applicable dispensing fee. During each quarter of the biennium thereafter, the pharmacy provider shall be reimbursed for such services at a rate determined by comparing the provider's average monthly cost of providing such services in the immediately preceding quarter to the statewide average monthly cost of providing such services on March 31, 2001. The Department of Job and Family Services shall make the comparison at the end of each quarter of the biennium and shall take into account an adequate factor for inflation in the cost of drugs.	58115 58116 58117 58118 58119 58120 58121 58122 58123 58124 58125 58126 58127
If the provider's average monthly cost of such services in the quarter being examined is equal to or greater than the statewide average monthly cost of such services on March 31, 2001, the provider shall be reimbursed at a rate of the wholesale acquisition cost plus nine per cent plus any applicable dispensing	58128 58129 58130 58131 58132

fee. If the provider's average monthly cost of such services is 58133
less than the statewide average monthly cost of such services on 58134
March 31, 2001, the provider shall be reimbursed at a rate of the 58135
wholesale acquisition cost plus eleven per cent, plus any 58136
applicable dispensing fee, plus fifty per cent of the difference 58137
between the provider's average monthly cost of such services and 58138
the statewide average monthly cost of such services on March 31, 58139
2001. 58140

(C) A pharmacy provider may achieve a reduction in its 58141
average monthly cost of providing services to a Medicaid recipient 58142
who resides in a nursing home by providing consulting services to 58143
the physicians who prescribe drugs to the resident. These 58144
consulting services may include recommendations for eliminating 58145
unnecessary and duplicative drugs, modifying inefficient drug 58146
regimens, and implementing safe and cost-effective drug therapies. 58147

(D) The Department may adopt any rules it considers necessary 58148
to develop and administer this section. If rules are adopted, the 58149
rules shall be adopted in accordance with Chapter 119. of the 58150
Revised Code. 58151

Section 62.14. ODJFS FUNDS 58152

AGENCY FUND GROUP 58153

The Agency Fund Group shall be used to hold revenues until 58154
the appropriate fund is determined or until they are directed to 58155
the appropriate governmental agency other than the Department of 58156
Job and Family Services. If it is determined that additional 58157
appropriation authority is necessary, such amounts are 58158
appropriated. 58159

HOLDING ACCOUNT REDISTRIBUTION GROUP 58160

The foregoing appropriation items 600-643, Refunds and Audit 58161
Settlements, and 600-644, Forgery Collections, Holding Account 58162

Redistribution Fund Group, shall be used to hold revenues until 58163
they are directed to the appropriate accounts or until they are 58164
refunded. If it is determined that additional appropriation 58165
authority is necessary, such amounts are appropriated. 58166

Section 62.15. SINGLE ALLOCATION FOR COUNTY DEPARTMENTS OF 58167
JOB AND FAMILY SERVICES 58168

Using the foregoing appropriation items 600-504, Non-TANF 58169
County Administration; 600-610, Food Stamps and State 58170
Administration; 600-410, TANF State; 600-689, TANF Block Grant; 58171
600-620, Social Services Block Grant; 600-552, County Social 58172
Services; 600-413, Day Care Match/Maintenance of Effort; 600-617, 58173
Day Care Federal; 600-534, Adult Protective Services; and 600-614, 58174
Refugees Services, the Department of Job and Family Services may 58175
establish a single allocation for county departments of job and 58176
family services that are subject to a partnership agreement 58177
between a board of county commissioners and the department under 58178
section 5101.21 of the Revised Code. The county department is not 58179
required to use all the money from one or more of the 58180
appropriation items listed in this paragraph for the purpose for 58181
which the specific appropriation item is made so long as the 58182
county department uses the money for a purpose for which at least 58183
one of the other of those appropriation items is made. The county 58184
department may not use the money in the allocation for a purpose 58185
other than a purpose any of those appropriation items are made. If 58186
the spending estimates used in establishing the single allocation 58187
are not realized and the county department uses money in one or 58188
more of those appropriation items in a manner for which federal 58189
financial participation is not available, the department shall use 58190
state funds available in one or more of those appropriation items 58191
to ensure that the county department receives the full amount of 58192
its allocation. The single allocation is the maximum amount the 58193
county department shall receive from those appropriation items. 58194

ADULT PROTECTIVE SERVICES	58195
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.	58196 58197 58198
NON-TANF ADULT ASSISTANCE	58199
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.	58200 58201 58202 58203
HIPPY PROGRAM	58204
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.	58205 58206 58207 58208 58209 58210
ADOPTION CONNECTION	58211
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.	58212 58213 58214 58215 58216 58217 58218
Section 62.16. TRANSFER OF FUNDS	58219
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	58220 58221 58222 58223

Retardation and Developmental Disabilities. The sum of the 58224
transfers shall equal \$12,783,463 in fiscal year 2002 and 58225
\$13,039,133 in fiscal year 2003. The transfer may occur on a 58226
quarterly basis or on a schedule developed and agreed to by both 58227
departments. 58228

The Department of Job and Family Services shall transfer, 58229
through intrastate transfer vouchers, cash from the State Special 58230
Revenue Fund 4J5, Home and Community-Based Services for the Aged, 58231
to Fund 4J4, PASSPORT, in the Department of Aging. The sum of the 58232
transfers shall be equal to the amounts appropriated in fiscal 58233
year 2002 and fiscal year 2003 in appropriation item 490-610, 58234
PASSPORT/Residential State Supplement. The transfer may occur on a 58235
quarterly basis or on a schedule developed and agreed to by both 58236
departments. 58237

TRANSFERS OF IMD/DSH CASH 58238

The Department of Job and Family Services shall transfer, 58239
through intrastate transfer voucher, cash from fund 5C9, Medicaid 58240
Program Support, to the Department of Mental Health's Fund 4X5, 58241
OhioCare, in accordance with an interagency agreement which 58242
delegates authority from the Department of Job and Family Services 58243
to the Department of Mental Health to administer specified 58244
Medicaid services. 58245

Section 62.17. CONSOLIDATION OF STATE GRANTS 58246

With the consent of a county, the Department of Job and 58247
Family Services may combine into a single and consolidated grant 58248
of state aid, funds that would otherwise be provided to that 58249
county pursuant to the operation of section 5101.14 of the Revised 58250
Code and other funds that would otherwise be provided to that 58251
county for the purpose of providing kinship care. In fiscal year 58252
2003, the grant shall also include unspent funds remaining from 58253
any grant provided to the county under this section in fiscal year 58254

2002. 58255

Funds contained in any such consolidation grant shall not be 58256
subject to either statutory or administrative rules that would 58257
otherwise govern allowable uses from such funds, except that such 58258
funds shall continue to be used by the county to meet the expenses 58259
of its children services program under Chapter 5153. of the 58260
Revised Code. Funds contained in a consolidation grant shall be 58261
paid to each county within thirty days after the beginning of each 58262
calendar quarter. Funds provided to a county under this section 58263
shall be deposited in the children services fund, established in 58264
section 5101.144 of the Revised Code, and shall be used for no 58265
other purpose than to meet the expenses of the children services 58266
program. Within ninety days after the end of fiscal year 2003, 58267
each county shall return to the Department of Job and Family 58268
Services any unspent balance in the consolidated grant, unless 58269
this section is renewed for a subsequent period of time. 58270

Section 62.18. EMPLOYER SURCHARGE 58271

The surcharge and the interest on the surcharge amounts due 58272
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 58273
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 58274
118th General Assembly, and section 4141.251 of the Revised Code 58275
as it existed prior to Sub. H.B. 478 of the 122nd General 58276
Assembly, again shall be assessed and collected by, accounted for, 58277
and made available to the Department of Job and Family Services in 58278
the same manner as set forth in section 4141.251 of the Revised 58279
Code as it existed prior to Sub. H.B. 478 of the 122nd General 58280
Assembly, notwithstanding the repeal of the surcharge for calendar 58281
years after 1990, pursuant to Sub. H.B. 478 of the 122nd General 58282
Assembly, except that amounts received by the Director on or after 58283
July 1, 2001, shall be deposited into the special administrative 58284
fund established pursuant to section 4141.11 of the Revised Code. 58285

Effective July 1, 2001, the balance of the unemployment 58286
compensation surcharge trust funds created in custody of the 58287
Treasurer of State pursuant to section 4141.251 of the Revised 58288
Code shall be transferred into the special administrative fund 58289
established pursuant to section 4141.11 of the Revised Code. 58290

Section 62.19. OHIO ACCESS SUCCESS PROJECT 58291

(A) As used in this section, "nursing facility" has the same 58292
meaning as in section 5111.20 of the Revised Code. 58293

(B) To the extent funds are available as provided in this 58294
act, the Director of Job and Family Services may establish the 58295
Ohio Access Success Project to help Medicaid recipients make the 58296
transition from residing in a nursing facility to residing in a 58297
community setting. If the Director establishes the Project, the 58298
Director shall provide one-time benefits to not more than 58299
seventy-five Medicaid recipients in fiscal year 2002 and not more 58300
than one hundred twenty-five Medicaid recipients in fiscal year 58301
2003. To be eligible for benefits under the Project, a Medicaid 58302
recipient must satisfy all of the following requirements: 58303

(1) At the time of applying for the benefits, be a recipient 58304
of Medicaid-funded nursing facility care; 58305

(2) Have resided continuously in a nursing facility since at 58306
least January 1, 2000; 58307

(3) Need the level of care provided by nursing facilities; 58308

(4) Need benefits whose projected cost does not exceed eighty 58309
per cent of the average monthly Medicaid cost of individual 58310
Medicaid recipients' nursing facility care. 58311

(C) If the Director of Job and Family Services establishes 58312
the Ohio Access Success Project, the benefits provided under the 58313
Project may include payment of all of the following: 58314

(1) The first month's rent in a community setting;	58315
(2) Rental deposits;	58316
(3) Utility deposits;	58317
(4) Moving expenses;	58318
(5) Other expenses not covered by the Medicaid program that facilitate a Medicaid recipient's move from a nursing facility to a community setting.	58319 58320 58321
(D) No person may receive more than two thousand dollars worth of benefits under the Ohio Access Success Project.	58322 58323

Section 62.20. FUNDING FOR HABILITATIVE SERVICES 58324

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.	58325 58326 58327 58328 58329 58330 58331 58332 58333 58334 58335 58336 58337 58338 58339
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Section 62.21. FUNDING FOR INSTITUTIONAL FACILITY AUDITS AND THE OHIO ACCESS SUCCESS PROJECT 58340
58341

Notwithstanding any limitations in sections 3721.51 and 3721.56 of the Revised Code, in each fiscal year, cash from the	58342 58343
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State Special Revenue Fund 4J5, Home and Community-Based Services 58344
for the Aged, in excess of the amounts needed for the transfers 58345
may be used by the Department of Job and Family Services for the 58346
following purposes: (A) up to \$1.0 million in each fiscal year to 58347
fund the state share of audits of Medicaid cost reports filed with 58348
the Department of Job and Family Services by nursing facilities 58349
and intermediate care facilities for the mentally retarded; and 58350
(B) up to \$150,000 in fiscal year 2002 and up to \$250,000 in 58351
fiscal year 2003 to provide one-time transitional benefits under 58352
the Ohio Access Success Project that the Director of Job and 58353
Family Services may establish under the section of this act titled 58354
"Ohio Access Success Project." 58355

Section 62.22. MR/DD WAIVER REDESIGN 58356

(A) The Director of Job and Family Services may submit a 58357
request to the United States Secretary of Health and Human 58358
Services pursuant to section 1915 of the "Social Security Act," 79 58359
Stat. 286 (1965), 42 U.S.C.A. 1396n, as amended, to create a 58360
Medicaid home and community-based services waiver program, or 58361
modify a current Medicaid home and community-based services waiver 58362
program, to serve individuals with mental retardation or a 58363
developmental disability who meet all of the following 58364
requirements: 58365

(1) Need the level of care provided by intermediate care 58366
facilities for the mentally retarded; 58367

(2) Need habilitation services; 58368

(3) Are enrolled in the Ohio Home Care Waiver Program on June 58369
30, 2001; 58370

(4) Are transferred from the Ohio Home Care Waiver Program to 58371
the new or modified home and community-based services waiver 58372
program. 58373

(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 58406
appropriation item 322-639, Medicaid Waiver, by the corresponding 58407
non-GRF federal share of the estimated costs. 58408

Section 62.23. MEDICALLY FRAGILE WAIVER REDESIGN 58409

(A) The Director of Job and Family Services may submit a 58410
request to the United States Secretary of Health and Human 58411
Services pursuant to section 1915 of the "Social Security Act," 79 58412
Stat. 286 (1965), 42 U.S.C.A. 1396n, as amended, to create a 58413
Medicaid home and community-based services waiver program, or 58414
modify a current Medicaid home and community-based services waiver 58415
program, to serve medically fragile individuals who meet all of 58416
the following requirements: 58417

(1) Need a skilled level of care as defined in rule 58418
5101:3-3-05 of the Administrative Code; 58419

(2) Are enrolled in the Ohio Home Care Waiver Program on June 58420
30, 2001, or, as limited by division (D) of this section, after 58421
that date; 58422

(3) Are transferred from the Ohio Home Care Waiver Program to 58423
the new or modified home and community-based services waiver 58424
program. 58425

(B) If the United States Secretary of Health and Human 58426
Services grants a waiver request submitted under division (A) of 58427
this section, the Director of Job and Family Services may create a 58428
new, or modify an existing, home and community-based services 58429
waiver program in accordance with the waiver. The new or modified 58430
waiver program shall specify the maximum amount that the program 58431
may spend per individual enrolled in the program. The Department 58432
of Job and Family Services shall administer the waiver program. 58433

(C) The Director of Job and Family Services may reduce the 58434
maximum number of individuals the Ohio Home Care Waiver Program 58435

may serve by the number of individuals transferred from that 58436
program to the new or modified home and community-based services 58437
waiver program provided for by this section. 58438

(D) No more than a number, approved by the Director of Budget 58439
and Management, of individuals who enroll in the Ohio Home Care 58440
Waiver Program after June 30, 2001, may transfer to the new or 58441
modified waiver program provided for by this section. 58442

Section 62.24. MEDICAID WAIVER 58443

(A) With the assistance of the Department of Mental Health 58444
and after consulting with community mental health facilities that 58445
provide mental health services included in the state Medicaid plan 58446
pursuant to section 5111.022 of the Revised Code and with the 58447
chairpersons and ranking minority members of the House of 58448
Representatives Health and Family Services Committee and the 58449
Senate Health, Human Services, and Aging Committee, the Department 58450
of Job and Family Services shall develop and submit to the Health 58451
Care Financing Administration of the United States Department of 58452
Health and Human Services an application for a waiver under which 58453
any of the federal Medicaid statutes and regulations that are 58454
subject to being waived may be waived as necessary for purposes of 58455
better ensuring both of the following: 58456

(1) That Medicaid coverage and payment methods for mental 58457
health services provided under section 5111.022 of the Revised 58458
Code are consistent with the service priorities established 58459
pursuant to Chapters 340. and 5119. of the Revised Code; 58460

(2) That the services provided under section 5111.022 of the 58461
Revised Code can be provided in a manner that maximizes the 58462
effectiveness of resources available to the Department of Mental 58463
Health and boards of alcohol, drug addiction, and mental health 58464
services. 58465

(B) The actions taken by the Department of Mental Health and 58466
Department of Job and Family Services to develop and submit the 58467
application for the waiver specified in division (A) of this 58468
section shall be taken in a manner that allows the provisions of 58469
the waiver to be implemented not later than July 1, 2002. 58470

Section 62.25. REFUND OF SETS PENALTY 58471

The Department of Job and Family Services shall notify the 58472
Controlling Board immediately on receipt of any refunds for 58473
penalties that were paid directly or indirectly by the state for 58474
the Support Enforcement Tracking System (SETS). Any and all 58475
refunds received for such penalties shall be deposited in their 58476
entirety to the General Revenue Fund. 58477

Section 62.26. As used in this section, "Medicaid waiver 58478
component" has the same meaning as in section 5111.85 of the 58479
Revised Code. 58480

A rule adopted by the Director of Job and Family Services 58481
governing a Medicaid waiver component that is in effect on the 58482
effective date of this section shall remain in effect until 58483
amended or rescinded as part of the adoption of rules under 58484
section 5111.85 of the Revised Code. 58485

The rule of this act that items in uncodified sections do not 58486
have effect after June 30, 2003, does not apply to this section. 58487

Section 62.27. The Health Care Compliance Fund created by 58488
section 5111.171 of the Revised Code is the same fund as the 58489
Health Care Compliance Fund created by the Controlling Board in 58490
October 1998. 58491

Section 62.28. Not later than February 28, 2002, the Director 58492
of Job and Family Services shall submit to the United States 58493

Secretary of Health and Human Services an amendment to the state 58494
Medicaid Plan to provide for the Department of Job and Family 58495
Services to continue the Program of All-Inclusive Care for the 58496
Elderly, known as PACE, in accordance with 42 U.S.C. 1396u-4. The 58497
Director may submit to the United States Secretary of Health and 58498
Human Services application for program agreements to operate the 58499
PACE program in accordance with 42 U.S.C. 1396u-4. The Director 58500
shall consider and, in the absence of just cause for refusal, 58501
shall give preference to, Condordia Care and TriHealth Senior 58502
Link, when determining the entities for which the first two PACE 58503
applications shall be submitted. The Director may submit to the 58504
United States Secretary a request to transfer the day-to-day 58505
administration of PACE to the Department of Aging. If the United 58506
States Secretary approves the amendment, the Directors of Job and 58507
Family Services and Aging may enter into an interagency agreement 58508
under section 5111.86 of the Revised Code to transfer 58509
responsibility for the day-to-day administration of PACE from the 58510
Department of Job and Family Services to the Department of Aging. 58511
The interagency agreement is subject to the approval of the 58512
Director of Budget and Management and shall include an estimated 58513
cost of services to be provided under PACE and an estimated cost 58514
for the administrative duties assigned by the agreement to the 58515
Department of Aging. 58516

If the Directors of Job and Family Services and Aging enter 58517
into the interagency agreement, the Director of Budget and 58518
Management shall reduce the amount in appropriation item 600-525, 58519
Health Care/Medicaid, by the estimated costs of PACE services and 58520
an estimated cost for the administrative duties assigned by the 58521
agreement to the Department of Aging included in the interagency 58522
agreement. If the Director of Budget and Management makes the 58523
reduction, the state and federal share of the estimated costs of 58524
PACE services and administration is hereby appropriated to the 58525

Department of Aging. The Director of Budget and Management shall 58526
establish a new appropriation item for the appropriation. 58527

Section 62.29. (A) The authority of the Director of Job and 58528
Family Services under section 5111.02 of the Revised Code to adopt 58529
a rule excluding drugs for the treatment of obesity from coverage 58530
under the Medicaid program is revoked. Therefore, the Director 58531
shall rescind paragraph (D)(1) of rule 5101:3-9-03 of the 58532
Administrative Code. Paragraph (D)(1) of rule 5101:3-9-03 of the 58533
Administrative Code is suspended pending the rescission. This 58534
division does not require the Medicaid program to cover drugs for 58535
the treatment of obesity. 58536

The rule of this act that items in uncodified sections do not 58537
have effect after June 30, 2003, does not apply to this division. 58538

(B) Not later than six months after the effective date of 58539
this section, the Director of Job and Family Services shall 58540
complete an evaluation and issue a report on whether the Medicaid 58541
program should cover anti-obesity agents that have been approved 58542
by the United States Food and Drug Administration for the 58543
treatment of obesity and obesity's related co-morbidities. At a 58544
minimum, the evaluation shall consider the safety, efficacy, and 58545
cost-effectiveness of having the Medicaid program cover such 58546
anti-obesity agents. The Director shall submit the report to the 58547
chairperson and ranking minority member of the House of 58548
Representatives Finance and Appropriations Committee and the 58549
chairperson and ranking minority member of the Senate Finance and 58550
Financial Institutions Committee. 58551

Section 62.30. CHILD PROTECTIVE SERVICES 58552

Of the foregoing appropriation item 600-527, Child Protective 58553
Services, \$15,000 in each fiscal year shall be provided to the 58554
Children's Advocacy Center in Portage County. 58555

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.

58585

Section 62.33. (A) The Director of Job and Family Services 58586
shall continue operations through each of the local public 58587
employment offices described in section 4141.04 of the Revised 58588
Code that exist on the effective date of this section until thirty 58589
days after submitting the report required by division (B) of this 58590
section. 58591

(B) The Director shall present a detailed report to the 58592
members of the Finance and Appropriations Committee of the House 58593
of Representatives and of the Finance and Financial Institutions 58594
Committee of the Senate on or before October 1, 2001, that 58595
describes the Director's plan to cease the Department of Job and 58596
Family Services operations at the offices described in division 58597
(A) of this section and instead commence operations at telephone 58598
registration centers, mail claims centers, and one-stop employment 58599
centers. The report shall include all of the following 58600
information: 58601

(1) A description of plans to employ personnel for telephone 58602
registration centers and mail claims centers, including plans to 58603
possibly reassign personnel employed at the offices described in 58604
division (A) of this section to the telephone registration 58605
centers, mail claims centers, or one-stop employment centers, and 58606
a description of model plans and actual plans detailing the manner 58607
in which personnel would be employed in each telephone 58608
registration center, mail claims center, or one-stop employment 58609
center; 58610

(2) A fiscal analysis of the impact of the transition, 58611
including all of the following information that is presented in a 58612
manner so that the costs described in division (B)(2)(a) of this 58613
section can be readily compared to the costs described in division 58614
(B)(2)(b) of this section: 58615

(a) The cost of operating the existing offices described in 58616

division (A) of this section, including the costs for 58617
administration, facilities, and employing personnel; 58618

(b) The number of proposed telephone registration centers and 58619
mail claims centers and the projected operational costs of those 58620
centers, including, but not limited to, the cost of employing 58621
personnel for those centers, the administrative overhead costs of 58622
those centers, the initial costs to establish those centers, the 58623
long-term costs of maintaining those centers, and the cost of 58624
renting facilities for those centers, if rental is necessary. 58625
58626

(3) The estimated cost projections of the initial start-up 58627
costs of transitioning from the existing offices described in 58628
division (A) of this section to the telephone registration 58629
centers, mail claims centers, and one-stop employment centers and 58630
the long-term operational costs of both operating those centers 58631
and assisting in providing personnel to staff the one-stop 58632
employment centers; 58633

(4) Funding projections that clearly indicate the amount of 58634
funding expected from federal, state, and local sources for the 58635
transition, and for maintaining the telephone registration centers 58636
and mail claims centers, and for assisting in providing personnel 58637
to staff the one-stop employment centers, with the amounts from 58638
each source stated separately; 58639

(5) Steps that the Director plans to take to assist local 58640
communities in improving services at one-stop employment centers 58641
so that service to unemployed individuals, other job seekers, and 58642
employers is not interrupted. 58643

(C) It is the intention of the General Assembly that the 58644
Director be strongly encouraged to negotiate with boards of county 58645
commissioners, local workforce policy boards, and other interested 58646
local officials in developing a plan to transfer operations from 58647

the offices described in division (A) of this section to telephone 58648
registration centers, mail claims centers, and one-stop employment 58649
centers. It is also the intention of the General Assembly that 58650
those negotiations include a process for agreeing to the division 58651
of resources and the allocation of costs between the Department of 58652
Job and Family Services, boards of county commissioners, and local 58653
workforce policy boards. 58654

Section 62.34. CHILD AND FAMILY SERVICES ACTIVITIES 58655

Of the foregoing appropriation item 600-427, Child and Family 58656
Services Activities, \$10,000 in each fiscal year shall be provided 58657
to the Parmadale Children's Home. 58658

Of the foregoing appropriation item 600-427, Child and Family 58659
Services Activities, \$10,000 in each fiscal year shall be provided 58660
to the Berea Children's Home. 58661

Section 62.35. (A) As used in this section: 58662

(1) "Medicaid days" means all days during which a resident 58663
who is a Medicaid recipient occupies a bed in a nursing facility 58664
that is included in the facility's certified capacity under Title 58665
XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 58666
1396, as amended. Therapeutic or hospital leave days for which 58667
payment is made under section 5111.33 of the Revised Code are 58668
considered Medicaid days proportionate to the percentage of the 58669
nursing facility's per resident per day rate paid for those days. 58670

(2) "Nursing facility" has the same meaning as in section 58671
5111.20 of the Revised Code. 58672

(B) Notwithstanding sections 5111.20 to 5111.32 of the 58673
Revised Code, rates paid to nursing facilities under the Medicaid 58674
program shall be subject to the following limitations: 58675

(1) For fiscal year 2002, the mean total per diem rate for 58676

all nursing facilities in the state, weighted by Medicaid days and 58677
calculated as of July 1, 2001, under sections 5111.20 to 5111.32 58678
of the Revised Code, shall not exceed \$144.99. 58679

(2) For fiscal year 2003, the mean total per diem rate for 58680
all nursing facilities in the state, weighted by Medicaid days and 58681
calculated as of July 1, 2002, under sections 5111.20 to 5111.32 58682
of the Revised Code, shall not exceed \$154.41, plus any difference 58683
between \$144.99 and the mean total per diem rate for all nursing 58684
facilities in the state for fiscal year 2002, weighted by Medicaid 58685
days and calculated as of July 1, 2001, under sections 5111.20 to 58686
5111.32 of the Revised Code. 58687

(3) If the mean total per diem rate for all nursing 58688
facilities in the state for fiscal year 2002 or 2003, weighted by 58689
Medicaid days and calculated under sections 5111.20 to 5111.32 of 58690
the Revised Code as of the first day of July of the calendar year 58691
in which the fiscal year begins, exceeds the amount specified for 58692
that fiscal year in division (B)(1) or (2) of this section, the 58693
Department of Job and Family Services shall reduce the total per 58694
diem rate for each nursing facility in the state by a percentage 58695
that is equal to the percentage by which the mean total per diem 58696
rate exceeds the amount specified in division (B)(1) or (2) of 58697
this section for that fiscal year. 58698

(4) Subsequent to any reduction required by division (B)(1), 58699
(2), or (3) of this section, a nursing facility's rate shall be 58700
subject to any adjustments required or authorized by sections 58701
5111.20 to 5111.32 of the Revised Code during the remainder of the 58702
fiscal year. 58703

Section 62.36. (A) Notwithstanding division (Q)(1) of section 58704
5111.20 of the Revised Code, when calculating indirect care costs 58705
for the purpose of establishing rates under section 5111.24 or 58706
5111.241 of the Revised Code for fiscal year 2002, "per diem," as 58707

used in sections 5111.20 to 5111.32 of the Revised Code, means a 58708
nursing facility's or intermediate care facility for the mentally 58709
retarded's actual, allowable indirect care costs in the cost 58710
reporting period divided by the greater of the facility's 58711
inpatient days for that period or the number of inpatient days the 58712
facility would have had during that period if its occupancy rate 58713
had been eighty-two per cent. 58714

(B) Notwithstanding division (Q)(1) of section 5111.20 of the 58715
Revised Code, when calculating indirect care costs for the purpose 58716
of establishing rates under section 5111.24 or 5111.241 of the 58717
Revised Code for fiscal year 2003, "per diem," as used in sections 58718
5111.20 to 5111.32 of the Revised Code, means a nursing facility's 58719
or intermediate care facility for the mentally retarded's actual, 58720
allowable indirect care costs in the cost reporting period divided 58721
by the greater of the facility's inpatient days for that period or 58722
the number of inpatient days the facility would have had during 58723
that period if its occupancy rate had been eighty-seven per cent. 58724
58725

(C) Notwithstanding division (Q)(2) of section 5111.20 of the 58726
Revised Code, when calculating capital costs for the purpose of 58727
establishing rates under section 5111.25 or 5111.251 of the 58728
Revised Code for fiscal year 2002, "per diem," as used in sections 58729
5111.20 to 5111.32 of the Revised Code, means a nursing facility's 58730
or intermediate care facility for the mentally retarded's actual, 58731
allowable capital costs in the cost reporting period divided by 58732
the greater of the facility's inpatient days for that period or 58733
the number of inpatient days the facility would have had during 58734
that period if its occupancy rate had been eighty-eight per cent. 58735

(D) Notwithstanding division (Q)(2) of section 5111.20 of the 58736
Revised Code, when calculating capital costs for the purpose of 58737
establishing rates under section 5111.25 or 5111.251 of the 58738
Revised Code for fiscal year 2003, "per diem," as used in sections 58739

5111.20 to 5111.32 of the Revised Code, means a nursing facility's 58740
or intermediate care facility for the mentally retarded's actual, 58741
allowable capital costs in the cost reporting period divided by 58742
the greater of the facility's inpatient days for that period or 58743
the number of inpatient days the facility would have had during 58744
that period if its occupancy rate had been ninety-one per cent. 58745

(E) As soon as practicable, the Department of Job and Family 58746
Services shall follow this section for the purpose of calculating 58747
nursing facilities' and intermediate care facilities for the 58748
mentally retarded's Medicaid reimbursement rates for indirect care 58749
and capital costs for fiscal years 2002 and 2003. If the 58750
Department is unable to calculate the rates before it makes 58751
payments for services provided during fiscal year 2002 or 2003, 58752
the Department shall pay a nursing facility or intermediate care 58753
facility for the mentally retarded the difference between the 58754
amount it pays the facility and the amount that would have been 58755
paid had the Department made the calculation in time. 58756

Section 62.37. NURSING FACILITY STABILIZATION FUND 58757

(A) As used in this section: 58758

(1) "Inpatient days" and "nursing facility" have the same 58759
meanings as in section 5111.20 of the Revised Code. 58760

(2) "Medicaid day" means all days during which a resident who 58761
is a Medicaid recipient occupies a bed in a nursing facility that 58762
is included in the facility's certified capacity under Title XIX 58763
of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 58764
1396, as amended. Therapeutic or hospital leave days for which 58765
payment is made under section 5111.33 of the Revised Code are 58766
considered Medicaid days proportionate to the percentage of the 58767
nursing facility's per resident per day rate paid for those days. 58768

(B) The Department of Job and Family Services shall use money 58769

in the Nursing Facility Stabilization Fund created under section	58770
3721.56 of the Revised Code to do all of the following:	58771
(1) Make payments to nursing facilities under sections	58772
5111.20 to 5111.32 of the Revised Code to the extent that funds	58773
available in appropriation item 600-525, Health Care/Medicaid, are	58774
insufficient to make those payments;	58775
(2) Make payments to each nursing facility for fiscal years	58776
2002 and 2003 in an amount equal to three fourths of the franchise	58777
permit fee the nursing facility pays under section 3721.53 of the	58778
Revised Code for the fiscal year the department makes the payment	58779
divided by the nursing facility's inpatient days for the calendar	58780
year preceding the calendar year in which that fiscal year begins;	58781
(3) Make payments to each nursing facility for fiscal years	58782
2002 and 2003 in an amount equal to one dollar and fifty cents per	58783
Medicaid day;	58784
(4) Make payments under the Nursing Facility Bed Operating	58785
Rights Buy-Back Program. The Department may not use more than	58786
\$15,000,000 to implement that program.	58787
(C) Any money remaining in the Nursing Facility Stabilization	58788
Fund after payments specified in division (B) of this section are	58789
made for fiscal years 2002 and 2003 shall be retained in the fund.	58790
Any interest or other investment proceeds earned on money in the	58791
fund shall be credited to the fund and used to make payments in	58792
accordance with division (B) of this section.	58793
Section 62.38. NURSING FACILITY BED OPERATING RIGHTS BUY-BACK	58794
PROGRAM	58795
As used in this section, "nursing facility" has the same	58796
meaning as in section 5111.20 of the Revised Code.	58797
The Director of Job and Family Services shall create and	58798
implement a Nursing Facility Bed Operating Rights Buy-Back	58799

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. 58800
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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. 58805
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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 58822
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under sections 5111.20 to 5111.32 of the Revised Code for the 58832
fiscal year in which the operating rights are purchased. 58833
58834

No action taken pursuant to the Nursing Facility Bed 58835
Operating Rights Buy-Back Program is a reviewable activity under 58836
sections 3702.51 to 3702.62 of the Revised Code. 58837

Section 62.39. NURSING FACILITY REIMBURSEMENT STUDY COUNCIL 58838

During fiscal years 2002 and 2003, the Nursing Facility 58839
Reimbursement Study Council shall examine and report to the 58840
Governor, the Speaker of the House of Representatives, and the 58841
President of the Senate its activities, findings, and 58842
recommendations concerning at least all of the following: 58843

(1) The use of imputed occupancy factors in calculating 58844
reimbursement rates; 58845

(2) The identification and quantification of costs that vary 58846
with occupancy and costs that do not vary with occupancy; 58847

(3) Specific elements of the reimbursement formula that 58848
contribute to or detract from facility efficiency, including 58849
appropriate methods of defining and measuring efficiency; 58850

(4) The inclusion or exclusion of direct-care costs and 58851
case-mix scores for classes of facility residents the Council 58852
identifies from case-mix calculations and the effect of those 58853
inclusions or exclusions on direct care of residents; 58854

(5) Whether the return on equity provision in the 58855
reimbursement formula should remain; 58856

(6) The use of depreciation recapture in the case of 58857
transfers of nursing facilities; 58858

(7) The amount of time that elapses between when a facility 58859
incurs costs for wage increases or other expenditure and when 58860

those costs are included in the reimbursement rate; 58861

(8) The percentage of capital costs that are not included in 58862
the reimbursement rate; 58863

(9) The percentage of purchased nursing costs that are not 58864
included in the reimbursement rate. 58865

Section 62.40. The Department of Mental Retardation and 58866
Developmental Disabilities shall arrange for a study to be 58867
completed no later than January 1, 2003, of the implications of 58868
the "Health Insurance Portability and Accountability Act of 1996," 58869
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-42, as 58870
amended, on payment systems for Medicaid-funded services to 58871
individuals with mental retardation or other developmental 58872
disability, including the Multi-Agency Community Services 58873
Information System and similar payment systems. The study shall 58874
include consideration of the feasibility of a payment system under 58875
which a county board of mental retardation and developmental 58876
disabilities pays claims directly to persons and government 58877
entities under contract with the county board to provide 58878
Medicaid-funded services to individuals with mental retardation or 58879
other developmental disability. 58880

The Department shall contract with a person to administer an 58881
individual assessment instrument to a representative sample of 58882
individuals receiving or eligible to receive home and 58883
community-based services provided under a Medicaid component the 58884
Department administers under section 5111.871 of the Revised Code. 58885
The assessment instrument shall be identical or similar in design 58886
to the New York Developmental Disabilities Profile as developed by 58887
the New York Office of Mental Retardation and Developmental 58888
Disabilities. The purpose of the contract is to collect data 58889
necessary for constructing a statewide individual assessment 58890
instrument capable of reliably assessing an individual's needs 58891

that the Department is required to provide to the Department of 58892
Job and Family Services under division (A)(2) of section 5111.873 58893
of the Revised Code. 58894

Section 62.41. CRITICAL ACCESS HOSPITALS 58895

Pursuant to the requirement of section 5112.03 of the Revised 58896
Code to adopt rules establishing a methodology for paying 58897
hospitals under the Hospital Care Assurance Program, the Director 58898
of Job and Family Services shall include within the methodology a 58899
special payment pool for hospitals certified as critical access 58900
hospitals by the United States Health Care Financing 58901
Administration. The special payment pool for critical access 58902
hospitals shall be used to reimburse each critical access hospital 58903
an amount equal to the difference between the hospital's Medicaid 58904
costs and its Medicaid payments. 58905

Section 63. JCO JUDICIAL CONFERENCE OF OHIO 58906

General Revenue Fund 58907

GRF 018-321 Operating Expenses	\$	1,110,240	\$	1,141,327	58908
TOTAL GRF General Revenue Fund	\$	1,110,240	\$	1,141,327	58909

General Services Fund Group 58910

403 018-601 Ohio Jury Instructions	\$	200,000	\$	200,000	58911
TOTAL GSF General Services Fund	\$	200,000	\$	200,000	58912

Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,310,240	\$	1,341,327	58913
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STATE COUNCIL OF UNIFORM STATE LAWS 58914

Notwithstanding section 105.26 of the Revised Code, of the 58915
foregoing appropriation item 018-321, Operating Expenses, up to 58916
\$60,000 in fiscal year 2002 and up to \$63,000 in fiscal year 2003 58917
may be used to pay the expenses of the State Council of Uniform 58918
State Laws, including membership dues to the National Conference 58919

of Commissioners on Uniform State Laws.				58920
OHIO JURY INSTRUCTIONS FUND				58921
The Ohio Jury Instructions Fund (Fund 403) shall consist of				58922
grants, royalties, dues, conference fees, bequests, devises, and				58923
other gifts received for the purpose of supporting costs incurred				58924
by the Judicial Conference of Ohio in dispensing education and				58925
informational data to the state's judicial system. Fund 403 shall				58926
be used by the Judicial Conference of Ohio to pay expenses				58927
incurred in dispensing educational and informational data to the				58928
state's judicial system. All moneys accruing to Fund 403 in excess				58929
of \$200,000 in fiscal year 2002 and in excess of \$200,000 in				58930
fiscal year 2003 are hereby appropriated for the purposes				58931
authorized.				58932
No money in the Ohio Jury Instructions Fund shall be				58933
transferred to any other fund by the Director of Budget and				58934
Management or the Controlling Board.				58935
Section 64. JSC THE JUDICIARY/SUPREME COURT				58936
General Revenue Fund				58937
GRF 005-321 Operating Expenses -	\$	98,524,655	\$ 103,540,214	58938
Judiciary/Supreme				
Court				
GRF 005-401 State Criminal	\$	294,096	\$ 304,881	58939
Sentencing Council				
GRF 005-406 Law-Related Education	\$	200,802	\$ 206,826	58940
GRF 005-502 Commission for Legal	\$	0	\$ 657,600	58941
Education Opportunity				
TOTAL GRF General Revenue Fund	\$	99,019,553	\$ 104,709,521	58942
General Services Fund Group				58943
672 005-601 Continuing Judicial	\$	235,000	\$ 265,000	58944
Education				

TOTAL GSF General Services Fund	\$	235,000	\$	265,000	58945
Group					
State Special Revenue Fund Group					58946
4C8 005-605 Attorney Registration	\$	1,971,100	\$	2,030,233	58947
6A8 005-606 Supreme Court	\$	1,042,536	\$	1,089,111	58948
Admissions					
643 005-607 Commission on	\$	573,268	\$	590,016	58949
Continuing Legal					
Education					
TOTAL SSR State Special Revenue	\$	3,586,904	\$	3,709,360	58950
Fund Group					
Federal Special Revenue Fund Group					58951
3J0 005-603 Federal Grants	\$	1,093,306	\$	964,484	58952
TOTAL FED Federal Special Revenue	\$	1,093,306	\$	964,484	58953
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	103,934,763	\$	109,648,365	58954
LAW-RELATED EDUCATION					58955
The foregoing appropriation item 005-406, Law-Related					58956
Education, shall be distributed directly to the Ohio Center for					58957
Law-Related Education for the purposes of providing continuing					58958
citizenship education activities to primary and secondary					58959
students, expanding delinquency prevention programs, increasing					58960
activities for at-risk youth, and accessing additional public and					58961
private money for new programs.					58962
OHIO COMMISSION FOR LEGAL EDUCATION OPPORTUNITY					58963
The foregoing appropriation item 005-502, Commission for					58964
Legal Education Opportunity, shall be used to fund the activities					58965
of the Commission for Legal Education Opportunity created by the					58966
Chief Justice of the Supreme Court of Ohio for the purpose of					58967
assisting minority, low-income, and educationally disadvantaged					58968
college graduates in the transition to legal education. Moneys					58969

appropriated to the Commission for Legal Education Opportunity may 58970
be used to establish and provide an intensive course of study 58971
designed to prepare eligible college graduates for law school 58972
education, provide annual stipends for students who successfully 58973
complete the course of study and are admitted to and maintain 58974
satisfactory academic standing in an Ohio law school, and pay the 58975
administrative costs associated with the program. 58976

CONTINUING JUDICIAL EDUCATION 58977

The Continuing Judicial Education Fund (Fund 672) shall 58978
consist of fees paid by judges and court personnel for attending 58979
continuing education courses and other gifts and grants received 58980
for the purpose of continuing judicial education. The foregoing 58981
appropriation item 005-601, Continuing Judicial Education, shall 58982
be used to pay expenses for continuing education courses for 58983
judges and court personnel. If it is determined by the 58984
Administrative Director of the Supreme Court that additional 58985
appropriations are necessary, the amounts are appropriated. 58986

No money in the Continuing Judicial Education Fund shall be 58987
transferred to any other fund by the Director of Budget and 58988
Management or the Controlling Board. Interest earned on moneys in 58989
the Continuing Judicial Education Fund shall be credited to the 58990
fund. 58991

ATTORNEY REGISTRATION 58992

In addition to funding other activities considered 58993
appropriate by the Supreme Court, the foregoing appropriation item 58994
005-605, Attorney Registration, may be used to compensate 58995
employees and fund the appropriate activities of the following 58996
offices established by the Supreme Court pursuant to the Rules for 58997
the Government of the Bar of Ohio: the Office of Disciplinary 58998
Counsel, the Board of Commissioners on Grievances and Discipline, 58999
the Clients' Security Fund, the Board of Commissioners on the 59000

Unauthorized Practice of Law, and the Office of Attorney 59001
Registration. If it is determined by the Administrative Director 59002
of the Supreme Court that additional appropriations are necessary, 59003
the amounts are appropriated. 59004

No moneys in the Attorney Registration Fund shall be 59005
transferred to any other fund by the Director of Budget and 59006
Management or the Controlling Board. Interest earned on moneys in 59007
the Attorney Registration Fund shall be credited to the fund. 59008

SUPREME COURT ADMISSIONS 59009

The foregoing appropriation item 005-606, Supreme Court 59010
Admissions, shall be used to compensate Supreme Court employees 59011
who are primarily responsible for administering the attorney 59012
admissions program, pursuant to the Rules for the Government of 59013
the Bar of Ohio, and to fund any other activities considered 59014
appropriate by the court. Moneys shall be deposited into the 59015
Supreme Court Admissions Fund (Fund 6A8) pursuant to the Supreme 59016
Court Rules for the Government of the Bar of Ohio. If it is 59017
determined by the Administrative Director of the Supreme Court 59018
that additional appropriations are necessary, the amounts are 59019
appropriated. 59020

No moneys in the Supreme Court Admissions Fund shall be 59021
transferred to any other fund by the Director of Budget and 59022
Management or the Controlling Board. Interest earned on moneys in 59023
the Supreme Court Admissions Fund shall be credited to the fund. 59024

CONTINUING LEGAL EDUCATION 59025

The foregoing appropriation item 005-607, Commission on 59026
Continuing Legal Education, shall be used to compensate employees 59027
of the Commission on Continuing Legal Education, established 59028
pursuant to the Supreme Court Rules for the Government of the Bar 59029
of Ohio, and to fund other activities of the commission considered 59030
appropriate by the court. If it is determined by the 59031

Administrative Director of the Supreme Court that additional	59032
appropriations are necessary, the amounts are appropriated.	59033
No moneys in the Continuing Legal Education Fund shall be	59034
transferred to any other fund by the Director of Budget and	59035
Management or the Controlling Board. Interest earned on moneys in	59036
the Continuing Legal Education Fund shall be credited to the fund.	59037
FEDERAL MISCELLANEOUS	59038
The Federal Miscellaneous Fund (3J0) shall consist of grants	59039
and other moneys awarded to the Supreme Court of Ohio (The	59040
Judiciary) by the United States Government, the State Justice	59041
Institute, or other entities that receive the moneys directly from	59042
the United States Government or the State Justice Institute and	59043
distribute those moneys to the Supreme Court of Ohio (The	59044
Judiciary). The foregoing appropriation item 005-603, Federal	59045
Grants, shall be used in a manner consistent with the purpose of	59046
the grant or award. If it is determined by the Administrative	59047
Director of the Supreme Court that additional appropriations are	59048
necessary, the amounts are appropriated.	59049
No money in the Federal Miscellaneous Fund shall be	59050
transferred to any other fund by the Director of Budget and	59051
Management or the Controlling Board. However, interest earned on	59052
moneys in the Federal Miscellaneous Fund shall be credited or	59053
transferred to the General Revenue Fund.	59054
Section 65. LEC LAKE ERIE COMMISSION	59055
State Special Revenue Fund Group	59056
4C0 780-601 Lake Erie Protection \$ 1,044,854 \$ 1,070,975	59057
Fund	
5D8 780-602 Lake Erie Resources \$ 661,009 \$ 689,004	59058
Fund	
TOTAL SSR State Special Revenue	59059

Fund Group	\$	1,705,863	\$	1,759,979	59060
TOTAL ALL BUDGET FUND GROUPS	\$	1,705,863	\$	1,759,979	59061

CASH TRANSFER 59062

Not later than the thirtieth day of November of each fiscal 59063
year, the Executive Director of the Ohio Lake Erie Office, with 59064
the approval of the Lake Erie Commission, shall certify to the 59065
Director of Budget and Management the cash balance in the Lake 59066
Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet 59067
operating expenses of the Lake Erie Office. The Ohio Lake Erie 59068
Office may request the Director of Budget and Management to 59069
transfer up to the certified amount from the Lake Erie Resources 59070
Fund (Fund 5D8) to the Lake Erie Protection Fund (Fund 4C0). The 59071
Director of Budget and Management may transfer the requested 59072
amount, or the Director may transfer a different amount up to the 59073
certified amount. Cash transferred shall be used for the purposes 59074
described in division (A) of section 1506.23 of the Revised Code. 59075
The amount transferred by the director is appropriated to the 59076
foregoing appropriation item 780-601, Lake Erie Protection Fund, 59077
which shall be increased by the amount transferred. 59078

Section 66. LRS LEGAL RIGHTS SERVICE 59079

General Revenue Fund					59080
GRF 054-100 Personal Services	\$	274,718	\$	269,974	59081
GRF 054-200 Maintenance	\$	45,278	\$	46,184	59082
GRF 054-300 Equipment	\$	2,476	\$	2,526	59083
GRF 054-401 Ombudsman	\$	321,769	\$	318,491	59084
TOTAL GRF General Revenue Fund	\$	644,241	\$	637,175	59085
General Services Fund Group					59086
416 054-601 Gifts and Donations	\$	1,319	\$	1,352	59087
5M0 054-610 Settlements	\$	75,000	\$	75,000	59088
524 054-608 Traumatic Brain Injury	\$	21,550	\$	0	59089
TOTAL GSF General Services					59090

Fund Group	\$	97,869	\$	76,352	59091
Federal Special Revenue Fund Group					59092
3B8 054-603 Protection and Advocacy - Mentally Ill	\$	810,314	\$	810,314	59093
3N3 054-606 Protection and Advocacy - Individual Rights	\$	468,445	\$	468,445	59094
3N9 054-607 Assistive Technology	\$	50,000	\$	50,000	59095
3R9 054-604 Family Support Collaborative	\$	242,500	\$	242,500	59096
3T2 054-609 Client Assistance Program	\$	406,772	\$	406,772	59097
305 054-602 Protection and Advocacy - Developmentally Disabled	\$	1,068,109	\$	1,068,109	59098
TOTAL FED Federal Special Revenue Fund Group					59099
	\$	3,046,140	\$	3,046,140	59100
TOTAL ALL BUDGET FUND GROUPS	\$	3,788,250	\$	3,759,667	59101
Section 67. JLE JOINT LEGISLATIVE ETHICS COMMITTEE					59103
General Revenue Fund					59104
GRF 028-321 Legislative Ethics Committee	\$	589,000	\$	612,000	59105
TOTAL GRF General Revenue Fund	\$	589,000	\$	612,000	59106
State Special Revenue Fund Group					59107
4G7 028-601 Joint Legislative Ethics Committee	\$	50,000	\$	50,000	59108
TOTAL SSR State Special Revenue Fund	\$	50,000	\$	50,000	59109
TOTAL ALL BUDGET FUND GROUPS	\$	639,000	\$	662,000	59110

Section 68. LSC LEGISLATIVE SERVICE COMMISSION				59112
General Revenue Fund				59113
GRF 035-321	Operating Expenses	\$ 13,325,000	\$ 14,470,000	59114
GRF 035-402	Legislative Interns	\$ 953,500	\$ 993,500	59115
GRF 035-404	Legislative Office of Education Oversight	\$ 1,192,146	\$ 1,239,832	59116
GRF 035-406	ATMS Replacement Project	\$ 90,000	\$ 90,000	59117
GRF 035-407	Legislative Task Force on Redistricting	\$ 2,000,000	\$ 0	59118
GRF 035-409	National Associations	\$ 417,906	\$ 427,381	59119
GRF 035-410	Legislative Information Systems	\$ 4,343,000	\$ 4,690,000	59120
TOTAL GRF	General Revenue Fund	\$ 22,321,552	\$ 21,910,713	59121
General Services Fund Group				59122
4F6 035-603	Legislative Budget Services	\$ 140,000	\$ 145,000	59123
410 035-601	Sale of Publications	\$ 25,000	\$ 25,000	59124
TOTAL GSF	General Services Fund Group	\$ 165,000	\$ 170,000	59126
TOTAL ALL BUDGET FUND GROUPS		\$ 22,486,552	\$ 22,080,713	59127
OPERATING EXPENSES				59128
On or before August 1, 2001, the Director of Budget and Management shall determine and certify to the Director of the Legislative Service Commission the total amount of unexpended, unobligated appropriations made to the Commission for fiscal year 2001 in appropriation items 035-321 and 035-403. Additional appropriation authority equal to the amount certified by the Director of Budget and Management to the Director of the Legislative Service Commission, not to exceed \$500,000, is hereby appropriated to appropriation item 035-321 Operating Expenses, for				59129 59130 59131 59132 59133 59134 59135 59136 59137

fiscal year 2002.	59138
ATMS REPLACEMENT PROJECT	59139
Of the foregoing appropriation item 035-406, ATMS Replacement Project, any amounts not used for the ATMS project may be used to pay the operating expenses of the Legislative Service Commission.	59140 59141 59142
LEGISLATIVE TASK FORCE ON REDISTRICTING	59143
On or before August 1, 2001, the Director of Budget and Management shall determine and certify to the Director of the Legislative Service Commission the total amount of unexpended, unobligated appropriations made to the Commission for fiscal year 2001 in appropriation item 035-407, Legislative Task Force on Redistricting. Additional appropriation authority equal to the amount certified by the Director of Budget and Management to the Director of the Legislative Service Commission is hereby appropriated to appropriation item 035-407, Legislative Task Force on Redistricting, for fiscal year 2002.	59144 59145 59146 59147 59148 59149 59150 59151 59152 59153
NATIONAL ASSOCIATIONS	59154
Of the foregoing appropriation item 035-409, National Associations, \$10,000 in each fiscal year shall be used for the State and Local Legal Center.	59155 59156 59157
LEGISLATIVE OFFICE OF EDUCATION OVERSIGHT	59158
The foregoing appropriation item 035-404, Legislative Office of Education Oversight, shall be used to support the legislative oversight activities of the Legislative Committee on Education Oversight established in section 3301.68 of the Revised Code.	59159 59160 59161 59162
Section 69. LIB STATE LIBRARY BOARD	59163
General Revenue Fund	59164
GRF 350-321 Operating Expenses	\$ 7,645,422 \$ 7,969,585 59165
GRF 350-401 Ohioana Rental	\$ 120,972 \$ 120,972 59166
Payments	

GRF 350-501	Cincinnati Public Library	\$	758,699	\$	753,594	59167
GRF 350-502	Regional Library Systems	\$	1,792,357	\$	1,780,093	59168
GRF 350-503	Cleveland Public Library	\$	1,141,234	\$	1,133,512	59169
TOTAL GRF	General Revenue Fund	\$	11,458,684	\$	11,757,756	59170
	General Services Fund Group					59171
139 350-602	Intra-Agency Service Charges	\$	14,148	\$	14,502	59172
4S4 350-604	OPLIN Technology	\$	7,661,095	\$	7,777,962	59173
459 350-602	Interlibrary Service Charges	\$	845,896	\$	1,239,661	59174
TOTAL GSF	General Services Fund Group	\$	8,521,139	\$	9,032,125	59175
	Federal Special Revenue Fund Group					59177
313 350-601	LSTA Federal	\$	5,241,306	\$	5,241,306	59178
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
	REGIONAL LIBRARY SYSTEMS					59183
	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.					59184
	OHIO PUBLIC LIBRARY INFORMATION NETWORK					59185
	The foregoing appropriation item 350-604, OPLIN Technology,					59186

shall be used for an information telecommunications network 59193
linking public libraries in the state and such others as may be 59194
certified as participants by the Ohio Public Library Information 59195
Network Board. 59196

The Ohio Public Library Information Network Board shall 59197
consist of eleven members appointed by the State Library Board 59198
from among the staff of public libraries and past and present 59199
members of boards of trustees of public libraries, based on the 59200
recommendations of the Ohio library community. The Ohio Public 59201
Library Information Network Board in consultation with the State 59202
Library shall develop a plan of operations for the network. The 59203
Board shall have the authority to make decisions regarding the use 59204
of the foregoing appropriation item 350-604, OPLIN Technology, and 59205
to receive and expend grants to carry out the operations of the 59206
network in accordance with state law and the authority to appoint 59207
and fix the compensation of a director and necessary staff. The 59208
State Library will be the fiscal agent for the network and shall 59209
have fiscal accountability for the expenditure of funds. The Ohio 59210
Public Library Information Network Board members shall be 59211
reimbursed for actual travel and necessary expenses incurred in 59212
the carrying out of their responsibilities. 59213

In order to limit access to obscene and illegal materials 59214
through internet use at Ohio Public Library Information Network 59215
(OPLIN) terminals, local libraries with OPLIN computer terminals 59216
shall adopt policies that control access to obscene and illegal 59217
materials. These policies may include use of technological systems 59218
to select or block certain internet access. The OPLIN shall 59219
condition provision of its funds, goods, and services on 59220
compliance with these policies. The OPLIN board shall also adopt 59221
and communicate specific recommendations to local libraries on 59222
methods to control such improper usage. These methods may include 59223
each library implementing a written policy controlling such 59224

improper use of library terminals and requirements for parental 59225
involvement or written authorization for juvenile internet usage. 59226

The OPLIN board shall research and assist or advise local 59227
libraries with emerging technologies and methods that may be 59228
effective means to control access to obscene and illegal 59229
materials. The OPLIN Executive Director shall biannually provide 59230
written reports to the Governor, the Speaker and Minority Leader 59231
of the House of Representatives, and the President and Minority 59232
Leader of the Senate on any steps being taken by OPLIN and public 59233
libraries in this state to limit and control such improper usage 59234
as well as information on technological, legal, and law 59235
enforcement trends nationally and internationally affecting this 59236
area of public access and service. 59237

The Ohio Public Library Information Network, InfOhio, and 59238
OhioLink shall, to the extent feasible, coordinate and cooperate 59239
in their purchase or other acquisition of the use of electronic 59240
databases for their respective users and shall contribute funds in 59241
an equitable manner to such effort. 59242

TRANSFER TO OPLIN TECHNOLOGY FUND 59243

Notwithstanding sections 5747.03 and 5747.47 of the Revised 59244
Code and any other provision of law to the contrary, in accordance 59245
with a schedule established by the Director of Budget and 59246
Management, (A) in fiscal year 2002, the Director of Budget and 59247
Management shall transfer \$6,361,095 from the Library and Local 59248
Government Support Fund (Fund 065) to the OPLIN Technology Fund 59249
(Fund 4S4); and (B) in fiscal year 2003, the Director of Budget 59250
and Management shall transfer \$6,477,962 from the Library and 59251
Local Government Support Fund (Fund 065) to the OPLIN Technology 59252
Fund (Fund 4S4). 59253

Section 70. LCO LIQUOR CONTROL COMMISSION 59254

Liquor Control Fund Group				59255	
043 970-321 Operating Expenses	\$	738,135	\$	756,472	59256
TOTAL LCF Liquor Control Fund Group	\$	738,135	\$	756,472	59257
TOTAL ALL BUDGET FUND GROUPS	\$	738,135	\$	756,472	59258

Section 71. LOT STATE LOTTERY COMMISSION 59260

State Lottery Fund Group				59261	
044 950-100 Personal Services	\$	23,990,502	\$	25,164,204	59262
044 950-200 Maintenance	\$	24,167,162	\$	24,698,840	59263
044 950-300 Equipment	\$	4,131,719	\$	3,664,576	59264
044 950-402 Game and Advertising	\$	64,913,869	\$	64,624,331	59265
Contracts					
044 950-601 Prizes, Bonuses, and	\$	136,371,980	\$	132,532,125	59266
Commissions					
871 950-602 Annuity Prizes	\$	185,454,636	\$	188,275,991	59267
872 950-603 Unclaimed Prize Awards	\$	13,093,114	\$	13,354,976	59268
TOTAL SLF State Lottery Fund					59269
Group	\$	452,122,982	\$	452,315,043	59270
TOTAL ALL BUDGET FUND GROUPS	\$	452,122,982	\$	452,315,043	59271

OPERATING EXPENSES 59272

The foregoing appropriation items include all amounts 59273
necessary for the purchase and printing of tickets, consultant 59274
services, and advertising. The Controlling Board may, at the 59275
request of the State Lottery Commission, authorize additional 59276
appropriations for operating expenses of the State Lottery 59277
Commission from the State Lottery Fund up to a maximum of 15 per 59278
cent of anticipated total revenue accruing from the sale of 59279
lottery tickets. 59280

PRIZES, BONUSSES, AND COMMISSIONS 59281

Any amounts, in addition to the amounts appropriated in 59282
appropriation item 950-601, Prizes, Bonuses, and Commissions, that 59283

are determined by the Director of the State Lottery Commission to 59284
be necessary to fund prizes, bonuses, and commissions are 59285
appropriated. 59286

ANNUITY PRIZES 59287

With the approval of the Office of Budget and Management, the 59288
State Lottery Commission shall transfer cash from the State 59289
Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund 59290
(Fund 871) in an amount sufficient to fund deferred prizes. The 59291
Treasurer of State, from time to time, shall credit the Deferred 59292
Prizes Trust Fund (Fund 871) the pro rata share of interest earned 59293
by the Treasurer of State on invested balances. 59294

Any amounts, in addition to the amounts appropriated in 59295
appropriation item 950-602, Annuity Prizes, that are determined by 59296
the Director of the State Lottery Commission to be necessary to 59297
fund deferred prizes and interest earnings are appropriated. 59298

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 59299

The Ohio Lottery Commission shall transfer an amount greater 59300
than or equal to \$633,722,100 in fiscal year 2002 and \$621,722,600 59301
in fiscal year 2003 to the Lottery Profits Education Fund. 59302
Transfers from the Commission to the Lottery Profits Education 59303
Fund shall represent the estimated net income from operations for 59304
the Commission and may be supplemented by transfers from the 59305
Unclaimed Prizes Fund at any time in fiscal year 2002 or fiscal 59306
year 2003. Transfers by the Commission to the Lottery Profits 59307
Education Fund shall be administered in accordance with and 59308
pursuant to the Revised Code. 59309

Section 72. MED STATE MEDICAL BOARD 59310

General Services Fund Group 59311

5C6 883-609 State Medical Board \$ 6,344,740 \$ 6,728,301 59312

Operating

TOTAL GSF General Services				59313	
Fund Group	\$	6,344,740	\$	6,728,301	59314
TOTAL ALL BUDGET FUND GROUPS	\$	6,344,740	\$	6,728,301	59315

Section 73. DMH DEPARTMENT OF MENTAL HEALTH 59316

Division of General Administration Intragovernmental Service Fund 59317
Group 59318

151 235-601 General Administration \$ 76,095,310 \$ 78,181,973 59319

TOTAL ISF Intragovernmental 59320

Service Fund Group \$ 76,095,310 \$ 78,181,973 59321

Division of Mental Health-- 59322

Psychiatric Services to Correctional Facilities 59323

General Revenue Fund 59324

GRF 332-401 Forensic Services \$ 4,259,513 \$ 4,338,858 59325

TOTAL GRF General Revenue Fund \$ 4,259,513 \$ 4,338,858 59326

TOTAL ALL BUDGET FUND GROUPS \$ 80,354,823 \$ 82,520,831 59327

FORENSIC SERVICES 59328

The foregoing appropriation item 322-401, Forensic Services, 59329
shall be used to provide psychiatric services to courts of common 59330
pleas. The appropriation shall be allocated through community 59331
mental health boards to certified community agencies and shall be 59332
distributed according to the criteria delineated in rule 59333
5122:4-1-01 of the Administrative Code. These community forensic 59334
funds may also be used to provide forensic training to community 59335
mental health boards and to forensic psychiatry residency programs 59336
in hospitals operated by the Department of Mental Health and to 59337
provide evaluations of patients of forensic status in facilities 59338
operated by the Department of Mental Health prior to conditional 59339
release to the community. 59340

In addition, appropriation item 332-401, Forensic Services, 59341
may be used to support projects involving mental health, substance 59342
abuse, courts, and law enforcement to identify and develop 59343

appropriate alternative services to institutionalization for 59344
nonviolent mentally ill offenders, and to provide linkage to 59345
community services for severely mentally disabled offenders 59346
released from institutions operated by the Department of 59347
Rehabilitation and Correction. Funds may also be utilized to 59348
provide forensic monitoring and tracking in addition to community 59349
programs serving persons of forensic status on conditional release 59350
or probation. 59351

Division of Mental Health-- 59352

Administration and Statewide Programs 59353

General Revenue Fund 59354

GRF 333-100 Personal Services - \$ 17,024,323 \$ 16,807,353 59355

Central Administration

GRF 333-200 Maintenance - Central \$ 2,276,155 \$ 2,318,555 59356

Administration

GRF 333-300 Equipment - Central \$ 490,894 \$ 500,038 59357

Administration

GRF 333-402 Resident Trainees \$ 1,472,858 \$ 1,500,294 59358

GRF 333-403 Pre-Admission \$ 638,246 \$ 650,135 59359

Screening Expenses

GRF 333-415 Lease-Rental Payments \$ 24,754,900 \$ 26,275,300 59360

GRF 333-416 Research Program \$ 956,224 \$ 972,178 59361

Evaluation

TOTAL GRF General Revenue Fund \$ 47,613,600 \$ 49,023,853 59362

General Services Fund Group 59363

149 333-609 Central Office Rotary \$ 2,013,823 \$ 2,037,918 59364

- Operating

TOTAL General Services Fund Group \$ 2,013,823 \$ 2,037,918 59365

Federal Special Revenue Fund Group 59366

3A7 333-612 Social Services Block \$ 25,000 \$ 25,000 59367

Grant

3A8 333-613 Federal Grant - \$ 87,000 \$ 58,000 59368

		Administration				
3A9	333-614	Mental Health Block	\$	642,264	\$	642,264 59369
		Grant				
3B1	333-635	Community Medicaid	\$	6,550,000	\$	5,550,000 59370
		Expansion				
324	333-605	Medicaid/Medicare	\$	379,009	\$	375,219 59371
TOTAL Federal Special Revenue						59372
Fund Group			\$	7,683,273	\$	6,650,483 59373
State Special Revenue Fund Group						59374
4X5	333-607	Behavioral Health	\$	2,759,400	\$	2,828,385 59375
		Medicaid Services				
485	333-632	Mental Health	\$	130,959	\$	134,233 59376
		Operating				
5M2	333-602	PWLC Campus	\$	1,000,000	\$	0 59377
		Improvement				
TOTAL State Special Revenue						59378
Fund Group			\$	3,890,359	\$	2,962,618 59379
TOTAL ALL BUDGET FUND GROUPS			\$	61,201,055	\$	60,674,872 59380

RESIDENCY TRAINEESHIP PROGRAMS 59381

The foregoing appropriation item 333-402, Resident Trainees, 59382
shall be used to fund training agreements entered into by the 59383
Department of Mental Health for the development of curricula and 59384
the provision of training programs to support public mental health 59385
services. 59386

PRE-ADMISSION SCREENING EXPENSES 59387

The foregoing appropriation item 333-403, Pre-Admission 59388
Screening Expenses, shall be used to pay for costs to ensure that 59389
uniform statewide methods for pre-admission screening are in place 59390
to perform assessments for persons in need of mental health 59391
services or for whom institutional placement in a hospital or in 59392
another inpatient facility is sought. Pre-admission screening 59393
includes the following activities: pre-admission assessment, 59394

consideration of continued stay requests, discharge planning and	59395
referral, and adjudication of appeals and grievance procedures.	59396
RENTAL PAYMENTS TO THE OHIO PUBLIC FACILITIES COMMISSION	59397
The foregoing appropriation item 333-415, Lease-Rental	59398
Payments, shall be used to meet all payments at the times they are	59399
required to be made during the period from July 1, 2001, to June	59400
30, 2003, by the Department of Mental Health pursuant to leases	59401
and agreements made under section 154.20 of the Revised Code, but	59402
limited to the aggregate amount of \$51,030,200. Nothing in this	59403
act shall be deemed to contravene the obligation of the state to	59404
pay, without necessity for further appropriation, from the sources	59405
pledged thereto, the bond service charges on obligations issued	59406
pursuant to section 154.20 of the Revised Code.	59407
Section 73.01. DIVISION OF MENTAL HEALTH - HOSPITALS	59408
General Revenue Fund	59409
GRF 334-408 Community and Hospital \$ 356,469,071 \$ 352,719,838	59410
Mental Health Services	
GRF 334-506 Court Costs \$ 958,791 \$ 976,652	59411
TOTAL GRF General Revenue Fund \$ 357,427,862 \$ 353,696,490	59412
General Services Fund Group	59413
149 334-609 Hospital Rotary - \$ 10,451,492 \$ 10,451,492	59414
Operating Expenses	
150 334-620 Special Education \$ 152,500 \$ 152,500	59415
TOTAL GSF General Services	59416
Fund Group \$ 10,603,992 \$ 10,603,992	59417
Federal Special Revenue Fund Group	59418
3A8 334-613 Federal Letter of \$ 9,000 \$ 0	59419
Credit	
3B0 334-617 Elementary and \$ 202,774 \$ 214,340	59420
Secondary Education	

	Act				
3B1	334-635	Hospital Medicaid	\$	2,000,000	\$ 2,000,000 59421
		Expansion			
324	334-605	Medicaid/Medicare	\$	8,791,748	\$ 9,043,700 59422
5L2	334-619	Health	\$	131,600	\$ 94,869 59423
		Foundation/Greater			
		Cincinnati			
TOTAL FED		Federal Special Revenue			59424
Fund Group			\$	11,135,122	\$ 11,352,909 59425
		State Special Revenue Fund Group			59426
485	334-632	Mental Health	\$	1,991,448	\$ 1,989,912 59427
		Operating			
692	334-636	Community Mental	\$	361,323	\$ 370,356 59428
		Health Board Risk Fund			
TOTAL SSR		State Special Revenue			59429
Fund Group			\$	2,352,771	\$ 2,360,268 59430
TOTAL ALL BUDGET FUND GROUPS			\$	381,519,747	\$ 378,013,659 59431
		COMMUNITY MENTAL HEALTH BOARD RISK FUND			59432
		The foregoing appropriation item 334-636, Community Mental			59433
		Health Board Risk Fund, shall be used to make payments pursuant to			59434
		section 5119.62 of the Revised Code.			59435
		Section 73.02. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT			59436
		SERVICES			59437
		General Revenue Fund			59438
GRF	335-419	Community Medication	\$	7,682,295	\$ 7,701,549 59439
		Subsidy			
GRF	335-502	Community Mental	\$	38,166,674	\$ 38,166,674 59440
		Health Programs			
GRF	335-508	Services for Severely	\$	60,405,135	\$ 60,905,135 59441
		Mentally Disabled			

TOTAL GRF General Revenue Fund	\$	106,254,104	\$	106,773,358	59442
General Services Fund Group					59443
4N8 335-606 Family Stability	\$	7,460,600	\$	7,647,115	59444
Incentive					
4P9 335-604 Community Mental	\$	200,000	\$	200,000	59445
Health Projects					
TOTAL GSF General Services					59446
Fund Group	\$	7,660,600	\$	7,847,115	59447
Federal Special Revenue Fund Group					59448
3A7 335-612 Social Services Block	\$	9,314,108	\$	9,314,108	59449
Grant					
3A8 335-613 Federal Grant -	\$	960,000	\$	960,000	59450
Community Mental					
Health Board Subsidy					
3A9 335-614 Mental Health Block	\$	12,754,654	\$	12,737,654	59451
Grant					
3B1 335-635 Community Medicaid	\$	157,480,000	\$	165,355,000	59452
Expansion					
State Special Revenue Fund Group					59453
632 335-616 Community Capital	\$	250,000	\$	250,000	59454
Replacement					
TOTAL SSR State Special Revenue	\$	250,000	\$	250,000	59455
Fund Group					
TOTAL FED Federal Special Revenue					59456
Fund Group	\$	180,508,762	\$	188,366,762	59457
TOTAL ALL BUDGET FUND GROUPS	\$	294,673,466	\$	303,237,235	59458
DEPARTMENT TOTAL					59459
GENERAL REVENUE FUND	\$	515,555,079	\$	513,832,559	59460
DEPARTMENT TOTAL					59461
GENERAL SERVICES FUND GROUP	\$	20,278,415	\$	20,489,025	59462
DEPARTMENT TOTAL					59463
FEDERAL SPECIAL REVENUE					59464

FUND GROUP	\$	199,327,157	\$	206,370,154	59465
DEPARTMENT TOTAL					59466
STATE SPECIAL REVENUE FUND GROUP	\$	6,493,130	\$	5,572,886	59467
DEPARTMENT TOTAL					59468
INTRAGOVERNMENTAL FUND GROUP	\$	76,095,310	\$	78,181,973	59469
TOTAL DEPARTMENT OF MENTAL HEALTH	\$	817,749,091	\$	824,446,597	59470

Section 73.03. COMMUNITY MEDICATION SUBSIDY 59472

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. 59473
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GENERAL COMMUNITY MENTAL HEALTH PROGRAMS 59478

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. 59479
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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. 59482
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MENTAL HEALTH SERVICES FOR SEVERELY MENTALLY DISABLED PERSONS 59488

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, 59489
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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

Any cash transferred for juvenile offenders projects from the Department of Youth Services, the Department of Job and Family Services, the Office of Criminal Justice Services, or other state agencies to the Department of Mental Health (Fund 149) shall be used by the Department of Mental Health to fund local mental health services to juvenile offenders projects that are designed to address the mental health needs of juvenile offenders with serious mental illness.

BEHAVIORAL HEALTH MEDICAID SERVICES

The Department of Mental Health shall administer specified Medicaid Services as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation

item 333-607, Behavioral Health Medicaid Services, may be used to 59527
 make payments for free-standing psychiatric hospital inpatient 59528
 services as defined in an interagency agreement with the 59529
 Department of Job and Family Services. 59530

Section 73.04. To increase the cost-effectiveness of 59531
 community mental health services, the Director of Mental Health 59532
 shall amend or rescind any rules formerly adopted under section 59533
 5119.01 of the Revised Code establishing certification standards 59534
 for mental health services that do not improve the quality of 59535
 services or the health and safety of clients of the services. The 59536
 Director shall amend or rescind the rules not later than ninety 59537
 days after the effective date of this section. 59538

Section 74. DMR DEPARTMENT OF MENTAL RETARDATION 59539
 AND DEVELOPMENTAL DISABILITIES 59540

Section 74.01. GENERAL ADMINISTRATION AND STATEWIDE 59541
 SERVICES 59542

General Revenue Fund				59543
GRF 320-321 Central Administration	\$	11,001,218	\$ 11,361,253	59544
GRF 320-411 Special Olympics	\$	200,000	\$ 200,000	59545
GRF 320-412 Protective Services	\$	1,402,498	\$ 1,502,150	59546
GRF 320-415 Lease-Rental Payments	\$	24,754,900	\$ 26,275,300	59547
TOTAL GRF General Revenue Fund	\$	37,358,616	\$ 39,338,703	59548
General Services Fund Group				59549
4B5 320-640 Conference/Training	\$	826,463	\$ 864,496	59550
TOTAL GSF General Services				59551
Fund Group	\$	826,463	\$ 864,496	59552
Federal Special Revenue Fund Group				59553
3A4 320-605 Administrative Support	\$	11,964,698	\$ 12,492,892	59554
3A5 320-613 DD Council Operating	\$	992,486	\$ 992,486	59555
Expenses				59556

TOTAL FED Federal Special Revenue				59557	
Fund Group	\$	12,957,184	\$	13,485,378	59558
TOTAL ALL GENERAL ADMINISTRATION				59559	
AND STATEWIDE SERVICES				59560	
BUDGET FUND GROUPS	\$	51,142,263	\$	53,688,577	59561
LEASE-RENTAL PAYMENTS				59562	
The foregoing appropriation item 320-415, Lease-Rental				59563	
Payments, shall be used to meet all payments at the times they are				59564	
required to be made during the period from July 1, 2001, to June				59565	
30, 2003, by the Department of Mental Retardation and				59566	
Developmental Disabilities pursuant to leases and agreements made				59567	
under section 154.20 of the Revised Code, but limited to the				59568	
aggregate amount of \$51,030,200. Nothing in this act shall be				59569	
deemed to contravene the obligation of the state to pay, without				59570	
necessity for further appropriation, from the sources pledged				59571	
thereto, the bond service charges on obligations issued pursuant				59572	
to section 154.20 of the Revised Code.				59573	
Section 74.02. COMMUNITY SERVICES				59574	
General Revenue Fund				59575	
GRF 322-405 State Use Program	\$	264,685	\$	264,685	59576
GRF 322-413 Residential and	\$	155,168,317	\$	165,289,811	59577
Support					
Services					59578
GRF 322-451 Family Support	\$	7,975,870	\$	7,975,870	59579
Services					
GRF 322-452 Case Management	\$	8,984,491	\$	9,874,628	59580
GRF 322-501 County Boards	\$	45,366,297	\$	46,817,644	59581
Subsidies					
TOTAL GRF General Revenue Fund	\$	217,759,660	\$	230,222,638	59582
General Services Fund Group					59583
4J6 322-645 Intersystem Services	\$	5,000,000	\$	5,000,000	59584

		for						
		Children						59585
4U4	322-606	Community MR and DD	\$	125,000	\$	131,250		59586
		Trust						
4V1	322-611	Program Support	\$	2,000,000	\$	2,000,000		59587
488	322-603	Residential Services	\$	2,499,188	\$	2,499,188		59588
		Refund						59589
TOTAL GSF General Services								59590
Fund Group			\$	9,624,188	\$	9,630,438		59591
Federal Special Revenue Fund Group								59592
3A4	322-605	Community Program	\$	3,024,047	\$	3,326,452		59593
		Support						
3A4	322-610	Community Residential	\$	5,924,858	\$	5,924,858		59594
		Support						59595
3A5	322-613	DD Council Grants	\$	3,358,290	\$	3,358,290		59596
3G6	322-639	Medicaid Waiver	\$	148,304,949	\$	151,754,169		59597
3M7	322-650	CAFS Medicaid	\$	163,747,903	\$	172,568,939		59598
325	322-608	Federal Grants -	\$	1,360,000	\$	1,360,000		59599
		Operating Expenses						59600
325	322-612	Social Service Block	\$	11,500,000	\$	11,500,000		59601
		Grant						59602
325	322-617	Education Grants -	\$	115,000	\$	115,000		59603
		Operating						59604
TOTAL FED Federal Special Revenue								59605
Fund Group			\$	337,335,047	\$	349,907,708		59606
State Special Revenue Fund Group								59607
4K8	322-604	Waiver - Match	\$	13,783,463	\$	14,039,133		59608
5H0	322-619	Medicaid Repayment	\$	562,080	\$	576,132		59609
TOTAL SSR State Special Revenue								59610
Fund Group			\$	14,345,543	\$	14,615,265		59611
TOTAL ALL COMMUNITY SERVICES								59612
BUDGET FUND GROUPS			\$	579,064,438	\$	604,376,049		59613

RESIDENTIAL AND SUPPORT SERVICES 59614

The foregoing appropriation item 322-413, Residential and 59615
Support Services, shall be used for any of the following: 59616

(A) Home and community-based waiver services pursuant to 59617
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 59618
U.S.C. 301, as amended; 59619

(B) Services contracted by county boards of mental 59620
retardation and developmental disabilities; 59621

(C) Supported living services contracted by county boards of 59622
mental retardation and developmental disabilities in accordance 59623
with sections 5126.40 to 5126.47 of the Revised Code; 59624

(D) Sermak Class Services used to implement the requirements 59625
of the consent decree in *Sermak v. Manuel*, Case No. c-2-80-220, 59626
United States District Court for the Southern District of Ohio, 59627
Eastern Division; 59628

(E) Other Medicaid-reimbursed programs, in an amount not to 59629
exceed \$1,000,000 in each fiscal year, that enable persons with 59630
mental retardation and developmental disabilities to live in the 59631
community. 59632

Notwithstanding Chapters 5123. and 5126. of the Revised Code, 59633
the Department of Mental Retardation and Developmental 59634
Disabilities may develop residential and support service programs 59635
that enable persons with mental retardation and developmental 59636
disabilities to live in the community. Notwithstanding Chapter 59637
5121. and section 5123.122 of the Revised Code, the department may 59638
waive the support collection requirements of those statutes for 59639
persons in community programs developed by the department under 59640
this section. The department shall adopt rules under Chapter 119. 59641
of the Revised Code or may use existing rules for the 59642
implementation of these programs. 59643

The Department of Mental Retardation and Developmental 59644
Disabilities may designate a portion of appropriation item 59645
332-413, Residential and Support Services, to county boards of 59646
mental retardation and developmental disabilities that have 59647
greater need for various residential and support services due to a 59648
low percentage of residential and support services development in 59649
comparison to the number of individuals with mental retardation or 59650
developmental disabilities in the county. 59651

Not later than 30 days after the effective date of this 59652
section, the Director of Budget and Management shall transfer up 59653
to \$5,000,000 from appropriation item 322-413, Residential and 59654
Support Services, to appropriation item 322-501, County Boards 59655
Subsidies. The total amount that is transferred from appropriation 59656
item 322-413 to appropriation item 322-501 shall be used for the 59657
tax equalization program created under sections 5126.16 to 5126.18 59658
of the Revised Code and is subject to all statutes and rules 59659
established for the tax equalization program. 59660

Not later than July 30, 2002, the Director of Budget and 59661
Management shall transfer up to \$11,500,000 from appropriation 59662
item 322-413, Residential and Support Services, to appropriation 59663
item 322-501, County Boards Subsidies. The total amount that is 59664
transferred from appropriation item 322-413 to appropriation item 59665
322-501 shall be used for the tax equalization program created 59666
under sections 5126.16 to 5126.18 of the Revised Code and is 59667
subject to all statutes and rules established for the tax 59668
equalization program. 59669

Of the foregoing appropriation item 322-413, Residential and 59670
Support Services, \$9,700,000 in fiscal year 2002 and \$9,850,000 in 59671
fiscal year 2003 shall be distributed by the Department to county 59672
boards of mental retardation and developmental disabilities to 59673
support existing residential facilities waiver and individual 59674
options waiver related Medicaid activities provided for in the 59675

component of a county board's plan developed under division (A)(2) 59676
of section 5126.054 of the Revised Code and approved under section 59677
5123.046 of the Revised Code. Up to \$3,000,000 of these funds in 59678
each fiscal year may be used to implement day-to-day program 59679
management services under division (A)(2) of section 5126.054 of 59680
the Revised Code. Up to \$4,200,000 in each fiscal year may be used 59681
to implement the program and health and welfare requirements of 59682
division (A)(2) of section 5126.054 of the Revised Code. 59683

In fiscal years 2002 and 2003, not less than \$2,500,000 and 59684
\$2,650,000, respectively, of these funds shall be used to recruit 59685
and retain, under division (A)(2) of section 5126.054 of the 59686
Revised Code, the direct care staff necessary to implement the 59687
services included in an individualized service plan in a manner 59688
that ensures the health and welfare of the individuals being 59689
served. 59690

FAMILY SUPPORT SERVICES 59691

Notwithstanding sections 5123.171, 5123.19, 5123.20, and 59692
5126.11 of the Revised Code, the Department of Mental Retardation 59693
and Developmental Disabilities may implement programs funded by 59694
appropriation item 322-451, Family Support Services, to provide 59695
assistance to persons with mental retardation or developmental 59696
disabilities and their families who are living in the community. 59697
The department shall adopt rules to implement these programs. 59698

CASE MANAGEMENT 59699

The foregoing appropriation item 322-452, Case Management, 59700
shall be allocated to county boards of mental retardation and 59701
developmental disabilities for the purpose of providing case 59702
management services and to assist in bringing state funding for 59703
all department-approved case managers within county boards of 59704
mental retardation and developmental disabilities to the level 59705
authorized in division (C) of section 5126.15 of the Revised Code. 59706

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

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

the distribution of funds to the county councils.				59769	
WAIVER - MATCH				59770	
The foregoing appropriation item 322-604, Waiver-Match (Fund 4K8), shall be used as state matching funds for the home and community-based waivers.				59771 59772 59773	
The Department of Job and Family Services may enter into an interagency agreement with the Department of Mental Retardation and Developmental Disabilities providing for the Department of Mental Retardation and Developmental Disabilities to operate the program.				59774 59775 59776 59777 59778	
DEVELOPMENTAL CENTER PROGRAM TO DEVELOP A MODEL BILLING FOR SERVICES RENDERED				59779 59780	
Developmental centers of the Department of Mental Retardation and Developmental Disabilities may provide services to persons with mental retardation or developmental disabilities living in the community or to providers of services to these persons. The department may develop a methodology for recovery of all costs associated with the provisions of these services.				59781 59782 59783 59784 59785 59786	
Section 74.04. RESIDENTIAL FACILITIES				59787	
General Revenue Fund				59788	
GRF 323-321 Residential Facilities	\$	99,765,232	\$	99,917,289	59789
Operations				59790	
TOTAL GRF General Revenue Fund	\$	99,765,232	\$	99,917,289	59791
General Services Fund Group				59792	
152 323-609 Residential Facilities	\$	889,929	\$	912,177	59793
Support				59794	
TOTAL GSF General Services Fund Group				59795	
Fund Group	\$	889,929	\$	912,177	59796
Federal Special Revenue Fund Group				59797	

3A4 323-605 Residential Facilities	\$	120,985,419	\$	120,985,419	59798
Reimbursement					59799
325 323-608 Federal Grants -	\$	532,000	\$	536,000	59800
Subsidies					59801
325 323-617 Education Grants -	\$	411,000	\$	411,000	59802
Residential Facilities					59803
TOTAL FED Federal Special Revenue					59804
Fund Group	\$	121,928,419	\$	121,932,419	59805
State Special Revenue Fund Group					59806
489 323-632 Operating Expense	\$	11,506,603	\$	12,125,628	59807
TOTAL SSR State Special Revenue					59808
Fund Group	\$	11,506,603	\$	12,125,628	59809
TOTAL ALL RESIDENTIAL FACILITIES					59810
BUDGET FUND GROUPS	\$	234,090,183	\$	234,887,513	59811
DEPARTMENT TOTAL					59812
GENERAL REVENUE FUND	\$	354,883,508	\$	369,478,630	59813
DEPARTMENT TOTAL					59814
GENERAL SERVICES FUND GROUP	\$	11,340,580	\$	11,407,111	59815
DEPARTMENT TOTAL					59816
FEDERAL SPECIAL REVENUE FUND GROUP	\$	472,220,650	\$	485,325,505	59817
DEPARTMENT TOTAL					59818
STATE SPECIAL REVENUE FUND GROUP	\$	25,852,146	\$	26,740,893	59819
TOTAL DEPARTMENT OF MENTAL					59820
RETARDATION AND DEVELOPMENTAL					59821
DISABILITIES	\$	864,296,884	\$	892,952,139	59822

Section 74.05. (A) There is hereby created the Executive 59824
Branch Committee on Medicaid Redesign and Expansion of MRDD 59825
Services. The committee shall consist of all of the following 59826
individuals: 59827

(1) One representative of the Governor appointed by the 59828
Governor; 59829

(2) Two representatives of the Department of Mental Retardation and Developmental Disabilities appointed by the Director of Mental Retardation and Developmental Disabilities;	59830 59831 59832
(3) Two representatives of the Department of Job and Family Services appointed by the Director of Job and Family Services;	59833 59834
(4) One representative of the Office of Budget and Management appointed by the Director of Budget and Management;	59835 59836
(5) One representative of the ARC of Ohio appointed by the organization's board of trustees;	59837 59838
(6) One representative of the Ohio Association of County Boards of Mental Retardation and Developmental Disabilities appointed by the association's board of trustees;	59839 59840 59841
(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;	59842 59843 59844 59845
(8) One representative of the Ohio Provider Resource Association appointed by the association's board of trustees;	59846 59847
(9) One representative of the Ohio Health Care Association appointed by the association's board of trustees;	59848 59849
(10) One representative of individuals with mental retardation or other developmental disability appointed by the Director of Mental Retardation and Developmental Disabilities.	59850 59851 59852
(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.	59853 59854 59855 59856 59857
(C) The committee shall meet at times determined by the chairperson to do all of the following:	59858 59859

(1) Review the effect that the provisions of this act 59860
 regarding Medicaid funding for services to individuals with mental 59861
 retardation or other developmental disability have on the funding 59862
 and provision of services to such individuals; 59863

(2) Identify issues related to, and barriers to, the 59864
 effective implementation of those provisions of this act with the 59865
 goal of meeting the needs of individuals with mental retardation 59866
 or other developmental disability; 59867

(3) Establish effective means for resolving the issues and 59868
 barriers, including advocating changes to state law, rules, or 59869
 both. 59870

(D) The committee shall finish a preliminary report on its 59871
 actions no later than one year after the effective date of this 59872
 section and a final report on its actions no later than three 59873
 years after the effective date of this section. The committee 59874
 shall submit the reports to the Governor and Directors of Mental 59875
 Retardation and Developmental Disabilities and Job and Family 59876
 Services. The committee shall cease to exist on submission of the 59877
 final report unless the Governor issues an executive order 59878
 providing for the committee to continue. 59879

Section 75. MIH COMMISSION ON MINORITY HEALTH 59880

General Revenue Fund 59881

GRF 149-321 Operating Expenses	\$	635,218	\$	638,229	59882
GRF 149-501 Minority Health Grants	\$	954,360	\$	951,348	59883
GRF 149-502 Lupus Program	\$	179,206	\$	179,206	59884
TOTAL GRF General Revenue Fund	\$	1,768,784	\$	1,768,783	59885

Federal Special Revenue Fund Group 59886

3J9 149-602 Federal Grants	\$	155,000	\$	150,000	59887
TOTAL FED Federal Special Revenue					59888
Fund Group	\$	155,000	\$	150,000	59889

State Special Revenue Fund Group				59890
4C2 149-601 Minority Health	\$	369,194	\$ 320,776	59891
Conference				
TOTAL SSR State Special Revenue				59892
Fund Group	\$	369,194	\$ 320,776	59893
TOTAL ALL BUDGET FUND GROUPS	\$	2,292,978	\$ 2,239,559	59894
 LUPUS PROGRAM				59895
 The foregoing appropriation item 149-502, Lupus Program,				59896
shall be used to provide grants for programs in patient, public,				59897
and professional education on the subject of systemic lupus				59898
erythematosus; to encourage and develop local centers on lupus				59899
information gathering and screening; and to provide outreach to				59900
minority women.				59901
 Section 76. CRB MOTOR VEHICLE COLLISION REPAIR				59902
REGISTRATION BOARD				59903
General Service Fund Group				59904
5H9 865-609 Operating Expenses	\$	250,025	\$ 262,952	59905
TOTAL GSF General Services				59906
Fund Group	\$	250,025	\$ 262,952	59907
TOTAL ALL BUDGET FUND GROUPS	\$	250,025	\$ 262,952	59908
 Section 77. DNR DEPARTMENT OF NATURAL RESOURCES				59910
General Revenue Fund				59911
GRF 725-401 Wildlife - GRF Central	\$	1,050,000	\$ 1,050,000	59912
Support				
GRF 725-404 Fountain Square Rental	\$	1,092,400	\$ 1,089,100	59913
Payments - OBA				
GRF 725-407 Conservation Reserve	\$	1,920,400	\$ 1,920,400	59914
Enhancement Program				
GRF 725-412 Reclamation Commission	\$	67,123	\$ 70,971	59915
GRF 725-413 OPFC Lease Rental	\$	16,211,500	\$ 14,279,000	59916

		Payments				
GRF	725-423	Stream and Ground Water Gauging	\$	448,745	\$	478,214 59917
GRF	725-425	Wildlife License Reimbursement	\$	1,000,000	\$	1,000,000 59918
GRF	725-456	Canal Lands	\$	397,811	\$	407,756 59919
GRF	725-502	Soil and Water Districts	\$	12,526,462	\$	12,771,123 59920
GRF	725-903	Natural Resources General Obligation Debt Service	\$	19,001,100	\$	22,101,900 59921
GRF	725-904	Conservation General Obligation Debt Service	\$	1,595,000	\$	6,695,000 59922
GRF	727-321	Division of Forestry	\$	10,209,173	\$	10,888,345 59923
GRF	728-321	Division of Geological Survey	\$	2,269,911	\$	2,432,974 59924
GRF	729-321	Office of Information Technology	\$	1,072,960	\$	1,985,667 59925
GRF	730-321	Division of Parks and Recreation	\$	35,651,542	\$	37,972,382 59926
GRF	733-321	Division of Water	\$	4,035,213	\$	4,234,581 59927
GRF	736-321	Division of Engineering	\$	3,709,501	\$	3,918,766 59928
GRF	737-321	Division of Soil and Water	\$	4,675,812	\$	4,879,744 59929
GRF	738-321	Division of Real Estate and Land Management	\$	2,540,554	\$	2,669,042 59930
GRF	741-321	Division of Natural Areas and Preserves	\$	3,439,427	\$	3,616,940 59931
GRF	743-321	Division of Civilian Conservation	\$	2,842,407	\$	0 59932

GRF 744-321	Division of Mineral Resources Management	\$ 3,946,725	\$ 4,162,882	59933
TOTAL GRF	General Revenue Fund	\$ 129,703,766	\$ 138,624,787	59934
	General Services Fund Group			59935
155 725-601	Departmental Projects	\$ 2,216,594	\$ 1,913,242	59936
157 725-651	Central Support Indirect	\$ 8,009,551	\$ 8,423,094	59937
158 725-604	Natural Resources Publication Center Intrastate	\$ 94,198	\$ 94,595	59938
161 725-635	Parks Facilities Maintenance	\$ 2,993,169	\$ 3,063,124	59939
162 725-625	Civilian Conservation Corps Operations	\$ 200,000	\$ 0	59940
204 725-687	Information Services	\$ 3,010,774	\$ 3,971,856	59941
206 725-689	REALM Support Services	\$ 475,000	\$ 475,000	59942
207 725-690	Real Estate Services	\$ 50,000	\$ 54,000	59943
4D5 725-618	Recycled Materials	\$ 50,000	\$ 50,000	59944
4S9 725-622	NatureWorks Personnel	\$ 759,143	\$ 832,528	59945
4X8 725-662	Water Resources Council	\$ 275,633	\$ 282,524	59946
430 725-671	Canal Lands	\$ 1,215,441	\$ 1,259,511	59947
508 725-684	Natural Resources Publication Center Interstate	\$ 239,538	\$ 245,808	59948
510 725-631	Maintenance - state-owned residences	\$ 224,926	\$ 229,710	59949
516 725-620	Water Management	\$ 2,459,256	\$ 2,522,146	59950
635 725-664	Fountain Square Facilities Management	\$ 2,755,109	\$ 2,821,999	59951
697 725-670	Submerged Lands	\$ 589,315	\$ 615,000	59952
TOTAL GSF	General Services Fund Group	\$ 25,617,647	\$ 26,854,137	59953 59954

Federal Special Revenue Fund Group				59955
3B3	725-640	Federal Forest	\$ 55,000 \$	55,000 59956
		Pass-Thru		
3B4	725-641	Federal Flood	\$ 190,000 \$	190,000 59957
		Pass-Thru		
3B5	725-645	Federal Abandoned Mine	\$ 9,908,408 \$	10,125,056 59958
		Lands		
3B6	725-653	Federal Land and Water	\$ 3,559,697 \$	3,689,697 59959
		Conservation Grants		
3B7	725-654	Reclamation -	\$ 1,788,579 \$	1,799,459 59960
		Regulatory		
3P0	725-630	Natural Areas and	\$ 230,000 \$	230,000 59961
		Preserves - Federal		
3P1	725-632	Geological Survey -	\$ 381,910 \$	366,303 59962
		Federal		
3P2	725-642	Oil and Gas-Federal	\$ 189,701 \$	190,289 59963
3P3	725-650	Real Estate and Land	\$ 2,980,975 \$	3,184,300 59964
		Management - Federal		
3P4	725-660	Water - Federal	\$ 180,000 \$	180,000 59965
3R5	725-673	Acid Mine Drainage	\$ 600,000 \$	613,200 59966
		Abatement/Treatment		
328	725-603	Forestry Federal	\$ 1,200,000 \$	1,200,000 59967
332	725-669	Federal Mine Safety	\$ 136,423 \$	141,880 59968
		Grant		
TOTAL FED Federal Special Revenue				59969
Fund Group				\$ 21,400,693 \$ 21,965,184 59970
State Special Revenue Fund Group				59971
4J2	725-628	Injection Well Review	\$ 51,742 \$	61,638 59972
4M7	725-631	Wildfire Suppression	\$ 150,310 \$	150,000 59973
4U6	725-668	Scenic Rivers	\$ 500,000 \$	510,000 59974
		Protection		
5B3	725-674	Mining Regulation	\$ 35,000 \$	35,000 59975

5K1	725-626	Urban Forestry Grant	\$	400,000	\$	400,000	59976
5P2	725-634	Wildlife Boater Angler	\$	1,500,000	\$	1,500,000	59977
		Administration					
509	725-602	State Forest	\$	1,489,013	\$	1,536,595	59978
511	725-646	Ohio Geologic Mapping	\$	1,010,933	\$	1,070,899	59979
512	725-605	State Parks Operations	\$	28,844,322	\$	29,915,146	59980
514	725-606	Lake Erie Shoreline	\$	1,171,052	\$	1,446,305	59981
518	725-643	Oil and Gas Permit	\$	1,821,252	\$	1,821,325	59982
		Fees					
518	725-677	Oil and Gas Well	\$	800,000	\$	800,000	59983
		Plugging					
521	725-627	Off-Road Vehicle	\$	66,213	\$	68,490	59984
		Trails					
522	725-656	Natural Areas Checkoff	\$	1,508,080	\$	1,860,670	59985
		Funds					
526	725-610	Strip Mining	\$	1,480,566	\$	1,449,459	59986
		Administration Fees					
527	725-637	Surface Mining	\$	2,963,272	\$	3,093,938	59987
		Administration					
529	725-639	Unreclaimed Land Fund	\$	1,964,744	\$	2,040,327	59988
531	725-648	Reclamation Forfeiture	\$	1,455,835	\$	1,491,087	59989
532	725-644	Litter Control and	\$	13,137,680	\$	13,311,365	59990
		Recycling					
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	59991
615	725-661	Dam Safety	\$	244,442	\$	259,758	59992
TOTAL SSR State Special Revenue							59993
Fund Group			\$	61,594,456	\$	63,822,002	59994
Wildlife Fund Group							59995
015	740-401	Division of Wildlife	\$	46,177,752	\$	48,713,747	59996
		Conservation					
815	725-636	Cooperative Management	\$	156,536	\$	160,449	59997
		Projects					
816	725-649	Wetlands Habitat	\$	943,303	\$	966,885	59998

817	725-655	Wildlife Conservation	\$	1,435,567	\$	1,472,755	59999
		Checkoff Fund					
818	725-629	Cooperative Fisheries	\$	964,470	\$	988,582	60000
		Research					
819	725-685	Ohio River Management	\$	125,448	\$	128,584	60001
TOTAL WLF		Wildlife Fund Group	\$	49,803,076	\$	52,431,002	60002
		Waterways Safety Fund Group					60003
086	725-414	Waterways Improvement	\$	3,301,688	\$	3,472,497	60004
086	725-416	Natural Areas Marine	\$	25,000	\$	0	60005
		Patrol					
086	725-417	Parks Marine Patrol	\$	25,000	\$	0	60006
086	725-418	Buoy Placement	\$	41,153	\$	42,182	60007
086	725-501	Waterway Safety Grants	\$	134,504	\$	137,867	60008
086	725-506	Watercraft Marine	\$	562,100	\$	576,153	60009
		Patrol					
086	725-513	Watercraft Educational	\$	357,700	\$	366,643	60010
		Grants					
086	739-401	Division of Watercraft	\$	16,579,526	\$	17,374,158	60011
TOTAL WSF		Waterways Safety Fund					60012
Group			\$	21,026,671	\$	21,969,500	60013
		Holding Account Redistribution Fund Group					60014
R17	725-659	Performance Cash Bond	\$	251,500	\$	252,000	60015
		Refunds					
R43	725-624	Forestry	\$	1,750,000	\$	1,750,000	60016
TOTAL 090		Holding Account					60017
Redistribution Fund Group			\$	2,001,500	\$	2,002,000	60018
		Accrued Leave Liability Fund Group					60019
4M8	725-675	FOP Contract	\$	19,609	\$	20,844	60020
TOTAL ALF		Accrued Leave					60021
Liability Fund Group			\$	19,609	\$	20,844	60022
TOTAL ALL BUDGET FUND GROUPS			\$	311,167,418	\$	327,689,456	60023

Section 77.01. NATURAL RESOURCES GENERAL OBLIGATION DEBT 60025
SERVICE 60026

The foregoing appropriation item 725-903, Natural Resources 60027
General Obligation Debt Service, shall be used to pay all debt 60028
service and financing costs at the times they are required to be 60029
made pursuant to sections 151.01 and 151.05 of the Revised Code 60030
during the period from July 1, 2001, to June 30, 2003. The Office 60031
of the Sinking Fund or the Director of Budget and Management shall 60032
effectuate the required payments by an intrastate transfer 60033
voucher. 60034

CONSERVATION GENERAL OBLIGATION DEBT SERVICE 60035

The foregoing appropriation item 725-904, Conservation 60036
General Obligation Debt Service, shall be used to pay all debt 60037
service and financing costs during the period from July 1, 2001, 60038
to June 30, 2003, on obligations to be issued for conservation 60039
purposes under Section 20 of Article VIII, Ohio Constitution, and 60040
implementing legislation. The Office of the Sinking Fund or the 60041
Director of Budget and Management shall effectuate the required 60042
payments by an intrastate transfer voucher. 60043

LEASE RENTAL PAYMENTS 60044

The foregoing appropriation item 725-413, OPFC Lease Rental 60045
Payments, shall be used to meet all payments at the times they are 60046
required to be made during the period from July 1, 2001, to June 60047
30, 2003, by the Department of Natural Resources pursuant to 60048
leases and agreements made under section 154.22 of the Revised 60049
Code, but limited to the aggregate amount of \$30,490,500. Nothing 60050
in this act shall be deemed to contravene the obligation of the 60051
state to pay, without necessity for further appropriation, from 60052
the sources pledged thereto, the bond service charges on 60053
obligations issued pursuant to section 154.22 of the Revised Code. 60054

FOUNTAIN SQUARE 60055

The foregoing appropriation item 725-404, Fountain Square 60056
Rental Payments - OBA, shall be used by the Department of Natural 60057
Resources to meet all payments required to be made to the Ohio 60058
Building Authority during the period from July 1, 2001, to June 60059
30, 2003, pursuant to leases and agreements with the Ohio Building 60060
Authority under section 152.241 of the Revised Code, but limited 60061
to the aggregate amount of \$2,181,500. 60062

The Director of Natural Resources, using intrastate transfer 60063
vouchers, shall make payments to the General Revenue Fund from 60064
funds other than the General Revenue Fund to reimburse the General 60065
Revenue Fund for the other funds' shares of the lease rental 60066
payments to the Ohio Building Authority. The transfers from the 60067
non-General Revenue funds shall be made within 10 days of the 60068
payment to the Ohio Building Authority for the actual amounts 60069
necessary to fulfill the leases and agreements pursuant to section 60070
152.241 of the Revised Code. 60071

The foregoing appropriation item 725-664, Fountain Square 60072
Facilities Management (Fund 635), shall be used for payment of 60073
repairs, renovation, utilities, property management, and building 60074
maintenance expenses for the Fountain Square Complex. Cash 60075
transferred by intrastate transfer vouchers from various 60076
department funds and rental income received by the Department of 60077
Natural Resources shall be deposited to the Fountain Square 60078
Facilities Management Fund (Fund 635). 60079

Section 77.02. CENTRAL SUPPORT INDIRECT 60080

With the exception of the Division of Wildlife, whose 60081
indirect central support charges shall be paid out of the General 60082
Revenue Fund from the foregoing appropriation item 725-401, 60083
Wildlife - GRF Central Support, the Department of Natural 60084
Resources, with the approval of the Director of Budget and 60085

Management, shall utilize a methodology for determining each 60086
division's payments into the Central Support Indirect Fund (Fund 60087
157). The methodology used shall contain the characteristics of 60088
administrative ease and uniform application. Payments to the 60089
Central Support Indirect Fund shall be made using an intrastate 60090
transfer voucher. 60091

WILDLIFE LICENSE REIMBURSEMENT 60092

Notwithstanding the limits of the transfer from the General 60093
Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 60094
of the Revised Code, up to the amount available in appropriation 60095
item 725-425, Wildlife License Reimbursement, may be transferred 60096
from the General Revenue Fund to the Wildlife Fund (Fund 015). 60097
Pursuant to the certification of the Director of Budget and 60098
Management of the amount of foregone revenue in accordance with 60099
section 1533.15 of the Revised Code, the foregoing appropriation 60100
item in the General Revenue Fund, appropriation item 725-425, 60101
Wildlife License Reimbursement, shall be used to reimburse the 60102
Wildlife Fund (Fund 015) for the cost of hunting and fishing 60103
licenses and permits issued after June 30, 1990, to individuals 60104
who are exempted under the Revised Code from license, permit, and 60105
stamp fees. 60106

SOIL AND WATER DISTRICTS 60107

In addition to state payments to soil and water conservation 60108
districts authorized by section 1515.10 of the Revised Code, the 60109
Department of Natural Resources may pay to any soil and water 60110
conservation district, from authority in appropriation item 60111
725-502, Soil and Water Districts, an annual amount not to exceed 60112
\$30,000, upon receipt of a request and justification from the 60113
district and approval by the Ohio Soil and Water Conservation 60114
Commission. The county auditor shall credit the payments to the 60115
special fund established under section 1515.10 of the Revised Code 60116
for the local soil and water conservation district. Moneys 60117

received by each district shall be expended for the purposes of 60118
the district. 60119

Of the foregoing appropriation item 725-502, Soil and Water 60120
Districts, \$150,000 in each fiscal year shall be distributed to 60121
the Muskingum Watershed Conservancy District and \$50,000 in each 60122
fiscal year shall be distributed to the Livestock Assurance 60123
Program. 60124

Of the foregoing appropriation 725-502, Soil and Water 60125
Districts, \$136,000 shall be earmarked in fiscal year 2002 for 60126
Indian Lake, \$56,000 per fiscal year for the Conservation Action 60127
Program, \$48,000 in fiscal year 2002 for Millcreek Valley 60128
Conservation District, \$40,000 per fiscal year for Wills Creek 60129
Reservoir, \$120,000 in fiscal year 2002 for the relocation of 60130
Route 30, \$250,000 in fiscal year 2002 for the Upper Hocking and 60131
Rush Creek Flood Control project, and \$100,000 per fiscal year for 60132
Rush Creek Conservancy District. Of the foregoing appropriation 60133
item 725-502, Soil and Water Districts, \$150,000 shall be 60134
earmarked in each fiscal year for the Loramie Lake Project. 60135

DIVISION OF SOIL AND WATER 60136

Of the foregoing appropriation item 737-321, Division of Soil 60137
and Water, \$220,000 in each fiscal year shall be distributed to 60138
the Water Quality Laboratory located at Heidelberg College. 60139

CANAL LANDS 60140

The foregoing appropriation item 725-456, Canal Lands, shall 60141
be used to transfer funds to the Canal Lands Fund (Fund 430) to 60142
provide operating expenses for the State Canal Lands Program. The 60143
transfer shall be made using an intrastate transfer voucher and 60144
shall be subject to the approval of the Director of Budget and 60145
Management. 60146

WATERCRAFT MARINE PATROL 60147

Of the foregoing appropriation item 739-401, Division of 60148
Watercraft, not more than \$200,000 in each fiscal year shall be 60149
expended for the purchase of equipment for marine patrols 60150
qualifying for funding from the Department of Natural Resources 60151
pursuant to section 1547.67 of the Revised Code. Proposals for 60152
equipment shall accompany the submission of documentation for 60153
receipt of a marine patrol subsidy pursuant to section 1547.67 of 60154
the Revised Code and shall be loaned to eligible marine patrols 60155
pursuant to a cooperative agreement between the Department of 60156
Natural Resources and the eligible marine patrol. 60157

FUND CONSOLIDATION 60158

On July 15, 2001, or as soon thereafter as possible, the 60159
Director of Budget and Management shall transfer the cash balances 60160
of the Wildlife Education Fund (Fund 81A) as of June 30, 2001, and 60161
any amounts that accrue to that fund after that date, to the 60162
Wildlife Education Fund (Fund 015). The Director shall cancel any 60163
remaining outstanding encumbrances against appropriation item 60164
725-612, Wildlife Education, and reestablish them against 60165
appropriation item 740-401, Division of Wildlife Conservation. The 60166
amounts of any encumbrances canceled and reestablished are 60167
appropriated. 60168

On July 15, 2001, or as soon thereafter as possible, the 60169
Director of Budget and Management shall transfer the cash balances 60170
of the Cooperative Boat Harbor Projects Fund (Fund 880) as of June 60171
30, 2001, and any amounts that accrue to that fund after that 60172
date, to the Waterways Safety Fund (Fund 086). The director shall 60173
cancel any remaining outstanding encumbrances against 60174
appropriation item 725-614, Cooperative Boat Harbor Projects, and 60175
reestablish them against appropriation item 739-401, Division of 60176
Watercraft. The amounts of any encumbrances canceled and 60177
reestablished are hereby appropriated. 60178

On July 15, 2001, or as soon thereafter as possible, the 60179

Director of Budget and Management shall transfer the cash balances 60180
of the Forestry Development Fund (Fund 4B8) as of June 30, 2001, 60181
and any amounts that accrue to that fund after that date, to the 60182
State Forest Fund (Fund 509). The director shall cancel any 60183
remaining outstanding encumbrances against appropriation item 60184
725-617, Forestry Development Fund, and reestablish them against 60185
appropriation item 725-602, State Forest. The amounts of any 60186
encumbrances canceled and reestablished are appropriated. No 60187
interest shall be credited to Fund 4B8 after June 30, 2001. 60188

On July 15, 2001, or as soon thereafter as possible, the 60189
Director of Budget and Management shall transfer the cash balance 60190
in the Burr Oak Water Plant Fund (Fund 519), which is abolished by 60191
the repeal of section 1507.12 of the Revised Code in this act, to 60192
the Burr Oak Regional Water District. 60193

CIVILIAN CONSERVATION CORPS 60194

The Director of Budget and Management, before June 30, 2003, 60195
shall transfer the cash balance of the Civilian Conservation Corps 60196
Operations Fund (Fund 162), and shall transfer any amounts that 60197
accrue to that fund after that date, to the State Parks Operations 60198
Fund (Fund 512). The Director shall cancel any existing 60199
encumbrances against appropriation item 725-625, Civilian 60200
Conservation Corps Operations, and re-establish them against 60201
appropriation item 725-605, State Parks Operations. The amount of 60202
the re-established encumbrances is appropriated. After the cash 60203
balance is transferred, the Civilian Conservation Corps Operations 60204
Fund (Fund 162), which was created by the Controlling Board in 60205
1982, is abolished. 60206

PARKS FACILITIES MAINTENANCE 60207

Notwithstanding section 1541.221 of the Revised Code, the 60208
first \$1,100,000 that would be transferred to the Parks Facilities 60209
Maintenance Fund (Fund 161) in fiscal year 2002 shall be retained 60210

by the State Park Fund (Fund 512). The difference between ten per cent of the receipts from revenue-producing facilities of the division of parks and recreation and \$1,100,000 shall be transferred to the Parks Facilities Maintenance Fund in fiscal year 2002.

OIL AND GAS WELL PLUGGING

The foregoing appropriation item 725-677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. No funds from the appropriation item shall be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributed to the plugging of an idle or orphan well. Appropriation authority from this line item shall not be transferred to any other fund or line item.

Section 78. NUR STATE BOARD OF NURSING

General Services Fund Group					
4K9 884-609 Operating Expenses	\$	4,816,241	\$	5,205,776	
5P8 884-601 Nursing Special Issues	\$	5,000	\$	5,000	
TOTAL GSF General Services Fund Group					
	\$	4,821,241	\$	5,210,776	
TOTAL ALL BUDGET FUND GROUPS	\$	4,821,241	\$	5,210,776	

NURSING SPECIAL ISSUES

Not later than thirty days after the effective date of this section, the Director of Budget and Management shall transfer \$5,000 cash from the Occupational Licensing and Regulatory Fund (Fund 4K9) to the Nursing Special Issues Fund (Fund 5P8).

Not later than July 30, 2002, the Director of Budget and Management shall transfer \$5,000 cash from the Occupational

Licensing and Regulatory Fund (Fund 4K9) to the Nursing Special 60241
 Issues Fund (Fund 5P8). 60242

The foregoing appropriation item 884-601, Nursing Special 60243
 Issues (Fund 5P8), shall be used to pay the costs the Board of 60244
 Nursing incurs in implementing section 4723.062 of the Revised 60245
 Code. 60246

Section 79. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 60247
AND ATHLETIC TRAINERS BOARD 60248

General Services Fund Group 60249
 4K9 890-609 Operating Expenses \$ 681,020 \$ 703,201 60250
 TOTAL GSF General Services 60251
 Fund Group \$ 681,020 \$ 703,201 60252
 TOTAL ALL BUDGET FUND GROUPS \$ 681,020 \$ 703,201 60253

OPERATING EXPENSES 60254

Notwithstanding Section 74 of Am. H.B. 283 of the 123rd 60255
 General Assembly, the findings of the two clinical outcomes 60256
 studies required by the Operating Expenses earmark shall be 60257
 reported not later than December 31, 2001. 60258

Section 80. OLA OHIOANA LIBRARY ASSOCIATION 60259

General Revenue Fund 60260
 GRF 355-501 Library Subsidy \$ 243,367 \$ 248,786 60261
 TOTAL GRF General Revenue Fund \$ 243,367 \$ 248,786 60262
 TOTAL ALL BUDGET FUND GROUPS \$ 243,367 \$ 248,786 60263

Section 81. ODB OHIO OPTICAL DISPENSERS BOARD 60265

General Services Fund Group 60266
 4K9 894-609 Operating Expenses \$ 280,391 \$ 295,277 60267
 TOTAL GSF General Services 60268
 Fund Group \$ 280,391 \$ 295,277 60269

TOTAL ALL BUDGET FUND GROUPS	\$	280,391	\$	295,277	60270
Section 82. OPT STATE BOARD OF OPTOMETRY					60272
General Services Fund Group					60273
4K9 885-609 Operating Expenses	\$	289,600	\$	306,051	60274
TOTAL GSF General Services					60275
Fund Group	\$	289,600	\$	306,051	60276
TOTAL ALL BUDGET FUND GROUPS	\$	289,600	\$	306,051	60277
Section 83. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS					60278
					60279
General Services Fund Group					60280
4K9 973-609 Operating Expenses	\$	98,622	\$	100,518	60281
TOTAL GSF General Services					60282
Fund Group	\$	98,622	\$	100,518	60283
TOTAL ALL BUDGET FUND GROUPS	\$	98,622	\$	100,518	60284
Section 84. PBR STATE PERSONNEL BOARD OF REVIEW					60285
General Revenue Fund					60286
GRF 124-321 Operating	\$	1,015,059	\$	1,059,243	60287
TOTAL GRF General Revenue Fund	\$	1,015,059	\$	1,059,243	60288
General Services Fund Group					60289
636 124-601 Transcript and Other	\$	39,598	\$	40,587	60290
TOTAL GSF General Services					60291
Fund Group	\$	39,598	\$	40,587	60292
TOTAL ALL BUDGET FUND GROUPS	\$	1,054,657	\$	1,099,830	60293
TRANSCRIPT AND OTHER					60294
The foregoing appropriation item 124-601, Transcript and					60295
Other, may be used to produce and distribute transcripts and other					60296
documents. Revenues generated by charges for transcripts and other					60297
documents shall be deposited in the Transcripts and Other Fund					60298
(Fund 636).					60299

Section 85. PRX STATE BOARD OF PHARMACY				60300	
General Services Fund Group				60301	
4A5 887-605 Drug Law Enforcement	\$	72,900	\$	75,550	60302
5N2 887-603 Operating Expenses	\$	4,353,629	\$	4,744,594	60303
TOTAL GSF General Services				60304	
Fund Group	\$	4,426,529	\$	4,820,144	60305
TOTAL ALL BUDGET FUND GROUPS	\$	4,426,529	\$	4,820,144	60306

PHARMACY BOARD OPERATING FUND 60307

On July 1, 2001, or as soon as possible thereafter, the 60308
Executive Director of the State Board of Pharmacy shall certify 60309
the board's portion of the cash balance in the Occupational 60310
Licensing and Regulatory Fund (Fund 4K9) to the Director of Budget 60311
and Management. The Director of Budget and Management shall 60312
transfer the certified amount from Fund 4K9 to the Pharmacy Board 60313
Operating Fund (Fund 5N2). 60314

The Director of Budget and Management shall cancel any 60315
existing encumbrances against appropriation item 887-609, 60316
Operating Expenses (Fund 4K9), and reestablish them against 60317
appropriation item 887-603, Operating Expenses (Fund 5N2). The 60318
amounts of the reestablished encumbrances are appropriated. 60319

Section 86. SCR STATE BOARD OF PROPRIETARY SCHOOL 60320

REGISTRATION 60321

General Revenue Fund				60322	
GRF 233-100 Personal Services	\$	326,400	\$	333,429	60323
GRF 233-200 Maintenance	\$	77,760	\$	78,776	60324
GRF 233-300 Equipment	\$	4,286	\$	4,279	60325
TOTAL GRF General Revenue Fund	\$	408,446	\$	416,484	60326
TOTAL ALL BUDGET FUND GROUPS	\$	408,446	\$	416,484	60327

Section 87. PSY STATE BOARD OF PSYCHOLOGY 60329

General Services Fund Group				60330
4K9 882-609 Operating Expenses	\$	459,382	\$ 486,184	60331
TOTAL GSF General Services				60332
Fund Group	\$	459,382	\$ 486,184	60333
TOTAL ALL BUDGET FUND GROUPS	\$	459,382	\$ 486,184	60334
 Section 88. PUB OHIO PUBLIC DEFENDER COMMISSION				60336
General Revenue Fund				60337
GRF 019-321 Public Defender	\$	1,772,373	\$ 1,772,373	60338
Administration				
GRF 019-401 State Legal Defense	\$	6,983,914	\$ 7,259,931	60339
Services				
GRF 019-403 Multi-County: State	\$	1,110,254	\$ 1,104,920	60340
Share				
GRF 019-404 Trumbull County-State	\$	364,686	\$ 363,917	60341
Share				
GRF 019-405 Training Account	\$	48,000	\$ 48,000	60342
GRF 019-501 County Reimbursement -	\$	33,893,062	\$ 34,512,523	60343
Non-Capital Cases				
GRF 019-503 County Reimbursements	\$	935,868	\$ 1,000,000	60344
- Capital Cases				
TOTAL GRF General Revenue Fund	\$	45,108,157	\$ 46,061,664	60345
General Services Fund Group				60346
101 019-602 Inmate Legal	\$	67,172	\$ 71,020	60347
Assistance				
101 019-607 Juvenile Legal	\$	458,767	\$ 481,462	60348
Assistance				
406 019-603 Training and	\$	16,000	\$ 16,000	60349
Publications				
407 019-604 County Representation	\$	213,778	\$ 240,556	60350
408 019-605 Client Payments	\$	260,584	\$ 285,533	60351
TOTAL GSF General Services				60352

Fund Group	\$	1,016,301	\$	1,094,571	60353
Federal Special Revenue Fund Group					60354
3S8 019-608 Federal Representation	\$	564,929	\$	594,247	60355
3U7 019-614 Juvenile JAIBG Grant		51,516		54,601	60356
3U8 019-615 Juvenile Challenge Grant		118,658		124,984	60357
TOTAL FED Federal Special Revenue					60358
Fund Group	\$	735,103	\$	773,832	60359
State Special Revenue Fund Group					60360
4C7 019-601 Multi-County: County Share	\$	1,603,064	\$	1,714,575	60361
4X7 019-610 Trumbull County-County Share	\$	526,560	\$	564,714	60362
574 019-606 Legal Services Corporation	\$	15,725,233	\$	16,275,558	60363
TOTAL SSR State Special Revenue					60364
Fund Group	\$	17,854,857	\$	18,554,847	60365
TOTAL ALL BUDGET FUND GROUPS	\$	64,714,418	\$	66,484,914	60366
INDIGENT DEFENSE OFFICE					60367
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.					60368 60369 60370
MULTI-COUNTY OFFICE					60371
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.					60372 60373 60374 60375
TRAINING ACCOUNT					60376
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					60377 60378 60379

represent at least one indigent defendant at no cost, and for 60380
state and county public defenders and attorneys who contract with 60381
the Ohio Public Defender to provide indigent defense services. 60382

FEDERAL REPRESENTATION 60383

The foregoing appropriation item 019-608, Federal 60384
Representation, shall be used to receive reimbursements from the 60385
federal courts when the Ohio Public Defender provides 60386
representation on federal court cases. 60387

Section 89. DHS DEPARTMENT OF PUBLIC SAFETY 60388

General Revenue Fund 60389

GRF 763-403 Operating Expenses - \$ 3,851,927 \$ 4,225,628 60390

EMA

GRF 763-507 Individual and Family \$ 90,014 \$ 89,398 60391

Grants

GRF 764-404 Transportation \$ 2,438,979 \$ 2,491,606 60392

Enforcement Operations

GRF 769-321 Food Stamp Trafficking \$ 935,817 \$ 981,422 60393

Enforcement Operations

TOTAL GRF General Revenue Fund \$ 7,316,737 \$ 7,788,054 60394

TOTAL ALL BUDGET FUND GROUPS \$ 7,316,737 \$ 7,788,054 60395

OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT 60396

Of the foregoing appropriation item 763-403, Operating 60397
Expenses - EMA, \$200,000 in each fiscal year shall be used to fund 60398
the Ohio Task Force One - Urban Search and Rescue Unit and other 60399
urban search and rescue programs around the state to create a 60400
stronger search and rescue capability statewide. 60401

IFG STATE MATCH 60402

The foregoing appropriation item 763-507, Individual and 60403
Family Grants, shall be used to fund the state share of costs to 60404
provide grants to individuals and families in cases of disaster. 60405

Section 90. PUC PUBLIC UTILITIES COMMISSION OF OHIO				60406
General Services Fund Group				60407
5F6	870-622	Utility and Railroad Regulation	\$ 29,104,298 \$ 30,622,222	60408
5F6	870-624	NARUC/NRRI Subsidy	\$ 167,233 \$ 167,233	60409
5F6	870-625	Motor Transportation Regulation	\$ 4,578,771 \$ 4,811,239	60410
558	870-602	Salvage and Exchange	\$ 32,474 \$ 33,285	60411
TOTAL GSF General Services Fund Group				60412
			\$ 33,882,776 \$ 35,633,979	60413
Federal Special Revenue Fund Group				60414
3V3	870-604	Commercial Vehicle Information Systems/Networks	\$ 2,500,000 \$ 0	60415
333	870-601	Gas Pipeline Safety	\$ 461,920 \$ 485,332	60416
350	870-608	Motor Carrier Safety	\$ 6,749,153 \$ 7,027,712	60417
TOTAL FED Federal Special Revenue Fund Group				60418
			\$ 9,711,073 \$ 7,513,044	60419
State Special Revenue Fund Group				60420
4A3	870-614	Grade Crossing Protection Devices-State	\$ 1,311,986 \$ 1,349,757	60421
4L8	870-617	Pipeline Safety-State	\$ 177,323 \$ 187,621	60422
4S6	870-618	Hazardous Material Registration	\$ 449,927 \$ 464,325	60423
4S6	870-621	Hazardous Materials Base State Registration	\$ 364,240 \$ 373,346	60424
4U8	870-620	Civil Forfeitures	\$ 269,426 \$ 284,986	60425
559	870-605	Public Utilities Territorial	\$ 4,000 \$ 4,000	60426

Administration

560	870-607	Special Assessment	\$	100,000	\$	100,000	60427
561	870-606	Power Siting Board	\$	319,839	\$	337,210	60428
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000	60429
661	870-612	Hazardous Materials	\$	800,000	\$	800,000	60430

Transportation

TOTAL SSR State Special Revenue							60431
Fund Group			\$	3,836,741	\$	3,941,245	60432
Agency Fund Group							60433
4G4	870-616	Base State	\$	6,500,000	\$	6,500,000	60434

Registration Program

TOTAL AGY Agency Fund Group			\$	6,500,000	\$	6,500,000	60435
TOTAL ALL BUDGET FUND GROUPS			\$	53,930,590	\$	53,588,268	60436

TEMPORARY CASH TRANSFERS 60437

On July 1, 2001, or as soon as possible thereafter, the 60438
 Director of Budget and Management shall transfer \$150,000 in cash 60439
 from Fund 4U8, Civil Forfeitures, and \$350,000 in cash from Fund 60440
 4S6, Hazardous Materials Registration, to Fund 3V3, Commercial 60441
 Vehicle Information Systems/Networks Fund, which is hereby created 60442
 in the State Treasury. The Commercial Vehicle Information 60443
 Systems/Networks Fund shall receive funding from the United States 60444
 Department of Transportation's Commercial Vehicle Intelligent 60445
 Transportation System Infrastructure Deployment Program and shall 60446
 be used to deploy the Ohio Commercial Vehicle Information Systems 60447
 and Networks Project and to expedite and improve safety of motor 60448
 carrier operations through electronic exchange of data by means of 60449
 on-highway electronic systems. 60450

The Chairman of the Public Utilities Commission shall notify 60451
 the Director of Budget and Management when the cash balance in 60452
 Fund 3V3 is sufficient for the transfers required under this 60453
 heading to be repaid. On or before June 30, 2003, the Director of 60454
 Budget and Management shall transfer \$150,000 in cash from Fund 60455

3V3, Commercial Vehicle Information Systems/Networks, to Fund 4U8, 60456
Civil Forfeitures, and \$350,000 in cash from Fund 3V3, Commercial 60457
Vehicle Information Systems/Networks, to Fund 4S6, Hazardous 60458
Materials Registration. 60459

BIOMASS ENERGY PROGRAM FUND 60460

The Biomass Energy Program Fund created by section 4905.87 of 60461
the Revised Code is the same fund, with a new name, as the 60462
Biofuels/Municipal Waste Technology Fund created by the 60463
Controlling Board in January 1988. 60464

Section 91. PWC PUBLIC WORKS COMMISSION 60465

General Revenue Fund 60466

GRF 150-907 State Capital \$ 135,693,200 \$ 146,210,200 60467

Improvements

General Obligation 60468

Debt

Service 60469

TOTAL GRF General Revenue Fund \$ 135,693,200 \$ 146,210,200 60470

TOTAL ALL BUDGET FUND GROUPS \$ 135,693,200 \$ 146,210,200 60471

STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE 60472

The foregoing appropriation item 150-907, State Capital 60473
Improvements General Obligation Debt Service, shall be used to pay 60474
all debt service and financing costs at the times they are 60475
required to be made pursuant to sections 151.01, 151.08, and 60476
164.10 of the Revised Code during the period from July 1, 2001, to 60477
June 30, 2003. The Office of the Sinking Fund or the Director of 60478
Budget and Management shall effectuate the required payments by an 60479
intrastate transfer voucher. 60480

Section 92. RAC STATE RACING COMMISSION 60481

State Special Revenue Fund Group 60482

5C4	875-607	Simulcast Horse Racing Purse	\$	16,301,749	\$	18,025,043	60483
562	875-601	Thoroughbred Race Fund	\$	4,529,149	\$	4,642,378	60484
563	875-602	Standardbred Development Fund	\$	2,022,797	\$	2,200,810	60485
564	875-603	Quarterhorse Development Fund	\$	1,000	\$	1,000	60486
565	875-604	Racing Commission Operating	\$	4,109,513	\$	4,314,143	60487
TOTAL SSR State Special Revenue							60488
Fund Group			\$	26,964,208	\$	29,183,374	60489
Holding Account Redistribution Fund Group							60490
R21	875-605	Bond Reimbursements	\$	212,900	\$	212,900	60491
TOTAL 090 Holding Account Redistribution							60492
Fund Group			\$	212,900	\$	212,900	60493
TOTAL ALL BUDGET FUND GROUPS			\$	27,177,108	\$	29,396,274	60494
 Section 93. BOR BOARD OF REGENTS							60496
General Revenue Fund							60497
GRF	235-321	Operating Expenses	\$	3,200,141	\$	3,264,144	60498
GRF	235-401	Lease-Rental Payments	\$	295,058,500	\$	268,910,500	60499
GRF	235-402	Sea Grants	\$	299,940	\$	299,940	60500
GRF	235-403	Math/Science Teaching Improvement	\$	1,984,000	\$	2,018,680	60501
GRF	235-404	College Readiness Initiatives	\$	2,500,000	\$	2,500,000	60502
GRF	235-406	Articulation and Transfer	\$	800,000	\$	800,000	60503
GRF	235-408	Midwest Higher Education Compact	\$	82,500	\$	82,500	60504
GRF	235-409	Information System	\$	1,389,263	\$	1,417,049	60505
GRF	235-414	State Grants and	\$	1,400,888	\$	1,428,907	60506

	Scholarship				
	Administration				
GRF 235-415	Jobs Challenge	\$ 10,100,000	\$ 10,200,000	60507	
GRF 235-417	Ohio Learning Network	\$ 3,920,000	\$ 3,920,000	60508	
GRF 235-418	Access Challenge	\$ 57,000,000	\$ 57,218,579	60509	
GRF 235-420	Success Challenge	\$ 48,741,000	\$ 48,741,000	60510	
GRF 235-428	Appalachian New	\$ 1,000,000	\$ 1,500,000	60511	
	Economy Partnership				
GRF 235-454	Research Challenge	\$ 21,568,440	\$ 21,568,440	60512	
GRF 235-455	Productivity	\$ 1,694,947	\$ 1,728,845	60513	
	Improvement Challenge				
GRF 235-474	Area Health Education	\$ 2,093,727	\$ 2,135,601	60514	
	Centers Program				
	Support				
GRF 235-477	Access Improvement	\$ 1,113,661	\$ 1,113,661	60515	
	Projects				
GRF 235-501	State Share of	\$ 1,692,981,471	\$ 1,699,473,589	60516	
	Instruction				
GRF 235-502	Student Support	\$ 1,000,000	\$ 1,000,000	60517	
	Services				
GRF 235-503	Ohio Instructional	\$ 98,000,000	\$ 111,500,000	60518	
	Grants				
GRF 235-504	War Orphans	\$ 4,652,548	\$ 4,792,124	60519	
	Scholarships				
GRF 235-507	OhioLINK	\$ 7,668,731	\$ 7,668,731	60520	
GRF 235-508	Air Force Institute of	\$ 2,000,000	\$ 2,000,000	60521	
	Technology				
GRF 235-509	Displaced Homemakers	\$ 240,096	\$ 240,096	60522	
GRF 235-510	Ohio Supercomputer	\$ 4,833,574	\$ 4,833,574	60523	
	Center				
GRF 235-511	Cooperative Extension	\$ 28,262,696	\$ 28,827,949	60524	
	Service				
GRF 235-513	OU Voinovich Center	\$ 367,500	\$ 367,500	60525	

GRF 235-514	Central State Supplement	\$	12,044,956	\$	12,044,956	60526
GRF 235-515	Case Western Reserve University School of Medicine	\$	4,280,224	\$	4,365,827	60527
GRF 235-519	Family Practice	\$	6,538,471	\$	6,669,240	60528
GRF 235-520	Shawnee State Supplement	\$	1,845,106	\$	904,237	60529
GRF 235-521	OSU Glenn Institute	\$	367,500	\$	367,500	60530
GRF 235-524	Police and Fire Protection	\$	240,096	\$	240,096	60531
GRF 235-525	Geriatric Medicine	\$	1,087,195	\$	1,108,939	60532
GRF 235-526	Primary Care Residencies	\$	3,166,168	\$	3,229,491	60533
GRF 235-527	Ohio Aerospace Institute	\$	2,383,334	\$	2,383,334	60534
GRF 235-530	Academic Scholarships	\$	8,400,000	\$	8,820,000	60535
GRF 235-531	Student Choice Grants	\$	52,428,000	\$	53,476,560	60536
GRF 235-534	Student Workforce Development Grants	\$	1,200,000	\$	1,200,000	60537
GRF 235-535	Ohio Agricultural Research and Development Center	\$	39,505,502	\$	40,295,612	60538
GRF 235-536	Ohio State University Clinical Teaching	\$	15,989,883	\$	16,309,680	60539
GRF 235-537	University of Cincinnati Clinical Teaching	\$	13,151,461	\$	13,414,491	60540
GRF 235-538	Medical College of Ohio at Toledo Clinical Teaching	\$	10,250,851	\$	10,455,868	60541
GRF 235-539	Wright State University Clinical	\$	4,980,064	\$	5,079,665	60542

	Teaching					
GRF 235-540	Ohio University	\$	4,814,378	\$	4,910,666	60543
	Clinical Teaching					
GRF 235-541	Northeastern Ohio	\$	4,951,583	\$	5,050,615	60544
	Universities College					
	of Medicine Clinical					
	Teaching					
GRF 235-543	Ohio College of	\$	499,800	\$	509,796	60545
	Podiatric Medicine					
	Clinical Subsidy					
GRF 235-547	School of	\$	1,708,764	\$	1,708,764	60546
	International Business					
GRF 235-549	Part-time Student	\$	13,311,638	\$	13,977,219	60547
	Instructional Grants					
GRF 235-552	Capital Component	\$	14,537,639	\$	14,537,639	60548
GRF 235-553	Dayton Area Graduate	\$	3,779,088	\$	3,779,088	60549
	Studies Institute					
GRF 235-554	Computer Science	\$	3,482,368	\$	3,482,368	60550
	Graduate Education					
GRF 235-555	Library Depositories	\$	1,999,200	\$	2,039,184	60551
GRF 235-556	Ohio Academic	\$	3,510,777	\$	3,580,993	60552
	Resources Network					
GRF 235-558	Long-term Care	\$	312,004	\$	312,004	60553
	Research					
GRF 235-561	Bowling Green State	\$	164,289	\$	164,289	60554
	University Canadian					
	Studies Center					
GRF 235-572	Ohio State University	\$	2,102,361	\$	2,144,408	60555
	Clinic Support					
GRF 235-583	Urban University	\$	6,503,559	\$	6,503,559	60556
	Programs					
GRF 235-585	Ohio University	\$	48,750	\$	48,750	60557
	Innovation Center					

GRF 235-587	Rural University Projects	\$	1,375,552	\$	1,375,552	60558
GRF 235-588	Ohio Resource Center for Mathematics, Science, and Reading	\$	980,000	\$	980,000	60559
GRF 235-595	International Center for Water Resources Development	\$	185,593	\$	185,593	60560
GRF 235-596	Hazardous Materials Program	\$	390,096	\$	390,096	60561
GRF 235-599	National Guard Scholarship Program	\$	12,048,106	\$	12,048,106	60562
GRF 235-909	Higher Education General Obligation Debt Service	\$	50,055,100	\$	74,344,100	60563
TOTAL GRF	General Revenue Fund	\$	2,598,573,079	\$	2,621,989,694	60564
	General Services Fund Group					60565
456 235-603	Publications	\$	43,050	\$	44,342	60566
456 235-613	Job Preparation Initiative	\$	144,383	\$	144,383	60567
TOTAL GSF	General Services Fund Group	\$	187,433	\$	188,725	60568 60569
	Federal Special Revenue Fund Group					60570
3H2 235-608	Human Services Project	\$	1,500,000	\$	1,500,000	60571
3N6 235-605	State Student Incentive Grants	\$	2,000,000	\$	2,000,000	60572
3T0 235-610	NHSC Ohio Loan Repayment	\$	100,000	\$	100,000	60573
312 235-609	Tech Prep	\$	183,852	\$	183,852	60574
312 235-611	Gear-up Grant	\$	1,590,986	\$	1,690,434	60575
312 235-612	Carl D. Perkins Grant/Plan	\$	112,960	\$	112,960	60576

Administration							
312	235-631	Federal Grants	\$	2,055,511	\$	0	60577
TOTAL FED Federal Special Revenue							60578
Fund Group			\$	7,543,309	\$	5,587,246	60579
State Special Revenue Fund Group							60580
4E8	235-602	HEFC Administration	\$	13,080	\$	13,900	60581
4P4	235-604	Physician Loan	\$	416,067	\$	436,870	60582
Repayment							
649	235-607	Ohio State University	\$	855,021	\$	760,000	60583
Highway/Transportation							
Research							
682	235-606	Nursing Loan Program	\$	870,000	\$	893,000	60584
TOTAL SSR State Special Revenue							60585
Fund Group			\$	2,154,168	\$	2,103,770	60586
TOTAL ALL BUDGET FUND GROUPS			\$	2,608,457,989	\$	2,629,869,435	60587

Section 93.01. STATE SHARE OF INSTRUCTION 60589

As soon as practicable during each fiscal year of the 60590
 2001-2003 biennium in accordance with instructions of the Board of 60591
 Regents, each state-assisted institution of higher education shall 60592
 report its actual enrollment to the Board of Regents. 60593

The Board of Regents shall establish procedures required by 60594
 the system of formulas set out below and for the assignment of 60595
 individual institutions to categories described in the formulas. 60596
 The system of formulas establishes the manner in which aggregate 60597
 expenditure requirements shall be determined for each of the three 60598
 components of institutional operations. In addition to other 60599
 adjustments and calculations described below, the subsidy 60600
 entitlement of an institution shall be determined by subtracting 60601
 from the institution's aggregate expenditure requirements income 60602
 to be derived from the local contributions assumed in calculating 60603
 the subsidy entitlements. The local contributions for purposes of 60604

determining subsidy support shall not limit the authority of the individual boards of trustees to establish fee levels. 60605
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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. 60607
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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. 60614
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(A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT 60620

(1) INSTRUCTION AND SUPPORT SERVICES 60621

MODEL	FY 2002	FY 2003	
General Studies I	\$ 4,481	\$ 4,904	60622
General Studies II	\$ 5,046	\$ 5,299	60623
General Studies III	\$ 6,101	\$ 6,652	60624
Technical I	\$ 5,353	\$ 5,696	60625
Technical III	\$ 8,854	\$ 9,044	60626
Baccalaureate I	\$ 7,031	\$ 7,517	60627
Baccalaureate II	\$ 7,875	\$ 8,310	60628
Baccalaureate III	\$ 11,480	\$ 12,193	60629
Masters and Professional I	\$ 13,338	\$ 13,875	60630
Masters and Professional II	\$ 19,084	\$ 19,652	60631
Masters and Professional III	\$ 25,869	\$ 26,577	60632
Medical I	\$ 28,800	\$ 29,934	60633
Medical II	\$ 40,152	\$ 40,981	60634
Blended MPD I	\$ 14,163	\$ 14,877	60635 60636

(2) STUDENT SERVICES 60637

For this purpose, FTE counts shall be weighted to reflect 60638
differences among institutions in the numbers of students enrolled 60639
on a part-time basis. 60640

MODEL	FY 2002	FY 2003	
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

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	
Laboratories	\$6.65	\$6.93	
Offices	\$5.33	\$5.56	
Audio Visual Data Processing	\$6.65	\$6.93	
Storage	\$2.36	\$2.46	
Circulation	\$6.73	\$7.01	
Other	\$5.33	\$5.56	

(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

(a) The number of subsidy-eligible FTE students in each model

shall be multiplied by the following rates for each campus for			60699
each fiscal year.			60700
	FY 2002	FY 2003	60701
General Studies I	\$ 537	\$ 543	60702
General Studies II	\$ 669	\$ 686	60703
General Studies III	\$1,424	\$1,565	60704
Technical I	\$ 649	\$ 750	60705
Technical II	\$1,315	\$1,436	60706
Baccalaureate I	\$ 671	\$ 692	60707
Baccalaureate II	\$1,175	\$1,263	60708
Baccalaureate III	\$1,606	\$1,674	60709
Masters and Professional I	\$1,138	\$1,217	60710
Masters and Professional II	\$2,447	\$2,928	60711
Masters and Professional III	\$3,363	\$3,932	60712
Medical I	\$2,568	\$2,653	60713
Medical II	\$3,470	\$3,581	60714
Blended MPD I	\$1,135	\$1,192	60715

(b) The sum of the products for each campus determined in 60716
division (B)(2)(a) of this section for all models except Doctoral 60717
I and Doctoral II for each fiscal year shall be weighted by a 60718
factor to reflect sponsored research activity and job 60719
training-related public services expenditures to determine the 60720
total activity-based POM subsidy. 60721

(C) CALCULATION OF CORE SUBSIDY ENTITLEMENTS AND ADJUSTMENTS 60722

(1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS 60723

The calculation of the core subsidy entitlement shall consist 60724
of the following components: 60725

(a) For each campus and for each fiscal year, the core 60726
subsidy entitlement shall be determined by multiplying the amounts 60727
listed above in divisions (A)(1) and (2) and (B)(2) of this 60728
section less assumed local contributions, by (i) average 60729

subsidy-eligible FTEs for the two-year period ending in the prior 60730
year for all models except Doctoral I and Doctoral II; and (ii) 60731
average subsidy-eligible FTEs for the five-year period ending in 60732
the prior year for all models except Doctoral I and Doctoral II. 60733

(b) In calculating the core subsidy entitlements for Medical 60734
II models only, the Board of Regents shall use the following count 60735
of FTE students in place of the two-year average and five-year 60736
average of subsidy-eligible students: 60737

(i) For those medical schools whose current year enrollment 60738
is below the base enrollment, the Medical II FTE enrollment shall 60739
equal: 65 per cent of the base enrollment plus 35 per cent of the 60740
current year enrollment, where the base enrollment is: 60741

The Ohio State University	1010	60742
University of Cincinnati	833	60743
Medical College of Ohio at Toledo	650	60744
Wright State University	433	60745
Ohio University	433	60746
Northeastern Ohio Universities	433	60747
College of Medicine		

(ii) For those medical schools whose current year enrollment 60748
is equal to or greater than the base enrollment, the Medical II 60749
FTE enrollment shall equal the current enrollment. 60750

(c) For all FTE-based subsidy calculations involving 60751
annualized FTE data, FTE-based allowances shall be converted from 60752
annualized to all-terms rates to ensure equity and consistency of 60753
subsidy determination. 60754

(d) The Board of Regents shall compute the sum of the two 60755
calculations listed in division (C)(1)(a) of this section and use 60756
the greater sum as the core subsidy entitlement. 60757

The POM subsidy for each campus shall equal the greater of 60758
the square-foot-based subsidy or the activity-based POM subsidy 60759

component of the core subsidy entitlement.

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(e) The state share of instruction provided for doctoral students shall be based on a fixed percentage of the total appropriation. In each fiscal year of the biennium not more than 10.34 per cent of the total state share of instruction shall be reserved to implement the recommendations of the Graduate Funding Commission. It is the intent of the General Assembly that the doctoral reserve be reduced each year thereafter until no more than 10.0 per cent of the total state share of instruction is reserved to implement the recommendations of the Graduate Funding Commission. The Board of Regents shall reallocate 2 per cent in each fiscal year of the biennium of the reserve among the state-assisted universities on the basis of a quality review as specified in the recommendations of the Graduate Funding Commission.

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The amount so reserved shall be allocated to universities in proportion to their share of the total number of Doctoral I equivalent FTEs as calculated on an institutional basis using the greater of the two-year or five-year FTEs for the period fiscal year 1994 through fiscal year 1998 with annualized FTEs for fiscal years 1994 through 1997 and all-term FTEs for fiscal year 1998 as adjusted to reflect the effects of doctoral review. For the purposes of this calculation, Doctoral I equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs.

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(2) ANNUAL HOLD HARMLESS PROVISION

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In addition to and after the other adjustment noted above, in fiscal year 2002 each campus shall have its state share of instruction adjusted to the extent necessary to provide an amount that is not less than 100 per cent of the state share of instruction received by the campus in fiscal year 2001. In fiscal year 2003, each campus shall have its state share of instruction

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adjusted to the extent necessary to provide an amount that is not 60792
less than 100 per cent of the state share of instruction received 60793
by the campus in fiscal year 2002. 60794

(3) CAPITAL COMPONENT DEDUCTION 60795

After all other adjustments have been made, instructional 60796
subsidy earnings shall be reduced for each campus by the amount, 60797
if any, by which debt service charged in Am. H.B. No. 748 of the 60798
121st General Assembly, Am. Sub. H.B. No. 850 of the 122nd General 60799
Assembly, and Am. H.B. No. 640 of the 123rd General Assembly for 60800
that campus exceeds that campus's capital component earnings. 60801

(D) REDUCTIONS IN EARNINGS 60802

If the total state share of instruction earnings in any 60803
fiscal year exceed the total appropriations available for such 60804
purposes, the Board of Regents shall proportionately reduce the 60805
state share of instruction earnings for all campuses by a uniform 60806
percentage so that the systemwide sum equals available 60807
appropriations. 60808

(E) EXCEPTIONAL CIRCUMSTANCES 60809

Adjustments may be made to the state share of instruction 60810
payments and other subsidies distributed by the Board of Regents 60811
to state-assisted colleges and universities for exceptional 60812
circumstances. No adjustments for exceptional circumstances may be 60813
made without the recommendation of the Chancellor and the approval 60814
of the Controlling Board. 60815

DISTRIBUTION OF STATE SHARE OF INSTRUCTION 60816

The state share of instruction payments to the institutions 60817
shall be in substantially equal monthly amounts during the fiscal 60818
year, unless otherwise determined by the Director of Budget and 60819
Management pursuant to section 126.09 of the Revised Code. 60820
Payments during the first six months of the fiscal year shall be 60821

based upon the state share of instruction appropriation estimates 60822
made for the various institutions of higher education according to 60823
Board of Regents enrollment estimates. Payments during the last 60824
six months of the fiscal year shall be distributed after approval 60825
of the Controlling Board upon the request of the Board of Regents. 60826
60827

LAW SCHOOL SUBSIDY 60828

The state share of instruction to state-supported 60829
universities for students enrolled in law schools in fiscal year 60830
2002 and fiscal year 2003 shall be calculated by using the number 60831
of subsidy-eligible FTE law school students funded by state 60832
subsidy in fiscal year 1995 or the actual number of 60833
subsidy-eligible FTE law school students at the institution in the 60834
fiscal year, whichever is less. 60835

Section 93.02. MISSION-BASED CORE FUNDING FOR HIGHER 60836
EDUCATION 60837

JOBS CHALLENGE 60838

Funds appropriated to appropriation item 235-415, Jobs 60839
Challenge, shall be distributed to state-assisted community and 60840
technical colleges, regional campuses of state-assisted 60841
universities, and other organizationally distinct and identifiable 60842
member campuses of the EnterpriseOhio Network in support of 60843
noncredit job-related training. In fiscal years 2002 and 2003, 60844
\$2,114,673 and \$1,981,841, respectively, shall be distributed as 60845
performance grants to EnterpriseOhio Network campuses based upon 60846
each campus's documented performance according to criteria 60847
established by the Board of Regents for increasing training and 60848
related services to businesses, industries, and public sector 60849
organizations. 60850

Of the foregoing appropriation item 235-415, Jobs Challenge, 60851
\$3,130,087 in fiscal year 2002 and \$2,875,953 in fiscal year 2003 60852

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

eligible company is one that meets the funding criteria of the 60885
Targeted Industries Training Grant Program. The amount set aside 60886
for the partnerships is designed to match an equal appropriation 60887
in the Department of Education's appropriation item 200-514, 60888
Post-Secondary/Adult Career-Technical Education. The Department of 60889
Education's appropriation also serves as a partnership-building 60890
incentive by allocating funds to local EnterpriseOhio Network 60891
campus/adult workforce education center partnerships. 60892

ACCESS CHALLENGE 60893

In each fiscal year, the foregoing appropriation item 60894
235-418, Access Challenge, shall be distributed to Ohio's 60895
state-assisted access colleges and universities. For the purposes 60896
of this allocation, "access campuses" includes state-assisted 60897
community colleges, state community colleges, technical colleges, 60898
Shawnee State University, Central State University, Cleveland 60899
State University, the regional campuses of state-assisted 60900
universities, and, where they are organizationally distinct and 60901
identifiable, the community-technical colleges located at the 60902
University of Cincinnati, Youngstown State University, and the 60903
University of Akron. 60904

In each year of the biennium, Access Challenge appropriations 60905
shall be allocated to eligible campuses according to the following 60906
methodology: 60907

(A) Each campus shall receive an amount equal to four per 60908
cent of the product of its subsidy-eligible lower-division FTE 60909
student enrollments for the prior fiscal year multiplied by the 60910
unweighted average of in-state undergraduate instructional and 60911
general fees for community colleges, state community colleges, 60912
technical colleges, and regional campuses in fiscal year 2001. 60913

(B) All remaining appropriations shall be allocated to each 60914
campus proportionate to its share of the sum of FTEs used in the 60915

distribution of access funds in the prior fiscal year updated with 60916
the most recent FTE data available. 60917

For the purposes of this calculation, Cleveland State 60918
University's and Youngstown State University's enrollments shall 60919
be adjusted by the ratio of the sum of subsidy-eligible 60920
lower-division FTE student enrollments eligible for access funding 60921
to the sum of subsidy-eligible General Studies FTE student 60922
enrollments at Central State University and Shawnee State 60923
University, and for the following universities and their regional 60924
campuses: Ohio State University, Ohio University, Kent State 60925
University, Bowling Green State University, Miami University, the 60926
University of Cincinnati, the University of Akron, and Wright 60927
State University. 60928

SUCCESS CHALLENGE 60929

The foregoing appropriation item 235-420, Success Challenge, 60930
shall be used by the Board of Regents to promote degree completion 60931
by students enrolled at a main campus of a state-assisted 60932
university. 60933

In each fiscal year, two-thirds of the appropriations shall 60934
be distributed to state-assisted university main campuses in 60935
proportion to each campus's share of the total statewide 60936
bachelor's degrees granted by university main campuses to 60937
"at-risk" students. In fiscal years 2002 and 2003, an "at-risk" 60938
student means any undergraduate student who has received an Ohio 60939
Instructional Grant during the past ten years. An eligible 60940
institution shall not receive its share of this distribution until 60941
it has submitted a plan that addresses how the subsidy will be 60942
used to better serve at-risk students and increase their 60943
likelihood of successful completion of a bachelor's degree 60944
program. The Board of Regents shall disseminate to all 60945
state-supported institutions of higher education all such plans 60946
submitted by institutions that received Success Challenge funds. 60947

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

program. The institutional plans shall provide the rationale for 60980
the allocation in terms of the strategic targeting of funds for 60981
academic and state purposes, for strengthening research programs, 60982
and for increasing the amount of external research funds, and 60983
shall include an evaluation process to provide results of the 60984
increased support. 60985

The Board of Regents shall submit a biennial report of 60986
progress to the General Assembly. 60987

COMPUTER SCIENCE GRADUATE EDUCATION 60988

The foregoing appropriation item 235-554, Computer Science 60989
Graduate Education, shall be used by the Board of Regents to 60990
support improvements in graduate programs in computer science at 60991
state-assisted universities. In each fiscal year, up to \$200,000 60992
may be used to support collaborative efforts in graduate education 60993
in this program area. 60994

Section 93.03. HIGHER EDUCATION - BOARD OF TRUSTEES 60995

Funds appropriated for instructional subsidies at colleges 60996
and universities may be used to provide such branch or other 60997
off-campus undergraduate courses of study and such master's degree 60998
courses of study as may be approved by the Board of Regents. 60999

In providing instructional and other services to students, 61000
boards of trustees of state-assisted institutions of higher 61001
education shall supplement state subsidies by income from charges 61002
to students. Each board shall establish the fees to be charged to 61003
all students, including an instructional fee for educational and 61004
associated operational support of the institution and a general 61005
fee for noninstructional services, including locally financed 61006
student services facilities used for the benefit of enrolled 61007
students. The instructional fee and the general fee shall 61008
encompass all charges for services assessed uniformly to all 61009

enrolled students. Each board may also establish special purpose 61010
fees, service charges, and fines as required; such special purpose 61011
fees and service charges shall be for services or benefits 61012
furnished individual students or specific categories of students 61013
and shall not be applied uniformly to all enrolled students. A 61014
tuition surcharge shall be paid by all students who are not 61015
residents of Ohio. 61016

The board of trustees of a state-assisted institution of 61017
higher education shall not authorize a waiver or nonpayment of 61018
instructional fees or general fees for any particular student or 61019
any class of students other than waivers specifically authorized 61020
by law or approved by the Chancellor. This prohibition is not 61021
intended to limit the authority of boards of trustees to provide 61022
for payments to students for services rendered the institution, 61023
nor to prohibit the budgeting of income for staff benefits or for 61024
student assistance in the form of payment of such instructional 61025
and general fees. 61026

Each state-assisted institution of higher education in its 61027
statement of charges to students shall separately identify the 61028
instructional fee, the general fee, the tuition charge, and the 61029
tuition surcharge. Fee charges to students for instruction shall 61030
not be considered to be a price of service but shall be considered 61031
to be an integral part of the state government financing program 61032
in support of higher educational opportunity for students. 61033

In providing the appropriations in support of instructional 61034
services at state-assisted institutions of higher education and 61035
the appropriations for other instruction it is the intent of the 61036
General Assembly that faculty members shall devote a proper and 61037
judicious part of their work week to the actual instruction of 61038
students. Total class credit hours of production per quarter per 61039
full-time faculty member is expected to meet the standards set 61040
forth in the budget data submitted by the Board of Regents. 61041

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.

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

approved plan, it shall receive five per cent less funding per 61104
student than it would have received from its annual allocation. 61105
The remaining funding shall be distributed among those 61106
institutions that meet or exceed their targets. 61107

AREA HEALTH EDUCATION CENTERS 61108

The foregoing appropriation item 235-474, Area Health 61109
Education Centers Program Support, shall be used by the Board of 61110
Regents to support the medical school regional area health 61111
education centers' educational programs for the continued support 61112
of medical and other health professions education and for support 61113
of the Area Health Education Center Program. 61114

Of the foregoing appropriation item 235-474, Area Health 61115
Education Centers Program Support, \$200,000 in each fiscal year 61116
shall be disbursed to the Ohio University College of Osteopathic 61117
Medicine for the establishment of a mobile health care unit to 61118
serve the southeastern area of the state. Of the foregoing 61119
appropriation item 235-474, Area Health Education Centers Program 61120
Support, \$150,000 in each fiscal year shall be used to support the 61121
Ohio Valley Community Health Information Network (OVCHIN) project. 61122

Section 93.05. MIDWEST HIGHER EDUCATION COMPACT 61123

The foregoing appropriation item 235-408, Midwest Higher 61124
Education Compact, shall be distributed by the Board of Regents 61125
pursuant to section 3333.40 of the Revised Code. 61126

COLLEGE READINESS INITIATIVES 61127

Appropriation item 235-404, College Readiness Initiatives, 61128
shall be used by the Board of Regents to support programs designed 61129
to improve the ability of high school students to enroll and 61130
succeed in higher education. 61131

MATHEMATICS AND SCIENCE TEACHING IMPROVEMENT 61132

Appropriation item 235-403, Math/Science Teaching 61133
Improvement, shall be used by the Board of Regents to support 61134
programs designed to raise the quality of mathematics and science 61135
teaching in primary and secondary education. 61136

Of the foregoing appropriation item 235-403, Mathematics and 61137
Science Teaching Improvement, \$250,000 in each fiscal year shall 61138
be distributed to the Mathematics and Science Center in Lake 61139
County. 61140

Of the foregoing appropriation item 235-403, Mathematics and 61141
Science Teaching Improvement, \$100,000 in each fiscal year shall 61142
be distributed to the Ohio Mathematics and Science Coalition. 61143

OHIO LEARNING NETWORK 61144

Appropriation item 235-417, Ohio Learning Network, shall be 61145
used by the Board of Regents to support the continued 61146
implementation of the Ohio Learning Network, a statewide 61147
electronic collaborative effort designed to promote degree 61148
completion of students, workforce training of employees, and 61149
professional development through the use of advanced 61150
telecommunications and distance education initiatives. 61151

DISPLACED HOMEMAKERS 61152

Out of the foregoing appropriation item 235-509, Displaced 61153
Homemakers, the Board of Regents shall continue funding pilot 61154
projects authorized in Am. Sub. H.B. No. 291 of the 115th General 61155
Assembly for the following centers: Cuyahoga Community College, 61156
University of Toledo, Southern State Community College, and Stark 61157
Technical College. The amount of \$30,000 in each fiscal year shall 61158
be used for the Baldwin-Wallace Single Parents Reaching Out for 61159
Unassisted Tomorrows program. 61160

OHIO AEROSPACE INSTITUTE 61161

The foregoing appropriation item 235-527, Ohio Aerospace 61162

Institute, shall be distributed by the Board of Regents under 61163
section 3333.042 of the Revised Code. 61164

PRODUCTIVITY IMPROVEMENT CHALLENGE 61165

The foregoing appropriation item 235-455, Productivity 61166
Improvement Challenge, shall be allocated by the Board of Regents 61167
to continue increasing the capabilities of the EnterpriseOhio 61168
Network to meet the ongoing training needs of Ohio employers. 61169
Funds shall support multicampus collaboration, best practice 61170
dissemination, and capacity building projects. The Regents 61171
Advisory Committee for Workforce Development, in its advisory 61172
role, shall advise in the development of plans and activities. 61173

Of the foregoing appropriation item 235-455, Productivity 61174
Improvement Challenge, \$208,000 in each fiscal year shall be used 61175
by the Dayton Business/Sinclair College Jobs Profiling Program. 61176

ACCESS IMPROVEMENT PROJECTS 61177

The foregoing appropriation item 235-477, Access Improvement 61178
Projects, shall be used by the Board of Regents to develop 61179
innovative statewide strategies to increase student access and 61180
retention for specialized populations, and to provide for pilot 61181
projects that will contribute to improving access to higher 61182
education by specialized populations. The funds may be used for 61183
projects that improve access for nonpublic secondary students. 61184

Of the foregoing appropriation item 235-477, Access 61185
Improvement Projects, \$765,000 in each fiscal year shall be 61186
distributed to the Appalachian Center for Higher Education at 61187
Shawnee State University. The board of directors of the center 61188
shall consist of the presidents of Shawnee State University, Ohio 61189
University, Belmont Technical College, Hocking Technical College, 61190
Jefferson Community College, Muskingum Area Technical College, Rio 61191
Grande Community College, Southern State Community College, and 61192
Washington State Community College; the dean of one of the Salem, 61193

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. 61194
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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. 61199
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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. 61203
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OHIO SUPERCOMPUTER CENTER 61206

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. 61207
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OHIO ACADEMIC RESOURCES NETWORK (OARNET) 61217

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. 61218
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Section 93.06. PLEDGE OF FEES* 61223

Any new pledge of fees, or new agreement for adjustment of 61224
fees, made in the 2001-2003 biennium to secure bonds or notes of a 61225
state-assisted institution of higher education for a project for 61226
which bonds or notes were not outstanding on the effective date of 61227
this section shall be effective only after approval by the Board 61228
of Regents, unless approved in a previous biennium. 61229

HIGHER EDUCATION GENERAL OBLIGATION DEBT SERVICE 61230

The foregoing appropriation item 235-909, Higher Education 61231
General Obligation Debt Service, shall be used to pay all debt 61232
service and financing costs at the times they are required to be 61233
made pursuant to sections 151.01 and 151.04 of the Revised Code 61234
during the period from July 1, 2001, to June 30, 2003. The Office 61235
of the Sinking Fund or the Director of Budget and Management shall 61236
effectuate the required payments by an interstate transfer 61237
voucher. 61238

LEASE RENTAL PAYMENTS 61239

The foregoing appropriation item 235-401, Lease Rental 61240
Payments, shall be used to meet all payments at the times they are 61241
required to be made during the period from July 1, 2001, to June 61242
30, 2003, by the Board of Regents pursuant to leases and 61243
agreements made under section 154.21 of the Revised Code, but 61244
limited to the aggregate amount of \$563,969,000. Nothing in this 61245
act shall be deemed to contravene the obligation of the state to 61246
pay, without necessity for further appropriation, from the sources 61247
pledged thereto, the bond service charges on obligations issued 61248
pursuant to section 154.21 of the Revised Code. 61249

Section 93.07. OHIO INSTRUCTIONAL GRANTS 61250

Notwithstanding section 3333.12 of the Revised Code, in lieu 61251
of the tables in that section, instructional grants for all 61252
full-time students shall be made for fiscal year 2002 using the 61253

tables under this heading. 61254

The tables under this heading prescribe the maximum grant 61255
amounts covering two semesters, three quarters, or a comparable 61256
portion of one academic year. The grant amount for a full-time 61257
student enrolled in an eligible institution for a semester or 61258
quarter in addition to the portion of the academic year covered by 61259
a grant determined under these tables shall be a percentage of the 61260
maximum prescribed in the applicable table. The maximum grant for 61261
a fourth quarter shall be one-third of the maximum amount 61262
prescribed under the table. The maximum grant for a third semester 61263
shall be one-half of the maximum amount prescribed under the 61264
table. 61265

For a full-time student who is a dependent and enrolled in a 61266
nonprofit educational institution that is not a state-assisted 61267
institution and that has a certificate of authorization issued 61268
pursuant to Chapter 1713. of the Revised Code, the amount of the 61269
instructional grant for two semesters, three quarters, or a 61270
comparable portion of the academic year shall be determined in 61271
accordance with the following table: 61272

Private Institution 61273						
Table of Grants 61274						
Gross Income	Maximum Grant \$5,160					61275
	Number of Dependents					
	1	2	3	4	5 or more	61276
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
						61284

\$24,001 - \$27,000	1,536	2,058	2,586	3,102	3,612	61285
\$27,001 - \$30,000	1,272	1,536	2,058	2,586	3,102	61286
\$30,001 - \$31,000	1,020	1,272	1,536	2,058	2,586	61287
\$31,001 - \$32,000	930	1,020	1,272	1,536	2,058	61288
\$32,001 - \$33,000	840	930	1,020	1,272	1,536	61289
\$33,001 - \$34,000	420	840	930	1,020	1,272	61290
\$34,001 - \$35,000	--	420	840	930	1,020	61291
\$35,001 - \$36,000	--	--	420	840	930	61292
\$36,001 - \$37,000	--	--	--	420	840	61293
\$37,001 - \$38,000	--	--	--	--	420	61294

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 61302

Table of Grants 61303

Maximum Grant \$5,160 61304

Gross Income Number of Dependents 61305

	0	1	2	3	4	5 or more	
Under \$4,500	\$5,160	\$5,160	\$5,160	\$5,160	\$5,160	\$5,160	61307
\$4,501 - \$5,000	4,644	5,160	5,160	5,160	5,160	5,160	61308
\$5,001 - \$5,500	4,116	4,644	5,160	5,160	5,160	5,160	61309
\$5,501 - \$6,000	3,612	4,116	4,644	5,160	5,160	5,160	61310
\$6,001 - \$6,500	3,102	3,612	4,116	4,644	5,160	5,160	61311
\$6,501 - \$7,000	2,586	3,102	3,612	4,116	4,644	5,160	61312
\$7,001 - \$8,000	2,058	2,586	3,102	3,612	4,116	4,644	61313
\$8,001 - \$9,000	1,536	2,058	2,586	3,102	3,612	4,116	61314
\$9,001 - \$10,000	1,272	1,536	2,058	2,586	3,102	3,612	61315
\$10,001 - \$11,500	1,020	1,272	1,536	2,058	2,586	3,102	61316

\$11,501 - \$13,000	930	1,020	1,272	1,536	2,058	2,586	61317
\$13,001 - \$14,500	840	930	1,020	1,272	1,536	2,058	61318
\$14,501 - \$16,000	420	840	930	1,020	1,272	1,536	61319
\$16,001 - \$19,000	--	420	840	930	1,020	1,272	61320
\$19,001 - \$22,000	--	--	420	840	930	1,020	61321
\$22,001 - \$25,000	--	--	--	420	840	930	61322
\$25,001 - \$30,000	--	--	--	--	420	840	61323
\$30,001 - \$35,000	--	--	--	--	--	420	61324

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	61335
\$14,001 - \$15,000	3,948	4,374	4,374	4,374	4,374	61336
\$15,001 - \$16,000	3,480	3,948	4,374	4,374	4,374	61337
\$16,001 - \$17,000	3,042	3,480	3,948	4,374	4,374	61338
\$17,001 - \$18,000	2,634	3,042	3,480	3,948	4,374	61339
\$18,001 - \$21,000	2,166	2,634	3,042	3,480	3,948	61340
\$21,001 - \$24,000	1,752	2,166	2,634	3,042	3,480	61341
\$24,001 - \$27,000	1,338	1,752	2,166	2,634	3,042	61342
\$27,001 - \$30,000	1,074	1,338	1,752	2,166	2,634	61343
\$30,001 - \$31,000	858	1,074	1,338	1,752	2,166	61344
\$31,001 - \$32,000	804	858	1,074	1,338	1,752	61345
\$32,001 - \$33,000	708	804	858	1,074	1,338	61346
\$33,001 - \$34,000	354	708	804	858	1,074	61347

\$34,001 - \$35,000	--	354	708	804	858	61349
\$35,001 - \$36,000	--	--	354	708	804	61350
\$36,001 - \$37,000	--	--	--	354	708	61351
\$37,001 - \$38,000	--	--	--	--	354	61352

For a full-time student who is financially independent and 61353
enrolled in an educational institution that holds a certificate of 61354
registration from the state board of proprietary school 61355
registration, the amount of the instructional grant for two 61356
semesters, three quarters, or a comparable portion of the academic 61357
year shall be determined in accordance with the following table: 61358

Proprietary Institution 61359

Table of Grants 61360

Maximum Grant \$4,374 61361

Gross Income 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	61364
\$4,501 - \$5,000	3,948	4,374	4,374	4,374	4,374	4,374	61365
\$5,001 - \$5,500	3,480	3,948	4,374	4,374	4,374	4,374	61366
\$5,501 - \$6,000	3,042	3,480	3,948	4,374	4,374	4,374	61367
\$6,001 - \$6,500	2,634	3,042	3,480	3,948	4,374	4,374	61368
\$6,501 - \$7,000	2,166	2,634	3,042	3,480	3,948	4,374	61369
\$7,001 - \$8,000	1,752	2,166	2,634	3,042	3,480	3,948	61370
\$8,001 - \$9,000	1,338	1,752	2,166	2,634	3,042	3,480	61371
\$9,001 - \$10,000	1,074	1,338	1,752	2,166	2,634	3,042	61372
\$10,001 - \$11,500	858	1,074	1,338	1,752	2,166	2,634	61373
\$11,501 - \$13,000	804	858	1,074	1,338	1,752	2,166	61374
\$13,001 - \$14,500	708	804	858	1,074	1,338	1,752	61375
\$14,501 - \$16,000	354	708	804	858	1,074	1,338	61376
\$16,001 - \$19,000	--	354	708	804	858	1,074	61377
\$19,001 - \$22,000	--	--	354	708	804	858	61378
\$22,001 - \$25,000	--	--	--	354	708	804	61379
\$25,001 - \$30,000	--	--	--	--	354	708	61380

\$30,001 - \$35,000 -- -- -- -- -- 354 61381

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 61387

Table of Grants 61388

Maximum Grant \$2,070 61389

Gross Income Number of Dependents 61390

	1	2	3	4	5 or more	
Under \$14,000	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	61392
\$14,001 - \$15,000	1,866	2,070	2,070	2,070	2,070	61393
\$15,001 - \$16,000	1,644	1,866	2,070	2,070	2,070	61394
\$16,001 - \$17,000	1,458	1,644	1,866	2,070	2,070	61395
\$17,001 - \$18,000	1,248	1,458	1,644	1,866	2,070	61396
\$18,001 - \$21,000	1,020	1,248	1,458	1,644	1,866	61397
\$21,001 - \$24,000	816	1,020	1,248	1,458	1,644	61398
\$24,001 - \$27,000	612	816	1,020	1,248	1,458	61399
\$27,001 - \$30,000	492	612	816	1,020	1,248	61400
\$30,001 - \$31,000	396	492	612	816	1,020	61401
\$31,001 - \$32,000	366	396	492	612	816	61402
\$32,001 - \$33,000	336	366	396	492	612	61403
\$33,001 - \$34,000	168	336	366	396	492	61404
\$34,001 - \$35,000	--	168	336	366	396	61405
\$35,001 - \$36,000	--	--	168	336	366	61406
\$36,001 - \$37,000	--	--	--	168	336	61407
\$37,001 - \$38,000	--	--	--	--	168	61408

For a full-time student who is financially independent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a

comparable portion of the academic year shall be determined in 61412
accordance with the following table: 61413

Public Institution 61414

Table of Grants 61415

Maximum Grant \$2,070 61416

Gross Income Number of Dependents 61417

	0	1	2	3	4	5 or more	
Under \$4,500	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	61419
\$4,501 - \$5,000	1,866	2,070	2,070	2,070	2,070	2,070	61420
\$5,001 - \$5,500	1,644	1,866	2,070	2,070	2,070	2,070	61421
\$5,501 - \$6,000	1,458	1,644	1,866	2,070	2,070	2,070	61422
\$6,001 - \$6,500	1,248	1,458	1,644	1,866	2,070	2,070	61423
\$6,501 - \$7,000	1,020	1,248	1,458	1,644	1,866	2,070	61424
\$7,001 - \$8,000	816	1,020	1,248	1,458	1,644	1,866	61425
\$8,001 - \$9,000	612	816	1,020	1,248	1,458	1,644	61426
\$9,001 - \$10,000	492	612	816	1,020	1,248	1,458	61427
\$10,001 - \$11,500	396	492	612	816	1,020	1,248	61428
\$11,501 - \$13,000	366	396	492	612	816	1,020	61429
\$13,001 - \$14,500	336	366	396	492	612	816	61430
\$14,501 - \$16,000	168	336	366	396	492	612	61431
\$16,001 - \$19,000	--	168	336	366	396	492	61432
\$19,001 - \$22,000	--	--	168	336	366	396	61433
\$22,001 - \$25,000	--	--	--	168	336	366	61434
\$25,001 - \$30,000	--	--	--	--	168	336	61435
\$30,001 - \$35,000	--	--	--	--	--	168	61436

The foregoing appropriation item 235-503, Ohio Instructional 61437
Grants, shall be used to make the payments authorized by division 61438
(C) of section 3333.26 of the Revised Code to the institutions 61439
described in that division. In addition, this appropriation shall 61440
be used to reimburse the institutions described in division (B) of 61441
section 3333.26 of the Revised Code for the cost of the waivers 61442

required by that division. 61443

Of the appropriation item 235-503, Ohio Instructional Grants, 61444
surplus funds net of encumbrances from the appropriation for 61445
fiscal year 2002 shall be reappropriated to appropriation item 61446
235-534, Student Workforce Development Grants, for fiscal year 61447
2003. 61448

WAR ORPHANS SCHOLARSHIPS 61449

The foregoing appropriation item 235-504, War Orphans 61450
Scholarships, shall be used to reimburse state-assisted 61451
institutions of higher education for waivers of instructional fees 61452
and general fees provided by them, to provide grants to 61453
institutions that have received a certificate of authorization 61454
from the Ohio Board of Regents under Chapter 1713. of the Revised 61455
Code, in accordance with the provisions of section 5910.04 of the 61456
Revised Code, and to fund additional scholarship benefits provided 61457
by section 5910.032 of the Revised Code. 61458

PART-TIME STUDENT INSTRUCTIONAL GRANTS 61459

The foregoing appropriation item 235-549, Part-time Student 61460
Instructional Grants, shall be used to support a grant program for 61461
part-time undergraduate students who are Ohio residents and who 61462
are enrolled in degree granting programs. 61463

Eligibility for participation in the program shall include 61464
degree granting educational institutions that hold a certificate 61465
of registration from the State Board of Proprietary School 61466
Registration, and nonprofit institutions that have a certificate 61467
of authorization issued pursuant to Chapter 1713. of the Revised 61468
Code, as well as state-assisted colleges and universities. Grants 61469
shall be given to students on the basis of need, as determined by 61470
the college, which, in making these determinations, shall give 61471
special consideration to single-parent heads-of-household and 61472
displaced homemakers who enroll in an educational degree program 61473

that prepares the individual for a career. In determining need, 61474
the college also shall consider the availability of educational 61475
assistance from a student's employer. It is the intent of the 61476
General Assembly that these grants not supplant such assistance. 61477

Section 93.08. STUDENT CHOICE GRANTS 61478

The foregoing appropriation item 235-531, Student Choice 61479
Grants, shall be used to support the Student Choice Grant Program 61480
created by section 3333.27 of the Revised Code. 61481

STUDENT WORKFORCE DEVELOPMENT GRANTS 61482

The foregoing appropriation item 235-534, Student Workforce 61483
Development Grants, shall be used to support the Student Workforce 61484
Development Grant Program. Of the appropriated funds available, 61485
the Board of Regents shall distribute grants to each eligible 61486
student in an academic year. The size of each grant award shall be 61487
determined by the Board of Regents based on the amount of funds 61488
available for the program. 61489

ACADEMIC SCHOLARSHIPS 61490

The foregoing appropriation item 235-530, Academic 61491
Scholarships, shall be used to provide academic scholarships to 61492
students under section 3333.22 of the Revised Code. The annual 61493
scholarship amount awarded to any student who receives a 61494
scholarship for the 2001-2002 academic year shall be \$2,100, and 61495
the annual scholarship amount awarded to any student who receives 61496
a scholarship for the 2002-2003 academic year shall be \$2,205. 61497

PHYSICIAN LOAN REPAYMENT 61498

The foregoing appropriation item 235-604, Physician Loan 61499
Repayment, shall be used in accordance with sections 3702.71 to 61500
3702.81 of the Revised Code. 61501

NURSING LOAN PROGRAM 61502

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 61510

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 61532

Of the foregoing appropriation item 235-535, Ohio 61533

Agricultural Research and Development Center, \$950,000 in each 61534
fiscal year shall be distributed to the Piketon Agricultural 61535
Research and Extension Center. 61536

Of the foregoing appropriation item 235-535, Ohio 61537
Agricultural Research and Development Center, \$250,000 in each 61538
fiscal year shall be distributed to the 61539
Raspberry/Strawberry-Ellagic Acid Research program at the Ohio 61540
State University Medical College in cooperation with the Ohio 61541
State University College of Agriculture. 61542

Of the foregoing appropriation item 235-535, Ohio 61543
Agricultural Research and Development Center, \$50,000 in each 61544
fiscal year shall be used to support the Ohio Berry Administrator. 61545

Of the foregoing appropriation item 235-535, Ohio 61546
Agricultural Research and Development Center, \$100,000 in each 61547
fiscal year shall be used for the development of agricultural 61548
crops and products not currently in widespread production in Ohio, 61549
in order to increase the income and viability of family farmers. 61550

COOPERATIVE EXTENSION SERVICE AND OHIO AGRICULTURAL RESEARCH 61551
AND DEVELOPMENT CENTER 61552

The foregoing appropriation items 235-511, Cooperative 61553
Extension Service, and 235-535, Ohio Agricultural Research and 61554
Development Center, shall be disbursed through the Board of 61555
Regents to The Ohio State University in monthly payments, unless 61556
otherwise determined by the Director of Budget and Management 61557
pursuant to section 126.09 of the Revised Code. Of the foregoing 61558
appropriation item 235-535, Ohio Agricultural Research and 61559
Development Center, \$540,000 in each fiscal year shall be used to 61560
purchase equipment. 61561

The Ohio Agricultural Research and Development Center shall 61562
not be required to remit payment to The Ohio State University 61563
during the 2001-2003 biennium for cost reallocation assessments. 61564

The cost reallocation assessments include, but are not limited to,
any assessment on state appropriations to the center. 61565
61566

Section 93.10. SEA GRANTS 61567

The foregoing appropriation item 235-402, Sea Grants, shall 61568
be disbursed to The Ohio State University and shall be used to 61569
conduct research on fish in Lake Erie. 61570

INFORMATION SYSTEM 61571

The foregoing appropriation item 235-409, Information System, 61572
shall be used by the Board of Regents to operate the higher 61573
education information data system known as the Higher Education 61574
Information System. 61575

STUDENT SUPPORT SERVICES 61576

The foregoing appropriation item 235-502, Student Support 61577
Services, shall be distributed by the Board of Regents to Ohio's 61578
state-assisted colleges and universities that incur 61579
disproportionate costs in the provision of support services to 61580
disabled students. 61581

CENTRAL STATE SUPPLEMENT 61582

The foregoing appropriation item 235-514, Central State 61583
Supplement, shall be used by Central State University to keep 61584
undergraduate fees below the statewide average, consistent with 61585
its mission of service to many first-generation college students 61586
from groups historically underrepresented in higher education and 61587
from families with limited incomes. 61588

SHAWNEE STATE SUPPLEMENT 61589

The foregoing appropriation item 235-520, Shawnee State 61590
Supplement, shall be used by Shawnee State University as detailed 61591
by both of the following: 61592

(A) To allow Shawnee State University to keep its 61593

undergraduate fees below the statewide average, consistent with 61594
its mission of service to an economically depressed Appalachian 61595
region; 61596

(B) To allow Shawnee State University to employ new faculty 61597
to develop and teach in new degree programs that meet the needs of 61598
Appalachians. 61599

POLICE AND FIRE PROTECTION 61600

The foregoing appropriation item 235-524, Police and Fire 61601
Protection, shall be used for police and fire services in the 61602
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 61603
Portsmouth, Xenia Township (Greene County), and Rootstown 61604
Township, which may be used to assist these local governments in 61605
providing police and fire protection for the central campus of the 61606
state-affiliated university located therein. Each participating 61607
municipality and township shall receive at least five thousand 61608
dollars per year. Funds shall be distributed by the Board of 61609
Regents. 61610

SCHOOL OF INTERNATIONAL BUSINESS 61611

Of the foregoing appropriation item 235-547, School of 61612
International Business, \$1,218,764 in each fiscal year shall be 61613
used for the continued development and support of the School of 61614
International Business of the state universities of northeast 61615
Ohio. The money shall go to the University of Akron. These funds 61616
shall be used by the university to establish a School of 61617
International Business located at the University of Akron. It may 61618
confer with Kent State University, Youngstown State University, 61619
and Cleveland State University as to the curriculum and other 61620
matters regarding the school. 61621

Of the foregoing appropriation item 235-547, School of 61622
International Business, \$245,000 in each fiscal year shall be used 61623
by the University of Toledo College of Business for expansion of 61624

its international business programs. 61625

Of the foregoing appropriation item 235-547, School of 61626
International Business, \$245,000 in each fiscal year shall be used 61627
by to support the Ohio State University BioMEMS program. 61628

CAPITAL COMPONENT 61629

The foregoing appropriation item 235-552, Capital Component, 61630
shall be used by the Board of Regents to implement the capital 61631
funding policy for state-assisted colleges and universities 61632
established in Am. H.B. No. 748 of the 121st General Assembly. 61633
Appropriations from this item shall be distributed to all campuses 61634
for which the estimated campus debt service attributable to new 61635
qualifying capital projects is less than the campus's 61636
formula-determined capital component allocation. Campus 61637
allocations shall be determined by subtracting the estimated 61638
campus debt service attributable to new qualifying capital 61639
projects from the campus formula-determined capital component 61640
allocation. Moneys distributed from this appropriation item shall 61641
be restricted to capital-related purposes. 61642

DAYTON AREA GRADUATE STUDIES INSTITUTE 61643

The foregoing appropriation item 235-553, Dayton Area 61644
Graduate Studies Institute, shall be used by the Board of Regents 61645
to support the Dayton Area Graduate Studies Institute, an 61646
engineering graduate consortium of three universities in the 61647
Dayton area: Wright State University, the University of Dayton, 61648
and the Air Force Institute of Technology, with the participation 61649
of the University of Cincinnati and The Ohio State University. 61650

LONG-TERM CARE RESEARCH 61651

The foregoing appropriation item 235-558, Long-term Care 61652
Research, shall be disbursed to Miami University for long-term 61653
care research. 61654

BOWLING GREEN STATE UNIVERSITY CANADIAN STUDIES CENTER 61655

The foregoing appropriation item 235-561, Bowling Green State 61656
University Canadian Studies Center, shall be used by the Canadian 61657
Studies Center at Bowling Green State University to study 61658
opportunities for Ohio and Ohio businesses to benefit from the 61659
Free Trade Agreement between the United States and Canada. 61660

URBAN UNIVERSITY PROGRAMS 61661

Of the foregoing appropriation item 235-583, Urban University 61662
Programs, universities receiving funds that are used to support an 61663
ongoing university unit shall certify periodically in a manner 61664
approved by the Board of Regents that program funds are being 61665
matched on a one-to-one basis with equivalent resources. Overhead 61666
support may not be used to meet this requirement. Where Urban 61667
University Program funds are being used to support an ongoing 61668
university unit, matching funds must come from continuing rather 61669
than one-time sources. At each participating state-assisted 61670
institution of higher education, matching funds must be within the 61671
substantial control of the individual designated by the 61672
institution's president as the Urban University Program 61673
representative. 61674

Of the foregoing appropriation item 235-583, Urban University 61675
Programs, \$372,400 in each fiscal year shall be used to support a 61676
public communication outreach program (WCPN). The primary purpose 61677
of the program shall be to develop a relationship between 61678
Cleveland State University and nonprofit communications entities. 61679

Of the foregoing appropriation item 235-583, Urban University 61680
Programs, \$176,400 in each fiscal year shall be used to support 61681
the Center for the Interdisciplinary Study of Education and the 61682
Urban Child at Cleveland State University. These funds shall be 61683
distributed according to rules adopted by the Board of Regents and 61684
shall be used by the center for interdisciplinary activities 61685

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

Programs, \$49,000 in each fiscal year shall be distributed to the 61717
Kent State University/Cleveland Design Center program. 61718

Of the foregoing appropriation item 235-583, Urban University 61719
Programs, \$245,000 in each fiscal year shall be used to support 61720
the Bliss Institute of Applied Politics at the University of 61721
Akron. 61722

Of the foregoing appropriation item 235-583, Urban University 61723
Programs, \$14,700 in each fiscal year shall be used for the 61724
Advancing-Up Program at the University of Akron. 61725

Of the foregoing appropriation item 235-583, Urban University 61726
Programs, in each fiscal year \$2,156,629 shall be distributed by 61727
the Board of Regents to Cleveland State University in support of 61728
the Maxine Goodman Levin College of Urban Affairs. 61729

Of the foregoing appropriation item 235-583, Urban University 61730
Programs, in each fiscal year \$2,156,630 shall be distributed to 61731
the Northeast Ohio Research Consortium, the Urban Linkages 61732
Program, and the Urban Research Technical Assistance Grant 61733
Program. The distribution among the three programs shall be 61734
determined by the chair of the Urban University Program. 61735

INTERNATIONAL CENTER FOR WATER RESOURCES DEVELOPMENT 61736

The foregoing appropriation item 235-595, International 61737
Center for Water Resources Development, shall be used to support 61738
the International Center for Water Resources Development at 61739
Central State University. The center shall develop methods to 61740
improve the management of water resources for Ohio and for 61741
emerging nations. 61742

RURAL UNIVERSITY PROJECTS 61743

Of the foregoing appropriation item 235-587, Rural University 61744
Projects, Bowling Green State University shall receive \$212,072 in 61745
each fiscal year, Miami University shall receive \$324,503 in each 61746

fiscal year, and Ohio University shall receive \$740,977 in each 61747
fiscal year. These funds shall be used to support the Institute 61748
for Local Government Administration and Rural Development at Ohio 61749
University, the Center for Public Management and Regional Affairs 61750
at Miami University, and the Center for Policy Analysis and Public 61751
Service at Bowling Green State University. 61752

Of the foregoing appropriation item 235-587, Rural University 61753
Projects, \$24,500 in each fiscal year shall be used to support the 61754
Washington State Community College day care center. 61755

Of the foregoing appropriation item 235-587, Rural University 61756
Projects, \$73,500 in each fiscal year shall be used to support the 61757
COAD/ILGARD/GOA Appalachian Leadership Initiative. 61758

A small portion of the funds provided to Ohio University 61759
shall also be used for the Institute for Local Government 61760
Administration and Rural Development State and Rural Policy 61761
Partnership with the Governor's Office of Appalachia and the 61762
Appalachian delegation of the General Assembly. 61763

OHIO RESOURCE CENTER FOR MATHEMATICS, SCIENCE, AND READING 61764

The foregoing appropriation item 235-588, Ohio Resource 61765
Center for Mathematics, Science, and Reading, shall be used to 61766
support a resource center for mathematics, science, and reading to 61767
be located at a state-assisted university for the purpose of 61768
identifying best educational practices in primary and secondary 61769
schools and establishing methods for communicating them to 61770
colleges of education and school districts. 61771

HAZARDOUS MATERIALS PROGRAM 61772

The foregoing appropriation item 235-596, Hazardous Materials 61773
Program, shall be disbursed to Cleveland State University for the 61774
operation of a program to certify firefighters for the handling of 61775
hazardous materials. Training shall be available to all Ohio 61776
firefighters. 61777

Of the foregoing appropriation item 235-596, Hazardous 61778
Materials Program, \$150,000 in each fiscal year shall be used to 61779
support the Center for the Interdisciplinary Study of Education 61780
and Leadership in Public Service at Cleveland State University. 61781
These funds shall be distributed by the Board of Regents and shall 61782
be used by the center targeted toward increasing the role of 61783
special populations in public service and not-for-profit 61784
organizations. The primary purpose of the center is to study 61785
issues in public service and to guide strategies for attracting 61786
new communities into public service occupations by bringing 61787
together a cadre of researchers, scholars and professionals 61788
representing the public administration, social behavioral, and 61789
education disciplines. 61790

NATIONAL GUARD SCHOLARSHIP PROGRAM 61791

The Board of Regents shall disburse funds from appropriation 61792
item 235-599, National Guard Scholarship Program, at the direction 61793
of the Adjutant General. 61794

OHIO HIGHER EDUCATIONAL FACILITY COMMISSION SUPPORT 61795

The foregoing appropriation item 235-602, HEFC 61796
Administration, shall be used by the Board of Regents for 61797
operating expenses related to the Board of Regents' support of the 61798
activities of the Ohio Higher Educational Facility Commission. 61799
Upon the request of the chancellor, the Director of Budget and 61800
Management shall transfer up to \$12,000 cash from Fund 461 to Fund 61801
4E8 in each fiscal year of the biennium. 61802

CAPITAL SCHOLARSHIP PROGRAMS 61803

The Chancellor of the Board of Regents may, for the purpose 61804
of providing up to one hundred twenty-five scholarships in each 61805
fiscal year in the amount of \$2,000 each for students enrolled in 61806
Ohio's public and private institutions of higher education to 61807
participate in the Washington Center Internship Program, utilize 61808

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 61813

OHIO PLAN STUDY COMMITTEE 61814

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 61835

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

University to provide leadership in the development and 61840
implementation of initiatives in the areas of entrepreneurship, 61841
technology, education, and management. 61842

Section 93.12. REPAYMENT OF RESEARCH FACILITY INVESTMENT FUND 61843
MONEYS 61844

Notwithstanding any provision of law to the contrary, all 61845
repayments of Research Facility Investment Fund loans shall be 61846
made to the Bond Service Trust Fund. All Research Facility 61847
Investment Fund loan repayments made prior to the effective date 61848
of this section shall be transferred by the Director of Budget and 61849
Management to the Bond Service Trust Fund within sixty days of the 61850
effective date of this section. 61851

Campuses shall make timely repayments of Research Facility 61852
Investment Fund loans, according to the schedule established by 61853
the Board of Regents. In the case of late payments, the Board of 61854
Regents may deduct from an institution's periodic subsidy 61855
distribution an amount equal to the amount of the overdue payment 61856
for that institution, transfer such amount to the Bond Service 61857
Trust Fund, and credit the appropriate institution for the 61858
repayment. 61859

VETERANS' PREFERENCES 61860

The Board of Regents shall work with the Governor's Office of 61861
Veterans' Affairs to develop specific veterans' preference 61862
guidelines for higher education institutions. These guidelines 61863
shall ensure that the institutions' hiring practices are in 61864
accordance with the intent of Ohio's veterans' preference laws. 61865

OHIO STATE UNIVERSITY VETERINARY CLINIC 61866

Notwithstanding anything to the contrary in sections 9.33, 61867
123.01, and 3345.50 and Chapter 153. of the Revised Code, The Ohio 61868
State University may negotiate, enter into, and locally administer 61869

a contract which combines the design and construction elements of 61870
the project into a single contract for the College of Veterinary 61871
Medicine Large Animal Clinic in Union County, Ohio. This project, 61872
costing approximately \$1,200,000, is funded with university funds. 61873

Section 93.13. CENTRAL STATE UNIVERSITY 61874

(A) Notwithstanding sections 3345.72, 3345.74, 3345.75, and 61875
3345.76 of the Revised Code and rule 126:3-1-01 of the 61876
Administrative Code, Central State University shall adhere to the 61877
following fiscal standards: 61878

(1) Maintenance of a balanced budget and filing of quarterly 61879
reports on an annualized budget with the Board of Regents, 61880
comparing the budget to actual spending and revenues with 61881
projected expenditures and revenues for the remainder of the year. 61882
Such reports shall include narrative explanations as appropriate 61883
and be filed within 30 days of the end of the quarter. 61884

(2) Timely and accurate assessment of the current and 61885
projected cash flow of university funds, by fund type; 61886

(3) Timely reconciliation of all university cash and general 61887
ledger accounts, by fund; 61888

(4) Submission to the Auditor of State of financial 61889
statements consistent with audit requirements prescribed by the 61890
Auditor of State within four months after the end of the fiscal 61891
year; 61892

(5) Completion of an audit within six months after the end of 61893
the fiscal year. 61894

The Director of Budget and Management shall provide 61895
clarification to the university on these fiscal standards as 61896
deemed necessary. The director also may take such actions as are 61897
necessary to ensure that the university adheres to these standards 61898
and other fiscal standards consistent with generally accepted 61899

accounting principles and the requirements of external entities 61900
providing funding to the university. Such actions may include the 61901
appointment of a financial consultant to assist Central State 61902
University in the continuous process of design and implementation 61903
of responsible systems of financial management and accounting. 61904

(B) The director's fiscal oversight shall continue until such 61905
time as the university meets the same criteria as those created in 61906
paragraph (F) of rule 126:3-1-01 of the Administrative Code for 61907
the termination of a fiscal watch. At that time Central State 61908
University shall be relieved of the requirements of this section 61909
and subject to the requirements of sections 3345.72, 3345.74, 61910
3345.75, and 3345.76 of the Revised Code. 61911

Any encumbered funds remaining from appropriation item 61912
042-407, Central State Deficit, as appropriated in Am. Sub. S.B. 6 61913
of the 122nd General Assembly shall be released during the 61914
2001-2003 biennium for nonrecurring expenses contingent upon the 61915
approval of the Director of Budget and Management. 61916

Section 94. DRC DEPARTMENT OF REHABILITATION AND 61917
CORRECTION 61918

General Revenue Fund 61919

GRF 501-321 Institutional \$ 806,042,214 \$ 847,148,431 61920
Operations

GRF 501-403 Prisoner Compensation \$ 8,837,616 \$ 8,837,616 61921

GRF 501-405 Halfway House \$ 34,573,018 \$ 35,673,018 61922

GRF 501-406 Lease Rental Payments \$ 147,288,300 \$ 151,594,300 61923

GRF 501-407 Community \$ 15,150,792 \$ 15,150,792 61924

Nonresidential

Programs

GRF 501-408 Community Misdemeanor \$ 7,942,211 \$ 7,942,211 61925

Programs

GRF 501-501 Community Residential \$ 51,215,353 \$ 54,815,353 61926

	Programs - CBCF			
				61927
GRF 502-321	Mental Health Services	\$ 74,444,329	\$ 78,261,520	61928
GRF 503-321	Parole and Community Operations	\$ 73,332,328	\$ 78,711,552	61929
GRF 504-321	Administrative Operations	\$ 27,673,600	\$ 27,465,740	61930
GRF 505-321	Institution Medical Services	\$ 132,610,379	\$ 138,122,584	61931
GRF 506-321	Institution Education Services	\$ 22,858,645	\$ 23,917,493	61932
GRF 507-321	Institution Recovery Services	\$ 6,642,352	\$ 6,951,387	61933
TOTAL GRF	General Revenue Fund	\$ 1,408,611,137	\$ 1,474,591,997	61934
				61935
	General Services Fund Group			61936
4B0 501-601	Penitentiary Sewer Treatment Facility Services	\$ 1,535,919	\$ 1,614,079	61937
4D4 501-603	Prisoner Programs	\$ 21,872,497	\$ 23,135,230	61938
4L4 501-604	Transitional Control	\$ 401,772	\$ 417,032	61939
4S5 501-608	Education Services	\$ 3,727,680	\$ 3,894,150	61940
483 501-605	Property Receipts	\$ 361,230	\$ 373,628	61941
5H8 501-617	Offender Financial Responsibility	\$ 435,000	\$ 440,000	61942
5L6 501-611	Information Technology Services	\$ 5,474,800	\$ 3,561,670	61943
571 501-606	Training Academy Receipts	\$ 71,567	\$ 71,567	61944
593 501-618	Laboratory Services	\$ 4,277,711	\$ 4,469,231	61945
TOTAL GSF	General Services Fund Group	\$ 38,158,176	\$ 37,976,587	61946

Federal Special Revenue Fund Group				61947	
3S1 501-615 Truth-In-Sentencing	\$	22,906,042	\$	23,432,796	61948
Grants					
323 501-619 Federal Grants	\$	10,246,790	\$	10,246,790	61949
TOTAL FED Federal Special Revenue				61950	
Fund Group	\$	33,152,832	\$	33,679,586	61951
Intragovernmental Service Fund Group				61952	
148 501-602 Services and	\$	95,102,123	\$	98,634,008	61953
Agricultural					
200 501-607 Ohio Penal Industries	\$	43,131,254	\$	44,425,724	61954
TOTAL ISF Intragovernmental				61955	
Service Fund Group	\$	138,233,377	\$	143,059,732	61956
TOTAL ALL BUDGET FUND GROUPS	\$	1,618,155,522	\$	1,689,307,902	61957
OHIO BUILDING AUTHORITY LEASE PAYMENTS				61958	
The foregoing appropriation item 501-406, Lease Rental				61959	
Payments, shall be used for payments to the Ohio Building				61960	
Authority for the period July 1, 2001, to June 30, 2003, pursuant				61961	
to the primary leases and agreements for those buildings made				61962	
under Chapter 152. of the Revised Code in the amount of				61963	
\$298,882,600, which are the source of funds pledged for bond				61964	
service charges on related obligations issued pursuant to Chapter				61965	
152. of the Revised Code.				61966	
PRISONER COMPENSATION				61967	
Money from the foregoing appropriation item 501-403, Prisoner				61968	
Compensation, shall be transferred on a quarterly basis by				61969	
intrastate transfer voucher to Fund 148 for the purposes of paying				61970	
prisoner compensation.				61971	
CBCF Title XX FUNDS				61972	
Not later than July 15, 2001, the Director of Budget and				61973	
Management shall transfer \$1,800,000 from Fund 3W3, Adult Special				61974	
Needs, to the General Revenue Fund. Not later than July 15, 2002,				61975	

the Director of Budget and Management shall transfer \$5,400,000				61976
from Fund 3W3, Adult Special Needs, to the General Revenue Fund.				61977
INMATE DEVELOPMENT PROGRAM				61978
Of the foregoing appropriation item 503-321, Parole and				61979
Community Operations, at least \$30,000 in each fiscal year shall				61980
be used for an inmate development program.				61981
INSTITUTION RECOVERY SERVICES				61982
Of the foregoing appropriation item 507-321, Institution				61983
Recovery Services, \$50,000 in each fiscal year shall be used to				61984
fund a demonstration project using innovative alcohol and				61985
substance abuse treatment methods.				61986
Section 95. RSC REHABILITATION SERVICES COMMISSION				61987
General Revenue Fund				61988
GRF 415-100 Personal Services	\$	8,506,587	\$ 8,949,644	61989
GRF 415-401 Personal Care	\$	943,374	\$ 943,374	61990
Assistance				
GRF 415-402 Independent Living	\$	398,582	\$ 398,582	61991
Council				
GRF 415-403 Mental Health Services	\$	754,473	\$ 754,473	61992
GRF 415-404 MR/DD Services	\$	1,326,302	\$ 1,326,301	61993
GRF 415-405 Vocational	\$	564,799	\$ 564,799	61994
Rehabilitation/Job and				
Family Services				
GRF 415-406 Assistive Technology	\$	50,000	\$ 50,000	61995
GRF 415-431 Office for People with	\$	246,856	\$ 247,746	61996
Brain Injury				
GRF 415-506 Services for People	\$	11,785,245	\$ 12,082,297	61997
with Disabilities				
GRF 415-508 Services for the Deaf	\$	145,040	\$ 145,040	61998
GRF 415-509 Services for the	\$	378,043	\$ 378,044	61999

		Elderly					
GRF	415-520	Independent Living	\$	61,078	\$	61,078	62000
		Services					
TOTAL GRF		General Revenue Fund	\$	25,160,379	\$	25,901,378	62001
		General Services Fund Group					62002
4W5	415-606	Administrative	\$	18,775,759	\$	19,649,829	62003
		Expenses					
467	415-609	Business Enterprise	\$	1,585,602	\$	1,493,586	62004
		Operating Expenses					
TOTAL GSF		General Services					62005
		Fund Group	\$	20,361,361	\$	21,143,415	62006
		Federal Special Revenue Fund Group					62007
3L1	415-601	Social Security	\$	3,044,146	\$	3,044,146	62008
		Personal Care					
		Assistance					
3L1	415-605	Social Security	\$	1,100,488	\$	1,100,488	62009
		Community Centers for					
		the Deaf					
3L1	415-607	Social Security	\$	163,596	\$	171,085	62010
		Administration Cost					
3L1	415-608	Social Security	\$	16,949,140	\$	7,309,984	62011
		Special					
		Programs/Assistance					
3L1	415-610	Social Security	\$	1,338,324	\$	1,338,324	62012
		Vocational					
		Rehabilitation					
3L4	415-612	Federal-Independent	\$	681,726	\$	681,726	62013
		Living Centers or					
		Services					
3L4	415-615	Federal - Supported	\$	1,753,738	\$	1,753,738	62014
		Employment					
3L4	415-617	Independent	\$	1,033,853	\$	1,035,196	62015

		Living/Vocational Rehabilitation Programs				
317	415-620	Disability	\$	68,752,767	\$	71,452,334 62016
		Determination				
379	415-616	Federal-Vocational Rehabilitation	\$	107,747,928	\$	110,980,366 62017
		TOTAL FED Federal Special Revenue Fund Group	\$	202,565,706	\$	198,867,387 62018 62019
		State Special Revenue Fund Group				62020
4L1	415-619	Services for Rehabilitation	\$	5,698,621	\$	5,260,262 62021
468	415-618	Third Party Funding	\$	1,231,465	\$	892,991 62022
		TOTAL SSR State Special Revenue Fund Group	\$	6,930,086	\$	6,153,253 62023 62024
		TOTAL ALL BUDGET FUND GROUPS	\$	255,017,532	\$	252,065,433 62025
		STAND CONCESSIONS FUND - CREDITING OF INCOME				62026
		In crediting interest and other income earned on moneys deposited in the Stand Concessions Fund (Fund 467), the Treasurer of State and Director of Budget and Management shall ensure that the requirements of section 3304.35 of the Revised Code are met.				62027 62028 62029 62030
		PERSONAL CARE ASSISTANCE				62031
		The foregoing appropriation item 415-401, Personal Care Assistance, shall be used in addition to Social Security reimbursement funds to provide personal care assistance services. These funds shall not be used in lieu of Social Security reimbursement funds.				62032 62033 62034 62035 62036
		MR/DD SERVICES				62037
		The foregoing appropriation item 415-404, MR/DD Services, shall be used as state matching funds to provide vocational rehabilitation services to mutually eligible clients between the				62038 62039 62040

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 62048

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 62058

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 62063

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	62072
set priorities in this area.	62073
SERVICES FOR PEOPLE WITH DISABILITIES	62074
On verification of the receipt of revenue in Fund 3W2, Title	62075
XX Vocational Rehabilitation, the Director of Budget and	62076
Management shall transfer those funds to the General Revenue Fund.	62077
The transferred funds are appropriated to appropriation item	62078
415-506, Services for People with Disabilities. The foregoing	62079
appropriation item 415-506, Services for People with Disabilities,	62080
includes transferred funds of \$600,000 in fiscal year 2002 and	62081
\$897,052 in fiscal year 2003.	62082
SERVICES FOR THE DEAF	62083
The foregoing appropriation item 415-508, Services for the	62084
Deaf, shall be used to supplement Social Security reimbursement	62085
funds used to provide grants to community centers for the deaf.	62086
These funds shall not be used in lieu of Social Security	62087
reimbursement funds.	62088
SERVICES FOR THE ELDERLY	62089
The foregoing appropriation item 415-509, Services for the	62090
Elderly, shall be used as matching funds for vocational	62091
rehabilitation services for eligible elderly citizens with a	62092
disability.	62093
SOCIAL SECURITY REIMBURSEMENT FUNDS	62094
Reimbursement funds received from the Social Security	62095
Administration, United States Department of Health and Human	62096
Services, for the costs of providing services and training to	62097
return disability recipients to gainful employment, shall be used	62098
in the Social Security Reimbursement Fund (Fund 3L1), as follows:	62099
(A) Appropriation item 415-601, Social Security Personal Care	62100
Assistance, to provide personal care services in accordance with	62101

section 3304.41 of the Revised Code;	62102
(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;	62103 62104 62105 62106
(C) Appropriation item 415-607, Social Security Administration Cost, to provide administrative services needed to administer the Social Security reimbursement program;	62107 62108 62109
(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.	62110 62111 62112 62113 62114 62115 62116
(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.	62117 62118 62119 62120
ADMINISTRATIVE EXPENSES	62121
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.	62122 62123 62124 62125 62126
INDEPENDENT LIVING COUNCIL	62127
The foregoing appropriation items 415-402, Independent Living Council, shall be used to fund the operations of the State Independent Living Council.	62128 62129 62130
MENTAL HEALTH SERVICES	62131

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. 62132
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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. 62137
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INDEPENDENT LIVING SERVICES 62141

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. 62142
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INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 62149

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. 62150
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62152
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Section 96. RCB RESPIRATORY CARE BOARD 62154

General Services Fund Group				62155
4K9 872-609 Operating Expenses	\$	287,191	\$ 305,030	62156
TOTAL GSF General Services Fund Group				62157
	\$	287,191	\$ 305,030	62158
TOTAL ALL BUDGET FUND GROUPS	\$	287,191	\$ 305,030	62159

Section 97. REVENUE DISTRIBUTION FUNDS 62161

Volunteer Firefighters' Dependents Fund				62162
085 800-900 Volunteer	\$	200,000	\$ 200,000	62163
Firefighters'				
Dependents Fund				
TOTAL 085 Volunteer Firefighters'				62164
Dependents Fund	\$	200,000	\$ 200,000	62165
Agency Fund Group				62166
062 110-900 Resort Area Excise Tax	\$	500,000	\$ 500,000	62167
063 110-900 Permissive Tax	\$	1,398,200,000	\$ 1,447,100,000	62168
Distribution				
067 110-900 School District Income	\$	156,800,000	\$ 166,200,000	62169
Tax Fund				
4P8 001-698 Cash Management	\$	2,000,000	\$ 2,000,000	62170
Improvement Fund				
608 001-699 Investment Earnings	\$	406,700,000	\$ 398,300,000	62171
TOTAL AGY Agency Fund Group	\$	1,964,200,000	\$ 2,014,100,000	62172
Holding Account Redistribution				62173
R45 110-617 International Fuel Tax	\$	40,000,000	\$ 41,000,000	62174
Distribution				
TOTAL R45 Holding Account	\$	40,000,000	\$ 41,000,000	62175
Redistribution Fund				
Revenue Distribution Fund Group				62176
049 038-900 Indigent Drivers	\$	2,100,000	\$ 2,300,000	62177
Alcohol Treatment				
050 762-900 International	\$	58,000,000	\$ 65,000,000	62178
Registration Plan				
Distribution				
051 762-901 Auto Registration	\$	490,000,000	\$ 515,000,000	62179
Distribution				
054 110-900 Local Government	\$	43,700,000	\$ 88,800,000	62180
Property Tax				
Replacement				

060	110-900	Gasoline Excise Tax Fund	\$ 116,027,000	\$ 118,348,000	62181
064	110-900	Local Government Revenue Assistance	\$ 100,600,000	\$ 100,900,000	62182
065	110-900	Library/Local Government Support Fund	\$ 506,700,000	\$ 508,100,000	62183
066	800-900	Undivided Liquor Permit Fund	\$ 13,500,000	\$ 13,750,000	62184
068	110-900	State/Local Government Highway Distribution Fund	\$ 233,750,000	\$ 238,893,000	62185
069	110-900	Local Government Fund	\$ 718,700,000	\$ 720,400,000	62186
082	110-900	Horse Racing Tax	\$ 200,000	\$ 200,000	62187
083	700-900	Ohio Fairs Fund	\$ 3,000,000	\$ 3,000,000	62188
TOTAL RDF Revenue Distribution					62189
Fund Group			\$ 2,286,277,000	\$ 2,374,691,000	62190
TOTAL ALL BUDGET FUND GROUPS			\$ 4,290,677,000	\$ 4,429,991,000	62191

ADDITIONAL APPROPRIATIONS 62192

Appropriation items in this section are to be used for the 62193
purpose of administering and distributing the designated revenue 62194
distributions fund according to the Revised Code. If it is 62195
determined that additional appropriations are necessary, such 62196
amounts are appropriated. 62197

Section 98. SAN BOARD OF SANITARIAN REGISTRATION 62198

General Services Fund Group					62199
4K9	893-609	Operating Expenses	\$ 109,512	\$ 115,074	62200
TOTAL GSF General Services					62201
Fund Group			\$ 109,512	\$ 115,074	62202
TOTAL ALL BUDGET FUND GROUPS			\$ 109,512	\$ 115,074	62203

Section 99. OSB OHIO STATE SCHOOL FOR THE BLIND				62205
General Revenue Fund				62206
GRF 226-100 Personal Services	\$	5,880,065	\$ 6,157,563	62207
GRF 226-200 Maintenance	\$	700,437	\$ 717,948	62208
GRF 226-300 Equipment	\$	139,288	\$ 142,770	62209
TOTAL GRF General Revenue Fund	\$	6,719,790	\$ 7,018,281	62210
General Services Fund Group				62211
4H8 226-602 Education Reform	\$	30,652	\$ 31,476	62212
Grants				
TOTAL GSF General Services				62213
Fund Group	\$	30,652	\$ 31,476	62214
State Special Revenue Fund Group				62215
4M5 226-601 Work Study &	\$	41,854	\$ 42,919	62216
Technology Investments				
TOTAL SSR State Special Revenue				62217
Fund Group	\$	41,854	\$ 42,919	62218
Federal Special Revenue Fund Group				62219
3P5 226-643 Medicaid Professional	\$	125,000	\$ 125,000	62220
Services Reimbursement				
310 226-626 Coordinating Unit	\$	1,274,274	\$ 1,278,475	62221
TOTAL FED Federal Special				62222
Revenue Fund Group	\$	1,399,274	\$ 1,403,475	62223
TOTAL ALL BUDGET FUND GROUPS	\$	8,191,570	\$ 8,496,151	62224
Section 100. OSD OHIO STATE SCHOOL FOR THE DEAF				62226
General Revenue Fund				62227
GRF 221-100 Personal Services	\$	7,662,763	\$ 8,022,913	62228
GRF 221-200 Maintenance	\$	998,197	\$ 1,018,160	62229
GRF 221-300 Equipment	\$	270,867	\$ 276,284	62230
TOTAL GRF General Revenue Fund	\$	8,931,827	\$ 9,317,357	62231
General Services Fund Group				62232

4M1 221-602	Education Reform	\$	68,107	\$	70,701	62233
	Grants					
TOTAL GSF	General Services					62234
Fund Group		\$	68,107	\$	70,701	62235
State Special Revenue	Fund Group					62236
4M0 221-601	Educational Program	\$	35,320	\$	33,188	62237
	Expenses					62238
5H6 221-609	Even Start Fees &	\$	157,723	\$	122,989	62239
	Gifts					
TOTAL SSR	State Special Revenue					62240
Fund Group		\$	193,043	\$	156,177	62241
Federal Special Revenue	Fund Group					62242
3R0 221-684	Medicaid Professional	\$	90,464	\$	111,377	62243
	Services Reimbursement					62244
3U4 221-603	Even Start	\$	125,000	\$	104,625	62245
311 221-625	Coordinating Unit	\$	910,000	\$	933,400	62246
TOTAL FED	Federal Special					62247
Revenue Fund Group		\$	1,125,464	\$	1,149,402	62248
TOTAL ALL BUDGET FUND GROUPS		\$	10,318,441	\$	10,693,637	62249
Section 101. SFC SCHOOL FACILITIES COMMISSION						62251
General Revenue	Fund					62252
GRF 230-428	Lease Rental Payments	\$	41,645,300	\$	37,654,300	62253
GRF 230-908	Common Schools General	\$	36,418,800	\$	55,336,300	62254
	Obligation Debt					
	Service					
TOTAL GRF	General Revenue Fund	\$	78,064,100	\$	92,990,600	62255
State Special Revenue	Fund Group					62256
5E3 230-644	Operating Expenses	\$	6,096,521	\$	6,409,766	62257
TOTAL SSR	State Special Revenue					62258
Fund Group		\$	6,096,521	\$	6,409,766	62259
TOTAL ALL BUDGET FUND GROUPS		\$	84,160,621	\$	99,400,366	62260

Section 101.01. LEASE RENTAL PAYMENTS 62262

The foregoing appropriation item 230-428, Lease Rental 62263
Payments, shall be used to meet all payments at the times they are 62264
required to be made during the period from July 1, 2001, to June 62265
30, 2003, by the School Facilities Commission pursuant to leases 62266
and agreements made under section 3318.26 of the Revised Code, but 62267
limited to the aggregate amount of \$79,299,600. Nothing in this 62268
act shall be deemed to contravene the obligation of the state to 62269
pay, without necessity for further appropriation, from the sources 62270
pledged thereto, the bond service charges on obligations issued 62271
pursuant to Chapter 3318. of the Revised Code. 62272

COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE 62273

The foregoing appropriation item 230-908, Common Schools 62274
General Obligation Debt Service, shall be used to pay all debt 62275
service and financing costs at the times they are required to be 62276
made pursuant to sections 151.01 and 151.03 of the Revised Code 62277
during the period from July 1, 2001, to June 30, 2003. The Office 62278
of the Sinking Fund or the Director of Budget and Management shall 62279
effectuate the required payments by an intrastate transfer 62280
voucher. 62281

OPERATING EXPENSES 62282

The foregoing appropriation item 230-644, Operating Expenses, 62283
shall be used by the Ohio School Facilities Commission to carry 62284
out its responsibilities pursuant to this section and Chapter 62285
3318. of the Revised Code. 62286

Within ten days after the effective date of this section, or 62287
as soon as possible thereafter, the Executive Director of the Ohio 62288
School Facilities Commission shall certify to the Director of 62289
Budget and Management the amount of cash to be transferred from 62290
the School Building Assistance Fund (Fund 032) or the Public 62291

School Building Fund (Fund 021) to the Ohio School Facilities
Commission Fund (Fund 5E3). 62292
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By July 10, 2002, the Executive Director of the Ohio School
Facilities Commission shall certify to the Director of Budget and
Management the amount of cash to be transferred from the School
Building Assistance Fund (Fund 032) or the Public School Building
Fund (Fund 021) to the Ohio School Facilities Commission Fund
(Fund 5E3). 62294
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SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 62300

At the request of the Executive Director of the Ohio School
Facilities Commission, the Director of Budget and Management may
cancel encumbrances for school district projects from a previous
biennium if the district has not raised its local share of project
costs within one year of receiving Controlling Board approval in
accordance with section 3318.05 of the Revised Code. The Executive
Director of the Ohio School Facilities Commission shall certify
the amounts of these canceled encumbrances to the Director of
Budget and Management on a quarterly basis. The amounts of the
canceled encumbrances are appropriated. 62301
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DISABILITY ACCESS PROJECTS 62311

The unencumbered and unallotted balances as of June 30, 2001,
in appropriation item 230-649, Disability Access Project, are
hereby reappropriated. The unencumbered and unallotted balances of
the appropriation at the end of fiscal year 2002 are hereby
reappropriated in fiscal year 2003 to fund capital projects
pursuant to this section. 62312
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(A) As used in this section: 62318

(1) "Percentile" means the percentile in which a school
district is ranked according to the fiscal year 1998 ranking of
school districts with regard to income and property wealth under
division (B) of section 3318.011 of the Revised Code. 62319
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(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

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.

Section 102. NET OHIO SCHOOLNET COMMISSION				62358
General Revenue Fund				62359
GRF 228-404	Operating Expenses	\$ 7,255,189	\$ 7,117,741	62360
GRF 228-406	Technical and Instructional Professional Development	\$ 10,475,898	\$ 10,172,630	62361
GRF 228-539	Education Technology	\$ 6,161,096	\$ 5,910,596	62362
Total GRF General Revenue Fund		\$ 23,892,183	\$ 23,200,967	62363
General Services Fund Group				62364
5D4 228-640	Conference/Special Purpose Expenses	\$ 510,700	\$ 521,382	62365
TOTAL GSF General Services Fund Group				62366
		\$ 510,700	\$ 521,382	62367
State Special Revenue Fund Group				62368
4W9 228-630	Ohio SchoolNet Telecommunity Fund	\$ 547,615	\$ 447,615	62369
4X1 228-634	Distance Learning	\$ 2,930,000	\$ 2,930,000	62370
TOTAL SSR State Special Revenue Fund Group				62371
		\$ 3,477,615	\$ 3,377,615	62372
Federal Special Revenue Fund Group				62373
3S3 228-655	Technology Literacy Challenge	\$ 15,918,780	\$ 15,918,780	62374
TOTAL FED Federal Special Revenue Fund Group				62375
		\$ 15,918,780	\$ 15,918,780	62376
TOTAL ALL BUDGET FUND GROUPS		\$ 43,799,278	\$ 43,018,744	62377

Section 102.01. INTERACTIVE VIDEO DISTANCE LEARNING PROGRAM 62379

The unencumbered and unallotted balances as of June 30, 2001, 62380
in appropriation item 228-650, Interactive Video Distance 62381
Learning, are reappropriated to fund projects pursuant to this 62382
section. Appropriation item 228-650, Interactive Video Distance 62383
Learning, shall be used to extend the Interactive Video Distance 62384
Learning Program in accordance with the statewide educational 62385
technology strategic plan. The Ohio SchoolNet Commission shall 62386
adopt procedures for the administration and implementation of the 62387
Interactive Video Distance Learning Program, which shall include 62388
application procedures, specifications for distance learning 62389
technology, and terms and conditions for participation in the 62390
program. The commission shall not approve any application for 62391
participation unless it determines that the applicant can 62392
effectively and efficiently integrate the proposed distance 62393
learning technology into schools or the selected schools or 62394
classrooms for the phase of the program. The commission shall give 62395
preference to lower wealth districts or consortia of such 62396
districts that do not have existing video conferencing 62397
technology. 62398

SCHOOLNET PLUS PROGRAM 62399

The unencumbered and unallotted balances as of June 30, 2001, 62400
in appropriation item 228-698, SchoolNet Plus, are hereby 62401
reappropriated to fund projects pursuant to this section. 62402
Appropriation item 228-698, SchoolNet Plus, may be used to 62403
purchase network telecommunications equipment for each public 62404
school building in this state to provide classroom and building 62405
access to existing and potential statewide voice, video, and data 62406
telecommunication services or to establish and equip interactive 62407
computer workstations. As used in this section, "public school 62408
building" means a school building of any city, local, exempted 62409

village, or joint vocational school district or any community 62410
school established under Chapter 3314. of the Revised Code. The 62411
Ohio SchoolNet Commission, in consultation with the Department of 62412
Education, Department of Administrative Services, and Ohio 62413
Education Computer Network, shall define the standards and 62414
equipment configurations necessary to maximize the efficient use 62415
of the existing and potential statewide voice, video, and data 62416
telecommunication services. 62417

Section 102.02. TECHNICAL AND INSTRUCTIONAL PROFESSIONAL 62418
DEVELOPMENT 62419

The foregoing appropriation item 228-406, Technical and 62420
Instructional Professional Development, shall be used by the Ohio 62421
SchoolNet Commission to make grants or provide services to 62422
qualifying schools, including the State School for the Blind and 62423
the Ohio School for the Deaf, for the provision of hardware, 62424
software, telecommunications services, and staff development to 62425
support educational uses of technology in the classroom. 62426

The Ohio SchoolNet Commission shall consider the professional 62427
development needs associated with the OhioReads Program when 62428
making funding allocations and program decisions. 62429

The Ohio Educational Telecommunications Network Commission, 62430
with the advice of the Ohio SchoolNet Commission, shall make 62431
grants totaling up to \$1,400,000 in each year of the biennium for 62432
research development and production of interactive instructional 62433
programming series and teleconferences to support SchoolNet. Up to 62434
\$55,000 of this amount shall be used in each year of the biennium 62435
to provide for the administration of these activities by the Ohio 62436
Educational Telecommunications Network Commission. The programming 62437
shall be targeted to the needs of the poorest 200 school districts 62438
as determined by the district's adjusted valuation per pupil as 62439
defined in section 3317.0213 of the Revised Code. 62440

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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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of SchoolNet. Special emphasis in the award of grants shall be placed on collaborative efforts among service providers. 62473
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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. 62475
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EDUCATION TECHNOLOGY 62484

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. 62485
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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. 62493
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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 62499
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delivered electronically; automated media systems; and 62504
instructional and professional development materials for teachers. 62505
The commission shall cooperate with education technology agencies 62506
in the acquisition, development, and delivery of such educational 62507
resources to ensure high-quality and educational soundness at the 62508
lowest possible cost. Delivery of such resources may utilize a 62509
variety of technologies, with preference given to a high-speed 62510
integrated information network that can transport video, voice, 62511
data, and graphics simultaneously. 62512

Services shall include presentations and technical assistance 62513
that will help students and teachers integrate educational 62514
materials that support curriculum objectives, match specific 62515
learning styles, and are appropriate for individual interests and 62516
ability levels. 62517

Such instructional resources and services shall be made 62518
available for purchase by chartered nonpublic schools or by public 62519
school districts for the benefit of pupils attending chartered 62520
nonpublic schools. 62521

DISTANCE LEARNING 62522

Appropriation item 228-634, Distance Learning, shall be 62523
distributed by the Ohio SchoolNet Commission on a grant basis to 62524
eligible school districts to establish "distance learning" in the 62525
school district. Per the agreement with Ameritech, school 62526
districts are eligible for funds if they are within an Ameritech 62527
service area. Funds to administer the program shall be expended by 62528
the commission up to the amount specified in the agreement with 62529
Ameritech. 62530

Within 30 days after the effective date of this section, the 62531
Director of Budget and Management shall transfer to fund 4X1 in 62532
the State Special Revenue Fund Group any investment earnings from 62533
moneys paid to the office or to the SchoolNet Commission by any 62534

telephone company as part of a settlement agreement between the 62535
company and the Public Utilities Commission in fiscal year 1995. 62536

ELECTRICAL INFRASTRUCTURE 62537

The unencumbered and unallotted balances of June 30, 2001, in 62538
appropriation item 228-690, SchoolNet Electrical Infrastructure, 62539
are reappropriated to fund projects pursuant to this section. The 62540
foregoing appropriation item may be distributed by the Ohio 62541
SchoolNet Commission for use by school districts to renovate 62542
existing buildings with sufficient electrical service to safely 62543
operate educational technology consistent with their SchoolNet and 62544
SchoolNet Plus technology plans. The Executive Director of the 62545
Ohio SchoolNet Commission shall review grant proposals from school 62546
districts for the use of these funds. In evaluating grant 62547
proposals, the executive director shall consider the ability and 62548
commitment of school districts to contribute local public and 62549
private resources to upgrade their electrical service and shall 62550
give consideration to consortia of school districts that have 62551
formed to optimize resources to upgrade electrical service. In no 62552
case shall grant awards exceed \$1,000,000 for a single school 62553
district. Funding recommendations for this appropriation made by 62554
the executive director are subject to the review of the Ohio 62555
SchoolNet Commission. 62556

Section 102.03. TOBACCO SETTLEMENT EDUCATION TECHNOLOGIES 62557
TRUST FUND 62558

All funds from the Tobacco Settlement Education Technologies 62559
Trust Fund are hereby dedicated to the Ohio SchoolNet Commission. 62560
Existing balances in the fund and additional revenue deposited 62561
prior to June 30, 2003, are hereby appropriated to be used by the 62562
SchoolNet Commission for grants to school districts and other 62563
entities, and for the costs of administering these grants. Of the 62564
total amount for grants, \$1,841,655 in fiscal year 2002 and 62565

\$1,917,293 in fiscal year 2003 shall be used for the Ohio ONEnet 62566
project, \$4,086,000 in fiscal year 2002 shall be used for 62567
Interactive Video Distance Learning, \$865,950 in fiscal year 2002 62568
and \$909,247 in fiscal year 2003 shall be used for the INFOhio 62569
Network, \$313,500 in fiscal year 2002 and \$298,750 in fiscal year 62570
2003 shall be used for the JASON Project, \$1,000,000 in each 62571
fiscal year shall be used for RISE Learning Solutions, and 62572
\$200,000 in each fiscal year shall be used for the Stark County 62573
School Teacher Technical Training Center. The remaining amount for 62574
grants shall be made to school districts. 62575

The ONEnet Ohio Project is designed to link all public K-12 62576
classrooms to each other and the Internet, and to provide access 62577
to voice, video, and data educational resources for students and 62578
teachers. 62579

The Interactive Video Distance Learning Program shall provide 62580
competitive grants to school districts or consortia of school 62581
districts to purchase necessary distance learning technology, pay 62582
recurring connectivity costs, train technology coordinators to 62583
use, maintain, and support distance learning technology, train 62584
teachers to use distance learning technology in the classroom, and 62585
provide ongoing content development to be shared statewide. 62586

The INFOhio Network is a network of library resources to 62587
support the provision of electronic resources to all public 62588
schools with preference given to elementary schools. Consideration 62589
should be given to coordinating the allocation of these moneys 62590
with the efforts of OhioLINK and the Ohio Public Information 62591
Network. 62592

The JASON Project shall provide funding for statewide access 62593
and a 75% subsidy for statewide licensing of JASON content for 62594
90,000 middle school students statewide, and professional 62595
development for teachers participating in the program. 62596

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

promotes innovative, interactive communications between program 62629
participants at all the sites. Parent support groups and teacher 62630
training sessions shall supplement the teleconferences and shall 62631
occur on a local basis. 62632

RISE Learning Solutions may subcontract components of the 62633
project. 62634

Individuals eligible to participate in the program include 62635
those children, their parents, custodians, or guardians, and 62636
preschool staff members who are eligible to participate in a 62637
preschool program as defined in division (A) of section 3301.52 62638
and section 5104.02 of the Revised Code. 62639

The programs, including two to be developed in support of 62640
teacher proficiency in teaching reading to prekindergarten and 62641
kindergarten to third grade students, at the direction of the 62642
Department, may include: two three-hour broadcast seminars from a 62643
central up-link station, distributed in up to 88 counties; high 62644
production-value video sought in various locations; and direct 62645
interactive adult learning activities. The program shall develop 62646
program workbooks and involve at least three small 62647
group-facilitated follow-up discussion workshops and development 62648
and distribution of at least two home videos. The program shall 62649
also provide Internet access, interactive lines, bulletin board, 62650
and CD-ROM. 62651

Upon completion of each of the school years for which the 62652
grant was made, RISE Learning Solutions shall issue a report to 62653
the commission and the members of the General Assembly explaining 62654
the goals and objectives determined, the activities implemented, 62655
the progress made toward the achievement of the goals and 62656
objectives, and the outcome of the project. 62657

Not later than August 30, 2001, after the approval of the 62658
Director of Budget and Management, the SchoolNet Commission shall 62659

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

or the Director's designee, the Director of Administrative 62691
 Services or the Director's designee, the Executive Director of the 62692
 Ohio SchoolNet Commission or the Executive Director's designee, a 62693
 representative designated by the head of the Ohio Education 62694
 Computer Network, a representative designated by the Chairperson 62695
 of the Public Utilities Commission of Ohio, a representative 62696
 appointed by the Chairperson of the Ohio Educational 62697
 Telecommunications Network Commission, a representative of Ohio's 62698
 business community appointed by the President of the Senate, and a 62699
 representative from an educational service center appointed by the 62700
 Speaker of the House of Representatives. The voting members may, 62701
 by majority vote, elect to include any number of additional 62702
 nonvoting members. 62703

The Legislative Service Commission shall provide any staffing 62704
 assistance requested by the Task Force. The Task Force shall issue 62705
 a report not later than December 1, 2002. Upon issuing its report, 62706
 the Task Force shall cease to exist. 62707

Section 103. SOS SECRETARY OF STATE 62708

General Revenue Fund 62709

GRF 050-321	Operating Expenses	\$	3,300,000	\$	3,300,000	62710
GRF 050-403	Election Statistics	\$	146,963	\$	154,882	62711
GRF 050-407	Pollworkers Training	\$	231,400	\$	327,600	62712
GRF 050-409	Litigation	\$	26,210	\$	27,622	62713

Expenditures

TOTAL GRF General Revenue Fund \$ 3,704,573 \$ 3,810,104 62714

General Services Fund Group 62715

4S8 050-610	Board of Voting	\$	7,200	\$	7,200	62716
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Machine Examiners

412 050-607	Notary Commission	\$	166,284	\$	171,273	62717
413 050-601	Information Systems	\$	153,300	\$	157,133	62718
414 050-602	Citizen Education Fund	\$	80,000	\$	70,000	62719

TOTAL General Services Fund Group	\$	406,784	\$	405,606	62720
State Special Revenue Fund Group					62721
5N9 050-607 Technology	\$	120,000	\$	121,000	62722
Improvements					
599 050-603 Business Services	\$	11,880,000	\$	11,979,000	62723
Operating Expenses					
TOTAL SSR State Special Revenue					62724
Fund Group	\$	12,000,000	\$	12,100,000	62725
Holding Account Redistribution Fund Group					62726
R01 050-605 Uniform Commercial	\$	65,000	\$	65,000	62727
Code Refunds					
R02 050-606 Corporate/Business	\$	185,000	\$	185,000	62728
Filing Refunds					
TOTAL 090 Holding Account					62729
Redistribution Fund Group	\$	250,000	\$	250,000	62730
TOTAL ALL BUDGET FUND GROUPS	\$	16,361,357	\$	16,565,710	62731

BOARD OF VOTING MACHINE EXAMINERS 62732

The foregoing appropriation item 050-610, Board of Voting 62733
Machine Examiners, shall be used to pay for the services and 62734
expenses of the members of the Board of Voting Machine Examiners, 62735
and for other expenses that are authorized to be paid from the 62736
Board of Voting Machine Examiners Fund, which is created in 62737
section 3506.05 of the Revised Code. Moneys not used shall be 62738
returned to the person or entity submitting the equipment for 62739
examination. If it is determined that additional appropriations 62740
are necessary, such amounts are appropriated. 62741

HOLDING ACCOUNT REDISTRIBUTION GROUP 62742

The foregoing appropriation items 050-605 and 050-606, 62743
Holding Account Redistribution Fund Group, shall be used to hold 62744
revenues until they are directed to the appropriate accounts or 62745
until they are refunded. If it is determined that additional 62746

appropriations are necessary, such amounts are appropriated.				62747	
Section 104. SEN THE OHIO SENATE				62748	
General Revenue Fund				62749	
GRF 020-321 Operating Expenses	\$	11,199,045	\$	11,199,045	62750
TOTAL GRF General Revenue Fund	\$	11,199,045	\$	11,199,045	62751
General Services Fund Group				62752	
102 020-602 Senate Reimbursement	\$	402,744	\$	402,744	62753
409 020-601 Miscellaneous Sales	\$	30,980	\$	30,980	62754
TOTAL GSF General Services				62755	
Fund Group	\$	433,724	\$	433,724	62756
TOTAL ALL BUDGET FUND GROUPS	\$	11,632,769	\$	11,632,769	62757
Section 105. CSF COMMISSIONERS OF THE SINKING FUND				62759	
Debt Service Fund Group				62760	
071 155-901 Highway Obligations	\$	49,614,300	\$	47,572,500	62761
Bond Retirement Fund					
072 155-902 Highway Capital	\$	137,730,500	\$	152,120,700	62762
Improvements Bond					
Retirement Fund					
073 155-903 Natural Resources Bond	\$	19,001,100	\$	22,101,900	62763
Retirement					
076 155-906 Coal Research and	\$	8,971,700	\$	9,420,300	62764
Development Bond					
Retirement Fund					
077 155-907 State Capital	\$	135,693,200	\$	146,210,200	62765
Improvements Bond					
Retirement Fund					
078 155-908 Common Schools Capital	\$	36,418,800	\$	55,336,300	62766
Facilities Bond					
Retirement Fund					
079 155-909 Higher Education	\$	50,055,100	\$	74,344,100	62767

Capital Facilities

Bond Retirement Fund

TOTAL DSF Debt Service Fund Group	\$	437,484,700	\$	507,106,000	62768
TOTAL ALL BUDGET FUND GROUPS	\$	437,484,700	\$	507,106,000	62769

ADDITIONAL APPROPRIATIONS 62770

Appropriation items in this section are for the purpose of 62771
 paying debt service and financing costs on bonds or notes of the 62772
 state issued pursuant to the Ohio Constitution and acts of the 62773
 General Assembly. If it is determined that additional 62774
 appropriations are necessary, such amounts are appropriated. 62775

Section 106. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY 62776

& AUDIOLOGY 62777

General Services Fund Group					62778
4K9 886-609 Operating Expenses	\$	352,727	\$	372,348	62779
TOTAL GSF General Services					62780
Fund Group	\$	352,727	\$	372,348	62781
TOTAL ALL BUDGET FUND GROUPS	\$	352,727	\$	372,348	62782

Section 107. BTA BOARD OF TAX APPEALS 62784

General Revenue Fund					62785
GRF 116-321 Operating Expenses	\$	2,499,741	\$	2,569,734	62786
TOTAL GRF General Revenue Fund	\$	2,499,741	\$	2,569,734	62787
General Services Fund Group					62788
439 116-602 Reproduction of	\$	7,500	\$	7,500	62789
Decisions					
TOTAL GSF General Services					62790
Fund Group	\$	7,500	\$	7,500	62791
TOTAL ALL BUDGET FUND GROUPS	\$	2,507,241	\$	2,577,234	62792

Section 108. TAX DEPARTMENT OF TAXATION 62794

General Revenue Fund				62795	
GRF 110-321 Operating Expenses	\$	87,611,076	\$	89,566,509	62796
GRF 110-412 Child Support	\$	92,939	\$	90,006	62797
Administration					
GRF 110-901 Property Tax	\$	380,200,000	\$	399,300,000	62798
Allocation - Taxation					
GRF 110-906 Tangible Tax Exemption	\$	30,000,000	\$	30,900,000	62799
- Taxation					
TOTAL GRF General Revenue Fund	\$	497,904,015	\$	519,856,515	62800
Agency Fund Group				62801	
425 110-635 Tax Refunds	\$	860,000,000	\$	875,000,000	62802
TOTAL AGY Agency Fund Group	\$	860,000,000	\$	875,000,000	62803
General Services Fund Group				62804	
433 110-602 Tape File Account	\$	92,082	\$	96,165	62805
TOTAL GSF General Services				62806	
Fund Group	\$	92,082	\$	96,165	62807
State Special Revenue Fund Group				62808	
4C6 110-616 International	\$	669,561	\$	706,855	62809
Registration Plan					
4R6 110-610 Tire Tax	\$	65,000	\$	65,000	62810
Administration					
435 110-607 Local Tax	\$	29,517,404	\$	24,189,026	62811
Administration					
436 110-608 Motor Vehicle Audit	\$	1,687,249	\$	1,600,000	62812
437 110-606 Litter Tax and Natural	\$	594,726	\$	625,232	62813
Resource Tax					
Administration					
438 110-609 School District Income	\$	2,873,446	\$	2,599,999	62814
Tax					
5N6 110-618 Kilowatt Hour Tax	\$	85,000	\$	85,000	62815
Administration					
5N7 110-619 Municipal Internet	\$	10,000	\$	10,000	62816

	Site						
639	110-614	Cigarette Tax	\$	161,168	\$	168,925	62817
		Enforcement					
642	110-613	Ohio Political Party	\$	800,000	\$	800,000	62818
		Distributions					
688	110-615	Local Excise Tax	\$	300,000	\$	300,000	62819
		Administration					
		TOTAL SSR State Special Revenue					62820
		Fund Group	\$	36,763,554	\$	31,150,037	62821
		Federal Special Revenue Fund Group					62822
3J6	110-601	Motor Fuel Compliance	\$	33,000	\$	33,000	62823
		TOTAL FED Federal Special Revenue					62824
		Fund Group	\$	33,000	\$	33,000	62825
		Holding Account Redistribution Fund Group					62826
R10	110-611	Tax Distributions	\$	2,000	\$	2,000	62827
R11	110-612	Miscellaneous Income	\$	5,000	\$	5,000	62828
		Tax Receipts					
		TOTAL 090 Holding Account					62829
		Redistribution Fund Group	\$	7,000	\$	7,000	62830
		TOTAL ALL BUDGET FUND GROUPS	\$	1,394,799,651	\$	1,426,142,717	62831
		LITTER CONTROL TAX ADMINISTRATION FUND					62832
		Notwithstanding section 5733.12 of the Revised Code, during					62833
		the period from July 1, 2001, to June 30, 2002, the amount of					62834
		\$594,726, and during the period from July 1, 2002, to June 30,					62835
		2003, the amount of \$625,232, received by the Treasurer of State					62836
		under Chapter 5733. of the Revised Code, shall be credited to the					62837
		Litter Control Tax Administration Fund (Fund 437).					62838
		INTERNATIONAL REGISTRATION PLAN AUDIT					62839
		The foregoing appropriation item 110-616, International					62840
		Registration Plan, shall be used pursuant to section 5703.12 of					62841
		the Revised Code for audits of persons with vehicles registered					62842

under the International Registration Plan. 62843

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX 62844
EXEMPTION 62845

The foregoing appropriation item 110-901, Property Tax 62846
Allocation - Taxation, is appropriated to pay for the state's 62847
costs incurred due to the Homestead Exemption, the Manufactured 62848
Home Property Tax Rollback, and the Property Tax Rollback. The Tax 62849
Commissioner shall distribute these funds directly to the 62850
appropriate local taxing districts of the state, except for school 62851
districts, notwithstanding the provisions in sections 321.24 and 62852
323.156 of the Revised Code, which provide for payment of the 62853
Homestead Exemption, the Manufactured Home Property Tax Rollback, 62854
and Property Tax Rollback by the Tax Commissioner to the 62855
appropriate county treasurer and the subsequent redistribution of 62856
these funds to the appropriate local taxing districts by the 62857
county auditor. 62858

The foregoing appropriation item 110-906, Tangible Tax 62859
Exemption - Taxation, is appropriated to pay for the state's costs 62860
incurred due to the tangible personal property tax exemption 62861
required by division (C)(3) of section 5709.01 of the Revised 62862
Code. The Tax Commissioner shall distribute to each county 62863
treasurer the total amount certified by the county treasurer 62864
pursuant to section 319.311 of the Revised Code for all local 62865
taxing districts located in the county except for school 62866
districts, notwithstanding the provision in section 319.311 of the 62867
Revised Code which provides for payment of the \$10,000 tangible 62868
personal property tax exemption by the Tax Commissioner to the 62869
appropriate county treasurer for all local taxing districts 62870
located in the county including school districts. Pursuant to 62871
division (G) of section 321.24 of the Revised Code, the county 62872
auditor shall distribute the amount paid by the Tax Commissioner 62873
among the appropriate local taxing districts except for school 62874

districts.				62875	
Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.				62876 62877 62878 62879 62880 62881	
Any sums, in addition to the amounts specifically appropriated in appropriation items 110-901, Property Tax Allocation - Taxation, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback payments, and 110-906, Tangible Tax Exemption, for the \$10,000 tangible personal property tax exemption payments, which are determined to be necessary for these purposes, are appropriated.				62882 62883 62884 62885 62886 62887 62888 62889	
TAX REFUNDS				62890	
The foregoing appropriation item 110-635, Tax Refunds, shall be used to pay refunds as provided in section 5703.052 of the Revised Code. If it is determined that additional appropriations are necessary, such amounts are appropriated.				62891 62892 62893 62894	
Section 109. DOT DEPARTMENT OF TRANSPORTATION				62895	
Transportation Modes				62896	
General Revenue Fund				62897	
GRF 775-451 Public Transportation	\$	24,000,000	\$	24,000,000	62898
- State					
GRF 775-453 Waterfront Line Lease	\$	1,786,000	\$	0	62899
Payments - State					
GRF 775-458 Elderly and Disabled	\$	3,364,000	\$	3,364,000	62900
Fare Assistance					
GRF 776-465 Ohio Rail Development	\$	5,000,000	\$	5,000,000	62901

	Commission				
GRF 776-466	Railroad Crossing and Grade Separation	\$ 1,000,000	\$ 1,000,000		62902
GRF 777-471	Airport Improvements - State	\$ 3,409,876	\$ 3,000,576		62903
GRF 777-473	Rickenbacker Lease Payments - State	\$ 600,000	\$ 600,000		62904
TOTAL GRF	General Revenue Fund	\$ 39,159,876	\$ 36,964,576		62905
	Federal Special Revenue Fund Group				62906
3B9 776-662	Rail Transportation - Federal	\$ 600,000	\$ 600,000		62907
TOTAL FSR	Federal Special Revenue Fund Group	\$ 600,000	\$ 600,000		62908 62909
	State Special Revenue Fund Group				62910
4N4 776-663	Panhandle Lease Reserve Payments	\$ 770,000	\$ 770,000		62911
4N4 776-664	Rail Transportation - Other	\$ 850,720	\$ 1,745,000		62912
TOTAL SSR	State Special Revenue Fund Group	\$ 1,620,720	\$ 2,515,000		62913 62914
TOTAL ALL BUDGET FUND GROUPS		\$ 41,380,596	\$ 40,079,576		62915

AVIATION LEASE PAYMENTS 62916

The foregoing appropriation item 777-473, Rickenbacker Lease 62917
Payments - State, shall be used to meet scheduled payments for the 62918
Rickenbacker Port Authority. The Director of Transportation shall 62919
certify to the Director of Budget and Management any 62920
appropriations in appropriation item 777-473, Rickenbacker Lease 62921
Payments - State, that are not needed to make lease payments for 62922
the Rickenbacker Port Authority. Notwithstanding section 127.14 of 62923
the Revised Code, the amount certified may be transferred by the 62924
Director of Budget and Management to appropriation item 777-471, 62925
Airport Improvements - State. 62926

TRANSFER OF APPROPRIATIONS - PUBLIC TRANSPORTATION 62927

The Director of Budget and Management may approve requests 62928
from the Department of Transportation for the transfer of 62929
appropriations between appropriation item 775-451, Public 62930
Transportation - State, and appropriation item 775-458, Elderly 62931
and Disabled Fare Assistance. Transfers between appropriation 62932
items shall be made upon the written request of the Director of 62933
Transportation and with the approval of the Director of Budget and 62934
Management. Such transfers shall be reported to the Controlling 62935
Board. 62936

RAILROAD CROSSING AND GRADE SEPARATION 62937

The foregoing appropriation item 776-466, Railroad Crossing 62938
and Grade Separation, shall be used to fund the Rail Crossing 62939
Safety Initiative, which will provide improvements to communities 62940
most affected by rail traffic and related issues. 62941

AIRPORT IMPROVEMENTS - STATE 62942

Of the foregoing appropriation item 777-471, Airport 62943
Improvements - State, \$500,000 in fiscal year 2002 shall be used 62944
for the Lorain County Airport. 62945

Section 110. TOS TREASURER OF STATE 62946

General Revenue Fund 62947

GRF 090-321 Operating Expenses	\$	10,510,560	\$	12,717,120	62948
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GRF 090-401 Office of the Sinking	\$	596,736	\$	614,640	62949
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Fund 62950

GRF 090-402 Continuing Education	\$	460,150	\$	513,600	62951
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GRF 090-524 Police and Fire	\$	43,000	\$	40,000	62952
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Disability Pension 62953

GRF 090-534 Police & Fire Ad Hoc	\$	280,000	\$	260,000	62954
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Cost

of Living 62955

GRF 090-544 Police and Fire State	\$	1,200,000	\$	1,200,000	62956
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	Contribution				62957	
GRF 090-554	Police and Fire	\$	1,550,000	\$	1,500,000	62958
	Survivor					
	Benefits					62959
GRF 090-575	Police and Fire Death	\$	23,000,000	\$	24,000,000	62960
	Benefits					62961
TOTAL GRF	General Revenue Fund	\$	37,640,446	\$	40,845,360	62962
	Agency Fund Group					62963
425 090-635	Tax Refunds	\$	655,000,000	\$	675,000,000	62964
TOTAL Agency	Fund Group	\$	655,000,000	\$	675,000,000	62965
	General Services Fund Group					62966
182 090-608	Financial Planning	\$	12,944	\$	13,682	62967
	Commissions					62968
4E9 090-603	Securities Lending	\$	3,773,177	\$	970,000	62969
	Income					
4NO 090-611	Treasury Education	\$	27,500	\$	27,500	62970
577 090-605	Investment Pool	\$	662,000	\$	600,000	62971
	Reimbursement					62972
605 090-609	Treasurer of State	\$	760,000	\$	1,270,000	62973
	Administrative Fund					62974
TOTAL GSF	General Services					62975
Fund Group		\$	5,235,621	\$	2,881,182	62976
	State Special Revenue Fund Group					62977
5C5 090-602	County Treasurer	\$	92,000	\$	88,000	62978
	Education					
TOTAL SSR	State Special Revenue					62979
Fund Group		\$	92,000	\$	88,000	62980
TOTAL ALL BUDGET	FUND GROUPS	\$	697,968,067	\$	718,814,542	62981

Section 110.01. OFFICE OF THE SINKING FUND 62983

The foregoing appropriation item 090-401, Office of the 62984
Sinking Fund, shall be used for financing and other costs incurred 62985

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 63000

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 63011

RELEASE COMPENSATION BOARD 63012

State Special Revenue Fund Group 63013
691 810-632 PUSTRCB Staff \$ 1,011,437 \$ 1,075,158 63014
TOTAL SSR State Special Revenue 63015

Fund Group	\$	1,011,437	\$	1,075,158	63016
TOTAL ALL BUDGET FUND GROUPS	\$	1,011,437	\$	1,075,158	63017

Section 112. TTA OHIO TUITION TRUST AUTHORITY 63019

State Special Revenue Fund Group					63020
645 095-601 Operating Expenses	\$	4,539,200	\$	4,950,700	63021
TOTAL SSR State Special Revenue					63022
Fund Group	\$	4,539,200	\$	4,950,700	63023
TOTAL ALL BUDGET FUND GROUPS	\$	4,539,200	\$	4,950,700	63024

Section 113. OVH OHIO VETERANS' HOME 63026

General Revenue Fund					63027
GRF 430-100 Personal Services	\$	14,499,975	\$	15,434,831	63028
GRF 430-200 Maintenance	\$	5,099,666	\$	5,199,159	63029
TOTAL GRF General Revenue Fund	\$	19,599,641	\$	20,633,990	63030
Federal Special Revenue Fund Group					63031
3L2 430-601 Federal Grants	\$	9,823,259	\$	10,059,342	63032
TOTAL FED Federal Special Revenue					63033
Fund Group	\$	9,823,259	\$	10,059,342	63034
State Special Revenue Fund Group					63035
4E2 430-602 Veterans Home	\$	5,288,525	\$	5,583,806	63036
Operating					
484 430-603 Rental and Service	\$	457,060	\$	509,737	63037
Revenue					
604 430-604 Veterans Home	\$	725,699	\$	670,096	63038
Improvement					
TOTAL SSR State Special Revenue					63039
Fund Group	\$	6,471,284	\$	6,763,639	63040
TOTAL ALL BUDGET FUND GROUPS	\$	35,894,184	\$	37,456,971	63041

Section 114. VET VETERANS' ORGANIZATIONS 63043

General Revenue Fund					63044
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	VAP AMERICAN EX-PRISONERS OF WAR				63045
GRF 743-501	State Support	\$	25,030	\$	25,030
	VAN ARMY AND NAVY UNION, USA, INC.				63047
GRF 746-501	State Support	\$	55,012	\$	55,012
	VKW KOREAN WAR VETERANS				63049
GRF 747-501	State Support	\$	49,453	\$	49,453
	VJW JEWISH WAR VETERANS				63051
GRF 748-501	State Support	\$	29,715	\$	29,715
	VCW CATHOLIC WAR VETERANS				63053
GRF 749-501	State Support	\$	57,990	\$	57,990
	VPH MILITARY ORDER OF THE PURPLE HEART				63055
GRF 750-501	State Support	\$	56,377	\$	56,377
	VVV VIETNAM VETERANS OF AMERICA				63057
GRF 751-501	State Support	\$	185,954	\$	185,954
	VAL AMERICAN LEGION OF OHIO				63059
GRF 752-501	State Support	\$	252,328	\$	252,328
	VII VETERANS OF WORLD WAR II-KOREA-VIETNAM				63061
GRF 753-501	State Support	\$	237,919	\$	237,919
	VAV DISABLED AMERICAN VETERANS				63063
GRF 754-501	State Support	\$	166,308	\$	166,308
	VOH RAINBOW DIVISION VETERANS' ASSOCIATION, OHIO				63065
GRF 755-501	State Support	\$	4,226	\$	4,226
	VMC MARINE CORPS LEAGUE				63067
GRF 756-501	State Support	\$	85,972	\$	85,972
	V37 37TH DIVISION AEF VETERANS' ASSOCIATION				63069
GRF 757-501	State Support	\$	5,946	\$	5,946
	VFW VETERANS OF FOREIGN WARS				63071
GRF 758-501	State Support	\$	196,615	\$	196,615
	VWI VETERANS OF WORLD WAR I				63073
GRF 759-501	State Support	\$	24,780	\$	24,780
TOTAL GRF	General Revenue Fund	\$	1,433,625	\$	1,433,625
TOTAL ALL BUDGET FUND GROUPS		\$	1,433,625	\$	1,433,625
	RELEASE OF FUNDS				63077

The foregoing appropriation items 743-501, 746-501, 747-501, 63078
748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501, 63079
755-501, 756-501, 757-501, 758-501, and 759-501, State Support, 63080
shall be released upon approval by the Director of Budget and 63081
Management. 63082

AMERICAN EX-PRISONERS OF WAR 63083

The American Ex-Prisoners of War shall be permitted to share 63084
an office with the Veterans of World War I. 63085

CENTRAL OHIO UNITED SERVICES ORGANIZATION 63086

Of the foregoing appropriation item 751-501, State Support, 63087
Vietnam Veterans of America, \$50,000 in each fiscal year shall be 63088
used to support the activities of the Central Ohio USO. 63089

VETERANS SERVICE COMMISSION EDUCATION 63090

Of the foregoing appropriation item 753-501, State Support, 63091
Veterans of World War II-Korea-Vietnam, up to \$20,000 in each 63092
fiscal year may be used to provide moneys to the Association of 63093
County Veterans Service Commissioners to reimburse its member 63094
county veterans service commissions for costs incurred in carrying 63095
out educational and outreach duties required under divisions (E) 63096
and (F) of section 5901.03 of the Revised Code. Upon the 63097
presentation of an itemized statement to the Office of Veterans 63098
Affairs, the office shall direct the Auditor of State to issue a 63099
warrant upon the state treasury to the association to reimburse 63100
member commissions for reasonable and appropriate expenses 63101
incurred performing these duties. The association shall establish 63102
uniform procedures for reimbursing member commissions. 63103

Section 115. DVM STATE VETERINARY MEDICAL BOARD 63104

General Services Fund Group 63105
4K9 888-609 Operating Expenses \$ 471,003 \$ 496,731 63106
TOTAL GSF General Services 63107

Fund Group	\$	471,003	\$	496,731	63108
TOTAL ALL BUDGET FUND GROUPS	\$	471,003	\$	496,731	63109

Section 116. DYS DEPARTMENT OF YOUTH SERVICES 63111

General Revenue Fund 63112

GRF 470-401 RECLAIM Ohio \$ 160,808,723 \$ 164,415,944 63113

GRF 470-402 Community Program \$ 740,907 \$ 839,490 63114

Services

GRF 470-412 Lease Rental Payments \$ 17,376,700 \$ 18,739,900 63115

GRF 470-502 Detention Subsidies \$ 6,163,213 \$ 6,433,035 63116

GRF 470-510 Youth Services \$ 18,841,205 \$ 21,307,671 63117

GRF 472-321 Parole Operations \$ 16,680,042 \$ 17,246,018 63118

GRF 477-321 Administrative \$ 14,814,953 \$ 15,934,443 63119

Operations

GRF 477-406 Interagency \$ 252,450 \$ 261,299 63120

Collaborations

TOTAL GRF General Revenue Fund \$ 235,678,193 \$ 245,177,800 63121

General Services Fund Group 63122

175 470-613 Education \$ 8,461,407 \$ 8,817,598 63123

Reimbursement

4A2 470-602 Child Support \$ 450,000 \$ 400,000 63124

4G6 470-605 General Operational \$ 10,000 \$ 10,000 63125

Funds

479 470-609 Employee Food Service \$ 143,349 \$ 146,933 63126

523 470-621 Wellness Program \$ 192,954 \$ 197,778 63127

TOTAL GSF General Services 63128

Fund Group \$ 9,257,710 \$ 9,572,309 63129

Federal Special Revenue Fund Group 63130

3V9 470-608 Federal Juvenile \$ 7,828,899 \$ 0 63131

Programs FFY 01

3W0 470-611 Federal Juvenile \$ 0 \$ 7,828,899 63132

Programs FFY 02

3V5	470-604	Juvenile Justice/Delinquency Prevention	\$	5,159,202	\$	5,998,092	63133
321	470-601	Education	\$	1,298,156	\$	1,334,122	63134
321	470-603	Juvenile Justice Prevention	\$	2,973,733	\$	2,973,733	63135
321	470-606	Nutrition	\$	2,800,000	\$	2,800,000	63136
321	470-610	Rehabilitation Programs	\$	83,500	\$	83,500	63137
321	470-614	Title IV-E Reimbursements	\$	5,700,000	\$	5,700,000	63138
321	470-617	Americorps Programs	\$	407,860	\$	418,444	63139
TOTAL FED Federal Special Revenue							63140
Fund Group			\$	26,251,350	\$	27,136,790	63141
State Special Revenue Fund Group							63142
147	470-612	Vocational Education	\$	2,012,665	\$	2,090,392	63143
4W3	470-618	Help Me Grow	\$	10,900	\$	11,587	63144
5J7	470-623	Residential Treatment Services	\$	0	\$	500,000	63145
TOTAL SSR State Special Revenue							63146
Fund Group			\$	2,023,565	\$	2,601,979	63147
TOTAL ALL BUDGET FUND GROUPS			\$	273,210,818	\$	284,488,878	63148
OHIO BUILDING AUTHORITY LEASE PAYMENTS							63149
The foregoing appropriation item 470-412, Lease Rental							63150
Payments, in the Department of Youth Services, shall be used for							63151
payments, limited to the aggregate amount of \$36,116,600, to the							63152
Ohio Building Authority for the period from July 1, 2001, to June							63153
30, 2003, pursuant to the primary leases and agreements for							63154
facilities made under Chapter 152. of the Revised Code, which are							63155
the source of funds pledged for bond service charges on related							63156
obligations issued pursuant to Chapter 152. of the Revised Code.							63157
RECLAIM OHIO							63158

In determining the amount of moneys necessary to fund the 63159
foregoing appropriation item 470-401, RECLAIM Ohio, in fiscal 63160
years 2002 and 2003, the Department of Youth Services shall 63161
compute the number of state target youth for each fiscal year. As 63162
defined in section 5139.01 of the Revised Code, "state target 63163
youth" means twenty-five per cent of the projected total number of 63164
felony-level delinquency adjudications in the juvenile courts for 63165
each year of a biennium, factoring in revocations and 63166
recommitments. The foregoing appropriation item 470-401, RECLAIM 63167
Ohio, shall provide for an amount not less than \$98 per day for 63168
each state target youth or not less than \$20,000 per year for each 63169
state target youth for each year of the biennium. 63170

YOUTH SERVICES BLOCK GRANT 63171

Of the foregoing appropriation item 470-510, Youth Services, 63172
\$50,000 in fiscal year 2002 shall be distributed directly to 63173
Lighthouse Youth Services. 63174

EMPLOYEE FOOD SERVICE AND EQUIPMENT 63175

Notwithstanding section 125.14 of the Revised Code, the 63176
foregoing appropriation item 470-609, Employee Food Service, may 63177
be used to purchase any food operational items with funds received 63178
into the fund from reimbursement for state surplus property. 63179

EDUCATION REIMBURSEMENT 63180

The foregoing appropriation item 470-613, Education 63181
Reimbursement, shall be used to fund the operating expenses of 63182
providing educational services to youth supervised by the 63183
Department of Youth Services. Operating expenses include, but are 63184
not limited to, teachers' salaries, maintenance costs, and 63185
educational equipment. This appropriation item shall not be used 63186
for capital expenses. 63187

FINANCIAL ASSISTANCE FOR JUVENILE DETENTION FACILITIES 63188

Pursuant to section 5139.281 of the Revised Code, funding 63189
provided to a county for the operation and maintenance of each 63190
home shall be in an amount of fifty per cent of the approved 63191
annual operating cost, but shall not be in excess of \$156,928 in 63192
each fiscal year. 63193

FEDERAL JUVENILE JUSTICE PROGRAM TRANSFER FROM THE OFFICE OF 63194
CRIMINAL JUSTICE SERVICES TO THE DEPARTMENT OF YOUTH SERVICES 63195

On July 1, 2001, responsibility for a federal juvenile 63196
justice program is transferred from the Office of Criminal Justice 63197
Services to the Department of Youth Services. The Department of 63198
Youth Services thereupon and thereafter is successor to, assumes 63199
the obligations of, and otherwise provides for the continuation of 63200
a federal juvenile justice program. 63201

Any business relating to a federal juvenile justice program 63202
commenced but not completed by the Office of Criminal Justice 63203
Services or its director prior to July 1, 2001, shall be completed 63204
by the Department of Youth Services or its director in the same 63205
manner, and with the same effect, as if completed by the Office of 63206
Criminal Justice Services or its director. Notwithstanding the 63207
prior provisions of this section, the Office of Criminal Justice 63208
Services shall maintain responsibility for closing out all grants 63209
received by the Office of Criminal Justice Services prior to July 63210
1, 2001, under the federal juvenile justice program. In accordance 63211
with an appropriation made to the Office of Criminal Justice 63212
Services, the Office of Criminal Justice Services may make 63213
expenditures from those grants and take all other appropriate 63214
actions related to those grants. The Office of Criminal Justice 63215
Services is responsible for any reporting responsibilities 63216
associated with those grants. 63217

No validation, cure, right, privilege, remedy, obligation, or 63218
liability is lost or impaired by reason of the transfer. All of 63219
the Office of Criminal Justice Services' rules, orders, and 63220

determinations continue in effect as rules, orders, and 63221
determinations of the Department of Youth Services, until modified 63222
or rescinded by the Department of Youth Services. If necessary to 63223
ensure the integrity of the numbering of the Administrative Code, 63224
the Director of the Legislative Service Commission shall renumber 63225
the Office of Criminal Justice Services' rules for a federal 63226
juvenile justice program to reflect the transfer of the program to 63227
the Department of Youth Services. 63228

The employees of the Office of Criminal Justice Services 63229
assigned to work with a federal juvenile justice program are 63230
transferred to the Department of Youth Services and shall retain 63231
their positions and all the benefits accruing thereto. 63232

No action or proceeding pending on July 1, 2001, is affected 63233
by the transfer, and any action or proceeding pending on July 1, 63234
2001, shall be prosecuted or defended in the name of the 63235
Department of Youth Services or its director. In all such actions 63236
and proceedings, the Department of Youth Services or its director 63237
upon application to the court shall be substituted as a party. 63238

Section 117. EXPENDITURES AND APPROPRIATION INCREASES 63239
APPROVED BY THE CONTROLLING BOARD 63240

Any money that the Controlling Board approves for expenditure 63241
or any increase in appropriation authority that the Controlling 63242
Board approves pursuant to the provisions of sections 127.14, 63243
131.35, and 131.39 of the Revised Code or any other provision of 63244
law is appropriated for the period ending June 30, 2003. 63245

Section 118. PERSONAL SERVICE EXPENSES 63246

Unless otherwise prohibited by law, any appropriation from 63247
which personal service expenses are paid shall bear the employer's 63248
share of public employees' retirement, workers' compensation, 63249
disabled workers' relief, and all group insurance programs; the 63250

costs of centralized accounting, centralized payroll processing, 63251
and related personnel reports and services; the cost of the Office 63252
of Collective Bargaining; the cost of the Personnel Board of 63253
Review; the cost of the Employee Assistance Program; the cost of 63254
the Equal Opportunity Center; the costs of interagency information 63255
management infrastructure; and the cost of administering the state 63256
employee merit system as required by section 124.07 of the Revised 63257
Code. These costs shall be determined in conformity with 63258
appropriate sections of law and paid in accordance with procedures 63259
specified by the Office of Budget and Management. Expenditures 63260
from appropriation item 070-601, Public Audit Expense - Local 63261
Government, in Fund 422 may be exempted from the requirements of 63262
this section. 63263

Section 119. REISSUANCE OF VOIDED WARRANTS 63264

In order to provide funds for the reissuance of voided 63265
warrants pursuant to section 117.47 of the Revised Code, there is 63266
appropriated, out of moneys in the state treasury from the fund 63267
credited as provided in section 117.47 of the Revised Code, that 63268
amount sufficient to pay such warrants when approved by the Office 63269
of Budget and Management. 63270

Section 120. * CAPITAL PROJECT SETTLEMENTS 63271

This section specifies an additional and supplemental 63272
procedure to provide for payments of judgments and settlements if 63273
the Director of Budget and Management determines, pursuant to 63274
division (C)(4) of section 2743.19 of the Revised Code, that 63275
sufficient unencumbered moneys do not exist in the particular 63276
appropriation to pay the amount of a final judgment rendered 63277
against the state or a state agency, including the settlement of a 63278
claim approved by a court, in an action upon and arising out of a 63279
contractual obligation for the construction or improvement of a 63280

capital facility if the costs under the contract were payable in 63281
whole or in part from a state capital projects appropriation. In 63282
such a case, the director may either proceed pursuant to division 63283
(C)(4) of section 2743.19 of the Revised Code, or apply to the 63284
Controlling Board to increase an appropriation or create an 63285
appropriation out of any unencumbered moneys in the state treasury 63286
to the credit of the capital projects fund from which the initial 63287
state appropriation was made. The Controlling Board may approve or 63288
disapprove the application as submitted or modified. The amount of 63289
an increase in appropriation or new appropriation specified in an 63290
application approved by the Controlling Board is hereby 63291
appropriated from the applicable capital projects fund and made 63292
available for the payment of the judgment or settlement. 63293

If the director does not make the application authorized by 63294
this section or the Controlling Board disapproves the application, 63295
and the director does not make application pursuant to division 63296
(C)(4) of section 2743.19 of the Revised Code, the director shall 63297
for the purpose of making that payment request to the General 63298
Assembly as provided for in division (C)(5) of that section. 63299

Section 121. INCOME TAX DISTRIBUTION TO COUNTIES 63300

There are hereby appropriated out of any moneys in the state 63301
treasury to the credit of the General Revenue Fund, which are not 63302
otherwise appropriated, funds sufficient to make any payment 63303
required by division (B)(2) of section 5747.03 of the Revised 63304
Code. 63305

Section 122. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 63306
AGAINST THE STATE 63307

Any appropriation may be used for the purpose of satisfying 63308
judgments or settlements in connection with civil actions against 63309
the state in federal court not barred by sovereign immunity or the 63310

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 63336

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: 63337
63338
63339

	FY 2002	FY 2003	
Department of Agriculture			63340 63341
Fund 4E4 Utility Radiological Safety	\$69,016	\$73,059	63342

Department of Health			63343
Fund 610 Radiation Emergency Response	\$870,505	\$923,315	63344
Environmental Protection Agency			63345
Fund 644 ER Radiological Safety	\$242,446	\$255,947	63346
Emergency Management Agency			63347
Fund 657 Utility Radiological Safety	\$874,602	\$927,241	63348

Section 124. UNCLAIMED FUNDS TRANSER 63349

Notwithstanding division (A) of section 169.05 of the Revised Code, prior to June 30, 2003, upon the request of the Director of Budget and Management, the Director of Commerce shall transfer to the General Revenue Fund up to \$30,000,000 of the unclaimed funds that have been reported by the holder of unclaimed funds as provided by section 169.05 of the Revised Code, irrespective of the allocation of the unclaimed funds under that section.

Section 125. GRF TRANSER TO FUND 5N4, ERP PROJECT IMPLEMENTATION 63357
63358

On July 1, 2001, or as soon thereafter as possible, the Director of Budget and Management shall transfer \$2,432,110 in cash from the General Revenue Fund to Fund 5N4, ERP Project Implementation. On July 1, 2002, or as soon thereafter as possible, the Director of Budget and Management shall transfer \$2,535,770 in cash from the General Revenue Fund to Fund 5N4, ERP Project Implementation.

Section 126. CORPORATE AND UCC FILING FUND TRANSFER TO GRF 63366

No later than the first day of June in each year of the biennium, the Director of Budget and Management shall transfer \$1,000,000 from the Corporate and Uniform Commercial Code Filing Fund to the General Revenue Fund.

Section 127. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 63371

Certain appropriations are in this act for the purpose of 63372
paying debt service and financing costs on general obligation 63373
bonds or notes of the state issued pursuant to the Ohio 63374
Constitution and acts of the General Assembly. If it is determined 63375
that additional appropriations are necessary for this purpose, 63376
such amounts are appropriated. 63377

Section 128. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 63378
STATE 63379

Certain appropriations are in this act for the purpose of 63380
making lease payments pursuant to leases and agreements relating 63381
to bonds or notes issued by the Ohio Building Authority or the 63382
Treasurer of State or, previously, by the Ohio Public Facilities 63383
Commission, pursuant to the Ohio Constitution and acts of the 63384
General Assembly. If it is determined that additional 63385
appropriations are necessary for this purpose, such amounts are 63386
appropriated. 63387

Section 129. AUTHORIZATION FOR TREASURER OF STATE AND OBM TO 63388
EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 63389

The Office of Budget and Management shall initiate and 63390
process disbursements from lease rental payment appropriation 63391
items during the period from July 1, 2001, to June 30, 2003, 63392
pursuant to leases and agreements relating to bonds or notes 63393
issued under Section 2i of Article VIII, Ohio Constitution, and 63394
Chapters 154. and 3318. of the Revised Code. Disbursements shall 63395
be made upon certification by the Treasurer of State of the dates 63396
and amounts due on those dates. 63397

Section 130. STATE AND LOCAL REBATE AUTHORIZATION 63398

There is hereby appropriated, from those funds designated by 63399
or pursuant to the applicable proceedings authorizing the issuance 63400
of state obligations, amounts computed at the time to represent 63401
the portion of investment income to be rebated or amounts in lieu 63402
of or in addition to any rebate amount to be paid to the federal 63403
government in order to maintain the exclusion from gross income 63404
for federal income tax purposes of interest on those state 63405
obligations pursuant to section 148(f) of the Internal Revenue 63406
Code. 63407

Rebate payments shall be approved and vouchered by the Office 63408
of Budget and Management. 63409

Section 131. TRANSFERS FROM SPECIFIED FUNDS 63410

Notwithstanding any other provision of law to the contrary, 63411
the Commissioners of the Sinking Fund shall transfer the balance 63412
remaining after provision for payment of all outstanding bonds or 63413
notes, coupons, and charges, from the Improvement Bond Retirement 63414
Fund, the Public Improvement Bond Retirement Fund, and the 63415
Development Bond Retirement Fund, to the General Revenue Fund as 63416
expeditiously as possible upon this act taking effect. 63417

Notwithstanding any other provision of law to the contrary, 63418
the Commissioners of the Sinking Fund shall transfer the balance 63419
remaining after provision for payment of all outstanding bonds or 63420
notes, coupons, and charges, from the Highway Improvement Bond 63421
Retirement Fund, to the Highway Operating Fund as expeditiously as 63422
possible upon taking effect of this act. 63423

Section 132. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 63424
REESTABLISHMENT OF ENCUMBRANCES 63425

Any cash transferred by the Director of Budget and Management 63426
as provided by section 126.15 of the Revised Code is appropriated. 63427
Any amounts necessary to reestablish appropriations or 63428

encumbrances as provided in section 126.15 of the Revised Code are 63429
appropriated. 63430

Section 133. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 63431

Pursuant to the plan for compliance with the Federal Cash 63432
Management Improvement Act required by section 131.36 of the 63433
Revised Code, the Director of Budget and Management is authorized 63434
to cancel and reestablish all or parts of encumbrances in like 63435
amounts within the funds identified by the plan. The amounts 63436
necessary to reestablish all or parts of encumbrances are 63437
appropriated. 63438

Section 134. STATEWIDE INDIRECT COST RECOVERY 63439

Whenever the Director of Budget and Management determines 63440
that an appropriation made to a state agency from a fund of the 63441
state is insufficient to provide for the recovery of statewide 63442
indirect costs pursuant to section 126.12 of the Revised Code, the 63443
amount required for such purpose is appropriated from the 63444
available receipts of such fund. 63445

Section 135. GRF TRANSFERS ON BEHALF OF THE STATEWIDE 63446
INDIRECT COST ALLOCATION PLAN 63447

The total transfers made from the General Revenue Fund by the 63448
Director of Budget and Management pursuant to this section shall 63449
not exceed the amounts transferred into the General Revenue Fund 63450
pursuant to division (B) of section 126.12 of the Revised Code. 63451

A director of an agency may certify to the Director of Budget 63452
and Management the amount of expenses not allowed to be included 63453
in the Statewide Indirect Cost Allocation plan pursuant to federal 63454
regulations, from any fund included in the Statewide Indirect Cost 63455
Allocation plan, prepared as required by section 126.12 of the 63456
Revised Code. 63457

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

wells, for a period ending when the encumbered appropriation is 63489
expended or for a period of two years, whichever is less; 63490

(D) For an encumbrance for any other expense, for such period 63491
as the director approves, provided such period does not exceed two 63492
years. 63493

Any operating appropriations for which unexpended balances 63494
are reappropriated beyond a five-month period from the end of the 63495
fiscal year, pursuant to division (B) of this section, shall be 63496
reported to the Controlling Board by the Director of Budget and 63497
Management by the thirty-first day of December of each year. The 63498
report on each such item shall include the item, the cost of the 63499
item, and the name of the vendor. This report to the board shall 63500
be updated on a quarterly basis for encumbrances remaining open. 63501

Upon the expiration of the reappropriation period set out in 63502
divisions (A), (B), (C), or (D) of this section, a reappropriation 63503
made pursuant to this section lapses, and the Director of Budget 63504
and Management shall cancel the encumbrance of the unexpended 63505
reappropriation no later than the end of the weekend following the 63506
expiration of the reappropriation period. 63507

Notwithstanding the preceding paragraph, with the approval of 63508
the Director of Budget and Management, an unexpended balance of an 63509
encumbrance that was reappropriated on the first day of July 63510
pursuant to this section for a period specified in division (C) or 63511
(D) of this section and that remains encumbered at the close of 63512
the fiscal biennium is hereby reappropriated pursuant to this 63513
section on the first day of July of the following fiscal biennium 63514
from the fund from which it was originally appropriated or 63515
reappropriated for the applicable period specified in division (C) 63516
or (D) of this section and shall remain available only for the 63517
purpose of discharging the encumbrance. 63518

If the Controlling Board approved a purchase, that approval 63519

remains in effect as long as the appropriation used to make that purchase remains encumbered. 63520
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Section 137. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 63522

Notwithstanding any provision of law to the contrary, on or before the first day of September of each fiscal year, the Director of Budget and Management, in order to reduce the payment of adjustments to the federal government, as determined by the plan prepared pursuant to division (A) of section 126.12 of the Revised Code, may designate such funds as the director considers necessary to retain their own interest earnings. 63523
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Section 138. FAMILY SERVICES STABILIZATION FUND 63530

During fiscal year 2002 the Director of Budget and Management may transfer up to \$100 million in cash from the Family Services Stabilization Fund to the General Revenue Fund. 63531
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Section 139. TEMPORARY STABILIZATION OF LOCAL GOVERNMENT DISTRIBUTIONS 63534
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(A) On or before the third day of each month of the period July 2001 through May 2002, the Tax Commissioner shall determine the amounts credited under sections 5727.45, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised Code, respectively, to the Local Government Fund, to the Library and Local Government Support Fund, and to the Local Government Revenue Assistance Fund in the twelfth preceding month. On or before June 3, 2002, the Tax Commissioner shall determine the amounts credited under sections 5727.45, 5733.12, 5739.21, 5741.03, and 5747.03 of the Revised Code, respectively, to the Local Government Fund, to the Library and Local Government Support Fund, and to the Local Government Revenue Assistance Fund in June 2000. For purposes of this section, any amount transferred during the period January 1, 2001, 63536
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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;	63579
(5) In November 2001 and November 2002, the amounts credited in November 2000;	63580 63581
(6) In December 2001 and December 2002, the amounts credited in December 2000;	63582 63583
(7) In January 2002 and January 2003, the amounts credited in January 2001;	63584 63585
(8) In February 2002 and February 2003, the amounts credited in February 2001;	63586 63587
(9) In March 2002 and March 2003, the amounts credited in March 2001;	63588 63589
(10) In April 2002 and April 2003, the amounts credited in April 2001;	63590 63591
(11) In May 2002 and May 2003, the amounts credited in May 2001;	63592 63593
(12) In June 2002 and June 2003, the amounts credited in June 2000.	63594 63595
(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	63596 63597 63598 63599 63600 63601 63602 63603 63604 63605 63606 63607 63608

instead be transferred to the General Revenue Fund. 63609

Notwithstanding any other provision of law to the contrary, 63610
the Tax Commissioner shall compute separate adjustments to the 63611
amounts credited from the public utility excise, corporate 63612
franchise, sales, use, and personal income taxes to the Local 63613
Government Fund, the Local Government Revenue Assistance Fund, and 63614
the Library and Local Government Support Fund during July 2001. 63615
The adjustments shall equal the amount credited to each respective 63616
fund from each respective tax during June 2000 minus the amount 63617
credited to that fund from that tax during June 2001. If an 63618
adjustment is a positive amount, during July 2001, such amount 63619
shall be credited to the Local Government Fund, the Local 63620
Government Revenue Assistance Fund, or the Library and Local 63621
Government Support Fund, as appropriate, and shall be deducted 63622
from the General Revenue Fund. If an adjustment is a negative 63623
amount, during July 2001, such amount shall be deducted from the 63624
Local Government Fund, the Local Government Revenue Assistance 63625
Fund, or the Library and Local Government Support Fund, as 63626
appropriate, and shall be credited to the General Revenue Fund. 63627
Any amount remaining in the Local Government Fund, the Local 63628
Government Revenue Assistance Fund, or the Library and Local 63629
Government Support Fund after the distributions from such funds 63630
are made to local governments in August 2001, shall be certified 63631
by the Tax Commissioner to the Director of Budget and Management 63632
by August 15, 2001, and the Director of Budget and Management 63633
shall transfer such amount from each respective fund to the 63634
General Revenue Fund by August 31, 2001. 63635

For purposes of this section, "pro rata share" means the 63636
percentage calculated for each county and used in each month of 63637
the period July 2000 through June 2001 to distribute the amounts 63638
credited to the Library and Local Government Support Fund in 63639
accordance with section 5747.47 of the Revised Code. 63640

Notwithstanding any other provision of law to the contrary, 63641
in July 2001, each county undivided library and local government 63642
support fund shall receive from the Library and Local Government 63643
Support Fund an amount equal to the amount it would have received 63644
pursuant to section 5747.47 of the Revised Code for that month, 63645
minus its pro rata share of any amount that has been or shall be 63646
transferred from the Library and Local Government Support Fund to 63647
the OPLIN Technology Fund in that month. In August 2001, each 63648
county undivided library and local government support fund shall 63649
receive from the Library and Local Government Support Fund an 63650
amount equal to the amount it received from that fund in July 2000 63651
and August 2000 minus the amount it received from that fund in 63652
July 2001 and minus its pro rata share of any amount transferred 63653
from that fund to the OPLIN Technology Fund in July 2001 or August 63654
2001. In August 2001, each county undivided local government fund 63655
shall receive from the Local Government Fund, each municipality 63656
that receives a distribution directly from the Local Government 63657
Fund shall receive from that fund, and each county undivided local 63658
government revenue assistance fund shall receive from the Local 63659
Government Revenue Assistance Fund an amount equal to the amount 63660
it received from that respective fund in July 2000 and August 2000 63661
minus the amount it received from that respective fund in July 63662
2001. In each month of the periods September 1, 2001, through June 63663
30, 2002, and September 1, 2002, through June 30, 2003, each 63664
county undivided local government fund shall receive from the 63665
Local Government Fund, each municipality that receives a 63666
distribution directly from the Local Government Fund shall receive 63667
from that fund, each county undivided local government revenue 63668
assistance fund shall receive from the Local Government Revenue 63669
Assistance Fund, and each county undivided library and local 63670
government support fund shall receive from the Library and Local 63671
Government Support Fund, the same amount it received from that 63672
respective fund in the corresponding month of the period September 63673

1, 2000, through June 2001. In each month of the period July 1, 63674
2002, through August 31, 2002, and in the month of July 2003, each 63675
county undivided local government fund shall receive from the 63676
Local Government Fund, each municipality that receives a 63677
distribution directly from the Local Government Fund shall receive 63678
from that fund, each county undivided local government revenue 63679
assistance fund shall receive from the Local Government Revenue 63680
Assistance Fund, and each county undivided library and local 63681
government support fund shall receive from the Library and Local 63682
Government Support Fund, the same amount it received from that 63683
respective fund in the corresponding month of the period July 1, 63684
2000, through August 31, 2000. If during any month of the period 63685
September 1, 2001, through July 31, 2003, a transfer is made from 63686
the Library and Local Government Support Fund to the OPLIN 63687
Technology Fund, the amount distributed to each county undivided 63688
library and local government support fund shall be reduced by its 63689
pro rata share of the amount transferred. 63690

During the period July 1, 2001, through July 31, 2003, the 63691
Director of Budget and Management shall issue those directives to 63692
state agencies that are necessary to ensure that the appropriate 63693
amounts are distributed to the Local Government Fund, to the Local 63694
Government Revenue Assistance Fund, and to the Library and Local 63695
Government Support Fund to accomplish the purposes of this 63696
section. 63697

Section 140. BUDGET STABILIZATION FUND TRANSFERS FOR THE 63698
DEPARTMENT OF JOB AND FAMILY SERVICES 63699

Notwithstanding section 131.43 and division (D) of section 63700
127.14 of the Revised Code, if the Director of Budget and 63701
Management, in consultation with the Director of Job and Family 63702
Services, determines that Medicaid expenditures for the biennium 63703
are likely to exceed the amounts appropriated in the Department of 63704

Job and Family Services appropriation item 600-525, Health 63705
Care/Medicaid, the Director of Budget and Management may, with 63706
Controlling Board approval, transfer up to \$150 million in cash 63707
from the Budget Stabilization Fund to the General Revenue Fund and 63708
increase the appropriation to appropriation item 600-525, Health 63709
Care/Medicaid, accordingly. In increasing the appropriation to 63710
appropriation item 600-525, Health Care/Medicaid, the Director of 63711
Budget and Management shall add to the amount transferred from the 63712
Budget Stabilization Fund appropriation amounts that are 63713
attributable to the federal match that is indicated by the state 63714
and federal division of appropriation item 600-525, Health 63715
Care/Medicaid, as represented in this act. Before any transfers 63716
are authorized, the Director of Budget and Management shall 63717
exhaust the possibilities for transfers of moneys within the 63718
Department of Job and Family Services to meet the identified 63719
shortfall. 63720

Section 141. BUDGET STABILIZATION FUND TRANSFERS TO THE 63721
EMERGENCY PURPOSES FUND 63722

Notwithstanding section 131.43 of the Revised Code and 63723
division (D) of section 127.14 of the Revised Code, the Director 63724
of Budget and Management may, with Controlling Board approval, 63725
transfer up to \$5 million, in each of fiscal years 2002 and 2003, 63726
from the Budget Stabilization Fund to the Emergency Purposes Fund 63727
of the Controlling Board, which is hereby created in the state 63728
treasury, and establish the necessary appropriation authority. The 63729
Controlling Board may, at the request of any state agency or the 63730
Director of Budget and Management, transfer all or part of the 63731
moneys in the fund for the purpose of providing disaster and 63732
emergency situation aid to state agencies and political 63733
subdivisions in the event of disasters and emergency situations. 63734

Section 142. TRANSFERS TO THE GENERAL REVENUE FUND 63735

Notwithstanding any other provision of law to the contrary, 63736
during fiscal years 2002 and 2003, the Director of Budget and 63737
Management is hereby authorized to transfer cash from non-federal, 63738
non-General Revenue Fund funds that are not constitutionally 63739
restricted to the General Revenue Fund. The total amount of cash 63740
transfers made pursuant to this section to the General Revenue 63741
Fund during fiscal years 2002 and 2003 shall not exceed \$30 63742
million. 63743

Section 143. That Section 5 of Am. Sub. S.B. 50 of the 121st 63744
General Assembly, as most recently amended by Am. Sub. H.B. 283 of 63745
the 123rd General Assembly, be amended to read as follows: 63746

"**Sec. 5.** Sections 3 and 4 of Am. Sub. S.B. 50 of the 121st 63747
General Assembly shall take effect ~~July 1, 2001~~ October 16, 2003." 63748

Section 144. That existing Section 5 of Am. Sub. S.B. 50 of 63749
the 121st General Assembly, as most recently amended by Am. Sub. 63750
H.B. 283 of the 123rd General Assembly, is hereby repealed. 63751

Section 145. That Section 153 of Am. Sub. H.B. 117 of the 63752
121st General Assembly, as most recently amended by Am. Sub. H.B. 63753
283 of the 123rd General Assembly, be amended to read as follows: 63754

"**Sec. 153.** (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 63755
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 63756
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 63757
repealed, effective ~~July 1~~ October 16, 2001 2003. 63758

(B) Any money remaining in the Legislative Budget Services 63759
Fund on ~~July 1~~ October 16, 2001 2003, the date that section 63760
5112.19 of the Revised Code is repealed by division (A) of this 63761
section, shall be used solely for the purposes stated in then 63762
former section 5112.19 of the Revised Code. When all money in the 63763

Legislative Budget Services Fund has been spent after then former 63764
section 5112.19 of the Revised Code is repealed under division (A) 63765
of this section, the fund shall cease to exist." 63766

Section 146. That existing Section 153 of Am. Sub. H.B. 117 63767
of the 121st General Assembly, as most recently amended by Am. 63768
Sub. H.B. 283 of the 123rd General Assembly, is hereby repealed. 63769

Section 147. That Section 3 of Am. Sub. H.B. 440 of the 121st 63770
General Assembly, as most recently amended by Sub. S.B. 245 of the 63771
123rd General Assembly, be amended to read as follows: 63772

"**Sec. 3.** Sections 122.23, 122.24, 122.25, 122.26, and 122.27 63773
of the Revised Code are hereby repealed, effective July 1, ~~2001~~ 63774
2003." 63775

Section 148. That existing Section 3 of Am. Sub. H.B. 440 of 63776
the 121st General Assembly, as most recently amended by Sub. S.B. 63777
245 of the 123rd General Assembly, is hereby repealed. 63778

Section 149. That Section 3 of Am. Sub. H.B. 215 of the 122nd 63779
General Assembly, as amended by Am. Sub. H.B. 283 of the 123rd 63780
General Assembly, be amended to read as follows: 63781

"**Sec. 3.** Section 1751.68 of the Revised Code is hereby 63782
repealed, effective ~~July 1, 2001~~ October 16, 2003." 63783

Section 150. That existing Section 3 of Am. Sub. H.B. 215 of 63784
the 122nd General Assembly, as amended by Am. Sub. H.B. 283 of the 63785
123rd General Assembly, is hereby repealed. 63786

Section 151. That Section 3 of Am. Sub. H.B. 621 of the 122nd 63787
General Assembly, as most recently amended by Am. Sub. H.B. 283 of 63788
the 123rd General Assembly, be amended to read as follows: 63789

"**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." 63790
63791
63792

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. 63793
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63795

Section 153. That Section 9 of Am. Sub. S.B. 192 of the 123rd General Assembly be amended to read as follows: 63796
63797

"**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. 63798
63799
63800
63801

		Appropriations	
	AGO ATTORNEY GENERAL		63802
CAP-716	Lab and Training Facility Improvements	\$ 2,000,000	63803
		<u>5,200,000</u>	63804
TOTAL	Attorney General	\$ 2,000,000	63805
		<u>5,200,000</u>	63806
TOTAL	Law Enforcement Improvements Trust Fund	\$ 2,000,000	63807
		<u>5,200,000"</u>	63808

Section 154. That existing Section 9 of Am. Sub. S.B. 192 of the 123rd General Assembly is hereby repealed. 63810
63811

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: 63812
63813
63814

"**Sec. 18.** (A) The Tobacco Oversight Accountability Panel is hereby created. The committee shall consist of the Director of 63815
63816

Budget and Management or the Director's designee, three members of 63817
the House of Representatives appointed by the Speaker of the House 63818
of Representatives, no more than two of whom shall belong to the 63819
same political party as the Speaker, and three members of the 63820
Senate appointed by the President of the Senate, no more than two 63821
of whom shall belong to the same political party as the President. 63822

(B) The Panel shall develop appropriate achievement 63823
benchmarks for each of the following: 63824

(1) The Tobacco Use Prevention and Cessation Trust Fund; 63825

(2) The Law Enforcement Improvements Trust Fund; 63826

(3) The Southern Ohio Agricultural and Community Development 63827
Trust Fund; 63828

(4) Ohio's Public Health Priorities Trust Fund; 63829

(5) The Biomedical Research and Technology Transfer Trust 63830
Fund; 63831

(6) The Education Facilities Trust Fund; 63832

(7) The Education Technology Trust Fund. 63833

(C) On or before ~~July 1~~ December 31, 2001, the Panel shall 63834
submit a report describing the achievement benchmarks developed 63835
under division (B) of this section to the Governor, the General 63836
Assembly, and the chairpersons and ranking minority members of the 63837
finance committees of the Senate and House of Representatives. 63838
Upon submitting the report, the panel shall cease to exist." 63839

Section 156. That existing Section 18 of Am. Sub. S.B. 192 of 63840
the 123rd General Assembly, as amended by Sub. S.B. 346 of the 63841
123rd General Assembly, is hereby repealed. 63842

Section 157. That Section 4 of Am. S.B. 210 of the 123rd 63843
General Assembly be amended to read as follows: 63844

"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

MUSKINGUM COUNTY JUVENILE JUSTICE CENTER 63903

The amount reappropriated for the foregoing appropriation 63904
item CAP-830, Muskingum County Juvenile Justice Center, shall be 63905
\$600,000. 63906

Sec. 28.43. SOC SOUTHERN STATE COMMUNITY COLLEGE 63907

CAP-010	Basic Renovations	\$	132,297	63908
CAP-019	New North Campus Facility	\$	249,553	63909
CAP-022	Clinton County Facility	\$	405,381	63910
Total Southern State Community College			\$ 787,231	63911

CLINTON COUNTY FACILITY 63912

The amount reappropriated for the foregoing appropriation 63913
item CAP-022, Clinton County Facility, shall be the sum of the 63914
unencumbered and unallotted balances as of June 30, 2000, in 63915
appropriation item CAP-022, plus \$70,142." 63916

Section 160. That existing Sections 9a and 28.43 of Sub. S.B. 63917
245 of the 123rd General Assembly is hereby repealed. 63918

Section 161. That Sections 10 and 13 of Am. Sub. S.B. 287 of 63919
the 123rd General Assembly be amended to read as follows: 63920

"**Sec. 10.** The excise tax imposed by section 5727.811 of the 63921
Revised Code shall ~~first~~ apply to every natural gas ~~distributed~~ 63922
distribution company for all natural gas volumes billed by, or on 63923
behalf of, the company on and after July 1, 2001. Before that 63924
date, a natural gas distribution company shall register with the 63925
Tax Commissioner in accordance with section 5727.93 of the Revised 63926
Code, as amended by ~~this act~~ Am. Sub. S.B. 287 of the 123rd 63927
General Assembly. 63928

Sec. 13. (A) The amendment or enactment by ~~this act~~ Am. Sub. 63929

S.B. 287 of the 123rd General Assembly of sections 5733.053, 63930
5733.06, 5733.40, 5747.221, and 5747.24 of the Revised Code first 63931
applies to tax year 2002. 63932

(B) The amendment by Am. Sub. S.B. 287 of the 123rd General 63933
Assembly of section 5733.40 of the Revised Code applies to taxable 63934
years beginning in 2001 or thereafter." 63935

Section 162. That existing Sections 10 and 13 of Am. Sub. 63936
S.B. 287 of the 123rd General Assembly are hereby repealed. 63937

Section 163. That Section 129 of Am. Sub. H.B. 283 of the 63938
123rd General Assembly be amended to read as follows: 63939

"Sec. 129. MORATORIUM FOR NEW MR/DD RESIDENTIAL FACILITY BEDS 63940
63941

(A) During Notwithstanding sections 5123.042 and 5123.19 of 63942
the Revised Code, during the period beginning July 1, 1999 2001, 63943
and ending June 30, 2001 October 15, 2003, the Department Director 63944
of Mental Retardation and Developmental Disabilities shall not 63945
issue refuse to approve a proposal for the development approval 63946
for, nor of residential facility beds or to issue a license under 63947
section 5123.19 of the Revised Code, new residential facility if 63948
the approval or issuance will result in an increase in the number 63949
of residential facility beds for persons with mental retardation 63950
or developmental disabilities, except that the department may 63951
approve the development or licensure, or both, of such new beds in 63952
an emergency. The department shall adopt rules in accordance with 63953
Chapter 119. of the Revised Code specifying what constitutes an 63954
emergency for the purposes of this section above the statewide 63955
total number of residential facility beds on October 28, 1993. For 63956
purposes of identifying the number of beds that existed on that 63957
date, the Director shall include the number of nursing home beds 63958

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 63991
certificate of need granted under section 3702.52 of the Revised 63992
Code; 63993

(2) The applicant is not the entity that holds the 63994
controlling interest in the right to operate those beds pursuant 63995
to a certificate of need granted under section 3702.52 of the 63996
Revised Code, but prior to July 1, 2001, the director approved the 63997
applicant's proposal for the development of residential facility 63998
beds by converting the beds to beds licensed under section 5123.19 63999
of the Revised Code. 64000

(C) The director shall authorize under division (B) of this 64001
section no additional beds beyond those being converted to 64002
residential facility beds licensed under section 5123.19 of the 64003
Revised Code." 64004

Section 164. That existing Section 129 of Am. Sub. H.B. 283 64005
of the 123rd General Assembly is hereby repealed. 64006

Section 165. That Section 1 of Sub. H.B. 574 of the 123rd 64007
General Assembly be amended to read as follows: 64008

~~"Sec. 1. (A) Within thirty days after the effective date of~~ 64009
~~this act~~ Not later than January 31, 2001, a joint legislative 64010
committee shall be appointed to study the impact of high 64011
technology start-up businesses on economic development and small 64012
businesses in this state and certain other matters. The committee 64013
shall consist of seventeen members, two of whom shall serve as 64014
co-chairpersons, as follows: 64015

(1) Three members from the House of Representatives, two of 64016
whom shall be appointed by the Speaker of the House of 64017
Representatives and one of whom shall be appointed by the Minority 64018
Leader of the House of Representatives. The Speaker of the House 64019

of Representatives shall designate one of the members appointed by the Speaker as a co-chairperson of the committee. 64020
64021

(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. 64022
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(3) One former member of the House of Representatives appointed by the Speaker of the House of Representatives; 64027
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(4) One former member of the Senate appointed by the President of the Senate; 64029
64030

(5) One member, appointed by the Speaker of the House of Representatives, who shall represent the venture capital industry in the state; 64031
64032
64033

(6) One member, appointed by the President of the Senate, who shall be an attorney and an expert in high-technology legal issues; 64034
64035
64036

(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; 64037
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(8) The Director of Development or the Director's designee. 64043

(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 64044
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hearings. These and other expenses associated with the committee's 64050
performance of its functions shall be paid from any funds 64051
appropriated for the operation of committees of the General 64052
Assembly. 64053

(C) The committee shall examine how to retain high technology 64054
start-up businesses in the state, the factors motivating these 64055
businesses to locate in the state or to relocate out of the state, 64056
and the overall impact of these businesses on economic development 64057
and small businesses in Ohio. The committee shall submit a report 64058
along with its recommendations based on the study to the General 64059
Assembly by ~~August~~ March 1, ~~2001~~ 2002. Upon submitting its report 64060
and recommendations, the committee shall cease to exist." 64061
64062

Section 166. That existing Section 1 of Sub. H.B. 574 of the 64063
123rd General Assembly is hereby repealed. 64064

Section 167. * That Sections 6.02, 9, 21.01, and 23 of Am. 64065
Sub. H.B. 640 of the 123rd General Assembly be amended to read as 64066
follows: 64067

"**Sec. 6.02.** AFC ARTS AND SPORTS FACILITIES COMMISSION 64068

CAP-047	Cincinnati Classical Music Hall of Fame	\$	300,000	64069
CAP-053	Powers Auditorium Improvements	\$	500,000	64070
CAP-059	Johnny Appleseed Museum Theatre	\$	200,000	64071
CAP-818	Great Lakes League Baseball Stadium in Lake County	\$	350,000	64072
CAP-819	Cooper Stadium Relocation Feasibility Study	\$	350,000	64073
Total Arts And Sports Facilities Commission			\$ 1,700,000	64074

GREAT LAKES LEAGUE BASEBALL STADIUM IN LAKE COUNTY 64075

Notwithstanding division (F) of section 3383.07 of the 64076

Revised Code, all or a portion of the foregoing appropriation item 64077
CAP-818, Great Lakes League Baseball Stadium in Lake County, may 64078
be expended for the cost of preparing a financial and development 64079
plan or feasibility study, and purchasing engineering and 64080
architectural services, designs, plans, specifications, surveys, 64081
and estimates of costs for that Great Lakes League Baseball 64082
Stadium in Lake County. Any amount expended for that purpose from 64083
the appropriation shall count toward the maximum fifteen percent 64084
of the construction cost of the sports facility to be paid from 64085
state funds. 64086

COOPER STADIUM RELOCATION FEASIBILITY STUDY 64087

Notwithstanding division (F) of section 3383.07 of the 64088
Revised Code, all or a portion of the foregoing appropriation item 64089
CAP-819, Cooper Stadium Relocation Feasibility Study, may be 64090
expended for the cost of preparing a financial and development 64091
plan or feasibility study, renovation, and purchasing engineering 64092
and architectural services, designs, plans, specifications, 64093
surveys, and estimates of costs for that Cooper Stadium. Any 64094
amount expended for that purpose from the appropriation shall 64095
count toward the maximum fifteen percent of the construction cost 64096
of the sports facility to be paid from state funds. 64097

Sec. 9. All items set forth in this section are hereby 64098
appropriated out of any moneys in the state treasury to the credit 64099
of the Waterways Safety Fund (Fund 086), which are not otherwise 64100
appropriated. 64101

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES			64102
CAP-324	Cooperative Funding for Boating	\$ 5,600,000	64103
	Facilities	<u>6,600,000</u>	64104
CAP-874	Recreational Harbor Evaluation Project	\$ 1,000,000	64105
CAP-934	Operations Facilities Development	\$ 800,000	64106

Total Department of Natural Resources	\$	7,400,000	64107
		<u>8,400,000</u>	64108
Total Waterways Safety Fund	\$	7,400,000	64109
		<u>8,400,000</u>	64110

Sec. 21.01. ADA DEPARTMENT OF ALCOHOL AND DRUG 64112

ADDICTION SERVICES 64113

CAP-002 Community Assistance Projects \$ 3,365,000 64114

Total Department of Alcohol and Drug Addiction 64115

Services \$ 3,365,000 64116

COMMUNITY ASSISTANCE PROJECTS 64117

Of the foregoing appropriation item CAP-002, Community 64118
Assistance Projects, \$225,000 shall be used for the Adelante Drug 64119
and Alcohol Treatment Facility, ~~\$100,000 shall be used for the~~ 64120
~~Foundations Recovery Center,~~ and \$40,000 shall be used for the 64121
Sojourner Women's and Children's Outpatient Center. 64122

RESPONSIBILITY FOR FACILITIES 64123

No portion of the foregoing appropriation item, CAP-002, 64124
Community Assistance Projects, shall be used for the Hamilton 64125
County Alcohol and Drug Addiction Services Center or the Stark 64126
County Alcohol and Drug Addiction Services Center until the 64127
Department of Alcohol and Drug Addiction Services and the county 64128
in which the facility is located first enter into an agreement 64129
regarding the transfer of the title of the facility and the 64130
associated property from the state to the county in which it is 64131
located. If the county refuses or otherwise fails to enter into an 64132
agreement on or before June 30, 2001, the department may transfer 64133
title to the facility and associated property to any other person 64134
or entity when the transfer is deemed advantageous to the state. 64135
It shall be specified in the agreement that when title to the 64136
facility and associated property is transferred, then immediately 64137
upon the transfer of title the transferee shall assume all 64138

responsibility, including financial responsibility, for the 64139
 facility and associated property. The foregoing condition placed 64140
 on the release of funds to the Hamilton County Alcohol and Drug 64141
 Addiction Services Center and the Stark County Alcohol and Drug 64142
 Addiction Services Center shall not apply if such release of funds 64143
 is necessary to protect the health and safety of the Center 64144
 patients. 64145

Sec. 23. All items set forth in this section are hereby 64146
 appropriated out of any moneys in the state treasury to the credit 64147
 of the Parks and Recreation Improvement Fund (Fund 035) created by 64148
 division (F) of section 154.22 of the Revised Code, derived from 64149
 the proceeds of obligations heretofore and herein authorized, to 64150
 pay costs of capital facilities, as defined in section 154.01 of 64151
 the Revised Code, for parks and recreation. 64152

			Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES				64153
CAP-012	Land Acquisition	\$ 3,150,000		64154
CAP-113	East Harbor State Park Shoreline Stabilization	\$ 850,000		64155
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$ 8,725,000		64156
CAP-718	Grand Lake St. Mary's State Park	\$ 150,000		64157
CAP-748	Local Parks Projects	\$ 4,409,000		64158
CAP-787	Scioto Riverfront Improvements	\$ 9,175,000		64159
CAP-789	Great Miami Riverfront Improvements	\$ 2,000,000		64160
CAP-821	State Park Dredging and Shoreline Protection	\$ 300,000		64161
CAP-836	State Park Renovations/Upgrading	\$ 50,000		64162
CAP-876	Statewide Trails Program	\$ 3,175,000		64163
CAP-910	Scioto Peninsula Property Acquisition	\$ 4,750,000		64164
CAP-928	Statewide Accessibility Improvements	\$ 125,000		64165

CAP-931	Statewide Wastewater/Water Systems	\$	2,000,000	64166
	Upgrade			
Total Department of Natural Resources		\$	38,859,000	64167
Total Parks and Recreation Improvement Fund		\$	38,859,000	64168
FEDERAL REIMBURSEMENT				64169
All reimbursements received from the federal government for				64170
any expenditures made pursuant to this section shall be deposited				64171
in the state treasury to the credit of the Parks and Recreation				64172
Improvement Fund (Fund 035).				64173
LOCAL PARKS PROJECTS				64174
Of the foregoing appropriation item CAP-748, Local Parks				64175
Projects, \$100,000 shall be used for the Darke County Park				64176
District; \$750,000 <u>\$500,000</u> shall be used for Erie Metro Parks				64177
Land Acquisition; \$40,000 shall be used for Grove City Fryer Park				64178
Improvements; \$60,000 shall be used for Ritter Park Improvements;				64179
\$125,000 shall be used for Highland Community Park Improvements;				64180
\$12,500 shall be used for Big Prairie/Lakeville Park Improvements;				64181
\$25,000 shall be used for Holmes County Park Improvements; \$25,000				64182
shall be used for Stockport Riverfront Park Improvements; \$50,000				64183
shall be used for Silver Park Improvements; \$50,000 shall be used				64184
for New Philadelphia City Park Improvements; \$100,000 shall be				64185
used for Dover Park Improvements; \$40,000 shall be used for				64186
Newcomerstown Park Improvements; \$60,000 shall be used for				64187
Sugarcreek Park Improvements; \$20,000 shall be used for Dodge Park				64188
Improvements; \$20,000 shall be used for Grandview Park				64189
Improvements; \$6,500 shall be used for Crossroads Park				64190
Improvements; \$38,000 shall be used for Wauseon Park Land				64191
Acquisition; \$450,000 shall be used for Barberton Park				64192
Improvements; \$150,000 shall be used for Black Swamp Land				64193
Acquisition <u>Improvements</u> ; \$50,000 shall be used for Felicity Park				64194
Improvements; \$50,000 shall be used for Cincinnati Whitewater				64195

Canal Tunnel Park; \$75,000 shall be used for the Walbridge Parks 64196
Improvements; \$50,000 shall be used for the Village of Richwood 64197
Parks; \$112,000 shall be used for the West Creek Preserve - City 64198
of Parma; \$100,000 shall be used by the West Creek Preservation 64199
Committee for a West Creek Watershed Project; and \$350,000 shall 64200
be used for Stark County Parks. 64201

LOCAL PARKS PROJECTS - RIVERFRONT PLAZA 64202

Of the foregoing appropriation item CAP-748, Local Parks 64203
Projects, \$1,000,000 shall be used for Riverfront Plaza in 64204
Cincinnati. The Director of Natural Resources shall study and 64205
determine whether it is feasible and suitable to include the 64206
Riverfront Plaza in the state park system. 64207

STATEWIDE TRAILS PROGRAM 64208

Of the foregoing appropriation item CAP-876, Statewide Trails 64209
Program, \$2,000,000 shall be used for the Ohio to Erie Bike Trail 64210
in Greene County, Madison County, and Clark County; \$125,000 shall 64211
be used for the Bike Path Extension in Delaware County; \$150,000 64212
shall be used for the Village Green Hillside Bike/Hike Path in 64213
Butler County; \$150,000 shall be used for the Pleasant Run Creek 64214
Bike/Hike Path in Butler County; \$500,000 shall be used for the 64215
Delhi Nature Trail in Hamilton County; \$50,000 shall be used for 64216
the New Richmond Bike Path; and \$50,000 shall be used for the Lake 64217
to River Greenway Bike Path in Trumbull County. 64218

SCIOTO RIVERFRONT IMPROVEMENTS 64219

Of the foregoing appropriation item CAP-787, Scioto 64220
Riverfront Improvements, \$7,750,000 shall be used for Spring and 64221
Long Park and \$1,425,000 shall be used for Whittier peninsula 64222
property acquisition and demolition. 64223

STATE PARK RENOVATIONS/UPGRADING 64224

Of the foregoing appropriation item CAP-836, State Park 64225

Renovations/Upgrading, \$50,000 shall be used for the Kennedy Stone House Improvements in Salt Fork State Park." 64226
64227

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. 64228
64229
64230

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: 64231
64232
64233
64234

Appropriations

"Sec. 6.01. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 64235
CAP-785 Rural Areas Historical Projects \$ ~~4,838,500~~ 64236
5,338,500
CAP-786 Rural Areas Community Improvements \$ 13,537,300 64237
CAP-817 Urban Areas Community Improvements \$ 27,066,000 64238
CAP-818 Community Theatre Renovations \$ 1,210,000 64239
Total Department of Administrative Services \$ ~~46,651,800~~ 64240
47,151,800

RURAL AREAS HISTORICAL PROJECTS 64241

From the foregoing appropriation item CAP-785, Rural Areas Historical Projects, grants shall be made for the following projects: 64242
64243
64244

Euclid Beach Carousel \$ 500,000 64245
Camden Town Hall and Opera House \$ 75,000 64246
Historic Hopewell Church \$ 10,000 64247
Preble County Historical Society \$ 150,000 64248
Allen County Museum Building Expansion \$ 600,000 64249
Allen County Railroad Museum \$ 50,000 64250
John P. Parker Historic Site Restoration \$ 200,000 64251

Grant Memorial Building	\$	185,000	64252
Steamship William G. Mather Maritime Museum	\$	25,000	64253
Bedford Historical Society	\$	250,000	64254
Fulton County Historical Society Museum			64255
Rehabilitation	\$	50,000	64256
Lyons and Area Historical Society Train Depot			64257
Restoration	\$	40,000	64258
Middlefield Historical Society	\$	45,000	64259
Hancock Historical Society-New			64260
Agriculture/Transportation Building	\$	150,000	64261
Henry County Historical Society Building			64262
Improvements	\$	50,000	64263
Holmes County Historic Building Improvements	\$	25,000	64264
Holmes County Historical Society Victorian			64265
House	\$	30,000	64266
Harvey Wells House Restoration	\$	100,000	64267
Western Reserve Railroad Association Train			64268
Station Improvements	\$	10,000	64269
Great Lakes Historical Society Renovations	\$	200,000	64270
Monroe County Park District Parry Museum	\$	20,000	64271
Morgan County Historical Society Building			64272
Renovations	\$	25,000	64273
General Sheridan Monument Restoration	\$	6,000	64274
Haydenville Museum	\$	7,500	64275
Overland Inn Historical Site	\$	50,000	64276
Spring Hill Historic Home	\$	100,000	64277
Stan Hywet Hall and Gardens	\$	1,000,000	64278
Gnadenhutten Historical Society	\$	15,000	64279
Van Wert Historical Society Red Barn Project	\$	40,000	64280
Marietta Lockmaster's House Renovation	\$	50,000	64281
New Matamorus Historical Society Renovations	\$	25,000	64282
Wayne County Historical Society	\$	150,000	64283
Wood County Historic Courthouse	\$	1,000,000	64284

Mt. Pleasant Historical Society	\$	10,000	64285
Dennison Railroad Depot Museum	\$	95,000	64286
RURAL AREAS COMMUNITY IMPROVEMENTS			64287
From the foregoing appropriation item CAP-786, Rural Areas			64288
Community Improvements, grants shall be made for the following			64289
projects:			64290
Southern Ohio Health Network Facility	\$	100,000	64291
Allen County Reservoir Feasibility Study	\$	250,000	64292
Belmont County Office Space	\$	30,000	64293
Meigs County Industrial Park	\$	100,000	64294
Lawrence County Industrial Park	\$	100,000	64295
Gallia County Industrial Park	\$	100,000	64296
Community Building - Belmont County	\$	2,000,000	64297
Watt Center - Belmont County	\$	15,000	64298
4-H Barn - Brown County	\$	50,000	64299
People Working Cooperatively Facility			64300
Improvements	\$	75,000	64301
Champaign YMCA	\$	200,000	64302
Clermont County Courthouse	\$	50,000	64303
Clermont County Visitor Information Center	\$	50,000	64304
Clinton County Firing Range	\$	50,000	64305
Coshocton Infrastructure Improvements	\$	150,000	64306
Bethlehem Water Well	\$	2,700	64307
West Lafayette Municipal Building Roof	\$	7,200	64308
Tuscarawas Township Safety Improvements	\$	10,000	64309
Village of Warsaw Improvements	\$	39,100	64310
Coshocton Softball Field Lighting Improvements	\$	20,000	64311
Defiance/Williams Flood Mitigation Project	\$	1,350,000	64312
Bellepoint Bridge Reconstruction	\$	75,000	64313
West After-School Center	\$	50,000	64314
Gallia County Water Projects	\$	25,000	64315
Fairmount Fine Arts Center	\$	40,000	64316

Guernsey Infrastructure Improvements	\$	100,000	64317
Tornado Warning Sirens - Guernsey County	\$	60,000	64318
Old Kenton Armory Improvements	\$	100,000	64319
Court House/City Hall Improvements - Highland County	\$	400,000	64321
Holmes County Home Renovations	\$	25,000	64322
Old Children's Home Renovations - Holmes County	\$	25,000	64323
Fairport Community Center	\$	150,000	64324
Mentor Fire and Police Headquarters Relocation	\$	100,000	64325
Hanna House - Lake County	\$	25,000	64326
Perry Township Industrial Park Land Acquisition	\$	65,000	64327
Red Mill Creek Water Retention Basin	\$	20,000	64328
Madison Village Community Building ADA Upgrades	\$	12,500	64329
Mentor-on-the-Lake Erosion Control Project	\$	135,000	64330
Athalia Community Facility	\$	20,000	64331
Chesapeake Community Facility	\$	20,000	64332
Proctorville Community Facility	\$	20,000	64333
Lawrence County Water Projects	\$	25,000	64334
Downtown Parking Garage and Walkway - Licking County	\$	500,000	64336
Institute of Industrial Technology	\$	500,000	64337
Outdoor Education Laboratory Construction - Marion County	\$	60,000	64339
Medina County Engineered Fuel Project	\$	575,000	64340
Chester Court House	\$	15,000	64341
Meigs County Water Projects	\$	25,000	64342
Fort Piqua Hotel	\$	400,000	64343
Graysville Community Center	\$	50,000	64344
Midway Community Center	\$	10,000	64345
Chesterhill Water Tower Improvements	\$	50,000	64346
Morgan Infrastructure Improvements	\$	100,000	64347
Morgan County Economic Development	\$	125,000	64348
Secrest Auditorium Improvements	\$	50,000	64349

Diesel Powered Generators - Muskingum County	\$	6,000	64350
Muskingum County Center for Seniors	\$	8,000	64351
Maysville Community Improvements	\$	10,000	64352
Muskingum County Court House Improvements	\$	65,000	64353
Litter Prevention Complex - Muskingum County	\$	17,300	64354
Noble County Infrastructure Improvements	\$	185,000	64355
Lake Erie Islands Regional Welcome Center	\$	500,000	64356
Corning Community Center	\$	10,000	64357
Somerset Court House	\$	100,000	64358
New Lexington Community Center	\$	125,000	64359
Crooksville Family Recreation Center	\$	70,000	64360
Perry County Agricultural Society	\$	75,000	64361
Nelsonville Pool	\$	100,000	64362
Cave Lake Center for Community Leadership	\$	350,000	64363
Atwater Township Town Hall Improvements	\$	100,000	64364
Brimfield Township Community Center	\$	75,000	64365
Portage County Sheriff's Department Shooting			64366
Range	\$	200,000	64367
WSTB Equipment Upgrade	\$	50,000	64368
Richland Academy of Arts and Sciences Discovery			64369
Center	\$	100,000	64370
Mansfield Area YMCA	\$	200,000	64371
Mohican School in the Out-of-Doors Expansion	\$	325,000	64372
Mansfield Reformatory Preservation Project	\$	100,000	64373
Ross County Multi-Purpose Facility	\$	50,000	64374
Bellevue Society for the Arts	\$	10,000	64375
County Jail Improvements - Sandusky County	\$	300,000	64376
Southern Ohio Port Authority	\$	50,000	64377
Meadowbrook Park Ballroom Restoration	\$	100,000	64378
Eastern Ohio Developmental Alliance Equipment			64379
Purchase	\$	10,000	64380
Uhrichsville Municipal Building Improvements	\$	80,000	64381
Project Pride Town Hall	\$	20,000	64382

Marietta Nutrition Facility	\$	100,000	64383
Liberty Township Community Center	\$	20,000	64384
West Salem Town Hall	\$	150,000	64385
City of Rittman Recreation Center	\$	125,000	64386
Bryan Senior Center	\$	450,000	64387
Jerry City Town Hall Improvements	\$	7,000	64388
Bradner Historic Building	\$	45,000	64389
Fairfield Township Community Recreation Facility	\$	150,000	64390
Lighthouse Youth Center Improvements	\$	250,000	64391
Chagrin Falls Park Community Center - Seniors'			64392
Room Construction	\$	10,000	64393
City of Willowick - Senior Center Remodeling,			64394
Addition, and Completion	\$	100,000	64395
Painesville Township Greenspace	\$	15,000	64396
Clermont County Animal Shelter	\$	22,500	64397

ROSS COUNTY MULTI-PURPOSE FACILITY 64398

Of the foregoing appropriation item CAP-786, Rural Areas 64399
Community Improvements, the \$50,000 earmarked for the Ross County 64400
Multi-Purpose Facility is for a feasibility study for the 64401
facility. Yoctangee Park in Chillicothe, Ohio, is specifically 64402
excluded as a site from any feasibility study for a multi-purpose 64403
facility. 64404

PORTAGE COUNTY SHERIFF'S DEPARTMENT SHOOTING RANGE 64405

Of the foregoing appropriation item CAP-786, Rural Areas 64406
Community Improvements, the \$200,000 earmarked for the Portage 64407
County Sheriff's Department Shooting Range shall be distributed to 64408
the Portage County Sheriff's Department for utilization by that 64409
department for a training facility. Any structure so constructed 64410
with these funds shall be used by the Portage County Sheriff's 64411
Department as a training facility for ten years or moneys must be 64412
repaid to the state by Portage County. The Portage County 64413
Sheriff's Department may contract with other law enforcement 64414

agencies to use the training facility.		64415
URBAN AREAS COMMUNITY IMPROVEMENTS		64416
From the foregoing appropriation item CAP-817, Urban Areas		64417
Community Improvements, grants shall be made for the following		64418
projects:		64419
Cross Links 2000 - Middletown Downtown		64420
Revitalization	\$ 2,000,000	64421
Solon Community Arts Center	\$ 275,000	64422
Cleveland Health Museum	\$ 1,000,000	64423
Cleveland Jewish Community Center	\$ 350,000	64424
Beck Center for the Arts	\$ 500,000	64425
Cleveland School for the Arts	\$ 100,000	64426
Hill House	\$ 325,000	64427
Bellfaire/Jewish Children's Bureau	\$ 1,020,000	64428
Karamu House Improvements	\$ 600,000	64429
Halloran Ice Skating Rink	\$ 300,000	64430
Cleveland Greenhouse Improvements	\$ 255,000	64431
Alliance for Poles of America Facility		64432
Improvements	\$ 260,000	64433
West Side Ecumenical Ministry	\$ 375,000	64434
Solon VFW Memorial	\$ 7,000	64435
Solon Senior Center	\$ 300,000	64436
Brecksville Senior Development Project	\$ 10,000	64437
Bentlyville Village Hall	\$ 30,000	64438
Sterns Farm	\$ 70,000	64439
Schaaf Community Center	\$ 100,000	64440
Olmstead Community Center	\$ 100,000	64441
Horizon Center	\$ 200,000	64442
North Royalton Recreation Center	\$ 200,000	64443
St. Vincent de Paul Recycle Project	\$ 250,000	64444
Cleveland Free Clinic	\$ 370,000	64445
Alta House	\$ 35,000	64446

Rickenbacker House Restoration and Park	\$	475,000	64447
King Lincoln District Revitalization	\$	1,425,000	64448
J. Ashburn Youth Center	\$	500,000	64449
Columbus Downtown Initiatives Planning	\$	1,900,000	64450
Leo Yassenoff Columbus Community Center	\$	400,000	64451
Rickenbacker Air and Industrial Park	\$	6,000,000	64452
Clintonville Improvements	\$	150,000	64453
Grove City YMCA	\$	35,000	64454
Victorian Village Society	\$	15,000	64455
Beech Acres Family Center	\$	50,000	64456
Health Education Center	\$	25,000	64457
Convention Center Expansion Planning	\$	500,000	64458
German Heritage Museum	\$	12,000	64459
Lincoln Heights Health Center Improvements	\$	1,000,000	64460
South End Revitalization Project	\$	100,000	64461
Toledo International Youth Hostel Renovations	\$	50,000	64462
Sylvania Recreation Center	\$	450,000	64463
Sylvania Senior Center	\$	300,000	64464
Canton Civic Center	\$	1,000,000	64465
Canton Jewish Community Center Renovations	\$	20,000	64466
Canton Jewish Women's Center	\$	100,000	64467
J.R. Coleman Center	\$	250,000	64468
Gateway Social Services Building	\$	450,000	64469
Massillon Domestic Violence Shelter for Battered Women	\$	100,000	64470 64471
Massillon Civic Center	\$	1,000,000	64472
Football Hall of Fame	\$	150,000	64473
Stark Central YMCA	\$	25,000	64474
Stark County Convention and Visitors Bureau			64475
Tourist Center	\$	25,000	64476
Akron Jewish Community Center Renovations	\$	85,000	64477
Oriana House	\$	450,000	64478
Cedar Grove Mausoleum Improvements	\$	30,000	64479

Amphitheater, Riverwalk, and Kinsman House		64480
Improvements	\$ 1,000,000	64481
Fairlawn, Bath, Copley Community Center	\$ 65,000	64482
Loew Field Improvements	\$ 50,000	64483
Harvard Community Services Center Renovation and Expansion	\$ 20,000	64484 64485
City of South Euclid-Construction of Complying Community Ground Sign	\$ 5,000	64486 64487
Henn Mansion Renovation	\$ 25,000	64488
Collinwood Community Service Center Repair and Renovation	\$ 20,000	64489 64490
Bowman Park - City of Toledo	\$ 80,000	64491
Godman Guild	\$ 65,000	64492

COMMUNITY THEATRE RENOVATIONS 64493

From the foregoing appropriation item CAP-818, Community
Theatre Renovations, grants shall be made for the following
projects: 64494
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Hayesville Opera House	\$ 50,000	64497
Cleveland Public Theatre Improvements - Gordon Square	\$ 160,000	64498 64499
Markay Theatre Renovations	\$ 100,000	64500
Stranahan Theatre	\$ 100,000	64501
Holland Theatre	\$ 250,000	64502
Lorain Palace Theatre Improvements	\$ 200,000	64503
Ohio Ballet	\$ 250,000	64504
Ritz Theatre Renovations	\$ 100,000	64505

Sec. 18. All items set forth in this section are hereby 64507
appropriated out of any moneys in the state treasury to the credit 64508
of the Arts Facilities Building Fund (Fund 030). Revenues to the 64509
Arts Facilities Building Fund shall consist of proceeds of 64510
obligations authorized to pay costs of the following capital 64511
improvements: 64512

		Appropriations	
AFC ARTS FACILITIES COMMISSION			64513
CAP-010	Sandusky State Theatre Improvements	\$ 200,000	64514
CAP-013	Stambaugh Hall Improvements	\$ 500,000	64515
CAP-033	Woodward Opera House Renovation	\$ 250,000	64516
CAP-037	Canton Palace Theatre Renovations	\$ 750,000	64517
CAP-044	National Underground Railroad Freedom Center	\$ 3,500,000	64518
CAP-045	Cincinnati Contemporary Arts Center	\$ 2,000,000	64519
CAP-046	Cincinnati Museum Center Improvements	\$ 200,000	64520
CAP-048	John and Annie Glenn Museum	\$ 500,000	64521
CAP-051	Akron Civic Theatre Improvements	\$ 1,000,000	64522
CAP-052	Akron Art Museum	\$ 2,500,000	64523
CAP-056	Ohio Agricultural and Industrial Heritage Center	\$ 2,500,000	64524
CAP-063	Robins Theatre Renovations	\$ 1,000,000	64525
CAP-734	Hayes Presidential Center-Museum and Home Improvements	\$ 750,000	64526
CAP-735	Paul Lawrence Dunbar House	\$ 672,000	64527
CAP-741	Adena State Memorial Renovations	\$ 3,888,000	64528
CAP-742	Ft. Meigs Museum and Exhibit Improvements	\$ 1,805,000	64529
CAP-780	Harding Tomb and Site Renovations	\$ 138,000	64530
CAP-781	Archives and Library Automation	\$ 300,000	64531
CAP-784	Ohio Historical Center Rehabilitation	\$ 500,000	64532
CAP-786	Piqua/Fort Pickawillany Acquisition and Improvements	\$ 435,000	64533
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$ 200,000	64534
CAP-790	Reese-Peters Site Improvements	\$ 250,000	64535
CAP-798	Multi-Site Fire and Security System Improvements	\$ 100,000	64536
CAP-801	Statewide Underground Storage Tank Removal	\$ 107,000	64537

CAP-802	Zane Grey Museum Improvements	\$	280,000	64538
CAP-803	Digitization of OHS Collection	\$	750,000	64539
CAP-806	Grant Boyhood Home Improvements	\$	200,000	64540
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	64541
CAP-811	National First Ladies Library	\$	500,000	64542
CAP-812	Dayton Performing Arts Center	\$	9,500,000	64543
CAP-814	Crawford Museum of Transportation and Industry	\$	3,000,000 <u>2,500,000</u>	64544
Total Arts Facilities Commission		\$	38,725,000 <u>38,225,000</u>	64545
Total Arts Facilities Building Fund		\$	38,725,000 <u>38,225,000"</u>	64546

Section 170. * That existing Sections 6.01 and 18 of Am. Sub. 64548
H.B. 640 of the 123rd General Assembly, as most recently amended 64549
by Am. Sub. S.B. 346, are hereby repealed. 64550

Section 171. That Section 4 of Am. Sub. H.B. 478 of the 119th 64551
General Assembly, as amended by Am. Sub. S.B. 300 of the 121st 64552
General Assembly and Am. Sub. H.B. 215 of the 122nd General 64553
Assembly, is hereby repealed. 64554

The intent of this repeal is to remove the limitation imposed 64555
by Section 4 of Am. Sub. H.B. 478 of the 119th General Assembly 64556
upon the continued existence of sections 3702.71, 3702.72, 64557
3702.73, 3702.74, 3702.75, 3702.76, 3702.77, 3702.78, 3702.79, 64558
3702.80, and 3702.81 of the Revised Code. This intent is not 64559
affected by the rule of construction in section 1.57 of the 64560
Revised Code. 64561

Section 172. That Section 18 of Am. Sub. H.B. 650 of the 64562
122nd General Assembly, as most recently amended by Sub. S.B. 245 64563
of the 123rd General Assembly, is hereby repealed. 64564

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.

Section 174. That Section 180 of Am. Sub. H.B. 283 of the 123rd General Assembly is hereby repealed.

Section 175. That Section 9 of Sub. S.B. 245 of the 123rd General Assembly is hereby repealed.

Section 176. That Section 15 of Am. Sub. S.B. 287 of the 123rd General Assembly is hereby repealed.

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.

SFC SCHOOL FACILITIES COMMISSION

CAP-770	School Building Program Assistance	\$	300,000,000
	Total School Facilities Commission	\$	300,000,000
	Total School Building Program Assistance Fund	\$	300,000,000

SCHOOL BUILDING PROGRAM ASSISTANCE

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.

Expenditures from appropriations contained in this section

may be accounted for as though made in the main capital 64593
appropriations act for the fiscal year 2003-2004 biennium enacted 64594
by the 124th General Assembly. The School Facilities Commission 64595
shall not commit any of the appropriations made in this section 64596
until after July 1, 2002. 64597

Section 178. The Ohio Public Facilities Commission is hereby 64598
authorized to issue and sell, in accordance with the provisions of 64599
Section 2n of Article VIII, Ohio Constitution, and Chapter 151. 64600
and particularly sections 151.01 and 151.03 of the Revised Code, 64601
original obligations in an aggregate principal amount not to 64602
exceed \$300,000,000 to pay the costs associated with previously 64603
authorized capital facilities and the capital facilities 64604
authorized in the immediately preceding section of this act for 64605
the School Building Assistance Program for the School Facilities 64606
Commission to distribute in accordance with their rules and 64607
guidelines pursuant to Chapter 3318. of the Revised Code. 64608

Section 179. The Office of Criminal Justice Services and the 64609
Department of Job and Family Services shall enter into an 64610
interagency agreement for the transfer to the Office of the 64611
Department's duties, records, assets, and liabilities related to 64612
the administration of funds received under the "Family Violence 64613
Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 64614
10401, as amended. 64615

Section 180. WOMEN'S POLICY AND RESEARCH COMMISSION FUND 64616
TRANSFERS 64617

Notwithstanding any other provision of law to the contrary, 64618
the Director of Budget and Management shall transfer any remaining 64619
amounts of cash from the specified obsolete fund to the General 64620
Revenue Fund (Fund GRF) within thirty days after the effective 64621
date of this section: Women's Policy and Research Commission, Fund 64622

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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Resources Management in the Department of Natural Resources and 64653
the Reclamation Commission, as provided in Section 1 of this act. 64654
The Chief and the Reclamation Commission, as appropriate, are 64655
thereupon and thereafter successor to, assume the obligations of, 64656
and otherwise constitute the continuation of the Mine Examining 64657
Board. 64658

Any business commenced, but not completed by, the Mine 64659
Examining Board on the effective date of this section shall be 64660
completed by the Chief or the Reclamation Commission, as 64661
appropriate. No validation, cure, right, privilege, remedy, 64662
obligation, or liability is lost or impaired by reason of the 64663
transfer required by this section, but shall be administered by 64664
the Chief or the Reclamation Commission, as appropriate. All of 64665
the Mine Examining Board's rules, orders, and determinations 64666
continue in effect as rules, orders, and determinations of the 64667
Chief and the Reclamation Commission, as appropriate, until 64668
modified or rescinded by the Chief or the Reclamation Commission, 64669
as appropriate. 64670

Subject to the lay-off provisions of sections 124.321 to 64671
124.328 of the Revised Code, all the employees of the Mine 64672
Examining Board are transferred to the Division of Mineral 64673
Resources Management and the Reclamation Commission, as 64674
appropriate. 64675

Whenever the Mine Examining Board is referred to in any law, 64676
contract, or other document, the reference shall be deemed to 64677
refer to the Chief of the Division of Mineral Resources Management 64678
or the Reclamation Commission, as appropriate. 64679

No action or proceeding pending on the effective date of this 64680
section is affected by the transfer, and shall be prosecuted or 64681
defended in the name of the Chief or the Reclamation Commission, 64682
as appropriate. In all such actions and proceedings, the Chief or 64683

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

district in the relocation or replacement of the school 64715
facilities, the school district shall use such funds in excess of 64716
the school district's share to refund the state for the state's 64717
contribution to the environmental contamination portion of the 64718
project. The school district may apply an amount of such 64719
restitution funds up to an amount equal to the school district's 64720
portion of the project, as defined by the commission, toward 64721
paying its portion of that project to reduce the amount of bonds 64722
the school district otherwise must issue to receive state 64723
assistance under sections 3318.01 to 3318.20 of the Revised Code. 64724

Section 184. (A) The Ohio School Facilities Commission may 64725
commit up to thirty-five million dollars to the Canton City School 64726
District for construction of a facility described in this section, 64727
in lieu of a high school that would otherwise be authorized under 64728
Chapter 3318. of the Revised Code. The commission shall not commit 64729
funds under this section unless all of the following conditions 64730
are met: 64731

(1) The district has entered into a cooperative agreement 64732
with a state-assisted technical college. 64733

(2) The district has received an irrevocable commitment of 64734
additional funding from nonpublic sources. 64735

(3) The facility is intended to serve both secondary and 64736
postsecondary instructional purposes. 64737

(B) The commission shall enter into an agreement with the 64738
district for the construction of the facility authorized under 64739
this section that is separate from and in addition to the 64740
agreement required for the district's participation in the 64741
Classroom Facilities Assistance Program under section 3318.08 of 64742
the Revised Code. Notwithstanding that section and sections 64743
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 64744
agreement shall provide, but not be limited to, the following: 64745

(1) The commission shall not have any oversight 64746
responsibilities over the construction of the facility. 64747

(2) The facility need not comply with the specifications for 64748
plans and materials for high schools adopted by the commission. 64749

(3) The commission may decrease the basic project cost that 64750
would otherwise be calculated for a high school under Chapter 64751
3318. of the Revised Code. 64752

(4) The state shall not share in any increases in the basic 64753
project cost for the facility above the amount authorized under 64754
this section. 64755

All other provisions of Chapter 3318. of the Revised Code 64756
apply to the approval and construction of a facility authorized 64757
under this section. 64758

The state funds committed to the facility authorized by this 64759
section shall be part of the total amount the state commits to the 64760
Canton City School District under Chapter 3318. of the Revised 64761
Code. All additional state funds committed to the Canton City 64762
School District for classroom facilities assistance shall be 64763
subject to all provisions of Chapter 3318. of the Revised Code. 64764

Section 185. Not later than July 1, 2001, the Tax 64765
Commissioner shall certify to the Department of Education for each 64766
city, local, and exempted village school district the total 64767
federal adjusted gross income of the residents of the school 64768
district, based on tax returns filed by the residents of the 64769
district, for each of the three most recent years for which this 64770
information is available. The Department shall use the information 64771
certified under this section to compute each district's state 64772
parity aid funding under section 3317.0217 of the Revised Code in 64773
fiscal year 2002. 64774

Section 186. Not later than March 1, 2003, the Department of 64775
Job and Family Services shall certify to the State Board of 64776
Education, for the month of October in 1998, 1999, 2000, 2001, and 64777
2002, the unduplicated number of children ages five through 64778
seventeen residing in each school district and living in a family 64779
that had family income not exceeding the federal poverty 64780
guidelines, as defined in section 5101.46 of the Revised Code, and 64781
that participated in one of the following: 64782

(A) Ohio Works First; 64783

(B) The food stamp program; 64784

(C) The medical assistance program, including the Healthy 64785
Start program, established under Chapter 5111. of the Revised 64786
Code; 64787

(D) The Children's Health Insurance Program Part I 64788
established under section 5101.50 of the Revised Code or, prior to 64789
fiscal year 2000, an executive order issued under section 107.17 64790
of the Revised Code; 64791

(E) The disability assistance program established under 64792
Chapter 5115. of the Revised Code. 64793

The Department of Job and Family Services shall report this 64794
information according to the school district of residence for each 64795
child in the same manner as required by section 3317.10 of the 64796
Revised Code. It is the intent of the General Assembly that in 64797
making this report, the Department of Job and Family Services will 64798
utilize the same, or substantially similar, computer programming 64799
as it developed to assist the Legislative Office of Education 64800
Oversight in developing the report "A New Poverty Indicator to 64801
Distribute Disadvantaged Pupil Impact Aid (DPIA)." 64802

The Department of Education shall use the information 64803
reported under this section to calculate five-year averages in 64804

order to make payments to school districts under section 3317.029 64805
of the Revised Code in fiscal year 2004 and subsequent fiscal 64806
years. 64807

Section 187. The Department of Education shall consider the 64808
feasibility and desirability of relocating the department staff 64809
responsible for gifted education from the Center for Students, 64810
Families, and Communities to the Center for Curriculum and 64811
Assessment. 64812

Section 188. There is hereby created the Instructional 64813
Subsidy and Challenge Review Committee. The Committee shall 64814
contain eleven members: the Chancellor of the Ohio Board of 64815
Regents or the chancellor's designee; two representatives of 64816
two-year colleges and two representatives of the state 64817
universities identified in section 3345.011 of the Revised Code, 64818
all four of whom shall be appointed jointly by the President of 64819
the Senate and the Speaker of the House of Representatives; three 64820
members of the Senate appointed by the President of the Senate, 64821
two of whom shall be members of the majority party and one of whom 64822
shall be a member of the minority party; and three members of the 64823
House of Representatives appointed by the Speaker of the House, 64824
two of whom shall be members of the majority party and one of whom 64825
shall be a member of the minority party. The Committee shall 64826
perform a comprehensive review of the allocation formula for the 64827
State Share of Instruction appropriation item as well as all of 64828
the "Challenge" appropriation items contained in the Board of 64829
Regents' budget and shall issue a report containing its 64830
recommendations to the General Assembly not later than December 64831
31, 2001. Upon issuance of its report, the Committee shall cease 64832
to exist. 64833

Section 189. The Arts Facilities Building Fund and Sports 64834

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;

(3) One hundred dollars for renewal of a license to operate an embalming facility; 64865
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(4) One hundred dollars for renewal of a license to operate a crematory facility. 64867
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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. 64869
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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. 64874
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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. 64883
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Section 195. (A) In prescribing distinguishing 64893

characteristics for a driver's license issued to a person who is 64894
under twenty-one years of age, the Registrar of Motor Vehicles 64895
shall consider both of the following: 64896

(1) Formatting the license vertically; 64897

(2) Conspicuously indicating the month, day, and years on 64898
which the licensee becomes eighteen and twenty-one years of age. 64899

(B) In accordance with section 4507.13 of the Revised Code, 64900
the Registrar may prescribe either or both of the distinguishing 64901
driver's license characteristics considered under this section. 64902

Section 196. The Legislative Service Commission shall study 64903
the fiscal impact on state revenues of extending the Ohio coal tax 64904
credit for two years under section 5733.39 of the Revised Code. 64905
Not later than July 1, 2002, the Commission shall report its 64906
findings to the Speaker and Minority Leader of the House of 64907
Representatives and the President and Minority Leader of the 64908
Senate. 64909

Section 197. (A) As used in this section: 64910

(1) "Amnesty" means forgiving a taxpayer's liability for 64911
penalties and one-half of the interest that accrue on account of 64912
the late payment, nonpayment, underreporting, or unreporting of 64913
qualifying delinquent taxes. 64914

(2) "Qualifying delinquent taxes" means taxes imposed under 64915
division (B) of section 5709.01, section 5727.24, 5727.30, 64916
5733.06, 5733.41, 5739.02 (except division (C) of section 64917
5739.02), 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 64918
5741.022, 5741.023, 5747.02, or 5747.41, or sections 5747.06 and 64919
5747.07 of the Revised Code, that, on May 1, 2001, were due and 64920
payable from a taxpayer or employer, that were unreported or 64921
underreported, and that remain unpaid. "Qualifying delinquent 64922

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 15, 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 amount of taxes due plus one-half of the interest 64955
prescribed by sections 5711.32 and 5719.041 of the Revised Code. 64956
The county treasurer shall collect from the taxpayer the tax and 64957
interest so computed as otherwise prescribed by section 5711.33 of 64958
the Revised Code. No payment otherwise prescribed by division (G) 64959
of section 321.24 of the Revised Code shall be made on account of 64960
such a taxpayer. Notwithstanding any section of the Revised Code 64961
to the contrary, the Tax Commissioner shall not furnish to any 64962
county auditor information pertaining to the exemption from 64963
taxation provided under division (C)(3) of section 5709.01 of the 64964
Revised Code insofar as that information relates to a such a 64965
taxpayer. 64966

(3) The Tax Commissioner shall prescribe forms on which 64967
taxpayers may apply for amnesty. The Tax Commissioner may require 64968
taxpayers applying for amnesty to file returns or reports, 64969
including amended returns and reports, that otherwise would be 64970
required. 64971

(C) If a taxpayer pays qualifying delinquent taxes as 64972
prescribed in division (B) of this section, no criminal 64973
prosecution or civil action shall be brought thereafter against 64974
the taxpayer and no assessment shall be issued thereafter against 64975
the taxpayer on account of the qualifying delinquent taxes paid. 64976

(D) Qualifying delinquent taxes and interest collected under 64977
this section shall be credited to the General Revenue Fund, except 64978
for qualifying delinquent taxes imposed pursuant to division (B) 64979
of section 5709.01 of the Revised Code, which the county auditor 64980
shall credit to the proper taxing district, and except for those 64981
imposed pursuant to sections 5739.021, 5739.023, and 5739.026 of 64982
the Revised Code, which shall be distributed as required under 64983
division (B) of section 5739.21 of the Revised Code, and those 64984
imposed pursuant to sections 5741.021, 5741.022, and 5741.023, of 64985
the Revised Code which shall be distributed as required under 64986

division (B) of section 5741.03 of the Revised Code. 64987
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(E) This section is hereby repealed, effective January 16, 64989
2002. 64990

Section 198. The credit allowed by section 5747.29 of the 64991
Revised Code shall not be claimed for taxable year 2001 or 2002. 64992

Section 199. Except as otherwise specifically provided in 64993
this act, the codified sections of law amended or enacted in this 64994
act, and the items of law of which the codified sections of law 64995
amended or enacted in this act are composed, are subject to the 64996
referendum. Therefore, under Ohio Constitution, Article II, 64997
Section 1c and section 1.471 of the Revised Code, the codified 64998
sections of law amended or enacted by this act, and the items of 64999
law of which the codified sections of law as amended or enacted by 65000
this act are composed, take effect on the ninety-first day after 65001
this act is filed with the Secretary of State. If, however, a 65002
referendum petition is filed against any such codified section of 65003
law as amended or enacted by this act, or against any item of law 65004
of which any such codified section of law as amended or enacted by 65005
this act is composed, the codified section of law as amended or 65006
enacted, or item of law, unless rejected at the referendum, takes 65007
effect at the earliest time permitted by law. 65008

Section 200. Except as otherwise specifically provided in 65009
this act, the repeal by this act of a codified section of law is 65010
subject to the referendum. Therefore, under Ohio Constitution, 65011
Article II, Section 1c and section 1.471 of the Revised Code, the 65012
repeal by this act of a codified section of law takes effect on 65013
the ninety-first day after this act is filed with the Secretary of 65014
State. If, however, a referendum petition is filed against any 65015
such repeal, the repeal, unless rejected at the referendum, takes 65016

effect at the earliest time permitted by law. 65017

Section 201. Sections 105.41, 107.10, 111.16, 111.18, 111.23, 65018
111.25, 121.40, 122.011, 133.06, 147.01, 147.02, 147.03, 147.05, 65019
147.06, 147.13, 147.14, 147.37, 147.371, 166.03, 181.52, 901.43, 65020
901.63, 901.81, 901.82, 917.07, 917.99, 1309.40, 1309.401, 65021
1309.402, 1309.42, 1329.01, 1329.04, 1329.06, 1329.07, 1329.42, 65022
1329.421, 1329.45, 1329.56, 1329.58, 1329.60, 1329.601, 1501.40, 65023
1502.12, 1701.05, 1701.07, 1701.81, 1702.05, 1702.06, 1702.43, 65024
1702.59, 1703.04, 1703.041, 1703.15, 1703.17, 1703.27, 1705.05, 65025
1705.06, 1705.38, 1705.55, 1746.04, 1746.06, 1746.15, 1747.03, 65026
1747.04, 1747.10, 1775.63, 1775.64, 1782.04, 1782.08, 1782.09, 65027
1782.433, 1785.06, 2303.20, 3301.70, 3302.041, 3313.603, 3314.08, 65028
3314.09, 3314.091, 3317.012, 3317.013, 3317.014, 3317.02, 65029
3317.021, 3317.022, 3317.024, 3317.029, 3317.0210, 3317.0212, 65030
3317.0213, 3317.0216, 3317.0217, 3317.03, 3317.05, 3317.051, 65031
3317.06, 3317.064, 3317.161 (3317.052), 3317.162 (3317.053), 65032
3317.11, 3317.13, 3317.16, 3317.19, 3317.20, 3318.042, 3318.52, 65033
3323.09, 3323.091, 3333.043, 3333.21, 3333.22, 3702.68, 3721.07, 65034
3721.51, 3721.56, 3734.57, 3745.014, 3745.11, 3745.22, 3769.08, 65035
3769.20, 3773.56, 3923.28, 3923.30, 4115.10, 4301.43, 4503.10, 65036
4503.102, 4503.12, 4503.182, 4505.061, 4506.08, 4507.24, 4507.50, 65037
4507.52, 4511.81, 4519.03, 4519.10, 4519.56, 4519.69, 4734.20, 65038
4761.05, 4771.22, 4779.01, 4779.02, 4779.16, 4779.19, 4779.20, 65039
4779.26, 4905.87, 5101.071 (5101.251), 5101.521, 5101.821, 65040
5101.85, 5101.853 (5101.851), 5101.852, 5101.854 (5101.853), 65041
5103.07, 5111.041, 5111.042, 5111.081, 5111.171, 5111.231, 65042
5111.25, 5111.251, 5111.262, 5111.28, 5111.29, 5111.34, 5111.87 65043
(5111.871), 5111.872, 5111.873, 5123.01, 5123.041, 5123.044, 65044
5123.045, 5123.046, 5123.047, 5123.048, 5123.049, 5123.0410, 65045
5123.0411, 5123.0412, 5123.0413, 5123.082, 5123.71, 5123.76, 65046
5126.01, 5126.035, 5126.041, 5126.042, 5126.046, 5126.05, 65047
5126.051, 5126.053, 5126.054, 5126.055, 5126.056, 5126.057, 65048

5126.06, 5126.071, 5126.08, 5126.11, 5126.12, 5126.15, 5126.16, 65049
5126.18, 5126.19, 5126.20, 5126.22, 5126.221, 5126.25, 5126.31, 65050
5126.311, 5126.313, 5126.32, 5126.357, 5126.431, 5139.11, 5703.49, 65051
5705.091, 5705.19, 5705.41, 5705.44, 5725.31, 5727.84, 5727.85, 65052
5729.07, 5733.122, 5733.351, 5733.42, 5747.39, and 6109.21 of the 65053
Revised Code as amended or enacted by this act, and the items of 65054
law of which such sections as amended or enacted by this act are 65055
composed, are not subject to the referendum. Therefore, under Ohio 65056
Constitution, Article II, Section 1d and section 1.471 of the 65057
Revised Code, such sections as amended or enacted by this act, and 65058
the items of law of which such sections as amended or enacted by 65059
this act are composed, go into immediate effect when this act 65060
becomes law. 65061

Section 202. (A) The amendment by this act removing language 65062
from division (B)(1)(e) of section 125.22 of the Revised Code 65063
constitutes an item of law that is subject to the referendum. 65064
Therefore, under Ohio Constitution, Article II, Section 1c and 65065
section 1.471 of the Revised Code, the item takes effect on the 65066
ninety-first day after this act is filed with the Secretary of 65067
State. If, however, a referendum petition is filed against the 65068
item, the item, unless rejected at the referendum, takes effect at 65069
the earliest time permitted by law. 65070

(B) The amendment by this act inserting division (A)(20) into 65071
section 125.22 of the Revised Code constitutes an item of law that 65072
is not subject to the referendum. Therefore, under Ohio 65073
Constitution, Article II, Section 1d and section 1.471 of the 65074
Revised Code, the item goes into immediate effect when this act 65075
becomes law. 65076

Section 203. (A) The amendment by this act removing language 65077
from division (B)(2) of section 3318.04 of the Revised Code 65078

constitutes an item of law that is subject to the referendum. 65079
Therefore, under Ohio Constitution, Article II, Section 1c and 65080
section 1.471 of the Revised Code, the item takes effect on the 65081
ninety-first day after this act is filed with the Secretary of 65082
State. If, however, a referendum petition is filed against the 65083
item, the item, unless rejected at the referendum, takes effect at 65084
the earliest time permitted by law. 65085

(B) The amendment by this act inserting division (B)(3) into 65086
section 3318.04 of the Revised Code constitutes an item of law 65087
that is not subject to the referendum. Therefore, under Ohio 65088
Constitution, Article II, Section 1d and section 1.471 of the 65089
Revised Code, the item goes into immediate effect when this act 65090
becomes law. 65091

Section 204. (A) The amendment by this act removing language 65092
from divisions (G)(2) and (4) and (H)(1) and (2), and inserting 65093
language into what are now divisions (G)(3) and (H), of section 65094
3734.82 of the Revised Code constitutes an item of law that is 65095
subject to the referendum. Therefore, under Ohio Constitution, 65096
Article II, Section 1c and section 1.471 of the Revised Code, the 65097
item takes effect on the ninety-first day after this act is filed 65098
with the Secretary of State. If, however, a referendum petition is 65099
filed against the item, the item, unless rejected at the 65100
referendum, takes effect at the earliest time permitted by law. 65101

(B) The amendment by this act to former division (G)(3) (now 65102
division (G)(2)) of section 3734.82 of the Revised Code 65103
constitutes an item of law that is not subject to the referendum. 65104
Therefore, under Ohio Constitution, Article II, Section 1d and 65105
section 1.471 of the Revised Code, the item goes into immediate 65106
effect when this act becomes law. 65107

Section 205. (A) The amendment by this act inserting language 65108

into division (G) of section 5119.01 of the Revised Code 65109
constitutes an item of law that is subject to the referendum. 65110
Therefore, under Ohio Constitution, Article II, Section 1c and 65111
section 1.471 of the Revised Code, the item takes effect on the 65112
ninety-first day after this act is filed with the Secretary of 65113
State. If, however, a referendum petition is filed against the 65114
item, the item, unless rejected at the referendum, takes effect at 65115
the earliest time permitted by law. 65116

(B) The amendment by this act removing language from division 65117
(I) of section 5119.01 of the Revised Code constitutes an item of 65118
law that is not subject to the referendum. Therefore, under Ohio 65119
Constitution, Article II, Section 1d and section 1.471 of the 65120
Revised Code, the item goes into immediate effect when this act 65121
becomes law. 65122

Section 206. The repeal by this act of section 3317.0215 of 65123
the Revised Code is not subject to the referendum. Therefore, 65124
under Ohio Constitution, Article II, Section 1d and section 1.471 65125
of the Revised Code, the repeal goes into immediate effect when 65126
this act becomes law. 65127

Section 207. The repeals of sections 166.032, 1329.68, 65128
5101.143, 5101.52, 5101.851, 5101.852, 5111.341, 5111.88, and 65129
5126.054 of the Revised Code constitute items of law that are not 65130
subject to the referendum. Therefore, under Ohio Constitution, 65131
Article II, Section 1d and section 1.471 of the Revised Code, the 65132
repeals go into immediate effect when this act becomes law. 65133

Section 208. * Sections 121.04, 1501.04, and 3517.092 of the 65134
Revised Code, as amended by this act, and the repeal by this act 65135
of sections 1553.01, 1553.02, 1553.03, 1553.04, 1553.05, 1553.06, 65136
1553.07, 1553.08, 1553.09, 1553.10, and 1553.99 of the Revised 65137

Code shall take effect July 1, 2002. 65138

Section 209. * Section 5104.341 of the Revised Code, as 65139
amended by this act, shall take effect January 1, 2002. 65140

Section 210. Sections 5739.032, 5739.07, 5739.102, 5739.12, 65141
5739.121, 5739.13, 5741.10, and 5741.12 of the Revised Code, as 65142
amended by this act, shall take effect January 1, 2002. Sections 65143
5733.02, 5733.021, 5733.12, and 5733.18 of the Revised Code, as 65144
amended by this act, shall take effect July 1, 2002. Sections 65145
3734.904, 4301.422, 4303.33, 4303.331, 5727.25, 5727.26, 5727.82, 65146
5728.08, 5735.06, 5735.061, 5743.62, 5743.63, 5745.03, 5745.04, 65147
and 5749.06 of the Revised Code, as amended by this act, shall 65148
take effect January 1, 2003. 65149

Section 211. The amendment by this act of sections 126.21, 65150
131.01, 183.09, and 183.17 of the Revised Code applies to fiscal 65151
years beginning with fiscal year 2003. 65152

Section 212. The enactment of section 1309.525 of the Revised 65153
Code by this act is contingent upon and takes effect only if S.B. 65154
74 of the 124th General Assembly becomes law and section 1309.40 65155
of the Revised Code is repealed by that latter act. 65156

Section 213. Section 3317.10 of the Revised Code, as amended 65157
by this act, shall take effect January 1, 2003. 65158

Section 214. (A) Sections 1345.21, 4707.01, 4707.011, 65159
4707.02, 4707.03, 4707.04, 4707.05, 4707.06, 4707.07, 4707.071, 65160
4707.072, 4707.08, 4707.09, 4707.10, 4707.11, 4707.111, 4707.12, 65161
4707.13, 4707.15, 4707.152, 4707.16, 4707.19, 4707.20, 4707.21, 65162
4707.23, and 4707.99 of the Revised Code, as amended by this act, 65163
shall take effect on October 1, 2001, or the earliest date 65164

thereafter permitted by law. 65165

(B)(1) On the effective date under division (A) of this 65166
section of the sections as amended, the licensing functions of the 65167
Department of Commerce under Chapter 4707. of the Revised Code are 65168
transferred to the Department of Agriculture. The Department of 65169
Agriculture thereupon and thereafter assumes these functions. 65170

Any business commenced but not completed by the Department of 65171
Commerce on that effective date shall be completed by the Director 65172
or Department of Agriculture in the same manner, and with the same 65173
effect, as if completed by the Director or Department of Commerce. 65174
No validation, cure, right, privilege, remedy, obligation, or 65175
liability is lost or impaired by reason of the transfer of 65176
functions required by this section and shall be administered by 65177
the Director or Department of Agriculture. All of the Department 65178
of Commerce's rules, orders, and determinations continue in effect 65179
as rules, orders, and determinations of the Department of 65180
Agriculture until modified or rescinded by the Department of 65181
Agriculture. If necessary to ensure the integrity of the numbering 65182
of the Administrative Code, the Director of the Legislative 65183
Service Commission shall renumber the Department of Commerce's 65184
relevant rules as appropriate to reflect their transfer to the 65185
Department of Agriculture. 65186

No employees of the Department of Commerce are transferred to 65187
the Department of Agriculture. The Director of Agriculture may 65188
create up to three additional full-time positions for the 65189
administration of the licensing functions of Chapter 4707. of the 65190
Revised Code assumed by the Director and Department payable out of 65191
the unexpended balances transferred to the Department of 65192
Agriculture under division (B)(2) of this section. 65193

(2) The Director of Budget and Management shall determine the 65194
amount of unexpended balances in the Department of Commerce 65195
appropriation accounts that pertain to auctioneers and the 65196

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

Code, as amended by this act. 65228

(B) All moneys appropriated or reappropriated to the Board 65229
for the performance of the duties, powers, obligations, and 65230
functions, and the exercise of the rights, that are transferred by 65231
this act to the Council, to the extent of the remaining unexpended 65232
or unencumbered balance of the appropriations or reappropriations, 65233
whether obligated or unobligated, are hereby transferred to the 65234
Council for performing the duties, powers, obligations, and 65235
functions, and exercising the rights of the Council. Payments for 65236
liabilities for expenses incurred before or after the effective 65237
date of sections 3701.77, 3701.771, and 3701.772 of the Revised 65238
Code, as amended by this act, shall be made on separate vouchers 65239
or certificates approved by the Council. 65240

(C) All rules, acts, determinations, approvals, and decisions 65241
of the Board pertaining to the duties, powers, obligations, and 65242
functions that are transferred and assigned by this act to the 65243
Council and that are in effect at the time of the transfer shall 65244
continue in force as rules, acts, determinations, approvals, and 65245
decisions of the Board until they are duly modified, superseded, 65246
or repealed by the Council, as appropriate. Whenever the duties, 65247
powers, obligations, and functions of the Board that are 65248
transferred by this act to the Council are referred to or 65249
designated in any law, contract, or other document pertaining to 65250
those duties, powers, obligations, or functions, including the 65251
reference to the Board within section 27 of Sub. H.B. 670 of the 65252
121st General Assembly as subsequently amended, the reference or 65253
designation shall be considered, as appropriate, to be a reference 65254
or designation to the Council and to the duties, powers, 65255
obligations, and functions as transferred to it. 65256

No existing right or remedy of any character shall be lost, 65257
impaired, or affected by reason of the transfer, except as insofar 65258
as that remedy or right shall be administered, as appropriate, by 65259

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. 65290

Section 218. The amendment to Section 10 of Am. Sub. S.B. 287 65291
of the 123rd General Assembly constitutes an item of law that is 65292
subject to the referendum. Therefore, under Ohio Constitution, 65293
Article II, Section 1c and section 1.471 of the Revised Code, the 65294
item takes effect on the ninety-first day after this act is filed 65295
with the Secretary of State. If, however, a referendum petition is 65296
filed against the item, the item, unless rejected at the 65297
referendum, takes effect at the earliest time permitted by law. 65298

Section 219. The amendments by this act to Section 5 of Am. 65299
Sub. S.B. 50 of the 121st General Assembly, to Section 153 of Am. 65300
Sub. H.B. 117 of the 121st General Assembly, to Section 3 of Am. 65301
Sub. H.B. 440 of the 121st General Assembly, to Section 3 of Am. 65302
Sub. H.B. 621 of the 122nd General Assembly, to Section 3 of Am. 65303
Sub. H.B. 215 of the 123rd General Assembly, to Section 4 of Am. 65304
S.B. 210 of the 123rd General Assembly, and to Section 129 of Am. 65305
Sub. H.B. 283 of the 123rd General Assembly constitute items of 65306
law that are not subject to the referendum. Therefore, under Ohio 65307
Constitution, Article II, Section 1d and section 1.471 of the 65308
Revised Code, the items go into immediate effect when this act 65309
becomes law. 65310

Section 220. The repeals by this act of Section 18 of Am. 65311
Sub. H.B. 650 of the 122nd General Assembly and of Section 17 of 65312
Am. Sub. H.B. 282 of the 123rd General Assembly are not subject to 65313
the referendum. Therefore, under Ohio Constitution, Article II, 65314
Section 1d and section 1.471 of the Revised Code, the repeals go 65315
into immediate effect when this act becomes law. 65316

Section 221. If the amendment or enactment in this act of a 65317
codified or uncodified section of law is subject to the 65318

referendum, the corresponding indications in the amending, 65319
enacting, or existing repeal clauses commanding the amendment or 65320
enactment also are subject to the referendum, along with the 65321
amendment or enactment. If the amendment or enactment by this act 65322
of a codified or uncodified section of law is not subject to the 65323
referendum, the corresponding indications in the amending, 65324
enacting, or existing repeal clauses commanding the amendment or 65325
enactment also are not subject to the referendum, the same as the 65326
amendment or enactment. 65327

Section 222. An item, other than an amending, enacting, or 65328
repealing clause, that composes the whole or part of an uncodified 65329
section contained in this act has no effect after June 30, 2003, 65330
unless its context clearly indicates otherwise. 65331

Section 223. The amendment of sections 4779.01, 4779.02, 65332
4779.16, 4779.19, 4779.20, and 4779.26 of the Revised Code is not 65333
intended to supersede the earlier repeal, with delayed effective 65334
date, of those sections. 65335

Section 224. * Section 102.06 of the Revised Code is 65336
presented in this act as a composite of the section as amended by 65337
both Am. Sub. H.B. 285 and Am. Sub. H.B. 492 of the 120th General 65338
Assembly. The General Assembly, applying the principle stated in 65339
division (B) of section 1.52 of the Revised Code that amendments 65340
are to be harmonized if reasonably capable of simultaneous 65341
operation, finds that the composite is the resulting version of 65342
the section in effect prior to the effective date of the section 65343
as presented in this act. 65344

Section 225. * Section 121.04 of the Revised Code is 65345
presented in this act as a composite of the section as amended by 65346
both Sub. H.B. 601 and Am. Sub. H.B. 640 of the 123rd General 65347

Assembly. The General Assembly, applying the principle stated in 65348
division (B) of section 1.52 of the Revised Code that amendments 65349
are to be harmonized if reasonably capable of simultaneous 65350
operation, finds that the composite is the resulting version of 65351
the section in effect prior to the effective date of the section 65352
as presented in this act. 65353

Section 226. * Section 124.24 of the Revised Code is 65354
presented in this act as a composite of the section as amended by 65355
both Sub. H.B. 601 and Am. Sub. H.B. 628 of the 123rd General 65356
Assembly. The General Assembly, applying the principle stated in 65357
division (B) of section 1.52 of the Revised Code that amendments 65358
are to be harmonized if reasonably capable of simultaneous 65359
operation, finds that the composite is the resulting version of 65360
the section in effect prior to the effective date of the section 65361
as presented in this act. 65362

Section 227. Section 901.63 of the Revised Code is presented 65363
in this act as a composite of the section as amended by both Sub. 65364
H.B. 19 and Am. Sub. H.B. 283 of the 123rd General Assembly. The 65365
General Assembly, applying the principle stated in division (B) of 65366
section 1.52 of the Revised Code that amendments are to be 65367
harmonized if reasonably capable of simultaneous operation, finds 65368
that the composite is the resulting version of the section in 65369
effect prior to the effective date of the section as presented in 65370
this act. 65371

Section 228. * Section 2317.02 of the Revised Code is 65372
presented in this act as a composite of the section as amended by 65373
both Sub. H.B. 506 and Am. Sub. S.B. 180 of the 123rd General 65374
Assembly. The General Assembly, applying the principle stated in 65375
division (B) of section 1.52 of the Revised Code that amendments 65376
are to be harmonized if reasonably capable of simultaneous 65377

operation, finds that the composite is the resulting version of 65378
the section in effect prior to the effective date of the section 65379
as presented in this act. 65380

Section 229. * Section 2953.21 of the Revised Code is 65381
presented in this act as a composite of the section as amended by 65382
both Sub. S.B. 258 and Am. Sub. S.B. 269 of the 121st General 65383
Assembly. The General Assembly, applying the principle stated in 65384
division (B) of section 1.52 of the Revised Code that amendments 65385
are to be harmonized if reasonably capable of simultaneous 65386
operation, finds that the composite is the resulting version of 65387
the section in effect prior to the effective date of the section 65388
as presented in this act. 65389

Section 230. Section 3317.03 of the Revised Code is presented 65390
in this act as a composite of the section as amended by both Am. 65391
Sub. H.B. 640 and Sub. S.B. 173 of the 123rd General Assembly. The 65392
General Assembly, applying the principle stated in division (B) of 65393
section 1.52 of the Revised Code that amendments are to be 65394
harmonized if reasonably capable of simultaneous operation, finds 65395
that the composite is the resulting version of the section in 65396
effect prior to the effective date of the section as presented in 65397
this act. 65398

Section 231. * Section 3701.771 of the Revised Code is 65399
presented in this act as a composite of the section as amended by 65400
both Am. Sub. H.B. 117 and Am. Sub. S.B. 162 of the 121st General 65401
Assembly. The General Assembly, applying the principle stated in 65402
division (B) of section 1.52 of the Revised Code that amendments 65403
are to be harmonized if reasonably capable of simultaneous 65404
operation, finds that the composite is the resulting version of 65405
the section in effect prior to the effective date of the section 65406
as presented in this act. 65407

Section 232. * Section 3701.772 of the Revised Code is 65408
presented in this act as a composite of the section as amended by 65409
both Am. Sub. H.B. 117 and Am. Sub. S.B. 162 of the 121st General 65410
Assembly. The General Assembly, applying the principle stated in 65411
division (B) of section 1.52 of the Revised Code that amendments 65412
are to be harmonized if reasonably capable of simultaneous 65413
operation, finds that the composite is the resulting version of 65414
the section in effect prior to the effective date of the section 65415
as presented in this act. 65416

Section 233. Section 4503.12 of the Revised Code is presented 65417
in this act as a composite of the section as amended by both Am. 65418
H.B. 141 and Am. Sub. S.B. 60 of the 122nd General Assembly. The 65419
General Assembly, applying the principle stated in division (B) of 65420
section 1.52 of the Revised Code that amendments are to be 65421
harmonized if reasonably capable of simultaneous operation, finds 65422
that the composite is the resulting version of the section in 65423
effect prior to the effective date of the section as presented in 65424
this act. 65425

Section 234. * Section 5101.141 of the Revised Code is 65426
presented in this act as a composite of the section as amended by 65427
both Sub. H.B. 332 and Sub. H.B. 448 of the 123rd General 65428
Assembly. The General Assembly, applying the principle stated in 65429
division (B) of section 1.52 of the Revised Code that amendments 65430
are to be harmonized if reasonably capable of simultaneous 65431
operation, finds that the composite is the resulting version of 65432
the section in effect prior to the effective date of the section 65433
as presented in this act. 65434

Section 235. * Section 5101.80 of the Revised Code is 65435
presented in this act as a composite of the section as amended by 65436

both Am. Sub. H.B. 470 and H.B. 471 of the 123rd General Assembly. 65437
The General Assembly, applying the principle stated in division 65438
(B) of section 1.52 of the Revised Code that amendments are to be 65439
harmonized if reasonably capable of simultaneous operation, finds 65440
that the composite is the resulting version of the section in 65441
effect prior to the effective date of the section as presented in 65442
this act. 65443

Section 236. * Section 5119.61 of the Revised Code is 65444
presented in this act as a composite of the section as amended by 65445
both Am. H.B. 264 and Am. Sub. H.B. 283 of the 123rd General 65446
Assembly. The General Assembly, applying the principle stated in 65447
division (B) of section 1.52 of the Revised Code that amendments 65448
are to be harmonized if reasonably capable of simultaneous 65449
operation, finds that the composite is the resulting version of 65450
the section in effect prior to the effective date of the section 65451
as presented in this act. 65452

Section 237. Section 5123.71 of the Revised Code is presented 65453
in this act as a composite of the section as amended by both Sub. 65454
H.B. 629 and Am. Sub. S.B. 285 of the 121st General Assembly. The 65455
General Assembly, applying the principle stated in division (B) of 65456
section 1.52 of the Revised Code that amendments are to be 65457
harmonized if reasonably capable of simultaneous operation, finds 65458
that the composite is the resulting version of the section in 65459
effect prior to the effective date of the section as presented in 65460
this act. 65461

Section 238. Section 5123.76 of the Revised Code is presented 65462
in this act as a composite of the section as amended by both Sub. 65463
H.B. 629 and Am. Sub. S.B. 285 of the 121st General Assembly. The 65464
General Assembly, applying the principle stated in division (B) of 65465
section 1.52 of the Revised Code that amendments are to be 65466

harmonized if reasonably capable of simultaneous operation, finds 65467
that the composite is the resulting version of the section in 65468
effect prior to the effective date of the section as presented in 65469
this act. 65470

Section 239. * Section 5727.26 of the Revised Code is 65471
presented in this act as a composite of the section as amended by 65472
both H.B. 612 and Am. Sub. H.B. 640 of the 123rd General Assembly. 65473
The General Assembly, applying the principle stated in division 65474
(B) of section 1.52 of the Revised Code that amendments are to be 65475
harmonized if reasonably capable of simultaneous operation, finds 65476
that the composite is the resulting version of the section in 65477
effect prior to the effective date of the section as presented in 65478
this act. 65479

Section 240. * Section 5731.21 of the Revised Code is 65480
presented in this act as a composite of the section as amended by 65481
both Am. Sub. H.B. 313 and Sub. S.B. 108 of the 123rd General 65482
Assembly. The General Assembly, applying the principle stated in 65483
division (B) of section 1.52 of the Revised Code that amendments 65484
are to be harmonized if reasonably capable of simultaneous 65485
operation, finds that the composite is the resulting version of 65486
the section in effect prior to the effective date of the section 65487
as presented in this act. 65488

Section 241. * Section 5739.02 of the Revised Code is 65489
presented in this act as a composite of the section as amended by 65490
Am. Sub. H.B. 138, H.B. 612, and Am. Sub. H.B. 640 of the 123rd 65491
General Assembly. The General Assembly, applying the principle 65492
stated in division (B) of section 1.52 of the Revised Code that 65493
amendments are to be harmonized if reasonably capable of 65494
simultaneous operation, finds that the composite is the resulting 65495
version of the section in effect prior to the effective date of 65496

the section as presented in this act. 65497

Section 242. If any item of law that constitutes the whole or 65498
part of a codified or uncodified section of law contained in this 65499
act, or if any application of any item of law that constitutes the 65500
whole or part of a codified or uncodified section of law contained 65501
in this act, is held invalid, the invalidity does not affect other 65502
items of law or applications of items of law that can be given 65503
effect without the invalid item of law or application. To this 65504
end, the items of law of which the codified and uncodified 65505
sections contained in this act are composed, and their 65506
applications, are independent and severable. 65507