

As Reported by the Committee of Conference*

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, R. A. Gardner, Blessing, Wachtmann, Mumper**

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Sub. H.B. 283 of the 123rd General Assembly; to 192
repeal Section 9 of Sub. S.B. 245 of the 123rd 193
General Assembly; to repeal Section 15 of Am. Sub. 194
S.B. 287 of the 123rd General Assembly; and to 195
repeal Section 201 of this act on January 16, 2002, 196
to make operating appropriations for the biennium 197
beginning July 1, 2001, and ending June 30, 2003, 198
to provide authorization and conditions for the 199
operation of state programs, to amend sections 200
1517.05, 1517.06, and 1517.07 of the Revised Code 201
effective two years after their effective date in 202
this act to terminate certain amendments made to 203
those sections by this act, and to provide that the 204
provisions of this act relative to the practices of 205
orthotics, prosthetics, and pedorthics terminate on 206
December 31, 2004, when sections 4779.01, 4779.02, 207
4779.16, 4779.19, 4779.20, and 4779.26 of the 208
Revised Code are repealed on that date. 209
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

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5126.32, 5126.357, 5126.431, 5139.01, 5139.11, 5139.29, 5139.31, 284
5153.16, 5153.165, 5153.60, 5153.69, 5153.78, 5703.17, 5703.49, 285
5705.091, 5705.19, 5705.41, 5705.44, 5709.17, 5711.33, 5721.30, 286
5725.31, 5727.25, 5727.26, 5727.81, 5727.811, 5727.82, 5727.84, 287
5727.85, 5727.86, 5727.87, 5728.08, 5729.07, 5731.21, 5733.02, 288
5733.021, 5733.053, 5733.056, 5733.06, 5733.12, 5733.122, 5733.18, 289
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5739.18, 5741.10, 5741.12, 5743.62, 5743.63, 5745.03, 5745.04, 292
5747.122, 5747.221, 5747.39, 5749.06, 6109.13, 6109.21, 6111.035, 293
and 6111.044 be amended; sections 3317.161 (3317.052), 3317.162 294
(3317.053), 5101.19 (329.19), 5101.071 (5101.251), 5101.853 295
(5101.851), 5101.854 (5101.853), 5108.06 (5108.03), 5108.07 296
(5108.05), 5108.08 (5108.06), and 5111.87 (5111.871) be amended 297
for the purpose of adopting new section numbers as indicated in 298
parentheses; new sections 3318.052, 5101.852, 5108.07, 5108.08, 299
5111.34, 5111.87, and 5126.054 and sections 101.302, 101.303, 300
101.691, 103.33, 107.24, 340.16, 504.21, 1502.12, 1513.10, 301
1521.19, 3125.18, 3302.041, 3303.01, 3305.061, 3311.058, 3311.062, 302
3314.072, 3314.091, 3317.0217, 3318.042, 3318.051, 3318.086, 303
3318.363, 3318.50, 3318.51, 3318.52, 3353.11, 3383.09, 3701.61, 304
3701.92, 3704.143, 3721.161, 3721.162, 3734.821, 3745.10, 3745.15, 305
3750.081, 4117.102, 4503.034, 4504.051, 4715.031, 4723.062, 306
4731.573, 4771.22, 4905.87, 5101.5110, 5101.801, 5101.821, 307
5111.0110, 5111.042, 5111.081, 5111.171, 5111.63, 5111.85, 308
5111.86, 5111.872, 5111.873, 5119.611, 5119.612, 5123.044, 309
5123.045, 5123.046, 5123.047, 5123.048, 5123.049, 5123.0410, 310

5123.0411, 5123.0412, 5123.0413, 5126.035, 5126.036, 5126.046, 311
5126.055, 5126.056, 5126.14, 5126.221, 5126.313, 5139.87, and 312
5153.06 be enacted; and section 1309.525 of the Revised Code 313
contingently be enacted to read as follows: 314

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Sec. 9.03. (A) As used in this section, "political 316
subdivision" means any body corporate and politic, except a 317
municipal corporation that has adopted a charter under Section 7 318
of Article XVIII, Ohio Constitution, and except a county that has 319
adopted a charter under Sections 3 and 4 of Article X, Ohio 320
Constitution, to which both of the following apply: 321

(1) It is responsible for governmental activities only in a 322
geographic area smaller than the state. 323

(2) It is subject to the sovereign immunity of the state. 324

(B) Except as otherwise provided in division (C) of this 325
section, the governing body of a political subdivision may use 326
public funds to publish and distribute newsletters, or to use any 327
other means, to communicate information about the plans, policies, 328
and operations of the political subdivision to members of the 329
public within the political subdivision and to other persons who 330
may be affected by the political subdivision. 331

(C) Except as otherwise provided in division (A)~~(5)~~(7) of 332
section 340.03 or division (A)(12) of section 340.033 of the 333
Revised Code, no governing body of a political subdivision shall 334
use public funds to do any of the following: 335

(1) Publish, distribute, or otherwise communicate information 336
that does any of the following: 337

(a) Contains defamatory, libelous, or obscene matter; 338

(b) Promotes alcoholic beverages, cigarettes or other tobacco 339

products, or any illegal product, service, or activity; 340

(c) Promotes illegal discrimination on the basis of race, 341
color, religion, national origin, handicap, age, or ancestry; 342

(d) Supports or opposes any labor organization or any action 343
by, on behalf of, or against any labor organization; 344

(e) Supports or opposes the nomination or election of a 345
candidate for public office, the investigation, prosecution, or 346
recall of a public official, or the passage of a levy or bond 347
issue. 348

(2) Compensate any employee of the political subdivision for 349
time spent on any activity to influence the outcome of an election 350
for any of the purposes described in division (C)(1)(e) of this 351
section. Division (C)(2) of this section does not prohibit the use 352
of public funds to compensate an employee of a political 353
subdivision for attending a public meeting to present information 354
about the political subdivision's finances, activities, and 355
governmental actions in a manner that is not designed to influence 356
the outcome of an election or the passage of a levy or bond issue, 357
even though the election, levy, or bond issue is discussed or 358
debated at the meeting. 359

(D) Nothing in this section prohibits or restricts any 360
political subdivision from sponsoring, participating in, or doing 361
any of the following: 362

(1) Charitable or public service advertising that is not 363
commercial in nature; 364

(2) Advertising of exhibitions, performances, programs, 365
products, or services that are provided by employees of a 366
political subdivision or are provided at or through premises owned 367
or operated by a political subdivision; 368

(3) Licensing an interest in a name or mark that is owned or 369

controlled by the political subdivision. 370

(E) As used in this section, "cigarettes" and "tobacco 371
product" have the same meanings as in section 5743.01 of the 372
Revised Code. 373

Sec. 9.06. (A)(1) The department of rehabilitation and 374
correction shall contract for the private operation and management 375
pursuant to this section of the initial intensive program prison 376
established pursuant to section 5120.033 of the Revised Code and 377
may contract for the private operation and management of any other 378
facility under this section. Counties and municipal corporations 379
to the extent authorized in sections 307.93, 341.35, 753.03, and 380
753.15 of the Revised Code, may contract for the private operation 381
and management of a facility under this section. A contract 382
entered into under this section shall be for an initial term of 383
not more than two years, with an option to renew for additional 384
periods of two years. 385

(2) ~~Not later than December 31, 1998, the~~ The department of 386
rehabilitation and correction, by rule, shall adopt minimum 387
criteria and specifications that a person or entity, other than a 388
person or entity that satisfies the criteria set forth in division 389
(A)(3)(a) of this section and subject to division (I) of this 390
section, must satisfy in order to apply to operate and manage as a 391
contractor pursuant to this section the initial intensive program 392
prison established pursuant to section 5120.033 of the Revised 393
Code. 394

(3) Subject to division (I) of this section, any person or 395
entity that applies to operate and manage a facility as a 396
contractor pursuant to this section shall satisfy one or more of 397
the following criteria: 398

(a) The person or entity is accredited by the American 399
correctional association and, at the time of the application, 400

operates and manages one or more facilities accredited by the
American correctional association.

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

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

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

(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;

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

(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
of the contract, and the public entity may revoke the contract at
its discretion.

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(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.

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(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

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state highway patrol;

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

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

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

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(8) A requirement that the contractor prepare and distribute to the director of rehabilitation and correction or, if

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contracting with a local public entity, to the governing authority 495
of the local entity, annual budget income and expenditure 496
statements and funding source financial reports; 497

(9) A requirement that the public entity appoint and 498
supervise a full-time contract monitor, that the contractor 499
provide suitable office space for the contract monitor at the 500
facility, and that the contractor allow the contract monitor 501
unrestricted access to all parts of the facility and all records 502
of the facility except the contractor's financial records; 503

(10) A requirement that if the facility is a state 504
correctional institution, designated department of rehabilitation 505
and correction staff members be allowed access to the facility in 506
accordance with rules promulgated by the department; 507

(11) A requirement that the contractor provide internal and 508
perimeter security as agreed upon in the contract; 509

(12) If the facility is a state correctional institution, a 510
requirement that the contractor impose discipline on inmates 511
housed in a state correctional institution, only in accordance 512
with rules promulgated by the department of rehabilitation and 513
correction; 514

(13) A requirement that the facility be staffed at all times 515
with a staffing pattern approved by the public entity and adequate 516
both to ensure supervision of inmates and maintenance of security 517
within the facility, and to provide for programs, transportation, 518
security, and other operational needs. In determining security 519
needs, the contractor shall be required to consider, among other 520
things, the proximity of the facility to neighborhoods and 521
schools. 522

(14) If the contract is with a local public entity, a 523
requirement that the contractor provide services and programs, 524
consistent with the minimum standards for jails promulgated by the 525

department of rehabilitation and correction under section 5120.10 526
of the Revised Code; 527

(15) A clear statement that no immunity from liability 528
granted to the state, and no immunity from liability granted to 529
political subdivisions under Chapter 2744. of the Revised Code, 530
shall extend to the contractor or any of the contractor's 531
employees; 532

(16) A statement that all documents and records relevant to 533
the facility shall be maintained in the same manner required for, 534
and subject to the same laws, rules, and regulations as apply to, 535
the records of the public entity; 536

(17) Authorization for the public entity to impose a fine on 537
the contractor from a schedule of fines included in the contract 538
for the contractor's failure to perform its contractual duties, or 539
to cancel the contract, as the public entity considers 540
appropriate. If a fine is imposed, the public entity may reduce 541
the payment owed to the contractor pursuant to any invoice in the 542
amount of the imposed fine. 543

(18) A statement that all services provided or goods produced 544
at the facility shall be subject to the same regulations, and the 545
same distribution limitations, as apply to goods and services 546
produced at other correctional institutions; 547

(19) Authorization for the department to establish one or 548
more prison industries at a facility operated and managed by a 549
contractor for the department; 550

(20) A requirement that, if the facility is an intensive 551
program prison established pursuant to section 5120.033 of the 552
Revised Code, the facility shall comply with all criteria for 553
intensive program prisons of that type that are set forth in that 554
section; 555

(21) If the institution is a state correctional institution, 556

a requirement that the contractor provide clothing for all inmates housed in the facility that is conspicuous in its color, style, or color and style, that conspicuously identifies its wearer as an inmate, and that is readily distinguishable from clothing of a nature that normally is worn outside the facility by non-inmates, that the contractor require all inmates housed in the facility to wear the clothing so provided, and that the contractor not permit any inmate, while inside or on the premises of the facility or while being transported to or from the facility, to wear any clothing of a nature that does not conspicuously identify its wearer as an inmate and that normally is worn outside the facility by non-inmates.

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

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

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

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

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(4) For inmates serving a term imposed for a felony offense 589
committed on or after July 1, 1996, extending an inmate's term 590
pursuant to the provisions of law governing bad time; 591

(5) Classifying an inmate or placing an inmate in a more or a 592
less restrictive custody than the custody ordered by the public 593
entity; 594

(6) Approving inmates for work release; 595

(7) Contracting for local or long distance telephone services 596
for inmates or receiving commissions from ~~such~~ those services at a 597
facility that is owned by or operated under a contract with the 598
department. 599

(D) A contractor that has been approved to operate a facility 600
under this section, and a person or entity that enters into a 601
contract for specialized services, as described in division (I) of 602
this section, relative to an intensive program prison established 603
pursuant to section 5120.033 of the Revised Code to be operated by 604
a contractor that has been approved to operate the prison under 605
this section, shall provide an adequate policy of insurance 606
specifically including, but not limited to, insurance for civil 607
rights claims as determined by a risk management or actuarial firm 608
with demonstrated experience in public liability for state 609
governments. The insurance policy shall provide that the state, 610
including all state agencies, and all political subdivisions of 611
the state with jurisdiction over the facility or in which a 612
facility is located are named as insured, and that the state and 613
its political subdivisions shall be sent any notice of 614
cancellation. The contractor may not self-insure. 615

A contractor that has been approved to operate a facility 616
under this section, and a person or entity that enters into a 617
contract for specialized services, as described in division (I) of 618
this section, relative to an intensive program prison established 619

pursuant to section 5120.033 of the Revised Code to be operated by
a contractor that has been approved to operate the prison under
this section, shall indemnify and hold harmless the state, its
officers, agents, and employees, and any local government entity
in the state having jurisdiction over the facility or ownership of
the facility, shall reimburse the state for its costs in defending
the state or any of its officers, agents, or employees, and shall
reimburse any local government entity of that nature for its costs
in defending the local government entity, from all of the
following:

(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.

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(E) Private correctional officers of a contractor operating 651
and managing a facility pursuant to a contract entered into under 652
this section may carry and use firearms in the course of their 653
employment only after being certified as satisfactorily completing 654
an approved training program as described in division (A) of 655
section 109.78 of the Revised Code. 656

(F) Upon notification by the contractor of an escape from, or 657
of a disturbance at, the facility that is the subject of a 658
contract entered into under this section, the department of 659
rehabilitation and correction and state and local law enforcement 660
agencies shall use all reasonable means to recapture escapees or 661
quell any disturbance. Any cost incurred by the state or its 662
political subdivisions relating to the apprehension of an escapee 663
or the quelling of a disturbance at the facility shall be 664
chargeable to and borne by the contractor. The contractor shall 665
also reimburse the state or its political subdivisions for all 666
reasonable costs incurred relating to the temporary detention of 667
the escapee following recapture. 668

(G) Any offense that would be a crime if committed at a state 669
correctional institution or jail, workhouse, prison, or other 670
correctional facility shall be a crime if committed by or with 671
regard to inmates at facilities operated pursuant to a contract 672
entered into under this section. 673

(H) A contractor operating and managing a facility pursuant 674
to a contract entered into under this section shall pay any inmate 675
workers at the facility at the rate approved by the public entity. 676
Inmates working at the facility shall not be considered employees 677
of the contractor. 678

(I) In contracting for the private operation and management 679
pursuant to division (A) of this section of the initial intensive 680
program prison established pursuant to section 5120.033 of the 681
Revised Code or of any other intensive program prison established 682

pursuant to that section, the department of rehabilitation and
correction may enter into a contract with a contractor for the
general operation and management of the prison and may enter into
one or more separate contracts with other persons or entities for
the provision of specialized services for persons confined in the
prison, including, but not limited to, security or training
services or medical, counseling, educational, or similar treatment
programs. If, pursuant to this division, the department enters
into a contract with a contractor for the general operation and
management of the prison and also enters into one or more
specialized service contracts with other persons or entities, all
of the following apply:

(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

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other correctional facility used only for misdemeanants that is 714
the subject of a contract entered into under this section. 715

(3) "Governing authority of a local public entity" means, for 716
a county, the board of county commissioners; for a municipal 717
corporation, the legislative authority; for a combination of 718
counties and municipal corporation, all the boards of county 719
commissioners and municipal legislative authorities that joined to 720
create the facility. 721

(4) "Contractor" means a person ~~who~~ or entity that enters 722
into a contract under this section to operate and manage a jail, 723
workhouse, or other correctional facility. 724

(5) "Facility" means the specific county, multicounty, 725
municipal, municipal-county, or multicounty-municipal jail, 726
workhouse, prison, or other type of correctional institution or 727
facility used only for misdemeanants, or a state correctional 728
institution, that is the subject of a contract entered into under 729
this section. 730

(6) "Person or entity" in the case of a contract for the 731
private operation and management of a state correctional 732
institution, includes an employee organization, as defined in 733
section 4117.01 of the Revised Code, that represents employees at 734
state correctional institutions. 735

Sec. 9.821. (A) The department of administrative services 736
shall direct and manage for state agencies all risk management and 737
insurance programs authorized under section 9.822 of the Revised 738
Code. 739

(B) The office of risk management is hereby established 740
within the department of administrative services. The director of 741
administrative services, or a deputy director appointed by the 742
director, shall control and supervise the office. 743

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

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

(2) Provide coverage of legal expenses that are necessary and related to the legal defense of claims against the state;

(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;

(4) Consolidate and combine state insurance coverages;

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

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

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

(ii) If, as a result of that hearing, the director determines that fidelity bond insurance for a particular class or subclass of state officer, employee, or agent is unavailable in the voluntary market and that the absence of this insurance threatens the

operation of state government and will be detrimental to the 774
general welfare of the citizens of this state, adopts rules in 775
accordance with Chapter 119. of the Revised Code to establish 776
standards and procedures governing the establishment, 777
administration, and termination of the fidelity bond program for 778
that particular class or subclass of state officer, employee, or 779
agent. 780

(b) Division (C)(6)(a) of this section does not apply to any 781
self-insured blanket fidelity bond program that, on ~~the effective~~ 782
~~date of this section~~ September 20, 1993, has been established 783
pursuant to section 9.831 ~~or 9.832~~ of the Revised Code. 784

(7) Except as provided in division (C)(6) of this section, 785
adopt and publish, in accordance with section 111.15 of the 786
Revised Code, necessary rules and procedures governing the 787
administration of the state's insurance and risk management 788
activities. 789

(D) No state agency, except a state agency exempted under 790
section 125.02 or 125.04 of the Revised Code from the department's 791
purchasing authority, shall purchase any insurance described in 792
this section except as authorized by the department and in 793
accordance with terms, conditions, and procurement methods 794
established by the department. 795

(E) With respect to any civil action, demand, or claim 796
against the state that could be filed in the court of claims, 797
nothing in sections 9.82 to 9.823 of the Revised Code shall be 798
interpreted to permit the settlement or compromise of those civil 799
actions, demands, or claims, except in the manner provided in 800
Chapter 2743. of the Revised Code. 801

Sec. 9.822. (A) The department of administrative services 802
through the office of risk management shall establish an insurance 803
plan or plans, ~~which~~ that may provide for self-insurance or the 804

purchase of insurance, or both, for any of the following purposes: 805

(1) Insuring state real and personal property against losses 806
occasioned by fire, windstorm, or other accidents and perils; 807

(2) Insuring the state and its officers and employees against 808
liability resulting from any civil action, demand, or claim 809
against the state or its officers and employees arising out of any 810
act or omission of an officer or employee in the performance of 811
~~his~~ official duties, except acts and omissions for which 812
indemnification is prohibited under section 9.87 of the Revised 813
Code; 814

(3) Insuring the state through the fidelity bonding of state 815
officers, employees, and agents who are required by law to provide 816
a fidelity bond. 817

(B)(1) Prior to the establishment of any self-insured 818
fidelity bond program for a particular class or subclass of state 819
officer, employee, or agent authorized pursuant to division (A)(3) 820
of this section, the director of administrative services shall 821
follow the procedures for holding a hearing and adopting rules set 822
forth in division (C)(6)(a) of section 9.821 of the Revised Code. 823

(2) Division (B)(1) of this section does not apply to any 824
self-insured blanket fidelity bond program that, on ~~the effective~~ 825
~~date of this section~~ September 20, 1993, has been established 826
pursuant to section 9.831 ~~or 9.832~~ of the Revised Code. 827

(3) The director shall prepare annually a written report 828
detailing any self-insured fidelity bond program established 829
pursuant to division (A)(3) of this section. The report shall 830
include, but is not limited to, information relating to premiums 831
collected, income from recovery, loss experience, and 832
administrative costs of the program. A copy of the report, 833
together with a copy of those portions of the most recent reports 834
submitted under division (D) of section 9.823 of the Revised Code 835

~~and pertaining~~ that pertain to any such self-insured fidelity bond 836
program, shall be submitted to the speaker of the house of 837
representatives and the president of the senate by the ~~first~~ last 838
day of ~~September~~ March of each year. 839

Sec. 101.15. (A) As used in this section: 840

(1) "Caucus" means all of the members of either house of the 841
general assembly who are members of the same political party. 842

(2) "Committee" means any committee of either house of the 843
general assembly, a joint committee of both houses of the general 844
assembly, including a committee of conference, or a subcommittee 845
of any committee listed in division (A)(2) of this section. 846

(3) "Meeting" means any prearranged discussion of the public 847
business of a committee by a majority of its members. 848

(B) Except as otherwise provided in division (F) of this 849
section, all meetings of any committee are declared to be public 850
meetings open to the public at all times. The secretary assigned 851
to the chairperson of the committee shall prepare, file, and 852
maintain the minutes of every regular or special meeting of a 853
committee. The committee, at its next regular or special meeting, 854
shall approve the minutes prepared, filed, and maintained by the 855
secretary, or, if the minutes prepared, filed, and maintained by 856
the secretary require correction before their approval, the 857
committee shall correct and approve the minutes at the next 858
following regular or special meeting. The committee shall make the 859
minutes available for public inspection not later than seven days 860
after the meeting the minutes reflect or not later than the 861
committee's next regular or special meeting, whichever occurs 862
first. 863

(C) Each committee shall establish ~~by rule~~ a reasonable 864
method whereby any person may determine the time and place of all 865
regularly scheduled meetings and the time, place, and purpose of 866

all special meetings. No committee shall hold a regular or special 867
meeting unless it gives at least twenty-four hours' advance notice 868
to the news media that have requested notification. 869

The ~~rule~~ method established by each committee shall provide 870
that, upon request and payment of a reasonable fee, any person may 871
obtain reasonable advance notification of all meetings at which 872
any specific type of public business will be discussed. Provisions 873
for advance notification may include, but are not limited to, 874
mailing the agenda of meetings to all subscribers on a mailing 875
list or mailing notices in self-addressed stamped envelopes 876
provided by the person who desires advance notification. 877

(D) Any action of a committee relating to a bill or 878
resolution, or any other formal action of a committee, is invalid 879
unless taken in an open meeting of the committee. Any action of a 880
committee relating to a bill or resolution, or any other formal 881
action of a committee, taken in an open meeting is invalid if it 882
results from deliberations in a meeting not open to the public. 883

(E)(1) Any person may bring an action to enforce this 884
section. An action under this division shall be brought within two 885
years after the date of the alleged violation or threatened 886
violation. Upon proof of a violation or threatened violation of 887
this section in an action brought by any person, the court of 888
common pleas shall issue an injunction to compel the members of 889
the committee to comply with its provisions. 890

(2)(a) If the court of common pleas issues an injunction 891
under division (E)(1) of this section, the court shall order the 892
committee that it enjoins to pay a civil forfeiture of five 893
hundred dollars to the party that sought the injunction and shall 894
award to that party all court costs and, subject to reduction as 895
described in this division, reasonable attorney's fees. The court, 896
in its discretion, may reduce an award of attorney's fees to the 897
party that sought the injunction or not award attorney's fees to 898

that party if the court determines both of the following: 899

(i) That, based on the ordinary application of statutory law 900
and case law as it existed at the time of the violation or 901
threatened violation that was the basis of the injunction, a 902
well-informed committee reasonably would believe that the 903
committee was not violating or threatening to violate this 904
section; 905

(ii) That a well-informed committee reasonably would believe 906
that the conduct or threatened conduct that was the basis of the 907
injunction would serve the public policy that underlies the 908
authority that is asserted as permitting that conduct or 909
threatened conduct. 910

(b) If the court of common pleas does not issue an injunction 911
under division (E)(1) of this section and the court determines at 912
that time that the bringing of the action was frivolous conduct as 913
defined in division (A) of section 2323.51 of the Revised Code, 914
the court shall award to the committee all court costs and 915
reasonable attorney's fees, as determined by the court. 916

(3) Irreparable harm and prejudice to the party that sought 917
the injunction shall be conclusively and irrebuttably presumed 918
upon proof of a violation or threatened violation of this section. 919

(4) A member of a committee who knowingly violates an 920
injunction issued under division (E)(1) of this section may be 921
removed from office by an action brought in the court of common 922
pleas for that purpose by the prosecuting attorney of Franklin 923
county or by the attorney general. 924

(5) The remedies described in divisions (E)(1) to (4) of this 925
section shall be the exclusive remedies for a violation of this 926
section. 927

(F) This section does not apply to or affect either of the 928
following: 929

(1) All meetings of the joint legislative ethics committee 930
created under section 101.34 of the Revised Code other than a 931
meeting that is held for any of the following purposes: 932

(a) To consider the adoption, amendment, or rescission of any 933
rule that the joint legislative ethics committee is authorized to 934
adopt pursuant to division (B)(11) of section 101.34, division (E) 935
of section 101.78, division (B) of section 102.02, or division (E) 936
of section 121.68 of the Revised Code; 937

(b) To discuss and consider changes to any administrative 938
operation of the joint legislative ethics committee other than any 939
matter described in division (G) of section 121.22 of the Revised 940
Code; 941

(c) To discuss pending or proposed legislation. 942

(2) Meetings of a caucus. 943

(G) For purposes of division (F)(1)(a) of this section, an 944
advisory opinion, written opinion, or decision relative to a 945
complaint is not a rule. 946

Sec. 101.27. (A)(1) Every member of the senate, except the 947
members elected president, president pro tempore, assistant 948
president pro tempore, majority whip, minority leader, assistant 949
minority leader, minority whip, and assistant minority whip, shall 950
receive as compensation a salary of fifty-one thousand six hundred 951
seventy-four dollars a year during the senator's term of office. 952
Every member of the house of representatives, except the members 953
elected speaker, speaker pro tempore, majority floor leader, 954
assistant majority floor leader, majority whip, assistant majority 955
whip, minority leader, assistant minority leader, minority whip, 956
and assistant minority whip, shall receive as compensation a 957
salary of fifty-one thousand six hundred seventy-four dollars a 958
year during the representative's term of office. Such salaries 959

shall be paid in equal monthly installments during such term. All 960
monthly payments shall be made on or before the fifth day of each 961
month. Upon the death of any member of the general assembly during 962
the member's term of office, any unpaid salary due such member for 963
the remainder of the member's term shall be paid to the member's 964
~~dependent~~, surviving spouse, children, mother, or father, in the 965
order in which the relationship is set forth in this section in 966
monthly installments. 967

(2) Each member shall receive a travel allowance 968
reimbursement per mile each way, at the same mileage rate allowed 969
for the reimbursement of travel expenses of state agents as 970
provided by rule of the director of budget and management pursuant 971
to division (B) of section 126.31 of the Revised Code, for mileage 972
not more than once a week during the session for travel incurred 973
by a member from and to the member's place of residence, by the 974
most direct highway route of public travel to and from the seat of 975
government, to be paid quarterly on the last day of March, June, 976
September, and December of each year. 977

(3) The member of the senate elected president and the member 978
of the house of representatives elected speaker shall each receive 979
as compensation a salary of eighty thousand five hundred 980
forty-nine dollars a year during the president's or speaker's term 981
of office. 982

The member of the senate elected president pro tempore, the 983
member of the senate elected minority leader, the member of the 984
house of representatives elected speaker pro tempore, and the 985
member of the house of representatives elected minority leader 986
shall each receive as compensation a salary of seventy-three 987
thousand four hundred ninety-three dollars a year during the 988
member's term of office. The member of the house of 989
representatives elected majority floor leader and the member of 990
the senate elected assistant president pro tempore shall each 991

receive as compensation a salary of sixty-nine thousand two 992
hundred twenty-seven dollars a year during the member's term of 993
office. The member of the senate elected assistant minority leader 994
and the member of the house of representatives elected assistant 995
minority leader shall each receive as compensation a salary of 996
sixty-seven thousand ninety-nine dollars a year during the 997
member's term of office. The member of the senate elected majority 998
whip and the member of the house of representatives elected 999
assistant majority floor leader shall each receive a salary of 1000
sixty-four thousand nine hundred sixty-seven dollars a year during 1001
the member's term of office. The member of the senate elected 1002
minority whip, the member of the house of representatives elected 1003
majority whip, and the member of the house of representatives 1004
elected minority whip shall each receive as compensation a salary 1005
of sixty thousand seven hundred six dollars a year during the 1006
member's term of office. The member of the house of 1007
representatives elected assistant majority whip shall receive as 1008
compensation a salary of fifty-six thousand four hundred 1009
forty-three dollars a year during the member's term of office. The 1010
member of the house of representatives elected assistant minority 1011
whip and the member of the senate elected assistant minority whip 1012
shall each receive a salary of fifty-four thousand sixty dollars a 1013
year during the member's term of office. 1014

(4) The chairperson of the finance committee of each house 1015
shall receive an additional sum of ten thousand dollars annually. 1016
The chairperson of each standing committee of each house other 1017
than the finance committee shall receive an additional sum of six 1018
thousand five hundred dollars annually. The chairperson of each 1019
standing subcommittee of a finance committee shall receive an 1020
additional sum of six thousand five hundred dollars annually. The 1021
vice-chairperson of the finance committee of each house shall 1022
receive an additional sum of five thousand five hundred dollars 1023

annually. The ranking minority member of the finance committee of 1024
each house shall receive an additional sum of six thousand five 1025
hundred dollars annually. The ranking minority member of each 1026
standing subcommittee of a finance committee shall receive an 1027
additional sum of five thousand dollars annually. The chairperson 1028
of each standing subcommittee of each house other than a standing 1029
subcommittee of the finance committee shall receive an additional 1030
sum of five thousand dollars annually. The vice-chairperson and 1031
ranking minority member of each standing committee of each house 1032
other than the finance committee shall each receive an additional 1033
sum of five thousand dollars annually. Except for the ranking 1034
minority member of each standing subcommittee of a finance 1035
committee, the ranking minority member of each standing 1036
subcommittee of each house shall receive an additional sum of two 1037
thousand five hundred dollars annually. 1038

No member may receive more than one additional sum for 1039
serving as chairperson, vice-chairperson, or ranking minority 1040
member of a standing committee or standing subcommittee, 1041
regardless of the number of standing committees or standing 1042
subcommittees on which the member serves as chairperson, 1043
vice-chairperson, or ranking minority member. 1044

(5) If a member is absent without leave, or is not excused on 1045
the member's return, there shall be deducted from the member's 1046
compensation twenty dollars for each day's absence. 1047

(B) Each calendar year from 2002 through 2008, the salary 1048
amounts under divisions (A)(1) and (3) of this section shall be 1049
increased by the lesser of the following: 1050

(1) Three per cent; 1051

(2) The percentage increase, if any, in the consumer price 1052
index over the twelve-month period that ends on the thirtieth day 1053
of September of the immediately preceding year, rounded to the 1054

nearest one-tenth of one per cent.	1055
(C) As used in this section:	1056
(1) "Consumer price index" means the consumer price index prepared by the United States bureau of labor statistics (U.S. city average for urban wage earners and clerical workers: all items, 1982-1984=100), or, if that index is no longer published, a generally available comparable index.	1057 1058 1059 1060 1061
(2) "Finance committee" means the finance committee of the senate and the finance-appropriations committee of the house of representatives.	1062 1063 1064
Sec. 101.30. (A) As used in this section <u>and in sections 101.302 and 101.303 of the Revised Code:</u>	1065 1066
(1) <u>"Legislative document"</u> includes, but is not limited to, all of the following:	1067 1068
(a) A working paper, work product, correspondence, preliminary draft, note, proposed bill or resolution, proposed amendment to a bill or resolution, analysis, opinion, memorandum, or other document in whatever form or format prepared by legislative staff for a member of the general assembly or for general assembly staff;	1069 1070 1071 1072 1073 1074
(b) Any document or material in whatever form or format provided by a member of the general assembly or general assembly staff to legislative staff that requests, or that provides information or materials to assist in, the preparation of any of the items described in division (A)(1)(a) of this section;	1075 1076 1077 1078 1079
(c) Any summary of a bill or resolution or of an amendment to a bill or resolution in whatever form or format that is prepared by or in the possession of a member of the general assembly or general assembly staff, if the summary is prepared before the bill, resolution, or amendment is filed for introduction or	1080 1081 1082 1083 1084

presented at a committee hearing or floor session, as applicable. 1085
1086

(2) "Legislative staff" means the staff of the legislative 1087
service commission, ~~legislative budget office of the legislative~~ 1088
~~service commission~~, or any other legislative agency included in 1089
the legislative service commission budget group. 1090

(3) "General assembly staff" means an officer or employee of 1091
either house of the general assembly who acts on behalf of a 1092
member of the general assembly or on behalf of a committee or 1093
either house of the general assembly. 1094

(B)(1) Legislative staff shall maintain a confidential 1095
relationship with each member of the general assembly, and with 1096
each member of the general assembly staff, with respect to 1097
communications between the member of the general assembly or 1098
general assembly staff and legislative staff. Except as otherwise 1099
provided in this division and division (C) of this section, a 1100
legislative document arising out of this confidential relationship 1101
is not a public record for purposes of section 149.43 of the 1102
Revised Code. When it is in the public interest and with the 1103
consent of the commission, the director of the commission may 1104
release to the public any legislative document in the possession 1105
of the commission staff arising out of a confidential relationship 1106
with a former member of the general assembly or former member of 1107
the general assembly staff who is not available to make the 1108
legislative document a public record as provided in division (C) 1109
of this section because of death or disability, whom the director 1110
is unable to contact for that purpose, or who fails to respond to 1111
the director after the director has made a reasonable number of 1112
attempts to make such contact. 1113

(2) Legislative documents that are not public records under 1114
divisions (B)(1) and (C) of this section are not subject to 1115
subpoena duces tecum. A member of the general assembly, member of 1116

the general assembly staff, or member of the legislative staff 1117
neither is subject to subpoena or subpoena duces tecum, nor may be 1118
compelled to testify, with regard to legislative documents that 1119
are not public records under divisions (B)(1) and (C) of this 1120
section. 1121

(C)(1) A legislative document is a public record for purposes 1122
of section 149.43 of the Revised Code if it is an analysis, 1123
synopsis, fiscal note, or local impact statement prepared by 1124
legislative staff that is required to be prepared by law, or by a 1125
rule of either house of the general assembly, for the benefit of 1126
the members of either or both of those houses or any legislative 1127
committee and if it has been presented to those members. 1128
1129

(2) A legislative document is a public record for purposes of 1130
section 149.43 of the Revised Code if a member of the general 1131
assembly for whom legislative staff prepared the legislative 1132
document does any of the following: 1133

(a) Files it for introduction with the clerk of the senate or 1134
the clerk of the house of representatives, if it is a bill or 1135
resolution; 1136

(b) Presents it at a committee hearing or floor session, if 1137
it is an amendment to a bill or resolution or is a substitute bill 1138
or resolution; 1139

(c) Releases it, or authorizes general assembly staff or 1140
legislative staff to release it, to the public. 1141

Sec. 101.302. A member of the general assembly, a member of 1142
the general assembly staff, and a member of the legislative staff, 1143
in their respective capacities as such, are not liable in a civil 1144
action for any legislative act or duty. In relation to any 1145
legislative act or duty, a member of the general assembly, a 1146

member of the general assembly staff, or a member of the 1147
legislative staff is not subject to subpoena or subpoena duces 1148
tecum in a civil action, may not be made party to a civil action, 1149
and may not be compelled to testify or to produce tangible 1150
evidence in a civil action. 1151

This section is cumulative to Ohio Constitution, Article II, 1152
Section 12. 1153

Sec. 101.303. A member of the legislative staff shall not be 1154
compelled to testify or to produce tangible evidence concerning 1155
any communication with or any advice or assistance given to a 1156
member of the general assembly or a member of the general assembly 1157
staff in relation to any legislative act or duty. 1158

Sec. 101.311. (A) As used in this section, "capitol square" 1159
has the same meaning as in section 105.41 of the Revised Code. 1160

(B)(1) The speaker of the house of representatives shall 1161
appoint a sergeant at arms for the house of representatives. 1162

(2) The speaker of the house of representatives shall adopt a 1163
policy specifying the minimum continuing training required for a 1164
person to maintain employment as house sergeant at arms or an 1165
assistant house sergeant at arms. The continuing training for the 1166
house sergeant at arms if the house sergeant at arms has arrest 1167
authority pursuant to division (E)(1) of this section and for all 1168
assistant ~~sergeant~~ sergeants at arms shall include firearms 1169
requalification under section 109.801 of the Revised Code. 1170

(C)(1) The house sergeant at arms may appoint assistant house 1171
sergeants at arms to assist the house sergeant at arms in 1172
performing the duties described in divisions (D) and (E) of this 1173
section. The house sergeant at arms shall not appoint a person to 1174
be an assistant house sergeant at arms unless one of the following 1175
applies: 1176

(a) The person previously has been awarded a certificate by 1177
the executive director of the Ohio peace officer training 1178
commission attesting to the person's satisfactory completion of an 1179
approved state, county, municipal, or department of natural 1180
resources peace officer basic training program, the person 1181
previously has been employed as a peace officer, the prior 1182
employment of the person as a peace officer contains no breaks in 1183
service of more than one year, and the person has successfully 1184
completed a firearms requalification program under section 109.801 1185
of the Revised Code. 1186

(b) The person previously has been awarded a certificate by 1187
the executive director of the Ohio peace officer training 1188
commission attesting to the person's satisfactory completion of an 1189
approved state, county, municipal, or department of natural 1190
resources peace officer basic training program, the person 1191
previously has been employed as a peace officer, the prior 1192
employment of the person as a peace officer contains a break in 1193
service of one year or more and not more than four years, the 1194
person has received all updated training required by the house 1195
sergeant at arms, and the person has successfully completed a 1196
firearms requalification program under section 109.801 of the 1197
Revised Code. 1198

(c) The person previously has been employed as a trooper of 1199
the state highway patrol, within one year prior to employment as 1200
an assistant house sergeant at arms the person had arrest 1201
authority as a trooper of the state highway patrol, and the person 1202
has successfully completed a firearms requalification program 1203
under section 109.801 of the Revised Code. 1204

(d) The person previously has been employed as a trooper of 1205
the state highway patrol, the prior employment as a trooper of the 1206
state highway patrol contains a break in service of one year or 1207
more and not more than four years, the person has received all 1208

updated training required by the house sergeant at arms, and the 1209
person has successfully completed a firearms requalification 1210
program under section 109.801 of the Revised Code. 1211

(2) In order to maintain employment as the house sergeant at 1212
arms or an assistant house sergeant at arms, the sergeant at arms 1213
or assistant sergeant at arms shall successfully complete all 1214
continuing training programs required by the speaker of the house 1215
of representatives under division (B)(2) of this section. If the 1216
house sergeant at arms or an assistant house sergeant at arms has 1217
a peace officer basic training certificate, or comparable 1218
certification issued by another law enforcement agency, the house 1219
sergeant at arms or the assistant house sergeant at arms also may 1220
complete whatever additional training is needed to maintain that 1221
certification. The Ohio peace officer training academy, a state, 1222
county, municipal, or department of natural resources training 1223
program, or any other program offering continuing training of that 1224
nature shall admit the house sergeant at arms or assistant house 1225
sergeant at arms to the continuing training program necessary for 1226
that sergeant at arms or assistant sergeant at arms to retain that 1227
certification. 1228

(3) Any person who has been appointed as the sergeant at arms 1229
pursuant to division (B) of this section or as an assistant 1230
sergeant at arms pursuant to division (C) of this section on or 1231
after the first day of March 2000, and who has received a 1232
certificate of completion of basic training programs pursuant to 1233
division (D) of section 109.75 of the Revised Code shall be 1234
considered a peace officer during the term of the person's 1235
appointment as the sergeant at arms or as an assistant sergeant at 1236
arms for the purposes of maintaining a current and valid basic 1237
training certificate pursuant to rules adopted under section 1238
109.74 of the Revised Code. 1239

(D)(1) The house sergeant at arms shall do all of the 1240

following: 1241

(a) Maintain good order in the corridors, committee rooms, 1242
and offices of the house of representatives in the ~~vern-riffe~~ Vern 1243
Riffe center, the hall and gallery of the house of 1244
representatives, and those areas of the ~~vern-riffe~~ Vern Riffe 1245
center under the exclusive use and control of the house of 1246
representatives. This section shall not affect or abridge the 1247
authority or responsibility of the state highway patrol. 1248

(b) Strictly enforce the rules of the house of 1249
representatives regulating admission of persons to the floor of 1250
the house of representatives; 1251

(c) Serve all subpoenas and warrants issued by the house of 1252
representatives or any duly authorized officer or committee of the 1253
house of representatives; 1254

(d) On order for a call of the house of representatives, 1255
arrest or cause to be arrested members of the house of 1256
representatives and bring the members into the house of 1257
representatives; 1258

(e) Execute or cause to be executed a warrant for the arrest 1259
of a person failing to appear or produce a paper or record 1260
pursuant to house of representatives subpoena or order pursuant to 1261
section 101.43 of the Revised Code and convey the person to the 1262
house of representatives. If the house sergeant at arms does not 1263
have arrest authority pursuant to division (E)(1) of this section, 1264
the house sergeant at arms shall cause the warrant to be executed 1265
and the person to be conveyed to the house of representatives. 1266

(f) At the direction of the speaker of the house of 1267
representatives, provide security for members of the house of 1268
representatives, house of representatives and other legislative 1269
employees, and other persons. 1270

(2) While providing security pursuant to division (D)(1)(f) 1271

of this section, assistant house sergeants at arms, and the house
sergeant at arms if the house sergeant at arms has arrest
authority pursuant to division (E)(1) of this section, shall have
the same arrest powers as other peace officers to apprehend
criminal offenders who endanger or threaten the security of any
person being protected, no matter where the arrest occurs. The
jurisdiction of an assistant house sergeant at arms and the house
sergeant at arms if the house sergeant at arms has arrest
authority pursuant to division (E)(1) of this section shall be
concurrent with that of peace officers of the county, township, or
municipal corporation in which the violation occurs and with the
state highway patrol.

(E)(1) The house sergeant at arms has the authority specified
under section 2935.03 of the Revised Code for peace officers to
enforce all state laws, municipal ordinances, and township
resolutions and to make arrests for any violation of those laws,
ordinances, and resolutions in all areas identified in division
(D)(1)(a) of this section as areas in which the house sergeant at
arms is to maintain good order, and while providing security
pursuant to division (D)(1)(f) of this section if any of the
following apply:

(a) The house sergeant at arms previously has been awarded a
certificate by the executive director of the Ohio peace officer
training commission attesting to the house sergeant at ~~arm's~~
arms's satisfactory completion of an approved state, county,
municipal, or department of natural resources peace officer basic
training program, the house sergeant at arms previously has been
employed as a peace officer, the prior employment of the house
sergeant at arms as a peace officer contains no breaks in service
that would require the house sergeant at arms to receive updated
training by the Ohio peace officer training academy, and the house
sergeant at arms has successfully completed a firearms

requalification program under section 109.801 of the Revised Code. 1304

(b) The house sergeant at arms previously has been awarded a 1305
certificate by the executive director of the Ohio peace officer 1306
training commission attesting to the house sergeant at ~~arm's~~ 1307
arms's satisfactory completion of an approved state, county, 1308
municipal, or department of natural resources peace officer basic 1309
training program, the house sergeant at arms previously has been 1310
employed as a peace officer, the prior employment of the house 1311
sergeant at arms as a peace officer contains a break in service 1312
that would require the house sergeant at arms to receive updated 1313
training by the Ohio peace officer training academy, the house 1314
sergeant at arms has received that updated training, and the house 1315
sergeant at arms has successfully completed a firearms 1316
requalification program under section 109.801 of the Revised Code. 1317

(c) The house sergeant at arms previously has been employed 1318
as a trooper of the state highway patrol, within one year prior to 1319
employment as house sergeant at arms the house sergeant at arms 1320
had arrest authority as a trooper of the state highway patrol, and 1321
the house sergeant at arms has successfully completed a firearms 1322
requalification program under section 109.801 of the Revised Code. 1323

(2) Assistant house sergeants at arms have the authority 1324
specified under section 2935.03 of the Revised Code for peace 1325
officers to enforce all state laws, municipal ordinances, and 1326
township resolutions and to make arrests for any violation of 1327
those laws, ordinances, and resolutions in all areas identified in 1328
division (D)(1)(a) of this section as areas in which the house 1329
sergeant at arms is to maintain good order, and while providing 1330
security pursuant to division (D)(1)(f) of this section. 1331

(3) The jurisdiction of the house sergeant at arms, if the 1332
house sergeant at arms has arrest authority pursuant to division 1333
(E)(1) of this section, and of an assistant house sergeant at arms 1334
shall be concurrent with that of peace officers of the county, 1335

township, or municipal corporation in which the violation occurs 1336
and with the state highway patrol. 1337

(4) If the house sergeant at arms has arrest authority 1338
pursuant to division (E)(1) of this section, the speaker of the 1339
house of representatives shall issue to the house sergeant at arms 1340
a commission indicating the sergeant at ~~arm's~~ arms's authority to 1341
make arrests as provided in this section. The speaker of the house 1342
of representatives, upon the recommendation of the house sergeant 1343
at arms, shall issue to each assistant house sergeant at arms a 1344
commission indicating the assistant sergeant at ~~arm's~~ arms's 1345
authority to make arrests as provided in this section. The speaker 1346
of the house of representatives shall furnish a suitable badge to 1347
the house sergeant at arms, if the house sergeant at arms has 1348
arrest authority under division (E)(1) of this section, and to 1349
each commissioned assistant house sergeant at arms as evidence of 1350
the sergeant at ~~arm's~~ arms's or assistant sergeant at ~~arm's~~ arms's 1351
authority. 1352

Sec. 101.34. (A) There is hereby created a joint legislative 1353
ethics committee to serve the general assembly. The committee 1354
shall be composed of twelve members, six each from the two major 1355
political parties, and each member shall serve on the committee 1356
during the member's term as a member of that general assembly. Six 1357
members of the committee shall be members of the house of 1358
representatives appointed by the speaker of the house of 1359
representatives, not more than three from the same political 1360
party, and six members of the committee shall be members of the 1361
senate appointed by the president of the senate, not more than 1362
three from the same political party. A vacancy in the committee 1363
shall be filled for the unexpired term in the same manner as an 1364
original appointment. The members of the committee shall be 1365
appointed within fifteen days after the first day of the first 1366
regular session of each general assembly and the committee shall 1367

meet and proceed to recommend an ethics code not later than thirty 1368
days after the first day of the first regular session of each 1369
general assembly. 1370

In the first regular session of each general assembly, the 1371
speaker of the house of representatives shall appoint the 1372
chairperson of the committee from among the house members of the 1373
committee and the president of the senate shall appoint the 1374
vice-chairperson of the committee from among the senate members of 1375
the committee. In the second regular session of each general 1376
assembly, the president of the senate shall appoint the 1377
chairperson of the committee from among the senate members of the 1378
committee and the speaker of the house of representatives shall 1379
appoint the vice-chairperson of the committee from among the house 1380
members of the committee. The chairperson, vice-chairperson, and 1381
members of the committee shall serve until their respective 1382
successors are appointed or until they are no longer members of 1383
the general assembly. 1384

The committee shall meet at the call of the chairperson or 1385
upon the written request of seven members of the committee. 1386

(B) The joint legislative ethics committee: 1387

(1) Shall recommend a code of ethics which is consistent with 1388
law to govern all members and employees of each house of the 1389
general assembly and all candidates for the office of member of 1390
each house; 1391

(2) May receive and hear any complaint which alleges a breach 1392
of any privilege of either house, or misconduct of any member, 1393
employee, or candidate, or any violation of the appropriate code 1394
of ethics; 1395

(3) May obtain information with respect to any complaint 1396
filed pursuant to this section and to that end may enforce the 1397
attendance and testimony of witnesses, and the production of books 1398

and papers; 1399

(4) May recommend whatever sanction is appropriate with 1400
respect to a particular member, employee, or candidate as will 1401
best maintain in the minds of the public a good opinion of the 1402
conduct and character of members and employees of the general 1403
assembly; 1404

(5) May recommend legislation to the general assembly 1405
relating to the conduct and ethics of members and employees of and 1406
candidates for the general assembly; 1407

(6) Shall employ an executive director for the committee and 1408
may employ such other staff as the committee determines necessary 1409
to assist it in exercising its powers and duties. The executive 1410
director and staff of the committee shall be known as the office 1411
of legislative inspector general. At least one member of the staff 1412
of the committee shall be an attorney at law licensed to practice 1413
law in this state. The appointment and removal of the executive 1414
director shall require the approval of at least eight members of 1415
the committee. 1416

(7) May employ a special counsel to assist the committee in 1417
exercising its powers and duties. The appointment and removal of a 1418
special counsel shall require the approval of at least eight 1419
members of the committee. 1420

(8) Shall act as an advisory body to the general assembly and 1421
to individual members, candidates, and employees on questions 1422
relating to ethics, possible conflicts of interest, and financial 1423
disclosure; 1424

(9) Shall provide for the proper forms on which the statement 1425
required pursuant to section 102.02 of the Revised Code shall be 1426
filed and instructions as to the filing of the statement; 1427

(10) Exercise the powers and duties prescribed under sections 1428
101.70 to 101.79 and 121.60 to 121.69 of the Revised Code; 1429

1430

(11) Adopt in accordance with section 111.15 of the Revised 1431
Code any rules that are necessary to implement and clarify Chapter 1432
102. and sections 2921.42 and 2921.43 of the Revised Code. 1433

(C) There is hereby created in the state treasury the joint 1434
legislative ethics committee fund. All money collected from 1435
registration fees and late filing fees prescribed under sections 1436
101.72 and 121.62 of the Revised Code shall be deposited into the 1437
state treasury to the credit of the fund. Money credited to the 1438
fund and any interest and earnings from the fund shall be used 1439
solely for the operation of the joint legislative ethics committee 1440
and the office of legislative inspector general and for the 1441
purchase of data storage and computerization facilities for the 1442
statements filed with the joint committee under sections 101.73, 1443
101.74, 121.63, and 121.64 of the Revised Code. 1444

(D) The chairperson of the joint committee shall issue a 1445
written report, not later than the thirty-first day of January of 1446
each year, to the speaker and minority leader of the house of 1447
representatives and to the president and minority leader of the 1448
senate that lists the number of committee meetings and 1449
investigations the committee conducted during the immediately 1450
preceding calendar year and the number of advisory opinions it 1451
issued during the immediately preceding calendar year. 1452

(E) Any investigative report that contains facts and findings 1453
regarding a complaint filed with the committee and that is 1454
prepared by the staff of the committee or a special counsel to the 1455
committee shall become a public record upon its acceptance by a 1456
vote of the majority of the members of the committee, except for 1457
any names of specific individuals and entities contained in the 1458
report. If the committee recommends disciplinary action or reports 1459
its findings to the appropriate prosecuting authority for 1460
proceedings in prosecution of the violations alleged in the 1461

complaint, the investigatory report regarding the complaint shall 1462
become a public record in its entirety. 1463

(F)(1) Any file obtained by or in the possession of the 1464
former house ethics committee or former senate ethics committee 1465
shall become the property of the joint legislative ethics 1466
committee. Any such file is confidential if either of the 1467
following applies: 1468

(a) It is confidential under section 102.06 of the Revised 1469
Code or the legislative code of ethics. 1470

(b) If the file was obtained from the former house ethics 1471
committee or from the former senate ethics committee, it was 1472
confidential under any statute or any provision of a code of 1473
ethics that governed the file. 1474

(2) As used in this division, "file" includes, but is not 1475
limited to, evidence, documentation, or any other tangible thing. 1476

Sec. 101.37. (A) There is hereby created the joint council on 1477
mental retardation and developmental disabilities. The joint 1478
council shall consist of three members of the house of 1479
representatives appointed by the speaker of the house of 1480
representatives, not more than two of whom shall be members of the 1481
same political party, three members of the senate appointed by the 1482
president of the senate, not more than two of whom shall be 1483
members of the same political party, and the director of mental 1484
retardation and developmental disabilities. At least one member of 1485
the joint council appointed by the speaker of the house of 1486
representatives and at least one member appointed by the president 1487
of the senate shall be a member of the house or senate committee 1488
with primary responsibility for appropriation issues and at least 1489
one member appointed by the speaker and at least one member 1490
appointed by the president shall be a member of the house or 1491
senate committee with primary responsibility for human services 1492

issues. ~~Members~~ 1493

Members of the joint council shall be reimbursed for their 1494
actual and necessary expenses incurred in the performance of their 1495
official duties, provided that reimbursement for such expenses 1496
shall not exceed limits imposed upon the department of mental 1497
retardation and developmental disabilities by administrative rules 1498
regulating travel within this state. Members shall receive no 1499
other compensation. ~~The~~ 1500

The joint council shall organize itself within fifteen days 1501
after the commencement of each regular session of the general 1502
assembly by electing a chairperson and vice-chairperson. The joint 1503
council may meet upon the call of the chairperson, the director, 1504
or on the request of any three members. ~~Members~~ 1505

Members of the joint council who are appointed from the 1506
general assembly shall serve until the expiration of their terms 1507
in the general assembly. Any vacancies occurring among the general 1508
assembly members of the joint council shall be filled in the 1509
manner of the original appointment. 1510

(B) The joint council shall do all of the following: 1511

~~(A)~~(1) Appoint the original members of the citizen's advisory 1512
council at any institution under the control of the department of 1513
mental retardation and developmental disabilities that is created 1514
after November 15, 1981; 1515

~~(B)~~(2) Make final determinations in any dispute between the 1516
director of mental retardation and developmental disabilities and 1517
a citizen's advisory council concerning the appointment of members 1518
to the citizen's advisory council, as provided for in section 1519
5123.092 of the Revised Code; 1520

~~(C)~~(3) Receive reports from citizen's advisory councils on or 1521
before the thirty-first day of January of each year, as required 1522
by section 5123.093 of the Revised Code; 1523

~~(D)~~(4) Receive reports as appropriate concerning extenuating 1524
circumstances at institutions under the control of the department 1525
of mental retardation and developmental disabilities; 1526

~~(E)~~(5) Conduct reviews and make recommendations to the 1527
director of mental retardation and developmental disabilities with 1528
respect to any disputes between the department of mental 1529
retardation and developmental disabilities and entities that have 1530
entered into contracts with the department for the provision of 1531
protective services to individuals with mental retardation or 1532
developmental disabilities; 1533

(6) Provide the director of mental retardation and 1534
developmental disabilities with advice on legislative and fiscal 1535
issues affecting the department of mental retardation and 1536
developmental disabilities, county boards of mental retardation 1537
and developmental disabilities, persons with mental retardation or 1538
developmental disabilities, and providers of services to persons 1539
with mental retardation or developmental disabilities and on 1540
related issues the director requests the joint council to address; 1541

~~(F)~~(7) On behalf of the director of mental retardation and 1542
developmental disabilities, advocate to the general assembly 1543
legislative issues about which the joint council has provided 1544
advice to the director. 1545

(C) Reports and any correspondence received by the joint 1546
council shall be deposited with the legislative service 1547
commission, which shall retain them for not less than three years 1548
after the date of deposit. 1549

Sec. 101.691. (A) Either house of the general assembly or any 1550
legislative agency may dispose of any excess or surplus supplies 1551
that it possesses by sale, lease, donation, or other transfer, 1552
including, but not limited to, sale by public auction over the 1553
internet, as defined in section 341.42 of the Revised Code. 1554

Nothing in this division prohibits either house of the general assembly or a legislative agency from having the director of administrative services dispose of excess or surplus supplies of that house under sections 125.12 to 125.14 of the Revised Code.

(B) Any proceeds from sales, leases, or other transfers made under division (A) of this section shall be deposited in the house of representatives reimbursement special revenue fund, the senate reimbursement special revenue fund, or a legislative agency special revenue fund identified by the director of the agency, as appropriate.

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

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

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

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

(B) In addition to the initial registration statement required by division (A) of this section, each legislative agent and employer shall file with the joint committee, not later than

the last day of January, May, and September of each year, an
updated registration statement that confirms the continuing
existence of each engagement described in an initial registration
statement and that lists the specific bills or resolutions on
which the agent actively advocated under that engagement during
the period covered by the updated statement, and with it any
statement of expenditures required to be filed by section 101.73
of the Revised Code and any details of financial transactions
required to be filed by section 101.74 of the Revised Code.

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

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

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

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

An officer or employee of a state agency who actively 1618
advocates in a fiduciary capacity as a representative of that 1619
state agency need not pay the registration fee prescribed by this 1620
division or file expenditure statements under section 101.73 of 1621
the Revised Code. As used in this division, "state agency" does 1622
not include a state institution of higher education as defined in 1623
section 3345.011 of the Revised Code. 1624

(F) Upon registration pursuant to division (A) of this 1625
section, the legislative agent shall be issued a card by the joint 1626
committee showing that the legislative agent is registered. The 1627
registration card and the legislative agent's registration shall 1628
be valid from the date of their issuance until the next 1629
thirty-first day of December of an even-numbered year. 1630

(G) The executive director of the joint committee shall be 1631
responsible for reviewing each registration statement filed with 1632
the joint committee under this section and for determining whether 1633
the statement contains all of the information required by this 1634
section. If the joint committee determines that the registration 1635
statement does not contain all of the required information or that 1636
a legislative agent or employer has failed to file a registration 1637
statement, the joint committee shall send written notification by 1638
certified mail to the person who filed the registration statement 1639
regarding the deficiency in the statement or to the person who 1640
failed to file the registration statement regarding the failure. 1641
Any person so notified by the joint committee shall, not later 1642
than fifteen days after receiving the notice, file a registration 1643
statement or an amended registration statement that does contain 1644
all of the information required by this section. If any person who 1645
receives a notice under this division fails to file a registration 1646
statement or such an amended registration statement within this 1647
fifteen-day period, the joint committee shall ~~notify the attorney~~ 1648
~~general, who may take appropriate action as authorized under~~ 1649

~~section 101.79 of the Revised Code. If the joint committee~~ 1650
~~notifies the attorney general under this division, the joint~~ 1651
~~committee shall also notify in writing the governor and each~~ 1652
~~member of the general assembly of the pending investigation assess~~ 1653
~~a late filing fee equal to twelve dollars and fifty cents per day,~~ 1654
~~up to a maximum of one hundred dollars, upon that person. The~~ 1655
~~joint committee may waive the late filing fee for good cause~~ 1656
~~shown.~~ 1657

(H) On or before the fifteenth day of March of each year, the 1658
joint committee shall, in the manner and form that it determines, 1659
publish a report containing statistical information on the 1660
registration statements filed with it under this section during 1661
the preceding year. 1662

Sec. 101.73. (A) Each legislative agent and each employer 1663
shall file in the office of the joint legislative ethics 1664
committee, with the updated registration statement required by 1665
division (B) of section 101.72 of the Revised Code, a statement of 1666
expenditures as specified in divisions (B) and (C) of this 1667
section. A legislative agent shall file a separate statement of 1668
expenditures under this section for each employer engaging ~~him~~ the 1669
legislative agent. 1670

(B)(1) In addition to the information required by divisions 1671
(B)(2) and (3) of this section, a statement filed by a legislative 1672
agent shall show the total amount of expenditures made by the 1673
legislative agent during the reporting period covered by the 1674
statement. 1675

(2) If, during a reporting period covered by a statement, an 1676
employer or any legislative agent ~~he~~ the employer engaged made, 1677
either separately or in combination with each other, either 1678
directly or indirectly, expenditures to, at the request of, for 1679
the benefit of, or on behalf of any particular member of the 1680

general assembly, any particular member of the controlling board, 1681
the governor, the director of a department created under section 1682
121.02 of the Revised Code, or any particular member of the staff 1683
of any of the public officers or employees listed in division 1684
(B)(2) of this section, then the employer or legislative agent 1685
shall also state all of the following: 1686

(a) The name of the public officer or employee to whom, at 1687
whose request, for whose benefit, or on whose behalf the 1688
expenditures were made; 1689

(b) The total amount of the expenditures made; 1690

(c) A brief description of the expenditures made; 1691

(d) The approximate date the expenditures were made; 1692

(e) The specific items of legislation, if any, for which the 1693
expenditures were made and the identity of the client on whose 1694
behalf each expenditure was made. 1695

As used in division (B)(2) of this section, "expenditures" 1696
does not include expenditures made by a legislative agent as 1697
payment for meals and other food and beverages. 1698

(3) If, during a reporting period covered by a statement, a 1699
legislative agent made expenditures as payment for meals and other 1700
food and beverages, other than for meals and other food and 1701
beverages provided to a member of the general assembly at a 1702
meeting at which the member participated in a panel, seminar, or 1703
speaking engagement or provided to a member of the general 1704
assembly at a meeting or convention of a national organization to 1705
~~which either house of the general assembly, any legislative~~ 1706
~~agency, or any other state agency, including, but not limited to,~~ 1707
any legislative agency or state institution of higher education as 1708
defined in section 3345.011 of the Revised Code, pays membership 1709
dues, that, when added to the amount of previous payments made for 1710
meals and other food and beverages by that legislative agent 1711

during that same calendar year, exceeded a total of fifty dollars 1712
to, at the request of, for the benefit of, or on behalf of any 1713
particular member of the general assembly, any particular member 1714
of the controlling board, the governor, the director of a 1715
department created under section 121.02 of the Revised Code, or 1716
any particular member of the staff of any of the public officers 1717
or employees listed in division (B)(3) of this section, then the 1718
legislative agent shall also state all of the following regarding 1719
those expenditures: 1720

(a) The name of the public officer or employee to whom, at 1721
whose request, for whose benefit, or on whose behalf the 1722
expenditures were made; 1723

(b) The total amount of the expenditures made; 1724

(c) A brief description of the expenditures made; 1725

(d) The approximate date the expenditures were made; 1726

(e) The specific items of legislation, if any, for which the 1727
expenditures were made and the identity of the client on whose 1728
behalf each expenditure was made. 1729

(C) In addition to the information required by divisions 1730
(B)(2) and (3) of this section, a statement filed by an employer 1731
shall show the total amount of expenditures made by the employer 1732
filing the statement during the period covered by the statement. 1733
As used in this section, "expenditures" does not include the 1734
expenses of maintaining office facilities or the compensation paid 1735
to legislative agents engaged by an employer. 1736

No employer is required to show any expenditure on a 1737
statement filed under this division if the expenditure is reported 1738
on a statement filed under division (B) of this section by a 1739
legislative agent engaged by the employer. 1740

(D) Any statement required to be filed under this section 1741
shall be filed at the times specified in section 101.72 of the 1742

Revised Code. Each statement shall cover expenditures made during 1743
the four-calendar-month period that ended on the last day of the 1744
month immediately preceding the month in which the statement is 1745
required to be filed. 1746

No portion of the amount of an expenditure for a dinner, 1747
party, or other function sponsored by an employer or legislative 1748
agent need be attributed to, or counted toward the amount for, a 1749
reporting period specified in division (B)(2) or (3) of this 1750
section if the sponsor has invited to the function all the members 1751
of either of the following: 1752

(1) The general assembly; 1753

(2) Either house of the general assembly. 1754

However, the amount spent for such function and its date and 1755
purpose shall be reported separately on the statement required to 1756
be filed under this section and the amount spent for the function 1757
shall be added with other expenditures for the purpose of 1758
determining the total amount of expenditures reported in the 1759
statement under division (B)(1) or (C) of this section. 1760

If it is impractical or impossible for a legislative agent or 1761
employer to determine exact dollar amounts or values of 1762
expenditures, reporting of good faith estimates, based upon 1763
reasonable accounting procedures, constitutes compliance with this 1764
section. 1765

(E) All legislative agents and employers shall retain 1766
receipts or maintain records for all expenditures that are 1767
required to be reported pursuant to this section. These receipts 1768
or records shall be maintained for a period ending on the 1769
thirty-first day of December of the second calendar year after the 1770
year in which the expenditure was made. 1771

(F)(1) An employer or legislative agent who is required to 1772
file an expenditure statement under division (B) or (C) of this 1773

section shall deliver a copy of the statement, or of the portion
showing the expenditure, to the public officer or employee who is
listed in the statement as having received the expenditure or on
whose behalf it was made, at least ten days before the date on
which the statement is filed.

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

Sec. 102.02. (A) Except as otherwise provided in division (H)
of this section, every person who is elected to or is a candidate
for a state, county, or city office, or the office of member of

the United States congress, and every person who is appointed to 1806
fill a vacancy for an unexpired term in such an elective office; 1807
all members of the state board of education; the director, 1808
assistant directors, deputy directors, division chiefs, or persons 1809
of equivalent rank of any administrative department of the state; 1810
the president or other chief administrative officer of every state 1811
institution of higher education as defined in section 3345.011 of 1812
the Revised Code; the chief executive officer of each state 1813
retirement system; all members of the board of commissioners on 1814
grievances and discipline of the supreme court and the ethics 1815
commission created under section 102.05 of the Revised Code; every 1816
business manager, treasurer, or superintendent of a city, local, 1817
exempted village, joint vocational, or cooperative education 1818
school district or an educational service center; every person who 1819
is elected to or is a candidate for the office of member of a 1820
board of education of a city, local, exempted village, joint 1821
vocational, or cooperative education school district or of a 1822
governing board of an educational service center that has a total 1823
student count of twelve thousand or more as most recently 1824
determined by the department of education pursuant to section 1825
3317.03 of the Revised Code; every person who is appointed to the 1826
board of education of a municipal school district pursuant to 1827
division (B) or (F) of section 3311.71 of the Revised Code; all 1828
members of the board of directors of a sanitary district 1829
established under Chapter 6115. of the Revised Code and organized 1830
wholly for the purpose of providing a water supply for domestic, 1831
municipal, and public use that includes two municipal corporations 1832
in two counties; every public official or employee who is paid a 1833
salary or wage in accordance with schedule C of section 124.15 or 1834
schedule E-2 of section 124.152 of the Revised Code; members of 1835
the board of trustees and the executive director of the tobacco 1836
use prevention and control foundation; members of the board of 1837
trustees and the executive director of the southern Ohio 1838

agricultural and community development foundation; members and the 1839
executive director of the biomedical research and technology 1840
transfer commission; and every other public official or employee 1841
who is designated by the appropriate ethics commission pursuant to 1842
division (B) of this section shall file with the appropriate 1843
ethics commission on a form prescribed by the commission, a 1844
statement disclosing all of the following: 1845

(1) The name of the person filing the statement and each 1846
member of the person's immediate family and all names under which 1847
the person or members of the person's immediate family do 1848
business; 1849

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 1850
and except as otherwise provided in section 102.022 of the Revised 1851
Code, identification of every source of income, other than income 1852
from a legislative agent identified in division (A)(2)(b) of this 1853
section, received during the preceding calendar year, in the 1854
person's own name or by any other person for the person's use or 1855
benefit, by the person filing the statement, and a brief 1856
description of the nature of the services for which the income was 1857
received. If the person filing the statement is a member of the 1858
general assembly, the statement shall identify the amount of every 1859
source of income received in accordance with the following ranges 1860
of amounts: zero or more, but less than one thousand dollars; one 1861
thousand dollars or more, but less than ten thousand dollars; ten 1862
thousand dollars or more, but less than twenty-five thousand 1863
dollars; twenty-five thousand dollars or more, but less than fifty 1864
thousand dollars; fifty thousand dollars or more, but less than 1865
one hundred thousand dollars; and one hundred thousand dollars or 1866
more. Division (A)(2)(a) of this section shall not be construed to 1867
require a person filing the statement who derives income from a 1868
business or profession to disclose the individual items of income 1869
that constitute the gross income of that business or profession, 1870

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

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

(c) Except as otherwise provided in division (A)(2)(c) of
this section, division (A)(2)(a) of this section applies to
attorneys, physicians, and other persons who engage in the

practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose in the brief description of the nature of services required by division (A)(2)(a) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(3) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing it to do business in this state, trust,

business trust, partnership, or association that transacts 1935
business in this state in which the person filing the statement or 1936
any other person for the person's use and benefit had during the 1937
preceding calendar year an investment of over one thousand dollars 1938
at fair market value as of the thirty-first day of December of the 1939
preceding calendar year, or the date of disposition, whichever is 1940
earlier, or in which the person holds any office or has a 1941
fiduciary relationship, and a description of the nature of the 1942
investment, office, or relationship. Division (A)(3) of this 1943
section does not require disclosure of the name of any bank, 1944
savings and loan association, credit union, or building and loan 1945
association with which the person filing the statement has a 1946
deposit or a withdrawable share account. 1947

(4) All fee simple and leasehold interests to which the 1948
person filing the statement holds legal title to or a beneficial 1949
interest in real property located within the state, excluding the 1950
person's residence and property used primarily for personal 1951
recreation; 1952

(5) The names of all persons residing or transacting business 1953
in the state to whom the person filing the statement owes, in the 1954
person's own name or in the name of any other person, more than 1955
one thousand dollars. Division (A)(5) of this section shall not be 1956
construed to require the disclosure of debts owed by the person 1957
resulting from the ordinary conduct of a business or profession or 1958
debts on the person's residence or real property used primarily 1959
for personal recreation, except that the superintendent of 1960
financial institutions shall disclose the names of all 1961
state-chartered savings and loan associations and of all service 1962
corporations subject to regulation under division (E)(2) of 1963
section 1151.34 of the Revised Code to whom the superintendent in 1964
the superintendent's own name or in the name of any other person 1965
owes any money, and that the superintendent and any deputy 1966

superintendent of banks shall disclose the names of all 1967
state-chartered banks and all bank subsidiary corporations subject 1968
to regulation under section 1109.44 of the Revised Code to whom 1969
the superintendent or deputy superintendent owes any money. 1970

(6) The names of all persons residing or transacting business 1971
in the state, other than a depository excluded under division 1972
(A)(3) of this section, who owe more than one thousand dollars to 1973
the person filing the statement, either in the person's own name 1974
or to any person for the person's use or benefit. Division (A)(6) 1975
of this section shall not be construed to require the disclosure 1976
of clients of attorneys or persons licensed under section 4732.12 1977
or 4732.15 of the Revised Code, or patients of persons certified 1978
under section 4731.14 of the Revised Code, nor the disclosure of 1979
debts owed to the person resulting from the ordinary conduct of a 1980
business or profession. 1981

(7) Except as otherwise provided in section 102.022 of the 1982
Revised Code, the source of each gift of over seventy-five 1983
dollars, or of each gift of over twenty-five dollars received by a 1984
member of the general assembly from a legislative agent, received 1985
by the person in the person's own name or by any other person for 1986
the person's use or benefit during the preceding calendar year, 1987
except gifts received by will or by virtue of section 2105.06 of 1988
the Revised Code, or received from spouses, parents, grandparents, 1989
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1990
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1991
fathers-in-law, mothers-in-law, or any person to whom the person 1992
filing the statement stands in loco parentis, or received by way 1993
of distribution from any inter vivos or testamentary trust 1994
established by a spouse or by an ancestor; 1995

(8) Except as otherwise provided in section 102.022 of the 1996
Revised Code, identification of the source and amount of every 1997
payment of expenses incurred for travel to destinations inside or 1998

outside this state that is received by the person in the person's
own name or by any other person for the person's use or benefit
and that is incurred in connection with the person's official
duties, except for expenses for travel to meetings or conventions
of a national or state organization to which ~~either house of the
general assembly, any legislative agency, a~~ any state agency,
including, but not limited to, any legislative agency or state
institution of higher education as defined in section ~~3345.031~~
3345.011 of the Revised Code, ~~any other state agency~~ pays
membership dues, or any political subdivision or any office or
agency of a political subdivision pays membership dues;

(9) Except as otherwise provided in section 102.022 of the
Revised Code, identification of the source of payment of expenses
for meals and other food and beverages, other than for meals and
other food and beverages provided at a meeting at which the person
participated in a panel, seminar, or speaking engagement or at a
meeting or convention of a national or state organization to which
~~either house of the general assembly, any legislative agency, a~~
any state agency, including, but not limited to, any legislative
agency or state institution of higher education as defined in
section ~~3345.031~~ 3345.011 of the Revised Code, ~~any other state~~
~~agency~~ pays membership dues, or any political subdivision or any
office or agency of a political subdivision pays membership dues,
that are incurred in connection with the person's official duties
and that exceed one hundred dollars aggregated per calendar year;

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

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

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

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

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

commission except as otherwise provided in this section. 2063

(B) The Ohio ethics commission, the joint legislative ethics 2064
committee, and the board of commissioners on grievances and 2065
discipline of the supreme court, using the rule-making procedures 2066
of Chapter 119. of the Revised Code, may require any class of 2067
public officials or employees under its jurisdiction and not 2068
specifically excluded by this section whose positions involve a 2069
substantial and material exercise of administrative discretion in 2070
the formulation of public policy, expenditure of public funds, 2071
enforcement of laws and rules of the state or a county or city, or 2072
the execution of other public trusts, to file an annual statement 2073
on or before the fifteenth day of April under division (A) of this 2074
section. The appropriate ethics commission shall send the public 2075
officials or employees written notice of the requirement by the 2076
fifteenth day of February of each year the filing is required 2077
unless the public official or employee is appointed after that 2078
date, in which case the notice shall be sent within thirty days 2079
after appointment, and the filing shall be made not later than 2080
ninety days after appointment. 2081

Except for disclosure statements filed by members of the 2082
board of trustees and the executive director of the tobacco use 2083
prevention and control foundation, members of the board of 2084
trustees and the executive director of the southern Ohio 2085
agricultural and community development foundation, and members and 2086
the executive director of the biomedical research and technology 2087
transfer commission, disclosure statements filed under this 2088
division with the Ohio ethics commission by members of boards, 2089
commissions, or bureaus of the state for which no compensation is 2090
received other than reasonable and necessary expenses shall be 2091
kept confidential. Disclosure statements filed with the Ohio 2092
ethics commission under division (A) of this section by business 2093
managers, treasurers, and superintendents of city, local, exempted 2094

village, joint vocational, or cooperative education school 2095
districts or educational service centers shall be kept 2096
confidential, except that any person conducting an audit of any 2097
such school district or educational service center pursuant to 2098
section 115.56 or Chapter 117. of the Revised Code may examine the 2099
disclosure statement of any business manager, treasurer, or 2100
superintendent of that school district or educational service 2101
center. The Ohio ethics commission shall examine each disclosure 2102
statement required to be kept confidential to determine whether a 2103
potential conflict of interest exists for the person who filed the 2104
disclosure statement. A potential conflict of interest exists if 2105
the private interests of the person, as indicated by the person's 2106
disclosure statement, might interfere with the public interests 2107
the person is required to serve in the exercise of the person's 2108
authority and duties in the person's office or position of 2109
employment. If the commission determines that a potential conflict 2110
of interest exists, it shall notify the person who filed the 2111
disclosure statement and shall make the portions of the disclosure 2112
statement that indicate a potential conflict of interest subject 2113
to public inspection in the same manner as is provided for other 2114
disclosure statements. Any portion of the disclosure statement 2115
that the commission determines does not indicate a potential 2116
conflict of interest shall be kept confidential by the commission 2117
and shall not be made subject to public inspection, except as is 2118
necessary for the enforcement of Chapters 102. and 2921. of the 2119
Revised Code and except as otherwise provided in this division. 2120
2121

(C) No person shall knowingly fail to file, on or before the 2122
applicable filing deadline established under this section, a 2123
statement that is required by this section. 2124

(D) No person shall knowingly file a false statement that is 2125
required to be filed under this section. 2126

(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 2190
presidential elector; a delegate to a national convention; village 2191
or township officials and employees; any physician or psychiatrist 2192
who is paid a salary or wage in accordance with schedule C of 2193
section 124.15 or schedule E-2 of section 124.152 of the Revised 2194
Code and whose primary duties do not require the exercise of 2195
administrative discretion; or any member of a board, commission, 2196
or bureau of any county or city who receives less than one 2197
thousand dollars per year for serving in that position. 2198

Sec. 102.03. (A)(1) No present or former public official or 2199
employee shall, during public employment or service or for twelve 2200
months thereafter, represent a client or act in a representative 2201
capacity for any person on any matter in which the public official 2202
or employee personally participated as a public official or 2203
employee through decision, approval, disapproval, recommendation, 2204
the rendering of advice, investigation, or other substantial 2205
exercise of administrative discretion. 2206

(2) For twenty-four months after the conclusion of service, 2207
no former commissioner or attorney examiner of the public 2208
utilities commission shall represent a public utility, as defined 2209
in section 4905.02 of the Revised Code, or act in a representative 2210
capacity on behalf of such a utility before any state board, 2211
commission, or agency. 2212

(3) For twenty-four months after the conclusion of employment 2213
or service, no former public official or employee who personally 2214
participated as a public official or employee through decision, 2215
approval, disapproval, recommendation, the rendering of advice, 2216
the development or adoption of solid waste management plans, 2217
investigation, inspection, or other substantial exercise of 2218
administrative discretion under Chapter 343. or 3734. of the 2219
Revised Code shall represent a person who is the owner or operator 2220

of a facility, as defined in section 3734.01 of the Revised Code, 2221
or who is an applicant for a permit or license for a facility 2222
under that chapter, on any matter in which the public official or 2223
employee personally participated as a public official or employee. 2224

(4) For a period of one year after the conclusion of 2225
employment or service as a member or employee of the general 2226
assembly, no former member or employee of the general assembly 2227
shall represent, or act in a representative capacity for, any 2228
person on any matter before the general assembly, any committee of 2229
the general assembly, or the controlling board. Division (A)(4) of 2230
this section does not apply to or affect a person who separates 2231
from service with the general assembly on or before December 31, 2232
1995. As used in division (A)(4) of this section "person" does not 2233
include any state agency or political subdivision of the state. 2234

(5) As used in divisions (A)(1), (2), and (3) of this 2235
section, "matter" includes any case, proceeding, application, 2236
determination, issue, or question, but does not include the 2237
proposal, consideration, or enactment of statutes, rules, 2238
ordinances, resolutions, or charter or constitutional amendments. 2239
As used in division (A)(4) of this section, "matter" includes the 2240
proposal, consideration, or enactment of statutes, resolutions, or 2241
constitutional amendments. As used in division (A) of this 2242
section, "represent" includes any formal or informal appearance 2243
before, or any written or oral communication with, any public 2244
agency on behalf of any person. 2245
2246

(6) Nothing contained in division (A) of this section shall 2247
prohibit, during such period, a former public official or employee 2248
from being retained or employed to represent, assist, or act in a 2249
representative capacity for the public agency by which the public 2250
official or employee was employed or on which the public official 2251
or employee served. 2252

(7) Division (A) of this section shall not be construed to 2253
prohibit the performance of ministerial functions, including, but 2254
not limited to, the filing or amendment of tax returns, 2255
applications for permits and licenses, incorporation papers, and 2256
other similar documents. 2257

(B) No present or former public official or employee shall 2258
disclose or use, without appropriate authorization, any 2259
information acquired by the public official or employee in the 2260
course of the public official's or employee's official duties that 2261
is confidential because of statutory provisions, or that has been 2262
clearly designated to the public official or employee as 2263
confidential when that confidential designation is warranted 2264
because of the status of the proceedings or the circumstances 2265
under which the information was received and preserving its 2266
confidentiality is necessary to the proper conduct of government 2267
business. 2268

(C) No public official or employee shall participate within 2269
the scope of duties as a public official or employee, except 2270
through ministerial functions as defined in division (A) of this 2271
section, in any license or rate-making proceeding that directly 2272
affects the license or rates of any person, partnership, trust, 2273
business trust, corporation, or association in which the public 2274
official or employee or immediate family owns or controls more 2275
than five per cent. No public official or employee shall 2276
participate within the scope of duties as a public official or 2277
employee, except through ministerial functions as defined in 2278
division (A) of this section, in any license or rate-making 2279
proceeding that directly affects the license or rates of any 2280
person to whom the public official or employee or immediate 2281
family, or a partnership, trust, business trust, corporation, or 2282
association of which the public official or employee or the public 2283
official's or employee's immediate family owns or controls more 2284

than five per cent, has sold goods or services totaling more than 2285
one thousand dollars during the preceding year, unless the public 2286
official or employee has filed a written statement acknowledging 2287
that sale with the clerk or secretary of the public agency and the 2288
statement is entered in any public record of the agency's 2289
proceedings. This division shall not be construed to require the 2290
disclosure of clients of attorneys or persons licensed under 2291
section 4732.12 or 4732.15 of the Revised Code, or patients of 2292
persons certified under section 4731.14 of the Revised Code. 2293

(D) No public official or employee shall use or authorize the 2294
use of the authority or influence of office or employment to 2295
secure anything of value or the promise or offer of anything of 2296
value that is of such a character as to manifest a substantial and 2297
improper influence upon the public official or employee with 2298
respect to that person's duties. 2299

(E) No public official or employee shall solicit or accept 2300
anything of value that is of such a character as to manifest a 2301
substantial and improper influence upon the public official or 2302
employee with respect to that person's duties. 2303

(F) No person shall promise or give to a public official or 2304
employee anything of value that is of such a character as to 2305
manifest a substantial and improper influence upon the public 2306
official or employee with respect to that person's duties. 2307

(G) In the absence of bribery or another offense under the 2308
Revised Code or a purpose to defraud, contributions made to a 2309
campaign committee, political party, legislative campaign fund, 2310
political action committee, or political contributing entity on 2311
behalf of an elected public officer or other public official or 2312
employee who seeks elective office shall be considered to accrue 2313
ordinarily to the public official or employee for the purposes of 2314
divisions (D), (E), and (F) of this section. 2315

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, including, but not limited to, any state legislative agency or state institution of higher education as defined in section 3345.011 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 2348
demonstrable business, professional, or esthetic interests of the 2349
public official or employee that exist apart from public office or 2350
employment, including, but not limited to, such a demonstrable 2351
interest in public speaking and were not paid by any person or 2352
other entity, or by any representative or association of those 2353
persons or entities, that is regulated by, doing business with, or 2354
seeking to do business with the department, division, institution, 2355
board, commission, authority, bureau, or other instrumentality of 2356
the governmental entity with which the public official or employee 2357
serves. 2358

(I) A public official or employee may accept travel, meals, 2359
and lodging or expenses or reimbursement of expenses for travel, 2360
meals, and lodging in connection with conferences, seminars, and 2361
similar events related to official duties if the travel, meals, 2362
and lodging, expenses, or reimbursement is not of such a character 2363
as to manifest a substantial and improper influence upon the 2364
public official or employee with respect to that person's duties. 2365
The house of representatives and senate, in their code of ethics, 2366
and the Ohio ethics commission, under section 111.15 of the 2367
Revised Code, may adopt rules setting standards and conditions for 2368
the furnishing and acceptance of such travel, meals, and lodging, 2369
expenses, or reimbursement. 2370

A person who acts in compliance with this division and any 2371
applicable rules adopted under it, or any applicable, similar 2372
rules adopted by the supreme court governing judicial officers and 2373
employees, does not violate division (D), (E), or (F) of this 2374
section. This division does not preclude any person from seeking 2375
an advisory opinion from the appropriate ethics commission under 2376
section 102.08 of the Revised Code. 2377

(J) For purposes of divisions (D), (E), and (F) of this 2378
section, the membership of a public official or employee in an 2379

organization shall not be considered, in and of itself, to be of 2380
such a character as to manifest a substantial and improper 2381
influence on the public official or employee with respect to that 2382
person's duties. As used in this division, "organization" means a 2383
church or a religious, benevolent, fraternal, or professional 2384
organization that is tax exempt under subsection 501(a) and 2385
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 2386
"Internal Revenue Code of 1986." This division does not apply to a 2387
public official or employee who is an employee of an organization, 2388
serves as a trustee, director, or officer of an organization, or 2389
otherwise holds a fiduciary relationship with an organization. 2390
This division does not allow a public official or employee who is 2391
a member of an organization to participate, formally or 2392
informally, in deliberations, discussions, or voting on a matter 2393
or to use his official position with regard to the interests of 2394
the organization on the matter if the public official or employee 2395
has assumed a particular responsibility in the organization with 2396
respect to the matter or if the matter would affect that person's 2397
personal, pecuniary interests. 2398

(K) It is not a violation of this section for a prosecuting 2399
attorney to appoint assistants and employees in accordance with 2400
division (B) of section 309.06 and section 2921.421 of the Revised 2401
Code, for a chief legal officer of a municipal corporation or an 2402
official designated as prosecutor in a municipal corporation to 2403
appoint assistants and employees in accordance with sections 2404
733.621 and 2921.421 of the Revised Code, for a township law 2405
director appointed under section 504.15 of the Revised Code to 2406
appoint assistants and employees in accordance with sections 2407
504.151 and 2921.421 of the Revised Code, or for a coroner to 2408
appoint assistants and employees in accordance with division (B) 2409
of section 313.05 of the Revised Code. 2410

As used in this division, "chief legal officer" has the same 2411

meaning as in section 733.621 of the Revised Code.	2412
Sec. 102.031. (A) As used in this section:	2413
(1) "Actively advocating," "employer," "financial transaction," "legislation," and "legislative agent" have the same meanings as in section 101.70 of the Revised Code.	2414 2415 2416
(2) "Business associate" means a person with whom a member of the general assembly is conducting or undertaking a financial transaction.	2417 2418 2419
(3) "Contribution" has the same meaning as in section 3517.01 of the Revised Code.	2420 2421
(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.	2422 2423 2424 2425 2426 2427 2428 2429 2430
(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:	2431 2432 2433 2434 2435
(1) An employee;	2436
(2) A business associate;	2437
(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	2438 2439 2440

the formulation of public policy. 2441

(C) No member of the general assembly shall knowingly accept 2442
any of the following from a legislative agent: 2443

(1) The payment of any expenses for travel or lodging except 2444
as otherwise authorized by division (H) of section 102.03 of the 2445
Revised Code; 2446

(2) More than seventy-five dollars aggregated per calendar 2447
year as payment for meals and other food and beverages, other than 2448
for those meals and other food and beverages provided to the 2449
member at a meeting at which the member participates in a panel, 2450
seminar, or speaking engagement, at a meeting or convention of a 2451
national organization to which ~~either house of the general~~ 2452
~~assembly, any legislative agency, or any other state agency,~~ 2453
including, but not limited to, any legislative agency or state 2454
institution of higher education as defined in section 3345.011 of 2455
the Revised Code, pays membership dues, or at a dinner, party, or 2456
function to which all members of the general assembly or all 2457
members of either house of the general assembly are invited; 2458

(3) A gift of any amount in the form of cash or the 2459
equivalent of cash, or a gift of any other thing of value whose 2460
value exceeds seventy-five dollars. As used in division (C)(3) of 2461
this section, "gift" does not include any contribution or any 2462
gifts of meals and other food and beverages or the payment of 2463
expenses incurred for travel to destinations either inside or 2464
outside this state that is received by the member of the general 2465
assembly and that is incurred in connection with the member's 2466
official duties. 2467

(D) It is not a violation of division (C)(2) of this section 2468
if, within sixty days after receiving notice from a legislative 2469
agent that the legislative agent has provided a member of the 2470
general assembly with more than seventy-five dollars aggregated in 2471

a calendar year as payment for meals and other food and beverages, 2472
the member of the general assembly returns to that legislative 2473
agent the amount received that exceeds seventy-five dollars. 2474

(E) The joint legislative ethics committee may impose a fine 2475
of not more than one thousand dollars upon a member of the general 2476
assembly who violates division (B) of this section. 2477

Sec. 102.06. (A) The appropriate ethics commission shall 2478
receive and may initiate complaints against persons subject to 2479
Chapter 102. of the Revised Code concerning conduct alleged to be 2480
in violation of this chapter or section 2921.42 or 2921.43 of the 2481
Revised Code. All complaints except those by the commission shall 2482
be by affidavit made on personal knowledge, subject to the 2483
penalties of perjury. Complaints by the commission shall be by 2484
affidavit, based upon reasonable cause to believe that a violation 2485
has occurred. 2486

(B) The commission shall investigate complaints, may 2487
investigate charges presented to it, and may request further 2488
information, including the specific amount of income from a 2489
source, from any person filing with the commission a statement 2490
required by section 102.02 of the Revised Code, if the information 2491
sought is directly relevant to a complaint or charges received by 2492
the commission pursuant to this section. This information is 2493
confidential, except that the commission, at its discretion, may 2494
share information gathered in the course of any investigation 2495
with, or disclose the information to, the inspector general, any 2496
appropriate prosecuting authority, any law enforcement agency, or 2497
any other appropriate ethics commission. The person so requested 2498
shall furnish the information to the commission, unless within 2499
fifteen days from the date of the request the person files an 2500
action for declaratory judgment challenging the legitimacy of the 2501
request in the court of common pleas of the county of ~~his~~ the 2502

person's residence, ~~his~~ the person's place of employment, or 2503
Franklin county. The requested information need not be furnished 2504
to the commission during the pendency of the judicial proceedings. 2505
Proceedings of the commission in connection with the declaratory 2506
judgment action shall be kept confidential except as otherwise 2507
provided by this section. Before the commission proceeds to take 2508
any formal action against a person who is the subject of an 2509
investigation based on charges presented to the commission, a 2510
complaint shall be filed against the person. If the commission 2511
finds that a complaint is not frivolous, and there is reasonable 2512
cause to believe that the facts alleged in a complaint constitute 2513
a violation of section 102.02, 102.03, 102.04, 102.07, 2921.42, or 2514
2921.43 of the Revised Code, it shall hold a hearing. If the 2515
commission does not so find, it shall dismiss the complaint and 2516
notify the accused person in writing of the dismissal of the 2517
complaint. The commission shall not make a report of its finding 2518
unless the accused person requests a report. Upon the request of 2519
the accused person, the commission shall make a public report of 2520
its finding. The person against whom the complaint is directed 2521
shall be given reasonable notice by certified mail of the date, 2522
time, and place of the hearing and a statement of the charges and 2523
the law directly involved and shall be given the opportunity to be 2524
represented by counsel, to have counsel appointed for ~~him~~ the 2525
person if ~~he~~ the person is unable to afford counsel without undue 2526
hardship, to examine the evidence against ~~him~~ the person, to 2527
produce evidence and to call and subpoena witnesses in ~~his~~ the 2528
person's defense, to confront ~~his~~ the person's accusers, and to 2529
cross-examine witnesses. The commission shall have a stenographic 2530
record made of the hearing. The hearing shall be closed to the 2531
public. 2532

(C)(1)(a) If upon the basis of the hearing, the commission 2533
finds by a preponderance of the evidence that the facts alleged in 2534
the complaint are true and constitute a violation of section 2535

102.02, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall report its findings to the appropriate prosecuting authority for proceedings in prosecution of the violation and to the appointing or employing authority of the accused.

(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 2568
make the evidence and the record available for public inspection. 2569

(D) The commission, or a member of the commission, may 2570
administer oaths, and the commission may issue subpoenas to any 2571
person in the state compelling the attendance of witnesses and the 2572
production of relevant papers, books, accounts, and records. The 2573
commission shall issue subpoenas to compel the attendance of 2574
witnesses and the production of documents upon the request of an 2575
accused person. Section 101.42 of the Revised Code shall govern 2576
the issuance of these subpoenas insofar as applicable. Upon the 2577
refusal of any person to obey a subpoena or to be sworn or to 2578
answer as a witness, the commission may apply to the court of 2579
common pleas of Franklin county under section 2705.03 of the 2580
Revised Code. The court shall hold proceedings in accordance with 2581
Chapter 2705. of the Revised Code. The commission or the accused 2582
person may take the depositions of witnesses residing within or 2583
without the state in the same manner as prescribed by law for the 2584
taking of depositions in civil actions in the court of common 2585
pleas. 2586

(E) At least once each year, the Ohio ethics commission shall 2587
report on its activities of the immediately preceding year to the 2588
majority and minority leaders of the senate and house of 2589
representatives of the general assembly. The report shall indicate 2590
the total number of complaints received, initiated, and 2591
investigated by the commission, the total number of complaints for 2592
which formal hearings were held, and the total number of 2593
complaints for which formal prosecution was recommended or 2594
requested by the commission. The report also shall indicate the 2595
nature of the inappropriate conduct alleged in each complaint and 2596
the governmental entity with which any employee or official that 2597
is the subject of a complaint was employed at the time of the 2598
alleged inappropriate conduct. 2599

(F) All papers, records, affidavits, and documents upon any 2600
complaint, inquiry, or investigation relating to the proceedings 2601
of the appropriate commission shall be sealed and are private and 2602
confidential, except as otherwise provided in this section and 2603
section 102.07 of the Revised Code. 2604

(G)(1) When a complaint or charge is before it, the Ohio 2605
ethics commission or the appropriate prosecuting authority, in 2606
consultation with the person filing the complaint or charge, the 2607
accused, and any other person the commission or prosecuting 2608
authority considers necessary, may compromise or settle the 2609
complaint or charge with the agreement of the accused. The 2610
compromise or settlement may include mediation, restitution, 2611
rescission of affected contracts, forfeiture of any benefits 2612
resulting from a violation or potential violation of law, 2613
resignation of a public official or employee, or any other relief 2614
that is agreed upon between the commission or prosecuting 2615
authority and the accused. 2616

(2) Any settlement agreement entered into under division 2617
(G)(1) of this section shall be in writing and be accompanied by a 2618
statement of the findings of the commission or prosecuting 2619
authority and the reasons for entering into the agreement. The 2620
commission or prosecuting authority shall retain the agreement and 2621
statement in ~~its~~ the commission's or ~~his~~ prosecuting attorney's 2622
office and, in ~~its~~ the commission's or ~~his~~ prosecuting authority's 2623
discretion, may make the agreement, the statement, and any 2624
supporting information public, unless the agreement provides 2625
otherwise. 2626

(3) If a settlement agreement is breached by the accused, the 2627
commission or prosecuting authority, in ~~its~~ the commission's or 2628
~~his~~ prosecuting authority's discretion, may rescind the agreement 2629
and reinstitute any investigation, hearing, or prosecution of the 2630
accused. No information obtained from the accused in reaching the 2631

settlement that is not otherwise discoverable from the accused 2632
shall be used in any proceeding before the commission or by the 2633
appropriate prosecuting authority in prosecuting the violation. 2634
Notwithstanding any other section of the Revised Code, if a 2635
settlement agreement is breached, any statute of limitations for a 2636
violation of this chapter or section 2921.42 or 2921.43 of the 2637
Revised Code is tolled from the date the complaint or charge is 2638
filed until the date the settlement agreement is breached. 2639

2640

Sec. 103.143. In addition to its duties under section 103.14 2641
of the Revised Code, ~~the legislative budget office of the~~ 2642
legislative service commission shall, in accordance with this 2643
section, review all bills assigned to a committee of the general 2644
assembly, complete the appropriate local impact statements 2645
required by this section, and compile and distribute these 2646
statements as required by division (D) of this section. 2647

(A) Subject to division (F) of this section, whenever any 2648
bill is introduced into either house of the general assembly and 2649
receives second consideration pursuant to the rules of that house, 2650
the bill shall be reviewed immediately by the legislative budget 2651
officer. Upon completing this review, the legislative budget 2652
officer shall determine whether the bill could result in a net 2653
additional cost to school districts, counties, townships, or 2654
municipal corporations from any new or expanded program or service 2655
that school districts, counties, townships, or municipal 2656
corporations would be required to perform or administer under the 2657
bill. If the legislative budget officer determines that it could 2658
result in such a cost, the legislative ~~budget office~~ service 2659
commission shall prepare a local impact statement in the manner 2660
specified in this section. Immediately upon determining the 2661
potential for a net additional cost, the legislative budget 2662
officer shall notify the sponsor of the bill, the chairperson of 2663

the committee to which the bill has been assigned, and the 2664
presiding officer and minority leader of the house in which the 2665
bill originates of the legislative budget officer's determination 2666
by signing and dating a statement to be delivered to them. 2667

If a local impact statement is required, the legislative 2668
~~budget office~~ service commission shall, as soon as possible but no 2669
later than thirty days after the date the bill is scheduled for a 2670
first hearing in a committee in the house in which the bill was 2671
introduced or no later than thirty days after being requested to 2672
do so by the chairperson of such a committee, prepare a statement 2673
containing the most accurate estimate possible, in dollars, of the 2674
net additional costs, if any, that will be required of school 2675
districts, counties, townships, or municipal corporations to 2676
perform or administer a new or expanded program or service 2677
required under the bill. Copies of this statement shall be sent to 2678
the governor, the speaker of the house of representatives, the 2679
president of the senate, the sponsor of the bill, the minority 2680
leader in both houses, and the chairperson of the committee to 2681
which the bill has been assigned. 2682

No bill for which a local impact statement is required by 2683
this section shall be voted out of committee until after the 2684
committee members have received and considered the statement or, 2685
if the bill was amended in committee, the revised statement, 2686
unless the bill is voted out of committee by a two-thirds vote of 2687
the membership of the committee. 2688

(B) In preparing a local impact statement, the legislative 2689
~~budget office~~ service commission may request any department, 2690
division, institution, board, commission, authority, bureau, or 2691
other instrumentality or officer of the state, a school district, 2692
a county, a municipal corporation, or a township to provide any of 2693
the following information: 2694

(1) An estimate, in dollars, of the amount by which the bill 2695

would increase or decrease the revenues received or expenditures
made by the instrumentality, officer, or entity;

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

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

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

(D) The legislative ~~budget office~~ service commission shall
annually compile the final local impact statements completed for
all laws passed by both houses of the general assembly in the
preceding year. It shall send a copy of this compilation as a
draft report ~~to the state and local government commission and to~~
associations or nonprofit organizations formed for the improvement
of school districts or municipal, township, or county government
or for their elected officials by the last day of July of each
year. Upon receiving the draft report, ~~the state and local~~
~~government commission shall solicit comments from these~~
associations and organizations may comment about the actual fiscal
impact of bills passed during the year covered by the report. ~~The~~
~~commission shall review and comment on the draft report before~~
~~returning it to the legislative budget office, along with the~~ and

~~forward those~~ comments ~~of the associations and organizations,~~ to 2728
the legislative service commission by the last day of August. The 2729
legislative ~~budget office~~ service commission shall then prepare a 2730
final report consisting of the compiled local impact statements 2731
and all ~~forwarded~~ comments ~~returned by the state and local~~ 2732
~~government commission~~. The final report shall be completed by the 2733
last day of September and copies of the report shall be sent to 2734
the governor, the speaker of the house of representatives, and the 2735
president of the senate. 2736

(E) As used in this section, "net additional cost" means any 2737
cost incurred or anticipated to be incurred by a school district, 2738
county, township, or municipal corporation in performing or 2739
administering a new or expanded program or service required by a 2740
state law other than any of the following: 2741

(1) A cost arising from the exercise of authority granted by 2742
a state law rather than from the performance of a duty or 2743
obligation imposed by a state law; 2744

(2) New duties or obligations that create only a minimal cost 2745
for affected school districts, counties, townships, or municipal 2746
corporations. The legislative ~~budget office~~ service commission 2747
shall determine what constitutes such a minimal cost. Before 2748
making this determination, the legislative ~~budget office~~ service 2749
commission shall notify the state organizations that represent 2750
school districts, counties, townships, and municipal corporations 2751
regarding the proposed determination and provide a thirty-day 2752
period for these organizations and individual school districts, 2753
counties, townships, and municipal corporations to comment on it. 2754
2755

(3) A cost arising from a law passed as a result of a federal 2756
mandate. 2757

The amounts described in division (E)(2) of this section 2758
include only the amounts remaining after subtracting from such 2759

costs any revenues received or receivable by the school district,	2760
county, township, or municipal corporation on account of the	2761
program or service, including the following:	2762
(a) Fees charged to the recipients of the program or service;	2763
	2764
(b) State or federal aid paid specifically or categorically	2765
in connection with the program or service;	2766
(c) Any offsetting savings resulting from the diminution or	2767
elimination of any other program or service directly attributable	2768
to the performance or administration of the required program or	2769
service.	2770
(F) This section does not apply to any of the following:	2771
(1) The main biennial operating appropriations bill;	2772
(2) The biennial operating appropriations bill for state	2773
agencies supported by motor fuel tax revenue;	2774
(3) The biennial operating appropriations bill or bills for	2775
the bureau of workers' compensation and the industrial commission;	2776
(4) Any other bill that makes the principal biennial	2777
operating appropriations for one or more state agencies;	2778
(5) The bill that primarily contains corrections and	2779
supplemental appropriations to the biennial operating	2780
appropriations bills;	2781
(6) The main biennial capital appropriations bill;	2782
(7) The bill that primarily contains reappropriations from	2783
previous capital appropriations bills.	2784
<u>Sec. 103.33. This section shall be known as "The Community</u>	2785
<u>Organizations Access Procedure Act."</u>	2786
<u>Any state agency that is eligible to receive federal funds</u>	2787

under a federal grant program and that cannot or has decided that 2788
it will not participate fully in the program shall promptly report 2789
both of the following to the joint legislative committee on 2790
federal funds: 2791

(A) That the agency cannot or has decided that it will not 2792
participate fully in the program, along with the reason; 2793

(B) Whether there is some means allowable under federal law 2794
by which counties or not-for-profit organizations can receive the 2795
federal funds to participate in the program, as by being agents or 2796
grantees of the agency. 2797

If there is a means whereby counties or not-for-profit 2798
organizations can so participate in the program, the agency shall 2799
post on a generally accessible internet website detailed 2800
information about the program and the means by which the counties 2801
or not-for-profit organizations can participate in the program. 2802
The information shall be posted within ample time for the counties 2803
or not-for-profit organizations to participate fully in the 2804
program. Any county interested in participating in the program 2805
shall apply to the agency on its own behalf. Any county that is 2806
willing to be the fiscal agent for a not-for-profit organization 2807
interested in participating and qualified to participate in the 2808
program, or that arranges with a responsible organization to be 2809
the fiscal agent for the program in the county, shall advertise or 2810
otherwise inform such organizations about the program and shall 2811
apply to the agency in conjunction with or on behalf of the 2812
not-for-profit organization. The agency shall accept applications 2813
from the counties on a first-come, first-served basis, shall apply 2814
to the federal government for the funds, and shall pay the federal 2815
funds to the counties when available. 2816

As used in this section, "not-for-profit organizations" means 2817
organizations, including faith-based organizations, exempt from 2818
federal income taxation under section 501(c)(3) of the "Internal 2819

Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as 2820
amended. 2821

Sec. 105.41. (A) There is hereby created the capitol square 2822
review and advisory board, consisting of nine members as follows: 2823

(1) Two members of the senate, appointed by the president of 2824
the senate, both of whom shall not be members of the same 2825
political party; 2826

(2) Two members of the house of representatives, appointed by 2827
the speaker of the house of representatives, both of whom shall 2828
not be members of the same political party; 2829

(3) Five members appointed by the governor, with the advice 2830
and consent of the senate, not more than three of whom shall be 2831
members of the same political party, one of whom shall represent 2832
the office of the state architect and engineer, one of whom shall 2833
represent the Ohio arts council, one of whom shall represent the 2834
Ohio historical society, one of whom shall represent the Ohio 2835
building authority, and one of whom shall represent the public at 2836
large. 2837

(B) Terms of office of each appointed member of the board 2838
shall be for three years, except that members of the general 2839
assembly appointed to the board shall be members of the board only 2840
so long as they are members of the general assembly. Each member 2841
shall hold office from the date of the member's appointment until 2842
the end of the term for which the member was appointed. In case of 2843
a vacancy occurring on the board, the president of the senate, the 2844
speaker of the house of representatives, or the governor, as the 2845
case may be, shall in the same manner prescribed for the regular 2846
appointment to the commission, fill the vacancy by appointing a 2847
member. Any member appointed to fill a vacancy occurring prior to 2848
the expiration of the term for which the member's predecessor was 2849
appointed shall hold office for the remainder of the term. Any 2850

member shall continue in office subsequent to the expiration date 2851
of the member's term until the member's successor takes office, or 2852
until a period of sixty days has elapsed, whichever occurs first. 2853
2854

(C) The board shall hold meetings in a manner and at times 2855
prescribed by the rules adopted by the board. A majority of the 2856
board constitutes a quorum, and no action shall be taken by the 2857
board unless approved by at least five voting members. At its 2858
first meeting, the board shall adopt rules for the conduct of its 2859
business and the election of its officers, and shall organize by 2860
selecting a chairperson and other officers as it considers 2861
necessary. Board members shall serve without compensation but 2862
shall be reimbursed for actual and necessary expenses incurred in 2863
the performance of their duties. 2864

(D) The board may do any of the following: 2865

(1) Employ or hire on a consulting basis professional, 2866
technical, and clerical employees as are necessary for the 2867
performance of its duties; 2868

(2) Hold public hearings at times and places as determined by 2869
the board; 2870

(3) Adopt, amend, or rescind rules necessary to accomplish 2871
the duties of the board as set forth in this section; 2872

(4) Sponsor, conduct, and support such social events as the 2873
board may authorize and consider appropriate for the employees of 2874
the board, employees and members of the general assembly, 2875
employees of persons under contract with the board or otherwise 2876
engaged to perform services on the premises of capitol square, or 2877
other persons as the board may consider appropriate. Subject to 2878
the requirements of Chapter 4303. of the Revised Code, the board 2879
may provide beer, wine, and intoxicating liquor, with or without 2880
charge, for ~~such~~ those events and may use funds only from the sale 2881

of goods and services fund to purchase the beer, wine, and 2882
intoxicating liquor the board provides. 2883

(E) The board shall do all of the following: 2884

(1) Have sole authority to coordinate and approve any 2885
improvements, additions, and renovations that are made to the 2886
capitol square. The improvements shall include, but not be limited 2887
to, the placement of monuments and sculpture on the capitol 2888
grounds. 2889

(2) ~~Operate~~ Subject to section 3353.07 of the Revised Code, 2890
operate the capitol square, and have sole authority to regulate 2891
all uses of the capitol square. The uses shall include, but not be 2892
limited to, the casual and recreational use of the capitol square. 2893
2894

(3) Employ, fix the compensation of, and prescribe the duties 2895
of the executive director of the board and ~~such~~ other employees ~~as~~ 2896
the board considers necessary for the performance of its powers 2897
and duties; 2898

(4) Establish and maintain the capitol collection trust. The 2899
capitol collection trust shall consist of furniture, antiques, and 2900
other items of personal property that the board shall store in 2901
suitable facilities until they are ready to be placed in the 2902
capitol square. 2903

(5) Perform ~~such~~ repair, construction, contracting, 2904
purchasing, maintenance, supervisory, and operating activities ~~as~~ 2905
the board determines are necessary for the operation and 2906
maintenance of the capitol square; 2907

(6) Maintain and preserve the capitol square, in accordance 2908
with guidelines issued by the United States secretary of the 2909
interior for application of the secretary's standards for 2910
rehabilitation adopted in 36 C.F.R. part 67. 2911

(F)(1) The ~~capitol square review and advisory~~ board shall 2912

lease capital facilities improved or financed by the Ohio building 2913
authority pursuant to Chapter 152. of the Revised Code for the use 2914
of the board, and may enter into any other agreements with the 2915
authority ancillary to improvement, financing, or leasing of ~~such~~ 2916
those capital facilities, including, but not limited to, any 2917
agreement required by the applicable bond proceedings authorized 2918
by Chapter 152. of the Revised Code. Any lease of capital 2919
facilities authorized by this section shall be governed by 2920
division (D) of section 152.24 of the Revised Code. 2921

(2) Fees, receipts, and revenues received by the ~~capital~~ 2922
~~square review and advisory~~ board from the state underground 2923
parking garage constitute available receipts as defined in section 2924
152.09 of the Revised Code, and may be pledged to the payment of 2925
bond service charges on obligations issued by the Ohio building 2926
authority pursuant to Chapter 152. of the Revised Code to improve 2927
or finance capital facilities useful to the board. The authority 2928
may, with the consent of the board, provide in the bond 2929
proceedings for a pledge of all or ~~such a~~ portion of ~~such~~ those 2930
fees, receipts, and revenues as the authority determines. The 2931
authority may provide in the bond proceedings or by separate 2932
agreement with the board for the transfer of ~~such~~ those fees, 2933
receipts, and revenues to the appropriate bond service fund or 2934
bond service reserve fund as required to pay the bond service 2935
charges when due, and any such provision for the transfer of ~~such~~ 2936
those fees, receipts, and revenues shall be controlling 2937
notwithstanding any other provision of law pertaining to ~~such~~ 2938
those fees, receipts, and revenues. 2939

(3) All moneys received by the treasurer of state on account 2940
of the board and required by the applicable bond proceedings or by 2941
separate agreement with the board to be deposited, transferred, or 2942
credited to the bond service fund or bond service reserve fund 2943
established by ~~such~~ the bond proceedings shall be transferred by 2944

the treasurer of state to such fund, whether or not ~~such fund it~~ 2945
is in the custody of the treasurer of state, without necessity for 2946
further appropriation, upon receipt of notice from the Ohio 2947
building authority as prescribed in the bond proceedings. 2948

(G) All fees, receipts, and revenues received by the ~~capitol~~ 2949
~~square review and advisory~~ board from the state underground 2950
parking garage shall be deposited into the state treasury to the 2951
credit of the underground parking garage operating fund, which is 2952
hereby created, to be used for the purposes specified in division 2953
(F) of this section and for the operation and maintenance of the 2954
garage. All investment earnings of the fund shall be credited to 2955
the fund. 2956

(H) All donations received by the ~~capitol square review and~~ 2957
~~advisory~~ board shall be deposited into the state treasury to the 2958
credit of the capitol square renovation gift fund, which is hereby 2959
created. The fund shall be used by the ~~capitol square review and~~ 2960
~~advisory~~ board as follows: 2961

(1) To provide part or all of the funding related to 2962
construction, goods, or services for the renovation of the capitol 2963
square; 2964

(2) To purchase art, antiques, and artifacts for display at 2965
the capitol square; 2966

(3) To award contracts or make grants to organizations for 2967
educating the public regarding the historical background and 2968
governmental functions of the capitol square. Chapters 125., 127., 2969
and 153. and section 3517.13 of the Revised Code do not apply to 2970
purchases made exclusively from the fund, notwithstanding anything 2971
to the contrary in those chapters or that section. All investment 2972
earnings of the fund shall be credited to the fund. 2973

(I) Except as provided in divisions (G), (H), and (J) of this 2974
section, all fees, receipts, and revenues received by the ~~capitol~~ 2975

~~square review and advisory~~ board shall be deposited into the state treasury to the credit of the sale of goods and services fund, which is hereby created. Money credited to the fund shall be used solely to pay costs of the board other than those specified in divisions (F) and (G) of this section. All investment earnings of the fund shall be credited to the fund.

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

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

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

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

Sec. 107.10. The following records shall be kept in the 3008
Governor's ~~governor's~~ office: 3009

(A) A register of every bill passed by the general assembly 3010
~~which that~~ has been presented to the governor, in which is entered 3011
the number of the bill, the date ~~such the~~ bill was presented to 3012
the governor, and the action taken ~~thereon~~ on it by the governor 3013
and the date ~~thereof~~ of the action; 3014

(B) An appointment record in which is entered the name of 3015
each person appointed to an office by the governor, except 3016
~~notaries public and~~ commissioners, the office to which appointed, 3017
the date of the appointment, the date of the commission, the date 3018
of the beginning and expiration of the term, and, ~~the~~ result and 3019
date of action by the senate, if required; 3020

~~(C) A record of notaries public in which is entered the name,~~ 3021
~~post-office address, county, date of commission, and the beginning~~ 3022
~~and expiration of term of each notary public appointed;~~ 3023

~~(D)~~ A record of commissioners in which is entered the name, 3024
post-office address, the state, territory, or county where the 3025
appointee resides, the date of commission, and the beginning and 3026
expiration of term of each commissioner appointed; 3027

~~(E)~~ (D) A record of requisitions in which is entered both of 3028
the following: ~~(1) an~~ 3029

(1) An abstract of each application for a requisition, 3030
showing date, by whom made, the name of the alleged fugitive, the 3031
offense charged, upon the executive authority of what state, 3032
territory, or country the requisition is made, and whether granted 3033
or refused; ~~(2) an~~ 3034

(2) An abstract of requisition received, showing date of 3035
receipt, from what state or territory issued, the name of the 3036
alleged fugitive, the offense charged, whether a warrant was 3037

issued or refused, and if issued, to the sheriff of what county, 3038
or the reason for refusing to issue a warrant~~+~~. 3039

~~(F)~~(E) A pardon record in which is entered the date of each 3040
application for pardon, reprieve, or commutation, the name of the 3041
convict, of what crime, in what county, and at what term of court 3042
~~he~~ the convict was convicted, the sentence of the court, the 3043
action of the governor, the reason ~~therefor~~ for that action, and 3044
the date ~~thereof~~ of that action. 3045

Sec. 107.24. (A) As used in this section, "internet" means 3047
the international computer network of both federal and nonfederal 3048
interoperable packet switched data networks, including the 3049
graphical subnetwork called the world wide web. 3050

(B) The state, through its authorized officials, shall 3051
contract with an advertising service provider for the purpose of 3052
the provider's leasing to persons media space on state agency 3053
internet sites. The contract shall require the advertising service 3054
provider to do both of the following: 3055

(1) Comply with all standards pertaining to leases of media 3056
space on state agency internet sites that are adopted by the 3057
governor's council for electronic commerce. The council shall 3058
adopt standards of that nature, and they shall include, but not be 3059
limited to, user privacy standards. The council shall adopt 3060
initial standards of that nature within ninety days after the 3061
effective date of this section, and no contract shall be entered 3062
into under this section until those initial standards are adopted. 3063

(2) Limit leases of media space to advertisements of 3064
commercial transactions that are not in violation of the United 3065
States Constitution, the Ohio Constitution, federal statutes, or 3066
the statutes of this state. 3067

Sec. 111.16. The secretary of state shall charge and collect,	3068
for the benefit of the state, the following fees:	3069
(A) For filing and recording articles of incorporation of a	3070
domestic corporation, including designation of agent:	3071
(1) Wherein the corporation shall not be authorized to issue	3072
any shares of capital stock, <u>one hundred</u> twenty-five dollars-;	3073
(2) Wherein the corporation shall be authorized to issue	3074
shares of capital stock, with or without par value:	3075
(a) Ten cents for each share authorized up to and including	3076
one thousand shares;	3077
(b) Five cents for each share authorized in excess of one	3078
thousand shares up to and including ten thousand shares;	3079
(c) Two cents for each share authorized in excess of ten	3080
thousand shares up to and including fifty thousand shares;	3081
(d) One cent for each share authorized in excess of fifty	3082
thousand shares up to and including one hundred thousand shares;	3083
(e) One-half cent for each share authorized in excess of one	3084
hundred thousand shares up to and including five hundred thousand	3085
shares;	3086
(f) One-quarter cent for each share authorized in excess of	3087
five hundred thousand shares; provided no fee shall be less than	3088
eighty-five <u>one hundred twenty-five</u> dollars or greater than one	3089
hundred thousand dollars.	3090
(B) For filing and recording a certificate of amendment to or	3091
amended articles of incorporation of a domestic corporation, or	3092
for filing and recording a certificate of reorganization, a	3093
certificate of dissolution, or an amendment to a foreign license	3094
application:	3095
(1) If the domestic corporation is not authorized to issue	3096

any shares of capital stock, ~~twenty-five~~ fifty dollars; 3097

(2) If the domestic corporation is authorized to issue shares 3098
of capital stock, ~~thirty-five~~ fifty dollars, and in case of any 3099
increase in the number of shares authorized to be issued, a 3100
further sum computed in accordance with the schedule set forth in 3101
division (A)(2) of this section less a credit computed in the same 3102
manner for the number of shares previously authorized to be issued 3103
by the corporation; provided no fee under division (B)(2) of this 3104
section shall be greater than one hundred thousand dollars; 3105

(3) If the foreign corporation is not authorized to issue any 3106
shares of capital stock, fifty dollars; 3107

(4) If the foreign corporation is authorized to issue shares 3108
of capital stock, fifty dollars. 3109

(C) For filing and recording articles of incorporation of a 3110
savings and loan association, one hundred ~~twenty-five~~ dollars; and 3111
for filing and recording a certificate of amendment to or amended 3112
articles of incorporation ~~that do not involve an increase in the~~ 3113
~~authorized capital stock of such corporation of a savings and loan~~ 3114
~~association, twenty-five~~ fifty dollars; ~~and for filing and~~ 3115
~~recording a certificate of amendment to or amended articles of~~ 3116
~~incorporation that do involve an increase in the authorized~~ 3117
~~capital stock of such corporation, thirty-five~~ dollars; 3118

(D) For filing and recording a certificate of merger or 3119
consolidation, ~~fifty~~ one hundred twenty-five dollars and, in the 3120
case of any new corporation resulting from a consolidation or any 3121
surviving corporation that has an increased number of shares 3122
authorized to be issued resulting from a merger, an additional sum 3123
computed in accordance with the schedule set forth in division 3124
(A)(2) of this section less a credit computed in the same manner 3125
for the number of shares previously authorized to be issued or 3126
represented in this state by each of the corporations for which a 3127

consolidation or merger is effected by the certificate; 3128

(E) For filing and recording articles of incorporation of a 3129
credit union or the American credit union guaranty association, 3130
~~thirty-five~~ one hundred twenty-five dollars, and for filing and 3131
recording a certificate of increase in capital stock or any other 3132
amendment of the articles of incorporation of a credit union or 3133
the association, ~~twenty-five~~ fifty dollars; 3134

(F) For filing and recording articles of organization of a 3135
limited liability company ~~or~~, for filing and recording an 3136
application to become a registered foreign limited liability 3137
company, for filing and recording a registration application to 3138
become a domestic limited liability partnership, or for filing and 3139
recording an application to become a registered foreign limited 3140
liability partnership, ~~eighty-five~~ one hundred twenty-five 3141
dollars; 3142

(G) For filing and recording a certificate of limited 3143
partnership or an application for registration as a foreign 3144
limited partnership ~~the following apply:~~ 3145

~~(1) If the certificate or application is for a limited 3146
partnership or foreign limited partnership described in division 3147
(A)(1) of section 1782.63 of the Revised Code, and the partnership 3148
has complied with divisions (A)(1)(a) to (e) of that section, no 3149
fee;~~ 3150

~~(2) If the certificate or application is for a limited 3151
partnership or foreign limited partnership other than a 3152
partnership described in division (G)(1) of this section, 3153
eighty-five, one hundred twenty-five dollars. 3154~~

(H) For filing a copy of papers evidencing the incorporation 3155
of a municipal corporation or of annexation of territory by a 3156
municipal corporation, five dollars, to be paid by the municipal 3157
corporation, the petitioners therefor, or their agent; 3158

(I) For filing and recording any of the following:	3159
(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;	3160 3161 3162 3163 3164
(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;	3165 3166
(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.	3167 3168 3169 3170 3171 3172
(J) For filing any certificate or paper not required to be recorded, five dollars;	3173 3174
(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 <u>not to exceed one dollar per page</u> , <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 + .	3175 3176 3177 3178 3179 3180 3181 3182
(2) <u>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</u> , <u>twenty-five</u> dollars.	3183 3184 3185 3186
(L) For a minister's license to solemnize marriages, ten dollars;	3187 3188

(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;	3189 3190 3191
(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>	3192 3193 3194 3195 3196
(1) <u>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>	3197 3198 3199
(2) <u>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>	3200 3201 3202
(3) <u>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;</u>	3203 3204 3205 3206 3207
(4) <u>The filing of a cancellation of disclaimer of general partner status under Chapter 1782. of the Revised Code.</u>	3208 3209
(O) Fees <u>For filing a statement of continued existence by a nonprofit corporation, twenty-five dollars;</u>	3210 3211
(P) <u>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;</u>	3212 3213 3214 3215 3216 3217
(Q) <u>For filing for reinstatement of an entity cancelled by</u>	3218

<u>operation of law, by the secretary of state, by order of the</u>	3219
<u>department of taxation, or by order of a court, twenty-five</u>	3220
<u>dollars;</u>	3221
<u>(R) For filing a change of agent, resignation of agent, or</u>	3222
<u>change of agent's address under section 1701.07, 1702.06,</u>	3223
<u>1703.041, 1703.27, 1705.06, 1705.55, 1746.04, 1747.03, or 1782.04</u>	3224
<u>of the Revised Code, twenty-five dollars;</u>	3225
<u>(S) For filing and recording any of the following:</u>	3226
<u>(1) An application for the exclusive right to use a name or</u>	3227
<u>an application to reserve a name for future use under section</u>	3228
<u>1701.05, 1702.05, 1703.31, 1705.05, or 1746.06 of the Revised</u>	3229
<u>Code, fifty dollars;</u>	3230
<u>(2) A trade name or fictitious name registration or report,</u>	3231
<u>fifty dollars;</u>	3232
<u>(3) An application to renew any item covered by division</u>	3233
<u>(S)(1) or (2) of this section that is permitted to be renewed,</u>	3234
<u>twenty-five dollars;</u>	3235
<u>(4) An assignment of rights for use of a name covered by</u>	3236
<u>division (S)(1), (2), or (3) of this section, the cancellation of</u>	3237
<u>a name registration or name reservation that is so covered, or</u>	3238
<u>notice of a change of address of the registrant of a name that is</u>	3239
<u>so covered, twenty-five dollars.</u>	3240
<u>(T) For filing and recording a report to operate a business</u>	3241
<u>trust or a real estate investment trust, either foreign or</u>	3242
<u>domestic, one hundred twenty-five dollars; and for filing and</u>	3243
<u>recording an amendment to a report or associated trust instrument,</u>	3244
<u>or a surrender of authority, to operate a business trust or real</u>	3245
<u>estate investment trust, fifty dollars;</u>	3246
<u>(U)(1) For filing and recording the registration of a</u>	3247
<u>trademark, service mark, or mark of ownership, one hundred</u>	3248

twenty-five dollars; 3249

(2) For filing and recording the change of address of a 3250
registrant, the assignment of rights to a registration, a renewal 3251
of a registration, or the cancellation of a registration 3252
associated with a trademark, service mark, or mark of ownership, 3253
twenty-five dollars. 3254

Fees specified in this section may be paid by cash, check, or 3255
money order, by credit card in accordance with section 113.40 of 3256
the Revised Code, or by an alternative payment program in 3257
accordance with division (B) of section 111.18 of the Revised 3258
Code. Any credit card number or the expiration date of any credit 3259
card is not subject to disclosure under Chapter 149. of the 3260
Revised Code. 3261

Sec. 111.18. (A) The secretary of state shall keep a record 3262
of all fees collected by the secretary of state and, ~~except as~~ 3263
~~otherwise provided in this subject to division (B) of section and~~ 3264
~~in sections 1309.401 and 1329.68 and division (C)(2) of section~~ 3265
~~3506.05 of the Revised Code and except as otherwise provided in~~ 3266
~~the Revised Code,~~ shall pay, ~~through June 30, 2001, fifty per cent~~ 3267
~~of them into the state treasury to the credit of the general~~ 3268
~~revenue fund and fifty per cent of them into the state treasury to~~ 3269
~~the credit of the corporate and uniform commercial code filing~~ 3270
fund created ~~under by~~ section 1309.401 of the Revised Code ~~and~~ 3271
~~shall pay, on and after July 1, 2001, all of them into the state~~ 3272
~~treasury to the credit of the general revenue fund. Through June~~ 3273
~~30, 2001, all of the fees collected under divisions (I)(2) and (N)~~ 3274
~~of section 111.16 of the Revised Code shall be paid into the state~~ 3275
~~treasury to the credit of that corporate and uniform commercial~~ 3276
~~code filing fund. On and after July 1, 2001, the following fees~~ 3277
~~shall be paid into the state treasury to the credit of that~~ 3278
corporate and uniform commercial code filing fund: 3279

(1) Twenty-five dollars of each fee collected under divisions	3280
(A)(2), (F), (G)(2), and (I)(1) of section 111.16 of the Revised	3281
Code.	3282
(2) Twenty-five dollars of each fee collected under division	3283
(C) of section 1703.031 of the Revised Code.	3284
(3) All fees collected under divisions (I)(2) and (N) of	3285
section 111.16 of the Revised Code.	3286
(4) All fees collected under section 1703.08 of the Revised	3287
Code.	3288
(5) Each fifty-dollar fee for amendments filed by foreign	3289
nonprofit corporations under section 1703.27 of the Revised Code.	3290
(B) The secretary of state may implement a credit card	3291
payment program permitting payment of any fee charged by the	3292
secretary of state by means of a credit card. The secretary of	3293
state may open an account outside the state treasury in a	3294
financial institution for the purpose of depositing credit card	3295
receipts. Within forty-eight hours following the deposit of the	3296
receipts, the financial institution shall make available to the	3297
secretary of state funds in the amount of the receipts. The	3298
secretary of state shall then pay these funds into the state	3299
treasury to the credit of the general revenue fund, except as	3300
otherwise provided by the Revised Code.	3301
The secretary of state may pay the cost of any service charge	3302
required by a financial institution or credit card company in	3303
connection with a credit card payment program.	3304
The secretary of state shall adopt rules as necessary to	3305
carry out the purposes of this division. The rules shall include	3306
standards for determining eligible financial institutions and the	3307
manner in which funds shall be made available and shall be	3308
consistent with the standards contained in sections 135.03,	3309
135.18, and 135.181 of the Revised Code.	3310

The secretary of state may implement alternative payment programs that permit payment of any fee charged by the secretary of state by means other than cash, check, money order, or credit card; an alternative payment program may include, but is not limited to, one that permits a fee to be paid by electronic means of transmission. Fees paid under an alternative payment program shall be deposited to the credit of the secretary of state alternative payment program fund, which is hereby created. The secretary of state alternative payment program fund shall be in the custody of the treasurer of state but shall not be part of the state treasury. Any investment income of the secretary of state alternative payment program fund shall be credited to that fund and used to operate the alternative payment program. Within two working days following the deposit of funds to the credit of the secretary of state alternative payment program fund, the secretary of state shall pay those funds into the state treasury to the credit of the corporate and uniform commercial code filing fund, subject to division (B) of section 1309.401 of the Revised Code and except as otherwise provided in the Revised Code.

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

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

(B) The secretary of state may adopt rules establishing, and prescribing guidelines and fees for the use of, a bulk filing

service that provides, at the option of the person making a 3342
filing, a method for providing large amounts of information. The 3343
secretary of state may charge and collect fees for filings made 3344
through a bulk filing service at reduced amounts from those 3345
otherwise specified in or authorized by the Revised Code. 3346

(C) The secretary of state may adopt rules establishing, and 3347
prescribing guidelines and fees for the use of, alternative filing 3348
procedures in making filings with the secretary of state. Under 3349
these rules, the secretary of state may accept any filing and 3350
payment of associated fees through any electronic, digital, 3351
facsimile, or other means of transmission. The filings shall be 3352
made on a form prescribed by the secretary of state and shall 3353
comply fully with any other requirements of the Revised Code 3354
applicable to the type of filing being made. 3355

Sec. 111.25. (A) The secretary of state shall prescribe the 3356
following forms for persons to use in complying with the 3357
requirements of Chapter 1309. of the Revised Code for the filing 3358
of financing statements and related documents: 3359

(A)(1) The financing statement described in division (A) of 3360
section 1309.39 of the Revised Code; 3361

(B)(2) A form for the amendment of a financing statement 3362
described in division (C) of section 1309.39 of the Revised Code; 3363

(C)(3) A continuation statement described in division (C) of 3364
section 1309.40 of the Revised Code; 3365

(D)(4) A termination statement described in division (A) of 3366
section 1309.41 of the Revised Code; 3367

(E)(5) A form for an assignment of rights under a financing 3368
statement described in section 1309.42 of the Revised Code; 3369

(F)(6) A statement of release described in section 1309.43 of 3370
the Revised Code. 3371

(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 director of budget and management waives the costs and allows payment in accordance with the following:

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

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

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

~~(4) Beginning in fiscal year 2000, if~~ If the continued

performance of the financial supervisor has been required longer 3402
than eight fiscal years for any municipal corporation, county, or 3403
township declared to be in a fiscal emergency prior to fiscal year 3404
1996, that municipal corporation, county, or township is 3405
responsible for fifty per cent of the compensation due in its 3406
ninth fiscal year ~~2000~~ while in fiscal emergency and one hundred 3407
per cent of the compensation due in its tenth fiscal year ~~2001~~ and 3408
every fiscal year thereafter while in fiscal emergency. 3409

(C) If the municipal corporation, county, or township fails 3410
to make any payment to the financial supervisor as required by 3411
this chapter, the financial supervisor may certify to the county 3412
auditor the amount due, and that amount shall be withheld from the 3413
municipal corporation, county, or township from any fund or funds 3414
in the custody of the county auditor for distribution to the 3415
municipal corporation, county, or township, except for those 3416
reserved for payment of local government fund notes. Upon 3417
receiving ~~such~~ the certification from the ~~auditor of state~~ 3418
financial supervisor, the county auditor shall draw a voucher for 3419
the amount against ~~such~~ those fund or funds in favor of the 3420
financial supervisor. 3421

Sec. 120.06. (A)(1) The state public defender, when 3422
designated by the court or requested by a county public defender 3423
or joint county public defender, may provide legal representation 3424
in all courts throughout the state to indigent adults and 3425
juveniles who are charged with the commission of an offense or act 3426
for which the penalty or any possible adjudication includes the 3427
potential loss of liberty. 3428

(2) The state public defender may provide legal 3429
representation to any indigent person who, while incarcerated in 3430
any state correctional institution, is charged with a felony 3431
offense, for which the penalty or any possible adjudication that 3432

may be imposed by a court upon conviction includes the potential
loss of liberty. 3433
3434

(3) The state public defender may provide legal 3435
representation to any person incarcerated in any correctional 3436
institution of the state, in any matter in which the person 3437
asserts the person is unlawfully imprisoned or detained. 3438

(4) The state public defender, in any case in which the state 3439
public defender has provided legal representation or is requested 3440
to do so by a county public defender or joint county public 3441
defender, may provide legal representation on appeal. 3442

(5) The state public defender, when designated by the court 3443
or requested by a county public defender, joint county public 3444
defender, or the director of rehabilitation and correction, shall 3445
provide legal representation in parole and probation revocation 3446
matters, unless the state public defender finds that the alleged 3447
parole or probation violator has the financial capacity to retain 3448
the alleged violator's own counsel. 3449

(6) If the state public defender contracts with a county 3450
public defender commission, a joint county public defender 3451
commission, or a board of county commissioners for the provision 3452
of services, under authority of division (C)(7) of section 120.04 3453
of the Revised Code, the state public defender shall provide legal 3454
representation in accordance with the contract. 3455

(B) The state public defender shall not be required to 3456
prosecute any appeal, postconviction remedy, or other proceeding 3457
pursuant to division (A)(3), (4), or (5) of this section, unless 3458
the state public defender first is satisfied that there is 3459
arguable merit to the proceeding. 3460

(C) A court may appoint counsel or allow an indigent person 3461
to select the indigent's own personal counsel to assist the state 3462
public defender as co-counsel when the interests of justice so 3463

require. When co-counsel is appointed to assist the state public 3464
defender, the co-counsel shall receive any compensation that the 3465
court may approve, not to exceed the amounts provided for in 3466
section 2941.51 of the Revised Code. 3467

(D) When the state public defender is designated by the court 3468
or requested by a county public defender or joint county public 3469
defender to provide legal representation for an indigent person in 3470
any case, other than pursuant to a contract entered into under 3471
authority of division (C)(7) of section 120.04 of the Revised 3472
Code, the state public defender shall send to the county in which 3473
the case is filed an itemized bill for fifty per cent of the 3474
actual cost of the representation. The county, upon receipt of an 3475
itemized bill from the state public defender pursuant to this 3476
division, shall pay fifty per cent of the actual cost of the legal 3477
representation as set forth in the itemized bill. There is hereby 3478
created in the state treasury the county representation fund for 3479
the deposit of moneys received from counties under this division. 3480
All moneys credited to the fund shall be used by the state public 3481
defender to provide legal representation for indigent persons when 3482
designated by the court or requested by a county or joint county 3483
public defender. 3484

(E)(1) Notwithstanding any contrary provision of sections 3485
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 3486
that pertains to representation by the attorney general, an 3487
assistant attorney general, or special counsel of an officer or 3488
employee, as defined in section 109.36 of the Revised Code, or of 3489
an entity of state government, the state public defender may elect 3490
to contract with, and to have the state pay pursuant to division 3491
(E)(2) of this section for the services of, private legal counsel 3492
to represent the Ohio public defender commission, the state public 3493
defender, assistant state public defenders, other employees of the 3494
commission or the state public defender, and attorneys described 3495

in division (C) of section 120.41 of the Revised Code in a 3496
malpractice or other civil action or proceeding that arises from 3497
alleged actions or omissions related to responsibilities derived 3498
pursuant to this chapter, or in a civil action that is based upon 3499
alleged violations of the constitution or statutes of the United 3500
States, including section 1983 of Title 42 of the United States 3501
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that 3502
arises from alleged actions or omissions related to 3503
responsibilities derived pursuant to this chapter, if the state 3504
public defender determines, in good faith, that the defendant in 3505
the civil action or proceeding did not act manifestly outside the 3506
scope of the defendant's employment or official responsibilities, 3507
with malicious purpose, in bad faith, or in a wanton or reckless 3508
manner. If the state public defender elects not to contract 3509
pursuant to this division for private legal counsel in a civil 3510
action or proceeding, then, in accordance with sections 109.02, 3511
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 3512
attorney general shall represent or provide for the representation 3513
of the Ohio public defender commission, the state public defender, 3514
assistant state public defenders, other employees of the 3515
commission or the state public defender, or attorneys described in 3516
division (C) of section 120.41 of the Revised Code in the civil 3517
action or proceeding. 3518

(2)(a) Subject to division (E)(2)(b) of this section, payment 3519
from the state treasury for the services of private legal counsel 3520
with whom the state public defender has contracted pursuant to 3521
division (E)(1) of this section shall be accomplished only through 3522
the following procedure: 3523

(i) The private legal counsel shall file with the attorney 3524
general a copy of the contract; a request for an award of legal 3525
fees, court costs, and expenses earned or incurred in connection 3526
with the defense of the Ohio public defender commission, the state 3527

public defender, an assistant state public defender, an employee, 3528
or an attorney in a specified civil action or proceeding; a 3529
written itemization of those fees, costs, and expenses, including 3530
the signature of the state public defender and the state public 3531
defender's attestation that the fees, costs, and expenses were 3532
earned or incurred pursuant to division (E)(1) of this section to 3533
the best of the state public defender's knowledge and information; 3534
a written statement whether the fees, costs, and expenses are for 3535
all legal services to be rendered in connection with that defense, 3536
are only for legal services rendered to the date of the request 3537
and additional legal services likely will have to be provided in 3538
connection with that defense, or are for the final legal services 3539
rendered in connection with that defense; a written statement 3540
indicating whether the private legal counsel previously submitted 3541
a request for an award under division (E)(2) of this section in 3542
connection with that defense and, if so, the date and the amount 3543
of each award granted; and, if the fees, costs, and expenses are 3544
for all legal services to be rendered in connection with that 3545
defense or are for the final legal services rendered in connection 3546
with that defense, a certified copy of any judgment entry in the 3547
civil action or proceeding or a signed copy of any settlement 3548
agreement entered into between the parties to the civil action or 3549
proceeding. 3550

(ii) Upon receipt of a request for an award of legal fees, 3551
court costs, and expenses and the requisite supportive 3552
documentation described in division (E)(2)(a)(i) of this section, 3553
the attorney general shall review the request and documentation; 3554
determine whether any of the limitations specified in division 3555
(E)(2)(b) of this section apply to the request; and, if an award 3556
of legal fees, court costs, or expenses is permissible after 3557
applying the limitations, prepare a document awarding legal fees, 3558
court costs, or expenses to the private legal counsel. The 3559

document shall name the private legal counsel as the recipient of 3560
the award; specify the total amount of the award as determined by 3561
the attorney general; itemize the portions of the award that 3562
represent legal fees, court costs, and expenses; specify any 3563
limitation applied pursuant to division (E)(2)(b) of this section 3564
to reduce the amount of the award sought by the private legal 3565
counsel; state that the award is payable from the state treasury 3566
pursuant to division (E)(2)(a)(iii) of this section; and be 3567
approved by the inclusion of the signatures of the attorney 3568
general, the state public defender, and the private legal counsel. 3569

(iii) The attorney general shall forward a copy of the 3570
document prepared pursuant to division (E)(2)(a)(ii) of this 3571
section to the director of budget and management. The award of 3572
legal fees, court costs, or expenses shall be paid out of the 3573
state public defender's appropriations, to the extent there is a 3574
sufficient available balance in those appropriations. If the state 3575
public defender does not have a sufficient available balance in 3576
the state public defender's appropriations to pay the entire award 3577
of legal fees, court costs, or expenses, the director shall make 3578
application for a transfer of appropriations out of the emergency 3579
purposes account or any other appropriation for emergencies or 3580
contingencies in an amount equal to the portion of the award that 3581
exceeds the sufficient available balance in the state public 3582
defender's appropriations. A transfer of appropriations out of the 3583
emergency purposes account or any other appropriation for 3584
emergencies or contingencies shall be authorized if there are 3585
sufficient moneys greater than the sum total of then pending 3586
emergency purposes account requests, or requests for releases from 3587
the other appropriation. If a transfer of appropriations out of 3588
the emergency purposes account or other appropriation for 3589
emergencies or contingencies is made to pay an amount equal to the 3590
portion of the award that exceeds the sufficient available balance 3591

in the state public defender's appropriations, the director shall 3592
cause the payment to be made to the private legal counsel. If 3593
sufficient moneys do not exist in the emergency purposes account 3594
or other appropriation for emergencies or contingencies to pay an 3595
amount equal to the portion of the award that exceeds the 3596
sufficient available balance in the state public defender's 3597
appropriations, the private legal counsel shall request the 3598
general assembly to make an appropriation sufficient to pay an 3599
amount equal to the portion of the award that exceeds the 3600
sufficient available balance in the state public defender's 3601
appropriations, and no payment in that amount shall be made until 3602
the appropriation has been made. The private legal counsel shall 3603
make the request during the current biennium and during each 3604
succeeding biennium until a sufficient appropriation is made. 3605
3606

(b) An award of legal fees, court costs, and expenses 3607
pursuant to division (E) of this section is subject to the 3608
following limitations: 3609

(i) The maximum award or maximum aggregate of a series of 3610
awards of legal fees, court costs, and expenses to the private 3611
legal counsel in connection with the defense of the Ohio public 3612
defender commission, the state public defender, an assistant state 3613
public defender, an employee, or an attorney in a specified civil 3614
action or proceeding shall not exceed fifty thousand dollars. 3615

(ii) The private legal counsel shall not be awarded legal 3616
fees, court costs, or expenses to the extent the fees, costs, or 3617
expenses are covered by a policy of malpractice or other 3618
insurance. 3619

(iii) The private legal counsel shall be awarded legal fees 3620
and expenses only to the extent that the fees and expenses are 3621
reasonable in light of the legal services rendered by the private 3622
legal counsel in connection with the defense of the Ohio public 3623

defender commission, the state public defender, an assistant state
public defender, an employee, or an attorney in a specified civil
action or proceeding.

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

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

(F) If a court appoints the office of the state public
defender to represent a petitioner in a postconviction relief
proceeding under section 2953.21 of the Revised Code, the

petitioner has received a sentence of death, and the proceeding
relates to that sentence, all of the attorneys who represent the
petitioner in the proceeding pursuant to the appointment, whether
an assistant state public defender, the state public defender, or
another attorney, shall be certified under Rule ~~65~~ 20 of the Rules
of Superintendence for ~~Common Pleas~~ the Courts of Ohio to
represent indigent defendants charged with or convicted of an
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 3687
prosecute any appeal, postconviction remedy, or other proceeding, 3688
unless the county public defender is first satisfied there is 3689
arguable merit to the proceeding. 3690

(E) Nothing in this section shall prevent a court from 3691
appointing counsel other than the county public defender or from 3692
allowing an indigent person to select the indigent person's own 3693
personal counsel to represent the indigent person. A court may 3694
also appoint counsel or allow an indigent person to select the 3695
indigent person's own personal counsel to assist the county public 3696
defender as co-counsel when the interests of justice so require. 3697

(F) Information as to the right to legal representation by 3698
the county public defender or assigned counsel shall be afforded 3699
to an accused person immediately upon arrest, when brought before 3700
a magistrate, or when formally charged, whichever occurs first. 3701

(G) If a court appoints the office of the county public 3702
defender to represent a petitioner in a postconviction relief 3703
proceeding under section 2953.21 of the Revised Code, the 3704
petitioner has received a sentence of death, and the proceeding 3705
relates to that sentence, all of the attorneys who represent the 3706
petitioner in the proceeding pursuant to the appointment, whether 3707
an assistant county public defender or the county public defender, 3708
shall be certified under Rule ~~65~~ 20 of the Rules of 3709
Superintendence for ~~Common Pleas~~ the Courts of Ohio to represent 3710
indigent defendants charged with or convicted of an offense for 3711
which the death penalty can be or has been imposed. 3712

Sec. 120.26. (A)(1) The joint county public defender shall 3713
provide legal representation to indigent adults and juveniles who 3714
are charged with the commission of an offense or act that is a 3715
violation of a state statute and for which the penalty or any 3716
possible adjudication includes the potential loss of liberty and 3717

in postconviction proceedings as defined in this section. 3718

(2) The joint county public defender may provide legal 3719
representation to indigent adults and juveniles charged with the 3720
violation of an ordinance of a municipal corporation for which the 3721
penalty or any possible adjudication includes the potential loss 3722
of liberty, if the joint county public defender commission has 3723
contracted with the municipal corporation to provide legal 3724
representation for indigent persons charged with a violation of an 3725
ordinance of the municipal corporation. 3726

(B) The joint county public defender shall provide the legal 3727
representation authorized by division (A) of this section at every 3728
stage of the proceedings following arrest, detention, service of 3729
summons, or indictment. 3730

(C) The joint county public defender may request the Ohio 3731
public defender to prosecute any appeal or other remedy before or 3732
after conviction that the joint county public defender decides is 3733
in the interests of justice and may provide legal representation 3734
in parole and probation revocation matters. 3735

(D) The joint county public defender shall not be required to 3736
prosecute any appeal, postconviction remedy, or other proceeding, 3737
unless the joint county public defender is first satisfied that 3738
there is arguable merit to the proceeding. 3739

(E) Nothing in this section shall prevent a court from 3740
appointing counsel other than the joint county public defender or 3741
from allowing an indigent person to select the indigent person's 3742
own personal counsel to represent the indigent person. A court may 3743
also appoint counsel or allow an indigent person to select the 3744
indigent person's own personal counsel to assist the joint county 3745
public defender as co-counsel when the interests of justice so 3746
require. 3747

(F) Information as to the right to legal representation by 3748

the joint county public defender or assigned counsel shall be 3749
afforded to an accused person immediately upon arrest, when 3750
brought before a magistrate, or when formally charged, whichever 3751
occurs first. 3752

(G) If a court appoints the office of the joint county public 3753
defender to represent a petitioner in a postconviction relief 3754
proceeding under section 2953.21 of the Revised Code, the 3755
petitioner has received a sentence of death, and the proceeding 3756
relates to that sentence, all of the attorneys who represent the 3757
petitioner in the proceeding pursuant to the appointment, whether 3758
an assistant joint county defender or the joint county public 3759
defender, shall be certified under Rule ~~65~~ 20 of the Rules of 3760
Superintendence for ~~Common Pleas~~ the Courts of Ohio to represent 3761
indigent defendants charged with or convicted of an offense for 3762
which the death penalty can be or has been imposed. 3763

Sec. 120.33. (A) In lieu of using a county public defender or 3764
joint county public defender to represent indigent persons in the 3765
proceedings set forth in division (A) of section 120.16 of the 3766
Revised Code, the board of county commissioners of any county may 3767
adopt a resolution to pay counsel who are either personally 3768
selected by the indigent person or appointed by the court. The 3769
resolution shall include those provisions the board of county 3770
commissioners considers necessary to provide effective 3771
representation of indigent persons in any proceeding for which 3772
counsel is provided under this section. The resolution shall 3773
include provisions for contracts with any municipal corporation 3774
under which the municipal corporation shall reimburse the county 3775
for counsel appointed to represent indigent persons charged with 3776
violations of the ordinances of the municipal corporation. 3777

(1) In a county that adopts a resolution to pay counsel, an 3778
indigent person shall have the right to do either of the 3779

following:	3780
(a) To select the person's own personal counsel to represent the person in any proceeding included within the provisions of the resolution;	3781 3782 3783
(b) To request the court to appoint counsel to represent the person in such a proceeding.	3784 3785
(2) The court having jurisdiction over the proceeding in a county that adopts a resolution to pay counsel shall, after determining that the person is indigent and entitled to legal representation under this section, do either of the following:	3786 3787 3788 3789
(a) By signed journal entry recorded on its docket, enter the name of the lawyer selected by the indigent person as counsel of record;	3790 3791 3792
(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.	3793 3794 3795 3796
(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.	3797 3798 3799 3800 3801 3802 3803 3804
(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	3805 3806 3807 3808 3809 3810

by the county and shall receive the compensation and expenses the
court approves. Each request for payment shall be accompanied by a
financial disclosure form and an affidavit of indigency that are
completed by the indigent person on forms prescribed by the state
public defender. Compensation and expenses shall not exceed the
amounts fixed by the board of county commissioners in the schedule
adopted pursuant to division (A)(3) of this section. No court
shall approve compensation and expenses that exceed the amount
fixed pursuant to division (A)(3) of this section.

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

The county auditor shall draw a warrant on the county
treasurer for the payment of counsel in the amount fixed by the
court, plus the expenses the court fixes and certifies to the
auditor. The county auditor shall report periodically, but not
less than annually, to the board of county commissioners and to
the Ohio public defender commission the amounts paid out pursuant
to the approval of the court. The board of county commissioners,
after review and approval of the auditor's report, may then
certify it to the state public defender for reimbursement. If a

request for reimbursement is not accompanied by a financial 3843
disclosure form and an affidavit of indigency completed by the 3844
indigent person on forms prescribed by the state public defender, 3845
the state public defender shall not pay the requested 3846
reimbursement. If a request for the reimbursement of the cost of 3847
counsel in any case is not received by the state public defender 3848
within ninety days after the end of the calendar month in which 3849
the case is finally disposed of by the court, unless the county 3850
has requested and the state public defender has granted an 3851
extension of the ninety-day limit, the state public defender shall 3852
not pay the requested reimbursement. The state public defender 3853
shall also review the report and, in accordance with the 3854
standards, guidelines, and maximums established pursuant to 3855
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 3856
prepare a voucher for fifty per cent of the total cost of each 3857
county appointed counsel system in the period of time covered by 3858
the certified report and a voucher for fifty per cent of the costs 3859
and expenses that are reimbursable under section 120.35 of the 3860
Revised Code, if any, or, if the amount of money appropriated by 3861
the general assembly to reimburse counties for the operation of 3862
county public defender offices, joint county public defender 3863
offices, and county appointed counsel systems is not sufficient to 3864
pay fifty per cent of the total cost of all of the offices and 3865
systems other than costs and expenses that are reimbursable under 3866
section 120.35 of the Revised Code, for the lesser amount required 3867
by section 120.34 of the Revised Code. 3868

(5) If any county appointed counsel system fails to maintain 3869
the standards for the conduct of the system established by the 3870
rules of the Ohio public defender commission pursuant to divisions 3871
(B) and (C) of section 120.03 or the standards established by the 3872
state public defender pursuant to division (B)(7) of section 3873
120.04 of the Revised Code, the Ohio public defender commission 3874

shall notify the board of county commissioners of the county that
the county appointed counsel system has failed to comply with its
rules or the standards of the state public defender. Unless the
board of county commissioners corrects the conduct of its
appointed counsel system to comply with the rules and standards
within ninety days after the date of the notice, the state public
defender may deny all or part of the county's reimbursement from
the state provided for in division (A)(4) of this section.

(B) In lieu of using a county public defender or joint county
public defender to represent indigent persons in the proceedings
set forth in division (A) of section 120.16 of the Revised Code,
and in lieu of adopting the resolution and following the procedure
described in division (A) of this section, the board of county
commissioners of any county may contract with the state public
defender for the state public defender's legal representation of
indigent persons. A contract entered into pursuant to this
division may provide for payment for the services provided on a
per case, hourly, or fixed contract basis.

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

Sec. 121.40. (A) There is hereby created the ~~governor's~~ Ohio
community service council consisting of twenty-one members
including the superintendent of public instruction or the

superintendent's designee, the chancellor of the Ohio board of 3906
regents or the chancellor's designee, the director of natural 3907
resources or the director's designee, the director of youth 3908
services or the director's designee, the director of aging or the 3909
director's designee, the director of job and family services or 3910
the director's designee, the chairperson of the committee of the 3911
house of representatives dealing with education or the 3912
chairperson's designee, the chairperson of the committee of the 3913
senate dealing with education or the chairperson's designee, and 3914
thirteen members who shall be appointed by the governor with the 3915
advice and consent of the senate and who shall serve terms of 3916
office of three years. The appointees shall include educators, 3917
including teachers and administrators; representatives of youth 3918
organizations; students and parents; representatives of 3919
organizations engaged in volunteer program development and 3920
management throughout the state, including youth and conservation 3921
programs; and representatives of business, government, nonprofit 3922
organizations, social service agencies, veterans organizations, 3923
religious organizations, or philanthropies that support or 3924
encourage volunteerism within the state. Members of the council 3925
shall receive no compensation, but shall be reimbursed for actual 3926
and necessary expenses incurred in the performance of their 3927
official duties. 3928

(B) The council shall appoint an executive director for the 3929
council, who shall be in the unclassified civil service. The 3930
executive director shall supervise the council's activities and 3931
report to the council on the progress of those activities. The 3932
executive director shall do all things necessary for the efficient 3933
and effective implementation of the duties of the council. 3934

The responsibilities assigned to the executive director do 3935
not relieve the members of the council from final responsibility 3936
for the proper performance of the requirements of this ~~division~~ 3937

<u>section.</u>	3938
(C) The council or its designee shall do all of the following:	3939 3940
(1) Employ, promote, supervise, and remove all employees as needed in connection with the performance of its duties under this section and may assign duties to those employees as necessary to achieve the most efficient performance of its functions, and to that end may establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the council. Personnel employed by the council who are subject to Chapter 4117. of the Revised Code shall retain all of their rights and benefits conferred pursuant to that chapter. Nothing in this chapter shall be construed as eliminating or interfering with Chapter 4117. of the Revised Code or the rights and benefits conferred under that chapter to public employees or to any bargaining unit.	3941 3942 3943 3944 3945 3946 3947 3948 3949 3950 3951 3952 3953
(2) Maintain its office in Columbus, and may hold sessions at any place within the state;	3954 3955
(3) Acquire facilities, equipment, and supplies necessary to house the council, its employees, and files and records under its control, and to discharge any duty imposed upon it by law. The expense of these acquisitions shall be audited and paid for in the same manner as other state expenses. For that purpose, the council shall prepare and submit to the office of budget and management a budget for each biennium according to sections 101.532 and 107.03 of the Revised Code. The budget submitted shall cover the costs of the council and its staff in the discharge of any duty imposed upon the council by law. The council shall not delegate any authority to obligate funds.	3956 3957 3958 3959 3960 3961 3962 3963 3964 3965 3966
(4) Pay its own payroll and other operating expenses from line items designated by the general assembly;	3967 3968

- (5) Retain its fiduciary responsibility as appointing authority. Any transaction instructions shall be certified by the appointing authority or its designee. 3969
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- (6) Establish the overall policy and management of the council in accordance with this chapter; 3972
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- (7) Assist in coordinating and preparing the state application for funds under sections 101 to 184 of the "National and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C.A. 12411 to 12544, ~~and amendments thereto~~ as amended, assist in administering and overseeing the "National and Community Service Trust Act of 1993," P.L. 103-82, 107 Stat. 785, and the americorps program in this state, and assist in developing objectives for a comprehensive strategy to encourage and expand community service programs throughout the state; 3974
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- (8) Assist the state board of education, school districts, the board of regents, and institutions of higher education in coordinating community service education programs through cooperative efforts between institutions and organizations in the public and private sectors; 3983
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- (9) Assist the departments of natural resources, youth services, aging, and job and family services in coordinating community service programs through cooperative efforts between institutions and organizations in the public and private sectors; 3988
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- (10) Suggest individuals and organizations that are available to assist school districts, institutions of higher education, and the departments of natural resources, youth services, aging, and job and family services in the establishment of community service programs and assist in investigating sources of funding for implementing ~~such~~ these programs; 3992
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- (11) Assist in evaluating the state's efforts in providing community service programs using standards and methods that are 3998
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consistent with any statewide objectives for ~~such~~ these programs 4000
and provide information to the state board of education, school 4001
districts, the board of regents, institutions of higher education, 4002
and the departments of natural resources, youth services, aging, 4003
and job and family services to guide them in making decisions 4004
about these programs; 4005

(12) Assist the state board of education in complying with 4006
section 3301.70 of the Revised Code and the board of regents in 4007
complying with division (B)(2) of section 3333.043 of the Revised 4008
Code. 4009

(D) The department of aging shall serve as the council's 4010
fiscal agent. Beginning on July 1, 1997, whenever reference is 4011
made in any law, contract, or document to the functions of the 4012
department of youth services as fiscal agent to the council, the 4013
reference shall be deemed to refer to the department of aging. The 4014
department of aging shall have no responsibility for or obligation 4015
to the council prior to July 1, 1997. Any validation, cure, right, 4016
privilege, remedy, obligation, or liability shall be retained by 4017
the council. 4018

As used in this section, "fiscal agent" means technical 4019
support and includes the following technical support services: 4020

(1) Preparing and processing payroll and other personnel 4021
documents that the council executes as the appointing authority. 4022
The department of aging shall not approve any payroll or other 4023
personnel-related documents. 4024

(2) Maintaining ledgers of accounts and reports of account 4025
balances, and monitoring budgets and allotment plans in 4026
consultation with the council. The department shall not approve 4027
any biennial budget, grant, expenditure, audit, or fiscal-related 4028
document. 4029

(3) Performing other routine support services that the 4030

director of aging or the director's designee and the council or
its designee consider appropriate to achieve efficiency. 4031
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(E) The council or its designee has the following authority 4033
and responsibility relative to fiscal matters: 4034

(1) Sole authority to draw funds for any and all federal 4035
programs in which the council is authorized to participate; 4036

(2) Sole authority to expend funds from their accounts for 4037
programs and any other necessary expenses the council may incur 4038
and its subgrantees may incur; 4039

(3) Responsibility to cooperate with and inform the 4040
department of aging as fiscal agent to ensure that the department 4041
is fully apprised of all financial transactions. 4042

The council shall follow all state procurement requirements. 4043

The department of aging shall determine fees to be charged to 4044
the council, which shall be in proportion to the services 4045
performed for the council. 4046

The council shall pay fees owed to the department of aging 4047
from a general revenue fund of the council or from any other fund 4048
from which the operating expenses of the council are paid. Any 4049
amounts set aside for a fiscal year for the payment of ~~such~~ these 4050
fees shall be used only for the services performed for the council 4051
by the department of aging in that fiscal year. 4052

Sec. 121.63. (A) Each executive agency lobbyist and each 4053
employer shall file with the joint legislative ethics committee, 4054
with the updated registration statement required by division (B) 4055
of section 121.62 of the Revised Code, a statement of expenditures 4056
as specified in divisions (B) and (C) of this section. An 4057
executive agency lobbyist shall file a separate statement of 4058
expenditures under this section for each employer that engages ~~him~~ 4059
the executive agency lobbyist. 4060

(B)(1) In addition to the information required by divisions 4061
(B)(2) and (3) of this section, a statement filed by an executive 4062
agency lobbyist shall show the total amount of expenditures made 4063
during the reporting period covered by the statement by the 4064
executive agency lobbyist. 4065

(2) If, during a reporting period covered by a statement, an 4066
employer or any executive agency lobbyist ~~he~~ the employer engaged 4067
made, either separately or in combination with each other, 4068
expenditures to, at the request of, for the benefit of, or on 4069
behalf of a particular elected executive official, the director of 4070
a department created under section 121.02 of the Revised Code, a 4071
particular executive agency official, or a particular member of 4072
the staff of any public officer listed in division (B)(2) of this 4073
section, the employer or executive agency lobbyist also shall 4074
state the name of the public officer or employee to whom, at whose 4075
request, for whose benefit, or on whose behalf the expenditures 4076
were made, the total amount of the expenditures made, a brief 4077
description of the expenditures made, the approximate date the 4078
expenditures were made, the executive agency decision, if any, 4079
sought to be influenced, and the identity of the client on whose 4080
behalf the expenditure was made. 4081

As used in division (B)(2) of this section, "expenditures" 4082
does not include expenditures made by an executive agency lobbyist 4083
as payment for meals and other food and beverages. 4084

(3) If, during a reporting period covered by a statement, an 4085
executive agency lobbyist made expenditures as payment for meals 4086
and other food and beverages, other than for meals and other food 4087
and beverages provided at a meeting at which the person 4088
participated in a panel, seminar, or speaking engagement or at a 4089
meeting or convention of a national organization to which ~~either~~ 4090
~~house of the general assembly, any legislative agency, or any~~ 4091
~~other~~ state agency, including, but not limited to, any legislative 4092

agency or state institution of higher education as defined in 4093
section 3345.011 of the Revised Code, pays membership dues, that, 4094
when added to the amount of previous payments made for meals and 4095
other food and beverages by that executive agency lobbyist during 4096
that same calendar year, exceeded a total of fifty dollars to, at 4097
the request of, for the benefit of, or on behalf of a particular 4098
elected executive official, the director of a department created 4099
under section 121.02 of the Revised Code, a particular executive 4100
agency official, or any particular member of the staff of any of 4101
the public officers or employees listed in division (B)(3) of this 4102
section, then the executive agency lobbyist shall also state 4103
regarding those expenditures the name of the public officer or 4104
employee to whom, at whose request, for whose benefit, or on whose 4105
behalf the expenditures were made, the total amount of the 4106
expenditures made, a brief description of the expenditures made, 4107
the approximate date the expenditures were made, the executive 4108
agency decision, if any, sought to be influenced, and the identity 4109
of the client on whose behalf the expenditure was made. 4110

(C) In addition to the information required by divisions 4111
(B)(2) and (3) of this section, a statement filed by an employer 4112
shall show the total amount of expenditures made by the employer 4113
filing the statement during the period covered by the statement. 4114
As used in this section, "expenditures" does not include the 4115
expenses of maintaining office facilities, or the compensation 4116
paid to executive agency lobbyists engaged to influence executive 4117
agency decisions or conduct executive agency lobbying activity. 4118

No employer shall be required to show any expenditure on a 4119
statement filed under this division if the expenditure is reported 4120
on a statement filed under division (B)(1), (2), or (3) of this 4121
section by an executive agency lobbyist engaged by the employer. 4122

(D) Any statement required to be filed under this section 4123
shall be filed at the times specified in section 121.62 of the 4124

Revised Code. Each statement shall cover expenditures made during
the four-calendar-month period that ended on the last day of the
month immediately preceding the month in which the statement is
required to be filed.

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

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

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

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(2) If, during a reporting period covered by an expenditure
statement filed under division (B)(2) of this section, an employer
or any executive agency lobbyist ~~he~~ the employer engaged made,
either separately or in combination with each other, either
directly or indirectly, expenditures for an honorarium or for
transportation, lodging, or food and beverages purchased for
consumption on the premises in which the food and beverages were
sold to, at the request of, for the benefit or, or on behalf of
any of the public officers or employees described in division
(B)(2) of this section, the employer or executive agency lobbyist

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shall deliver to the public officer or employee a statement that 4157
contains all of the nondisputed information prescribed in division 4158
(B)(2) of this section with respect to the expenditures described 4159
in division (G)(2) of this section. The statement of expenditures 4160
made under division (G)(2) of this section shall be delivered to 4161
the public officer or employee to whom, at whose request, for 4162
whose benefit, or on whose behalf those expenditures were made on 4163
the same day in which a copy of the expenditure statement or of a 4164
portion showing the expenditure is delivered to the public officer 4165
or employee under division (G)(1) of this section. An employer is 4166
not required to show any expenditure on a statement delivered 4167
under division (G)(2) of this section if the expenditure is shown 4168
on a statement delivered under division (G)(2) of this section by 4169
a legislative agent engaged by the employer. 4170

Sec. 122.011. (A) The department of development shall develop 4171
and promote plans and programs designed to assure that state 4172
resources are efficiently used, economic growth is properly 4173
balanced, community growth is developed in an orderly manner, and 4174
local governments are coordinated with each other and the state, 4175
and for such purposes may do all of the following: 4176

(1) Serve as a clearinghouse for information, data, and other 4177
materials that may be helpful or necessary to persons or local 4178
governments, as provided in section 122.07 of the Revised Code; 4179

(2) Prepare and activate plans for the retention, 4181
development, expansion, and use of the resources and commerce of 4182
the state, as provided in section 122.04 of the Revised Code; 4183

(3) Assist and cooperate with federal, state, and local 4184
governments and agencies of federal, state, and local governments 4185
in the coordination of programs to carry out the functions and 4186
duties of the department; 4187

(4) Encourage and foster research and development activities,	4188
conduct studies related to the solution of community problems, and	4189
develop recommendations for administrative or legislative actions,	4190
as provided in section 122.03 of the Revised Code;	4191
	4192
(5) Serve as the economic and community development planning	4193
agency, which shall prepare and recommend plans and programs for	4194
the orderly growth and development of this state and which shall	4195
provide planning assistance, as provided in section 122.06 of the	4196
Revised Code;	4197
(6) Cooperate with and provide technical assistance to state	4198
departments, political subdivisions, regional and local planning	4199
commissions, tourist associations, councils of government,	4200
community development groups, community action agencies, and other	4201
appropriate organizations for carrying out the functions and	4202
duties of the department or for the solution of community	4203
problems;	4204
(7) Coordinate the activities of state agencies that have an	4205
impact on carrying out the functions and duties of the department;	4206
(8) Encourage and assist the efforts of and cooperate with	4207
local governments to develop mutual and cooperative solutions to	4208
their common problems that relate to carrying out the purposes of	4209
this section;	4210
(9) Study existing structure, operations, and financing of	4211
regional or local government and those state activities that	4212
involve significant relations with regional or local governmental	4213
units, recommend to the governor and to the general assembly such	4214
changes in these provisions and activities as will improve the	4215
operations of regional or local government, and conduct other	4216
studies of legal provisions that affect problems related to	4217
carrying out the purposes of this section;	4218

(10) Appoint, with the approval of the governor, technical	4219
and other advisory councils as it considers appropriate, as	4220
provided in section 122.09 of the Revised Code;	4221
(11) Create and operate a division of community development	4222
to develop and administer programs and activities that are	4223
authorized by federal statute or the Revised Code;	4224
(12) Until July 1, 2001, review, analyze, and summarize	4225
applications and information regarding the family farm loan	4226
program forwarded to the department by a financial institution	4227
pursuant to section 901.81 of the Revised Code, and forward the	4228
applications, information, analyses, and summaries to the director	4229
of agriculture;	4230
(13) Until July 1, 2001 <u>2003</u> , establish fees and charges, in	4231
consultation with the director of agriculture, for purchasing	4232
loans from financial institutions and providing loan guarantees	4233
under the family farm loan program created under sections 901.80	4234
to 901.83 of the Revised Code;	4235
(14) <u>(13)</u> Provide loan servicing for the loans purchased and	4236
loan guarantees provided under section 901.80 of the Revised Code	4237
as that section existed prior to July 1, 2001 <u>2003</u> ;	4238
(15) <u>(14)</u> Until July 1, 2001 <u>2003</u> , and upon approval by the	4239
controlling board under division (A)(3) of section 901.82 of the	4240
Revised Code of the release of money to be used for purchasing a	4241
loan or providing a loan guarantee, request the release of that	4242
money in accordance with division (B) of section 166.03 of the	4243
Revised Code for use for the purposes of the fund created by	4244
section 166.031 of the Revised Code.	4245
(B) The department, by rule, shall establish criteria	4246
defining nonprofit corporations that are eligible for appointment	4247
as qualified agents pursuant to sections 135.81 to 135.88 of the	4248
Revised Code. The criteria shall require that a corporation be	4249

organized pursuant to Chapter 1702. of the Revised Code and have 4250
as its primary purpose the promotion of economic development or 4251
the creation or retention of jobs and job opportunities. The 4252
criteria may include a specification as to the professional 4253
qualifications of the corporation employees, a minimum elapsed 4254
period of time since the corporation was organized, current and 4255
former activities of the corporation, and such other criteria 4256
reasonably related to the foregoing that relate to the ability of 4257
the corporation to act as a qualified agent for the purposes of 4258
sections ~~135.51~~ 135.81 to 135.88 of the Revised Code. 4259

(C) The director of development may request the attorney 4260
general to, and the attorney general, in accordance with section 4261
109.02 of the Revised Code, shall bring a civil action in any 4262
court of competent jurisdiction. The director may be sued in the 4263
director's official capacity, in connection with this chapter, in 4264
accordance with Chapter 2743. of the Revised Code. 4265

Sec. 122.71. As used in sections 122.71 to 122.83 of the 4266
Revised Code: 4267

(A) "Financial institution" means any banking corporation, 4268
trust company, insurance company, savings and loan association, 4269
building and loan association, or corporation, partnership, 4270
federal lending agency, foundation, or other institution engaged 4271
in lending or investing funds for industrial or business purposes. 4272

(B) "Project" means any real or personal property connected 4273
with or being a part of an industrial, distribution, commercial, 4274
or research facility to be acquired, constructed, reconstructed, 4275
enlarged, improved, furnished, or equipped, or any combination 4276
thereof, with the aid provided under sections 122.71 to 122.83 of 4277
the Revised Code, for industrial, commercial, distribution, and 4278
research development of the state. 4279

(C) "Mortgage" means the lien imposed on a project by a 4280

mortgage on real property, or by financing statements on personal 4281
property, or a combination of a mortgage and financing statements 4282
when a project consists of both real and personal property. 4283

(D) "Mortgagor" means the principal user of a project or the 4284
person, corporation, partnership, or association unconditionally 4285
guaranteeing performance by the principal user of its obligations 4286
under the mortgage. 4287

(E)(1) "Minority business enterprise" means an individual who 4288
is a United States citizen and owns and controls a business, or a 4289
partnership, corporation, or joint venture of any kind that is 4290
owned and controlled by United States citizens who, which citizen 4291
or citizens are residents of this state ~~or nonresidents of this~~ 4292
~~state who have a significant presence in this state,~~ and who are 4293
members of one of the following economically disadvantaged groups: 4294
Blacks, American Indians, Hispanics, and Orientals. 4295

(2) "Owned and controlled" means that at least fifty-one per 4296
cent of the business, including corporate stock if a corporation, 4297
is owned by persons who belong to one or more of the groups set 4298
forth in division (E)(1) of this section, and that those owners 4299
have control over the management and day-to-day operations of the 4300
business and an interest in the capital, assets, and profits and 4301
losses of the business proportionate to their percentage of 4302
ownership. In order to qualify as a minority business enterprise, 4303
a business shall have been owned and controlled by those persons 4304
at least one year prior to being awarded a contract pursuant to 4305
this section. 4306

(F) "Community improvement corporation" means a corporation 4307
organized under Chapter 1724. of the Revised Code. 4308

(G) "Ohio development corporation" means a corporation 4309
organized under Chapter 1726. of the Revised Code. 4310

(H) "Minority contractors business assistance organization" 4311

means an entity engaged in the provision of management and 4312
technical business assistance to minority business enterprise 4313
entrepreneurs. 4314

(I) "Minority business supplier development council" means a 4315
nonprofit organization established as an affiliate of the national 4316
minority supplier development council. 4317

Sec. 122.76. (A) The director of development, with 4318
controlling board approval, may lend funds to minority business 4319
enterprises and to community improvement corporations ~~and~~, Ohio 4320
development corporations, minority contractors business assistance 4321
organizations, and minority business supplier development councils 4322
for the purpose of loaning funds to minority business enterprises 4323
and for the purpose of procuring or improving real or personal 4324
property, or both, for the establishment, location, or expansion 4325
of industrial, distribution, commercial, or research facilities in 4326
the state, if the director determines, in the director's sole 4327
discretion, that all of the following apply: 4328

(1) The project is economically sound and will benefit the 4329
people of the state by increasing opportunities for employment, by 4330
strengthening the economy of the state, or expanding minority 4331
business enterprises~~+~~. 4332

(2) The proposed minority business enterprise borrower is 4333
unable to finance the proposed project through ordinary financial 4334
channels at comparable terms~~+~~. 4335

(3) The value of the project is~~+~~ or~~+~~ upon completion ~~thereof~~, 4336
will be~~+~~ at least equal to the total amount of the money expended 4337
in the procurement or improvement of the project~~+~~ and ~~of which~~ 4338
~~amount~~ one or more financial institutions or other governmental 4339
entities have loaned not less than thirty per cent~~+~~ of that 4340
amount. 4341

(4) The amount to be loaned by the director will not exceed 4342
sixty per cent of the total amount expended in the procurement or 4343
improvement of the project~~+~~. 4344

(5) The amount to be loaned by the director will be 4345
adequately secured by a first or second mortgage upon the project~~+~~ 4346
or by mortgages, leases, liens, assignments, or pledges on or of 4347
other property or contracts as the director requires~~+~~ and ~~that~~ 4348
such mortgage will not be subordinate to any other liens or 4349
mortgages except the liens securing loans or investments made by 4350
financial institutions referred to in division (A)(3) of this 4351
section, and the liens securing loans previously made by any 4352
financial institution in connection with the procurement or 4353
expansion of all or part of a project. 4354

(B) Any proposed minority business enterprise borrower 4355
submitting an application for assistance under this section shall 4356
not have defaulted on a previous loan from the director, and no 4357
full or limited partner, ~~or~~ major shareholder, or holder of an 4358
equity interest of the proposed minority business enterprise 4359
borrower shall have defaulted on a loan from the director~~+~~. 4360

(C) The proposed minority business enterprise borrower shall 4361
demonstrate to the satisfaction of the director that it is able to 4362
successfully compete in the private sector if it obtains the 4363
necessary financial, technical, or managerial support and that 4364
support is available through the director, the minority business 4365
development office of the department of development, or other 4366
identified and acceptable sources. In determining whether a 4367
minority business enterprise borrower will be able to successfully 4368
compete, the director may give consideration to such factors as 4369
the successful completion of or participation in courses of study, 4370
recognized by the board of regents as providing financial, 4371
technical, or managerial skills related to the operation of the 4372
business, by the economically disadvantaged individual, owner, or 4373

partner, and the prior success of the individual, owner, or 4374
partner in personal, career, or business activities, as well as to 4375
other factors identified by the director. 4376

(D) The director shall not lend funds for the purpose of 4377
procuring or improving motor vehicles, power-driven vehicles, 4378
office equipment, raw materials, small tools, supplies, 4379
inventories, or accounts receivable. 4380

Sec. 122.92. There is hereby created in the department of 4381
development a minority business development division. The division 4382
shall do all of the following: 4383

(A) Provide technical, managerial, and counseling services 4384
and assistance to minority business enterprises; 4385

(B) Provide procurement and bid packaging assistance to 4386
minority business enterprises; 4387

(C) Provide bonding technical assistance to minority business 4388
enterprises; 4389

(D) Participate with other state departments and agencies as 4390
appropriate in developing specific plans and specific program 4391
goals for programs to assist in the establishment and development 4392
of minority business enterprises and establish regular performance 4393
monitoring and reporting systems to ensure that those goals are 4394
being achieved; 4395

(E) Implement state law and policy supporting minority 4396
business enterprise development, and assist in the coordination of 4397
plans, programs, and operations of state government which affect 4398
or may contribute to the establishment, preservation, and 4399
strengthening of minority business enterprises; 4400

(F) Assist in the coordination of activities and resources of 4401
state agencies and local governments, business and trade 4402
associations, universities, foundations, professional 4403

- organizations, and volunteer and other groups, to promote the
growth of minority business enterprises;
- (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;
- (H) Design, implement, and assist in experimental and
demonstration projects designed to overcome the special problems
of minority business enterprises;
- (I) Coordinate reviews of all proposed state training and
technical assistance activities in direct support of minority
business enterprise programs to ensure consistency with program
goals and to preclude duplication of efforts by other state
agencies;
- (J) Recommend appropriate legislative or executive actions to
enhance minority business enterprise opportunities in the state;
- (K) Assist minority business enterprises in obtaining
governmental or commercial financing for business expansion,
establishment of new businesses, or industrial development
projects;
- (L) Assist minority business enterprises in contract
procurement from government and commercial sources;
- (M) Establish procedures to identify groups who have been
disadvantaged because of racial, cultural, or ethnic circumstances
without regard to the individual qualities of the members of the
group;
- (N) Establish procedures to identify persons who have been
economically disadvantaged;
- (O) Provide grant assistance to nonprofit entities that

promote economic development, development corporations, community 4434
improvement corporations, and incubator business entities, if the 4435
entities or corporations focus on business, technical, and 4436
financial assistance to minority business enterprises to assist 4437
the enterprises with fixed asset financing; 4438

(P) Do all acts and things necessary or proper to carry out 4439
the powers expressly granted and duties imposed by sections 122.92 4440
to 122.94 of the Revised Code. 4441

Sec. 124.24. Notwithstanding sections 124.01 to 124.64 and 4442
Chapter 145. of the Revised Code, the examinations of applicants 4443
for the positions of deputy mine inspector, superintendent of 4444
rescue stations, assistant superintendent of rescue stations, 4445
electrical inspectors, gas storage well inspector, and mine 4446
chemists in the division of mineral resources management, 4447
department of natural resources, as provided in Chapters 1561., 4448
1563., 1565., and 1567. of the Revised Code shall be provided for, 4449
conducted, and administered by the ~~mine examining board created by~~ 4450
~~section 1561.10 of the Revised Code~~ chief of the division of 4451
mineral resources management. 4452

From the returns of the examinations the ~~mine examining board~~ 4453
chief shall prepare eligible lists of the persons whose general 4454
average standing upon examinations for such grade or class is not 4455
less than the minimum fixed by ~~the rules of the board adopted~~ 4456
under section 1561.05 of the Revised Code and who are otherwise 4457
eligible. All appointments to a position shall be made from such 4458
eligible list in the same manner as appointments are made from 4459
eligible lists prepared by the director of administrative 4460
services. Any person upon being appointed to fill one of the 4461
positions provided for in this section, from any such eligible 4462
list, shall have the same standing, rights, privileges, and status 4463
as other state employees in the classified service. 4464

Sec. 124.82. (A) Except as provided in division (D) of this 4465
section, the department of administrative services, in 4466
consultation with the superintendent of insurance, shall, in 4467
accordance with competitive selection procedures of Chapter 125. 4468
of the Revised Code, contract with an insurance company or a 4469
health plan in combination with an insurance company, authorized 4470
to do business in this state, for the issuance of a policy or 4471
contract of health, medical, hospital, dental, or surgical 4472
benefits, or any combination ~~thereof~~ of those benefits, covering 4473
state employees who are paid directly by warrant of the auditor of 4474
state, including elected state officials. The department may 4475
fulfill its obligation under this division by exercising its 4476
authority under division (A)(2) of section 124.81 of the Revised 4477
Code. 4478

(B) The department may, in addition, in consultation with the 4479
superintendent of insurance, negotiate and contract with health 4480
insuring corporations holding a certificate of authority under 4481
Chapter 1751. of the Revised Code, in their approved service areas 4482
only, for issuance of a contract or contracts of health care 4483
services, covering state employees who are paid directly by 4484
warrant of the auditor of state, including elected state 4485
officials. Except for health insuring corporations, no more than 4486
one insurance carrier or health plan shall be contracted with to 4487
provide the same plan of benefits, provided that: 4488

(1) The amount of the premium or cost for such coverage 4489
contributed by the state, for an individual or for an individual 4490
and the individual's family, does not exceed that same amount of 4491
the premium or cost contributed by the state under division (A) of 4492
this section; 4493

(2) The employee be permitted to exercise the option as to 4494
which plan the employee will select under division (A) or (B) of 4495

this section, at a time that shall be determined by the 4496
department; 4497

(3) The health insuring corporations do not refuse to accept 4498
the employee, or the employee and the employee's family, if the 4499
employee exercises the option to select care provided by the 4500
corporations; 4501

(4) The employee may choose participation in only one of the 4502
plans sponsored by the department; 4503

(5) The director of health examines and certifies to the 4504
department that the quality and adequacy of care rendered by the 4505
health insuring corporations meet at least the standards of care 4506
provided by hospitals and physicians in that employee's community, 4507
who would be providing such care as would be covered by a contract 4508
awarded under division (A) of this section. 4509

(C) All or any portion of the cost, premium, or charge for 4510
the coverage in divisions (A) and (B) of this section may be paid 4511
in such manner or combination of manners as the department 4512
determines and may include the proration of health care costs, 4513
premiums, or charges for part-time employees. 4514

(D) Notwithstanding division (A) of this section, the 4515
department may provide benefits equivalent to those that may be 4516
paid under a policy or contract issued by an insurance company or 4517
a health plan pursuant to division (A) of this section. 4518

(E) This section does not prohibit the state office of 4519
collective bargaining from entering into an agreement with an 4520
employee representative for the purposes of providing fringe 4521
benefits, including, but not limited to, hospitalization, surgical 4522
care, major medical care, disability, dental care, vision care, 4523
medical care, hearing aids, prescription drugs, group life 4524
insurance, sickness and accident insurance, group legal services 4525
or other benefits, or any combination thereof, to employees paid 4526

directly by warrant of the auditor of state through a jointly 4527
administered trust fund. The employer's contribution for the cost 4528
of the benefit care shall be mutually agreed to in the 4529
collectively bargained agreement. The amount, type, and structure 4530
of fringe benefits provided under this division is subject to the 4531
determination of the board of trustees of the jointly administered 4532
trust fund. Notwithstanding any other provision of the Revised 4533
Code, competitive bidding does not apply to the purchase of fringe 4534
benefits for employees under this division when such benefits are 4535
provided through a jointly administered trust fund. 4536

(F) Members of state boards and commissions who are members 4537
of the public employees retirement system may be covered by any 4538
policy, contract, or plan of benefits or services described in 4539
division (A) or (B) of this section if they pay the entire amount 4540
of the premiums, costs, or charges for that coverage. 4541

Sec. 125.22. (A) The department of administrative services 4542
shall establish the central service agency to perform routine 4543
support for the following boards and commissions: 4544

(1) State board of examiners of architects; 4545

(2) Barber board; 4546

(3) State chiropractic board; 4547

(4) State board of cosmetology; 4548

(5) Accountancy board; 4549

(6) State dental board; 4550

(7) State board of optometry; 4551

(8) Ohio occupational therapy, physical therapy, and athletic 4552
trainers board; 4553

(9) State board of registration for professional engineers 4554
and surveyors; 4555

(10) State board of sanitarian registration;	4556
(11) Board of embalmers and funeral directors;	4557
(12) State board of psychology;	4558
(13) Ohio optical dispensers board;	4559
(14) Board of speech pathology and audiology;	4560
(15) Counselor and social worker board;	4561
(16) State veterinary medical licensing board;	4562
(17) Ohio board of dietetics;	4563
(18) Commission on Hispanic-Latino affairs;	4564
(19) Ohio respiratory care board;	4565
<u>(20) Ohio commission on African-American males.</u>	4566
(B)(1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of administrative services:	4567 4568 4569 4570 4571 4572
(a) Preparing and processing payroll and other personnel documents;	4573 4574
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	4575 4576
(c) Maintaining ledgers of accounts and balances;	4577
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	4578 4579
(e) Maintaining information required by section 3729.40 of the Revised Code;	4580 4581
(f) Other routine support services that the director of administrative services considers appropriate to achieve	4582 4583

efficiency. 4584

(2) The agency may perform other services which a board or 4585
commission named in division (A) of this section delegates to the 4586
agency and the agency accepts. 4587

(3) The agency may perform any service for any professional 4588
or occupational licensing board not named in division (A) of this 4589
section or any commission if the board or commission requests such 4590
service and the agency accepts. 4591

(C) The director of administrative services shall be the 4592
appointing authority for the agency. 4593

(D) The agency shall determine the fees to be charged to the 4594
boards and commissions, which shall be in proportion to the 4595
services performed for each board or commission. 4596

(E) Each board or commission named in division (A) of this 4597
section and any other board or commission requesting services from 4598
the agency shall pay these fees to the agency from the general 4599
revenue fund maintenance account of the board or commission or 4600
from such other fund as the operating expenses of the board or 4601
commission are paid. Any amounts set aside for a fiscal year by a 4602
board or commission to allow for the payment of fees shall be used 4603
only for the services performed by the agency in that fiscal year. 4604
All receipts collected by the agency shall be deposited in the 4605
state treasury to the credit of the central service agency fund, 4606
which is hereby created. All expenses incurred by the agency in 4607
performing services for the boards or commissions shall be paid 4608
from the fund. 4609

(F) Nothing in this section shall be construed as a grant of 4610
authority for the central service agency to initiate or deny 4611
personnel or fiscal actions for the boards and commissions. 4612

Sec. 126.11. (A)(1) The director of budget and management 4613

shall, upon consultation with the treasurer of state, coordinate 4614
and approve the scheduling of initial sales of publicly offered 4615
securities of the state and of publicly offered fractionalized 4616
interests in or securitized issues of public obligations of the 4617
state. The director shall from time to time develop and distribute 4618
to state issuers an approved sale schedule for each of the 4619
obligations covered by ~~this~~ division (A) or (B) of this section. 4620
~~This division~~ Division (A) of this section applies only to those 4621
obligations on which the state or a state agency is the direct 4622
obligor or obligor on any backup security or related credit 4623
enhancement facility or source of money subject to state 4624
appropriations that is intended for payment of those obligations. 4625

(2) The issuers of obligations pursuant to section 151.03, 4626
151.04, 151.05, or 151.07 or Chapter 152. of the Revised Code 4627
shall submit to the director: 4628

(a) For review and approval: the projected sale date, amount, 4629
and type of obligations proposed to be sold; their purpose, 4630
security, and source of payment; and the proposed structure and 4631
maturity schedule; 4632

(b) For review and comment: the authorizing order or 4633
resolution; preliminary and final offering documents; method of 4634
sale; preliminary and final pricing information; and any written 4635
reports or recommendations of financial advisors or consultants 4636
relating to those obligations; 4637

(c) Promptly after each sale of those obligations: final 4638
terms, including sale price, maturity schedule and yields, and 4639
sources and uses; names of the original purchasers or 4640
underwriters; a copy of the final offering document and of the 4641
transcript of proceedings; and any other pertinent information 4642
requested by the director. 4643

(3) The issuer of obligations pursuant to section 151.06 or 4644
151.08 or Chapter 154. ~~or 3318.~~ of the Revised Code shall submit 4645

to the director: 4646

(a) For review and mutual agreement: the projected sale date, 4647
amount, and type of obligations proposed to be sold; their 4648
purpose, security, and source of payment; and the proposed 4649
structure and maturity schedule; 4650

(b) For review and comment: the authorizing order or 4651
resolution; preliminary and final offering documents; method of 4652
sale; preliminary and final pricing information; and any written 4653
reports or recommendations of financial advisors or consultants 4654
relating to those obligations; 4655

(c) Promptly after each sale of those obligations: final 4656
terms, including sale price, maturity schedule and yields, and 4657
sources and uses; names of the original purchasers or 4658
underwriters; a copy of the final offering document and of the 4659
transcript of proceedings; and any other pertinent information 4660
requested by the director. 4661

(4) The issuers of obligations pursuant to Chapter 166., 4662
4981., 5540., or 6121., or section 5531.10, of the Revised Code 4663
shall submit to the director: 4664

(a) For review and comment: the projected sale date, amount, 4665
and type of obligations proposed to be sold; the purpose, 4666
security, and source of payment; and preliminary and final 4667
offering documents; 4668

(b) Promptly after each sale of those obligations: final 4669
terms, including a maturity schedule; names of the original 4670
purchasers or underwriters; a copy of the complete continuing 4671
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 4672
rule as from time to time in effect; and any other pertinent 4673
information requested by the director. 4674

(5) Not later than thirty days after the end of a fiscal 4675
year, each issuer of obligations subject to divisions (A) and (B) 4676

of this section shall submit to the director and to the treasurer 4677
of state a sale plan for the then current fiscal year for each 4678
type of obligation, projecting the amount and term of each 4679
issuance, the method of sale, and the month of sale. 4680

(B) Issuers of obligations pursuant to section 3318.085 or 4681
Chapter 122., 166., 175., 3345., 3347., 3366., 3377., 3706., 4682
3737., 5537., 6121., or 6123. of the Revised Code, and issuers of 4683
securities issued pursuant to Chapter 165. of the Revised Code 4684
other than a county or municipal corporation, shall submit to the 4685
director copies of the preliminary and final offering documents 4686
upon their availability if not previously submitted pursuant to 4687
division (A) of this section. 4688

(C) Not later than the first day of January of each year, 4689
every state agency obligated to make payments on outstanding 4690
public obligations with respect to which fractionalized interests 4691
have been publicly issued, such as certificates of participation, 4692
shall submit a report to the director of the amounts payable from 4693
state appropriations under those public obligations during the 4694
then current and next two fiscal years, identifying the 4695
appropriation or intended appropriation from which payment is 4696
expected to be made. 4697

(D)(1) Information relating generally to the historic, 4698
current, or future demographics or economy or financial condition 4699
or funds or general operations of the state, and descriptions of 4700
any state contractual obligations relating to public obligations, 4701
to be contained in any offering document, continuing disclosure 4702
document, or written presentation prepared, approved, or provided, 4703
or committed to be provided, by an issuer in connection with the 4704
original issuance and sale of, or rating, remarketing, or credit 4705
enhancement facilities relating to, public obligations referred to 4706
in division (A) of this section shall be approved as to format and 4707
accuracy by the director before being presented, published, or 4708

disseminated in preliminary, draft, or final form, or publicly
filed in paper, electronic, or other format.

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

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

(E) Issuers of obligations referred to in division (A) of
this section may take steps, by formal agreement, covenants in the
proceedings, or otherwise, as may be necessary or appropriate to
comply or permit compliance with applicable lawful disclosure
requirements relating to those obligations, and may, subject to
division (D) of this section, provide, make available, or file
copies of any required disclosure materials as necessary or
appropriate. Any such formal agreement or covenant relating to
subjects referred to in division (D) of this section, and any
description of that agreement or covenant to be contained in any
offering document, shall be approved by the director before being

entered into or published or publicly disseminated in preliminary, 4741
draft, or final form or publicly filed in paper, electronic, or 4742
other format. The director shall be responsible for making all 4743
filings in compliance with those requirements relating to direct 4744
obligations of the state, including fractionalized interests in 4745
those obligations. 4746

(F) No state agency or official shall, without the approval 4747
of the director of budget and management, do either of the 4748
following: 4749

(1) Enter into or commit to enter into a public obligation 4750
under which fractionalized interests in the payments are to be 4751
publicly offered, which payments are anticipated to be made from 4752
money from any source appropriated or to be appropriated by the 4753
general assembly or in which the provision stated in section 9.94 4754
of the Revised Code is not included; 4755

(2) Except as otherwise expressly authorized for the purpose 4756
by law, agree or commit to provide, from money from any source to 4757
be appropriated in the future by the general assembly, financial 4758
assistance to or participation in the costs of capital facilities, 4759
or the payment of debt charges, directly or by way of a credit 4760
enhancement facility, a reserve, rental payments, or otherwise, on 4761
obligations issued to pay costs of capital facilities. 4762

(G) As used in this section, "credit enhancement facilities," 4763
"debt charges," "fractionalized interests in public obligations," 4764
"obligor," "public issuer," and "securities" have the same 4765
meanings as in section 133.01 of the Revised Code; "public 4766
obligation" has the same meaning as in division (GG)(2) of section 4767
133.01 of the Revised Code; "obligations" means securities or 4768
public obligations or fractionalized interests in them; "issuers" 4769
means issuers of securities or state obligors on public 4770
obligations; "offering document" means an official statement, 4771
offering circular, private placement memorandum, or prospectus, or 4772

similar document; and "director" means the director of budget and
management or the employee of the office of budget and management
designated by the director for the purpose.

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

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(1) Keep all necessary accounting records;

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

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

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(4) Reconcile, in the case of any variation between the
amount of any appropriation and the aggregate amount of items of
the appropriation, with the advice and assistance of the state
agency affected by it and the ~~legislative budget office of the~~
legislative service commission, totals so as to correspond in the
aggregate with the total appropriation. In the case of a conflict
between the item and the total of which it is a part, the item
shall be considered the intended appropriation.

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(5) Evaluate on an ongoing basis and, if necessary, recommend
improvements to the internal controls used in state agencies;

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(6) Authorize the establishment of petty cash accounts. The
director of budget and management may withdraw approval for any
petty cash account and require the officer in charge to return to
the state treasury any unexpended balance shown by the officer's
accounts to be on hand. Any officer who is issued a warrant for
petty cash shall render a detailed account of the expenditures of
the petty cash and shall report when requested the balance of

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petty cash on hand at any time. 4803

(7) Process orders, invoices, vouchers, claims, and payrolls 4804
and prepare financial reports and statements; 4805

(8) Perform extensions, reviews, and compliance checks prior 4806
to approving a payment as the director considers necessary; 4807

(9) Issue the official comprehensive annual financial report 4808
of the state. The report shall cover all funds ~~and account groups~~ 4809
of the state reporting entity and shall include ~~general purpose~~ 4810
basic financial statements and required supplementary information 4811
prepared in accordance with generally accepted accounting 4812
principles and other information as the director provides. All 4813
state agencies, authorities, institutions, offices, retirement 4814
systems, and other component units of the state reporting entity 4815
as determined by the director shall furnish the director whatever 4816
financial statements and other information the director requests 4817
for the report, in the form, at the times, covering the periods, 4818
and with the attestation the director prescribes. The information 4819
for state institutions of higher education, as defined in section 4820
3345.011 of the Revised Code, shall be submitted to the director 4821
by the Ohio board of regents. The board shall establish a due date 4822
by which each such institution shall submit the information to the 4823
board, but no such date shall be later than one hundred twenty 4824
days after the end of the state fiscal year unless a later date is 4825
approved by the director. 4826

(B) In addition to the director's duties under division (A) 4827
of this section, the director of budget and management may 4828
establish and administer one or more state payment card programs 4829
that permit or require state agencies to use a payment card to 4830
purchase equipment, materials, supplies, or services in accordance 4831
with guidelines issued by the director. The director may contract 4832
with one or more vendors to provide the payment cards and payment 4833
card services. State agencies may only participate in state 4834

payment card programs that the director establishes pursuant to 4835
this section. 4836

Sec. 127.16. (A) Upon the request of either a state agency or 4837
the director of budget and management and after the controlling 4838
board determines that an emergency or a sufficient economic reason 4839
exists, the controlling board may approve the making of a purchase 4840
without competitive selection as provided in division (B) of this 4841
section. 4842

(B) Except as otherwise provided in this section, no state 4843
agency, using money that has been appropriated to it directly, 4844
shall: 4845

(1) Make any purchase from a particular supplier, that would 4846
amount to fifty thousand dollars or more when combined with both 4847
the amount of all disbursements to the supplier during the fiscal 4848
year for purchases made by the agency and the amount of all 4849
outstanding encumbrances for purchases made by the agency from the 4850
supplier, unless the purchase is made by competitive selection or 4851
with the approval of the controlling board; 4852

(2) Lease real estate from a particular supplier, if the 4853
lease would amount to seventy-five thousand dollars or more when 4854
combined with both the amount of all disbursements to the supplier 4855
during the fiscal year for real estate leases made by the agency 4856
and the amount of all outstanding encumbrances for real estate 4857
leases made by the agency from the supplier, unless the lease is 4858
made by competitive selection or with the approval of the 4859
controlling board. 4860

(C) Any person who authorizes a purchase in violation of 4861
division (B) of this section shall be liable to the state for any 4862
state funds spent on the purchase, and the attorney general shall 4863
collect the amount from the person. 4864

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

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

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

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

(4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair;

(5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;

(6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf

of the agency. The filing shall be in a form and at such times as	4896
the board considers appropriate.	4897
(7) Applying to purchases made with money for the per cent	4898
for arts program established by section 3379.10 of the Revised	4899
Code;	4900
(8) Applying to purchases made by the rehabilitation services	4901
commission of services, or supplies, that are provided to persons	4902
with disabilities, or to purchases made by the commission in	4903
connection with the eligibility determinations it makes for	4904
applicants of programs administered by the social security	4905
administration;	4906
(9) Applying to payments by the department of job and family	4907
services under section 5111.13 of the Revised Code for group	4908
health plan premiums, deductibles, coinsurance, and other	4909
cost-sharing expenses;	4910
(10) Applying to any agency of the legislative branch of the	4911
state government;	4912
(11) Applying to agreements or contracts entered into under	4913
section 5101.11, 5101.21, or 5101.211 of the Revised Code;	4914
(12) Applying to purchases of services by the adult parole	4915
authority under section 2967.14 of the Revised Code or by the	4916
department of youth services under section 5139.08 of the Revised	4917
Code;	4918
(13) Applying to dues or fees paid for membership in an	4919
organization or association;	4920
(14) Applying to purchases of utility services pursuant to	4921
section 9.30 of the Revised Code;	4922
(15) Applying to purchases made in accordance with rules	4923
adopted by the department of administrative services of motor	4924
vehicle, aviation, or watercraft fuel, or emergency repairs of	4925

such vehicles;	4926
(16) Applying to purchases of tickets for passenger air transportation;	4927 4928
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	4929 4930 4931
(18) Applying to the judicial branch of state government;	4932
(19) Applying to purchases of liquor for resale by the division of liquor control;	4933 4934
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	4935 4936 4937
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	4938 4939 4940 4941
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	4942 4943 4944
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	4945 4946
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	4947 4948 4949 4950
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;	4951 4952
(26) Applying to payments by the department of job and family services to the United States department of health and human	4953 4954

services for printing and mailing notices pertaining to the tax 4955
refund offset program of the internal revenue service of the 4956
United States department of the treasury; 4957

(27) Applying to contracts entered into by the department of 4958
mental retardation and developmental disabilities under sections 4959
5123.18, 5123.182, and 5111.252 of the Revised Code; 4960

(28) Applying to payments made by the department of mental 4961
health under a physician recruitment program authorized by section 4962
5119.101 of the Revised Code; 4963

(29) Applying to contracts entered into with persons by the 4964
director of commerce for unclaimed funds collection and remittance 4965
efforts as provided in division (F) of section 169.03 of the 4966
Revised Code. The director shall keep an itemized accounting of 4967
unclaimed funds collected by those persons and amounts paid to 4968
them for their services. 4969

(30) Applying to purchases made by a state institution of 4970
higher education in accordance with the terms of a contract 4971
between the vendor and an inter-university purchasing group 4972
comprised of purchasing officers of state institutions of higher 4973
education; 4974

(31) Applying to the department of job and family services' 4975
purchases of health assistance services under the children's 4976
health insurance program part I provided for under section 5101.50 4977
of the Revised Code or the children's health insurance program 4978
part II provided for under section 5101.51 of the Revised Code; 4979

(32) Applying to payments by the attorney general from the 4980
reparations fund to hospitals and other emergency medical 4981
facilities for performing medical examinations to collect physical 4982
evidence pursuant to section 2907.28 of the Revised Code; 4983

(33) Applying to contracts with a contracting authority or 4984
administrative receiver under division (G)(2) of section 5126.055 4985

<u>of the Revised Code.</u>	4986
(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.	4987 4988 4989 4990 4991
(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:	4992 4993 4994 4995
(1) Purchases made through competitive selection or with controlling board approval;	4996 4997
(2) Purchases listed in division (D) of this section;	4998
(3) For the purposes of the thresholds of divisions (B)(1) and (E) of this section only, leases of real estate.	4999 5000
(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.	5001 5002 5003
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:	5004 5005 5006 5007
(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.	5008 5009 5010 5011
(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	5012 5013 5014

- provide internal control. 5015
- (C) "Accounting system" means the total structure of records 5016
and procedures which discover, record, classify, and report 5017
information on the financial position and operations of a 5018
governmental unit or any of its funds, ~~balanced account groups,~~ 5019
and organizational components. 5020
- (D) "Allocation" means a portion of an appropriation which is 5021
designated for expenditure by specific organizational units or for 5022
special purposes, activities, or objects that do not relate to a 5023
period of time. 5024
- (E) "Allotment" means all or part of an appropriation which 5025
may be encumbered or expended within a specific period of time. 5026
- (F) "Appropriation" means an authorization granted by the 5027
general assembly to make expenditures and to incur obligations for 5028
specific purposes. 5029
- (G) "Assets" means resources owned, controlled, or otherwise 5030
used or held by the state which have monetary value. 5031
- (H) "Budget" means the plan of financial operation embodying 5032
an estimate of proposed expenditures and obligations for a given 5033
period and the proposed means of financing them. 5034
- (I) "Direct deposit" is a form of electronic funds transfer 5035
in which money is electronically deposited into the account of a 5036
person or entity at a financial institution. 5037
- (J) "Disbursement" means a payment made for any purpose. 5038
- (K) "Electronic benefit transfer" means the electronic 5039
delivery of benefits through automated teller machines, point of 5040
sale terminals, or other electronic media pursuant to section 5041
5101.33 of the Revised Code. 5042
- (L) "Electronic funds transfer" means the electronic movement 5043
of funds via automated clearing house or wire transfer. 5044

(M) "Encumbrancing document" means a document reserving all 5045
or part of an appropriation. 5046

(N) "Expenditure" means a reduction of the balance of an 5047
appropriation after legal requirements have been met. 5048

(O) "Fund" means an independent fiscal and accounting entity 5049
with a self-balancing set of accounts recording cash or other 5050
resources, together with all related liabilities, obligations, 5051
reserves, and fund balances which are segregated for the purpose 5052
of carrying on specific activities or attaining certain objectives 5053
in accordance with special rules, restrictions, or limitations. 5054

(P) "Lapse" means the automatic termination of an 5055
appropriation at the end of the fiscal period for which it was 5056
appropriated. 5057

(Q) "Reappropriation" means an appropriation of a previous 5058
appropriation that is continued in force in a succeeding 5059
appropriation period. "Reappropriation" shall be equated with and 5060
incorporated in the term "appropriation." 5061

(R) "Voucher" means the document used to transmit a claim for 5062
payment and evidentiary matter related to the claim. 5063

(S) "Warrant" means an order drawn upon the treasurer of 5064
state by the auditor of state directing the treasurer of state to 5065
pay a specified amount, including an order to make a lump-sum 5066
payment to a financial institution for the transfer of funds by 5067
direct deposit or the drawdown of funds by electronic benefit 5068
transfer, and the resulting electronic transfer to or by the 5069
ultimate payees. 5070

The terms defined in this section shall be used, on all 5071
accounting forms, reports, formal rules, and budget requests 5072
produced by a state agency, only as defined in this section. 5073

Sec. 133.021. The general assembly hereby finds and declares 5074

that the "Tax Reform Act of 1986" (the "Act") establishes a 5075
unified volume ceiling on the aggregate amount of private activity 5076
bonds ~~which~~ that can be issued in each state. The amount of the 5077
unified volume ceiling ~~is the product of seventy-five dollars~~ 5078
~~multiplied by the state population in 1987 and fifty dollars~~ 5079
~~multiplied by the state population in each succeeding calendar~~ 5080
year shall be the amount determined as set forth in section 146(d) 5081
of the Internal Revenue Code. 5082

The general assembly further finds and declares that the Act 5083
requires the state to allocate its volume ceiling according to a 5084
specified formula unless a different procedure is established by 5085
the governor or general assembly. 5086

The general assembly further finds and declares that pursuant 5087
to authorization of state legislation the general assembly has, by 5088
division (D)(3) of section 133.02 of the Revised Code, effective 5089
October 30, 1989, provided for delegating such function to the 5090
governor and for further delegation as therein provided, subject 5091
to such prospectively effective actions as may subsequently be 5092
taken by the general assembly. 5093

The general assembly further finds and declares that it 5094
desires to by legislation provide for an efficient, effective, and 5095
equitable procedure under which the state will allocate the 5096
unified volume ceiling. 5097

The general assembly therefore finds and declares that it is 5098
necessary to create the joint select committee on volume cap to 5099
create a process for the allocation of the unified volume ceiling. 5100

(A) Pursuant to section 146(e)(2)(B)(ii) of the Internal 5101
Revenue Code, which provides that a state may by law provide a 5102
different formula for allocating the state ceiling, there is 5103
hereby created the joint select committee on volume cap to provide 5104
for the allocation and the reallocation of the unified volume 5105
ceiling among the governmental units (or other authorities) in the 5106

state having authority to issue tax exempt private activity bonds. 5107

(B) The committee shall consist of eight members. Two members 5108
shall be from the house of representatives appointed by the 5109
speaker of the house of representatives; two members shall be from 5110
the senate appointed by the president of the senate; and four 5111
members shall be appointed by the governor. Each member shall be 5112
selected for ~~his or her~~ the member's knowledge and experience in 5113
tax exempt private activity bonds. The members shall serve at the 5114
pleasure of the appointing authority. A vacancy shall be filled in 5115
the same manner as the original appointment. 5116

(C) The purpose of the committee shall be to maximize the 5117
economic benefits of the unified volume ceiling to all citizens of 5118
the state. To this end, the joint select committee on volume cap 5119
shall: 5120

(1) ~~Annually, survey the governmental units (or other 5121
authorities) in the state having authority to issue tax exempt 5122
private activity bonds concerning: 5123~~

(a) ~~The amount of tax exempt private activity bonds issued 5124
for the previous calendar year; and 5125~~

(b) ~~The amount requested for the calendar year allocation 5126
currently under consideration. 5127~~

(2) Set forth procedures for making allocations, reallocation 5128
and carry forward of the state's unified volume ceiling in 5129
accordance with the Act; 5130

(3)(2) Develop strategies for allocating and reallocating the 5131
unified volume ceiling which are designed to maximize the 5132
availability of tax exempt private activity bonds among competing 5133
sectors of the state. 5134

(D) To provide for the orderly and prompt issuance of private 5135
activity bonds, the committee is authorized to allocate the 5136

unified volume ceiling among those governmental units (or other
authorities) in the state having authority to issue tax exempt
private activity bonds. The committee shall reserve a portion of
the unified volume ceiling to be allocated for multi-family rental
housing projects. The committee in determination of unified volume
ceiling allocations and reallocations shall consider the
following:

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

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

(3) The needs of political subdivisions.

(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 5167
the tax commissioner, acting under written policies of the 5168
commissioner, consent to the submission. A request for the 5169
consents shall be made at least thirty days prior to the election 5170
at which the question is to be submitted, except that the 5171
superintendent of public instruction and the tax commissioner may 5172
waive this thirty-day deadline or grant their consents after the 5173
election if the school district shows good cause for such waiver 5174
or consent after the election. 5175

(D) In calculating the net indebtedness of a school district, 5176
none of the following shall be considered: 5177

(1) Securities issued to acquire school buses and other 5178
equipment used in transporting pupils or issued pursuant to 5179
division (D) of section 133.10 of the Revised Code; 5180

(2) Securities issued under division (F) of this section, 5181
under section 133.301 of the Revised Code, and, to the extent in 5182
excess of the limitation stated in division (B) of this section, 5183
under division (E) of this section; 5184

(3) Indebtedness resulting from the dissolution of a joint 5185
vocational school district under section 3311.217 of the Revised 5186
Code, evidenced by outstanding securities of that joint vocational 5187
school district; 5188

(4) Loans, evidenced by any securities, received under 5189
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the 5190
Revised Code; 5191

(5) Debt incurred under section 3313.374 of the Revised Code; 5192
5193

(6) Debt incurred pursuant to division (B)(5) of section 5194
3313.37 of the Revised Code to acquire computers and related 5195
hardware; 5196

<u>(7) Debt incurred under section 3318.041 of the Revised Code.</u>	5197
	5198
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	5199
	5200
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	5201
	5202
	5203
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	5204
	5205
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	5206
	5207
	5208
	5209
(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:	5210
	5211
	5212
(a) A history of and a projection of the growth of the student population;	5213
	5214
(b) The history of and a projection of the growth of the tax valuation;	5215
	5216
(c) The projected needs;	5217
(d) The estimated cost of permanent improvements proposed to meet such projected needs.	5218
	5219
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	5220
	5221
	5222
(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.	5223
	5224
	5225

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

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

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

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

(a) School buildings or other necessary school facilities in the district have been wholly or partially destroyed, or condemned

by a constituted public authority, or that such buildings or 5257
facilities are partially constructed, or so constructed or planned 5258
as to require additions and improvements to them before the 5259
buildings or facilities are usable for their intended purpose, or 5260
that corrections to permanent improvements are necessary to remove 5261
or prevent health or safety hazards. 5262

(b) Existing fiscal and net indebtedness limitations make 5263
adequate replacement, additions, or improvements impossible. 5264

(2) Upon the declaration of an emergency, the board of 5265
education may, by resolution, submit to the electors of the 5266
district pursuant to section 133.18 of the Revised Code the 5267
question of issuing securities for the purpose of paying the cost, 5268
in excess of any insurance or condemnation proceeds received by 5269
the district, of permanent improvements to respond to the 5270
emergency need. 5271

(3) The procedures for the election shall be as provided in 5272
section 133.18 of the Revised Code, except that: 5273

(a) The form of the ballot shall describe the emergency 5274
existing, refer to this division as the authority under which the 5275
emergency is declared, and state that the amount of the proposed 5276
securities exceeds the limitations prescribed by division (B) of 5277
this section; 5278

(b) The resolution required by division (B) of section 133.18 5279
of the Revised Code shall be certified to the county auditor and 5280
the board of elections at least seventy-five days prior to the 5281
election; 5282

(c) The county auditor shall advise and, not later than 5283
sixty-five days before the election, confirm that advice by 5284
certification to, the board of education of the information 5285
required by division (C) of section 133.18 of the Revised Code; 5286

(d) The board of education shall then certify its resolution 5287

and the information required by division (D) of section 133.18 of
the Revised Code to the board of elections not less than sixty
days prior to the election.

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

(G) The board of education may contract with an architect,
professional engineer, or other person experienced in the design
and implementation of energy conservation measures for an analysis
and recommendations pertaining to installations, modifications of
installations, or remodeling that would significantly reduce
energy consumption in buildings owned by the district. The report
shall include estimates of all costs of such installations,
modifications, or remodeling, including costs of design,
engineering, installation, maintenance, repairs, and debt service,
and estimates of the amounts by which energy consumption and
resultant operational and maintenance costs, as defined by the
Ohio school facilities commission, would be reduced.

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

If the commission determines that the board's findings are
reasonable, it shall approve the board's request. Upon receipt of
the commission's approval, the district may issue securities

without a vote of the electors in a principal amount not to exceed 5320
nine-tenths of one per cent of its tax valuation for the purpose 5321
of making such installations, modifications, or remodeling, but 5322
the total net indebtedness of the district without a vote of the 5323
electors incurred under this and all other sections of the Revised 5324
Code shall not exceed one per cent of the district's tax 5325
valuation. 5326

So long as any securities issued under division (G) of this 5327
section remain outstanding, the board of education shall monitor 5328
the energy consumption and resultant operational and maintenance 5329
costs of buildings in which installations or modifications have 5330
been made or remodeling has been done pursuant to division (G) of 5331
this section and shall maintain and annually update a report 5332
documenting the reductions in energy consumption and resultant 5333
operational and maintenance cost savings attributable to such 5334
installations, modifications, or remodeling. The report shall be 5335
certified by an architect or engineer independent of any person 5336
that provided goods or services to the board in connection with 5337
the energy conservation measures that are the subject of the 5338
report. The resultant operational and maintenance cost savings 5339
shall be certified by the school district treasurer. The report 5340
shall be made available to the commission upon request. 5341

(H) With the consent of the superintendent of public 5342
instruction, a school district may incur without a vote of the 5343
electors net indebtedness that exceeds the amounts stated in 5344
divisions (A) and (G) of this section for the purpose of paying 5345
costs of permanent improvements, if and to the extent that both of 5346
the following conditions are satisfied: 5347

(1) The fiscal officer of the school district estimates that 5348
receipts of the school district from payments made under or 5349
pursuant to agreements entered into pursuant to section 725.02, 5350
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 5351

5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised
Code, or distributions under division (C) of section 5709.43 of
the Revised Code, or any combination thereof, are, after
accounting for any appropriate coverage requirements, sufficient
in time and amount, and are committed by the proceedings, to pay
the debt charges on the securities issued to evidence that
indebtedness and payable from those receipts, and the taxing
authority of the district confirms the fiscal officer's estimate,
which confirmation is approved by the superintendent of public
instruction;

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

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

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

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

(1) Net indebtedness for all purposes that exceeds an amount

equal to one per cent of its tax valuation;	5383
(2) Net indebtedness for the purpose of paying the county's share of the cost of the construction, improvement, maintenance, or repair of state highways that exceeds an amount equal to one-half of one per cent of its tax valuation.	5384 5385 5386 5387
(B) A county shall not incur total net indebtedness that exceeds an amount equal to one of the following limitations that applies to the county:	5388 5389 5390
(1) A county with a valuation not exceeding one hundred million dollars, three per cent of that tax valuation;	5391 5392
(2) A county with a tax valuation exceeding one hundred million dollars but not exceeding three hundred million dollars, three million dollars plus one and one-half per cent of that tax valuation in excess of one hundred million dollars;	5393 5394 5395 5396
(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.	5397 5398 5399 5400
(C) In calculating the net indebtedness of a county, none of the following securities shall be considered:	5401 5402
(1) Securities described in section 307.201 of the Revised Code;	5403 5404
(2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:	5405 5406 5407
(a) Water systems or facilities;	5408
(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;	5409 5410 5411

(c) County or joint county scrap tire collection, storage,	5412
monocell, monofill, or recovery facilities, or any combination of	5413
those facilities;	5414
(d) Off-street parking lots, facilities, or buildings, or	5415
on-street parking facilities, or any combination of off-street and	5416
on-street parking facilities;	5417
(e) Facilities for the care or treatment of the sick or	5418
infirm, and for housing the persons providing that care or	5419
treatment and their families;	5420
(f) Recreational, sports, convention, auditorium, museum,	5421
trade show, and other public attraction facilities;	5422
(g) Facilities for natural resources exploration,	5423
development, recovery, use, and sale;	5424
(h) Correctional and detention facilities and related	5425
rehabilitation facilities.	5426
(3) Securities issued for the purpose of purchasing,	5427
constructing, improving, or extending water or sanitary or surface	5428
and storm water sewerage systems or facilities, or a combination	5429
of those systems or facilities, to the extent that an agreement	5430
entered into with another subdivision requires the other	5431
subdivision to pay to the county amounts equivalent to debt	5432
charges on the securities;	5433
(4) Voted general obligation securities issued for the	5434
purpose of permanent improvements for sanitary sewerage or water	5435
systems or facilities to the extent that the total principal	5436
amount of voted securities outstanding for the purpose does not	5437
exceed an amount equal to two per cent of the county's tax	5438
valuation;	5439
(5) Securities issued for permanent improvements to house	5440
agencies, departments, boards, or commissions of the county or of	5441

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

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

(7) Securities issued for the purpose of acquiring or
constructing roads, highways, bridges, or viaducts, for the
purpose of acquiring or making other highway permanent
improvements, or for the purpose of procuring and maintaining
computer systems for the office of the clerk of any
county-operated municipal court, for the office of the clerk of
the court of common pleas, or for the office of the clerk of the
probate, juvenile, or domestic relations division of the court of
common pleas to the extent that the legislation authorizing the
issuance of the securities includes a covenant to appropriate from
moneys distributed to the county pursuant to division (B) of
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a
sufficient amount to cover debt charges on and financing costs
relating to the securities as they become due;

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

(9) Securities issued for the acquisition, construction,
equipping, or repair of any permanent improvement or any class or
group of permanent improvements enumerated in a resolution adopted

pursuant to division (D) of section 5739.026 of the Revised Code 5474
to the extent that the legislation authorizing the issuance of the 5475
securities includes a covenant to appropriate from moneys received 5476
from the taxes authorized under section 5739.023 and division 5477
(A)(5) of section 5739.026 of the Revised Code an amount 5478
sufficient to pay debt charges on the securities and those moneys 5479
shall be pledged for that purpose; 5480

(10) Securities issued for county or joint county solid waste 5481
or hazardous waste collection, transfer, or disposal facilities, 5482
or resource recovery and solid or hazardous waste recycling 5483
facilities, or any combination of those facilities; 5484

(11) Securities issued for the acquisition, construction, and 5485
equipping of a port authority educational and cultural facility 5486
under section 307.671 of the Revised Code; 5487

(12) Securities issued for the acquisition, construction, 5488
equipping, and improving of a municipal educational and cultural 5489
facility under division (B)(1) of section 307.672 of the Revised 5490
Code; 5491

(13) Securities issued for energy conservation measures under 5492
section 307.041 of the Revised Code; 5493

(14) Securities issued for the acquisition, construction, 5494
equipping, improving, or repair of a sports facility, including 5495
obligations issued to pay costs of a sports facility under section 5496
307.673 of the Revised Code; 5497

(15) Securities issued under section 755.17 of the Revised 5498
Code if the legislation authorizing issuance of the securities 5499
includes a covenant to appropriate from revenue received from a 5500
tax authorized under division (A)(5) of section 5739.026 and 5501
section 5741.023 of the Revised Code an amount sufficient to pay 5502
debt charges on the securities, and the board of county 5503
commissioners pledges that revenue for that purpose, pursuant to 5504

section 755.171 of the Revised Code; 5505

(16) Sales tax supported bonds issued pursuant to section 5506
133.081 of the Revised Code for the purpose of acquiring, 5507
constructing, improving, or equipping any permanent improvement to 5508
the extent that the legislation authorizing the issuance of the 5509
sales tax supported bonds pledges county sales taxes to the 5510
payment of debt charges on the sales tax supported bonds and 5511
contains a covenant to appropriate from county sales taxes a 5512
sufficient amount to cover debt charges or the financing costs 5513
related to the sales tax supported bonds as they become due.; 5514

(17) Bonds or notes issued under section 133.60 of the 5515
Revised Code if the legislation authorizing issuance of the bonds 5516
or notes includes a covenant to appropriate from revenue received 5517
from a tax authorized under division (A)(9) of section 5739.026 5518
and section 5741.023 of the Revised Code an amount sufficient to 5519
pay the debt charges on the bonds or notes, and the board of 5520
county commissioners pledges that revenue for that purpose.; 5521

(18) Securities issued under section 3707.55 of the Revised 5522
Code for the acquisition of real property by a general health 5523
district; 5524

(19) Securities issued under division (A)(3) of section 5525
3313.37 of the Revised Code for the acquisition of real and 5526
personal property by an educational service center. 5527

(D) In calculating the net indebtedness of a county, no 5528
obligation incurred under division (D) of section 339.06 of the 5529
Revised Code shall be considered. 5530

Sec. 135.80. (A) The legislative authority of a municipal 5531
corporation, by ordinance, or the board of county commissioners, 5532
by resolution, may establish a linked deposit program authorizing 5533
the treasurer or governing board of the municipal corporation or 5534

the investing authority of the county as created or designated by 5535
the ordinance or resolution to place certificates of deposit at up 5536
to three per cent below market rates with an eligible lending 5537
institution applying for interim moneys as provided in section 5538
135.08 of the Revised Code or inactive moneys as provided in 5539
section 135.32 of the Revised Code, provided the institution 5540
agrees either to lend the value of such deposit to eligible 5541
borrowers at up to three per cent below the present borrowing rate 5542
applicable to each borrower, or to enter into an agreement with an 5543
eligible government, as defined in section 135.81 of the Revised 5544
Code, to provide that eligible government with a certificate of 5545
deposit, investment agreement, or other investment in the value of 5546
the linked deposit at an interest rate at up to three per cent 5547
above current market rates, as determined by the eligible 5548
government. The ordinance or resolution shall include such 5549
requirements and provisions as are necessary to establish the 5550
program, including, but not limited to: 5551

- (1) Eligibility requirements for borrowers who may receive 5552
reduced rate loans under the program; 5553
- (2) Application procedures for borrowers and institutions 5554
wishing to participate in the program; 5555
- (3) Review procedures for applications and criteria for 5556
acceptance or rejection of applications for reduced rate loans; 5557
- (4) Necessary agreements between the eligible institution and 5558
the treasurer or governing board of the municipal corporation or 5559
the investing authority of the county to carry out the purposes of 5560
the linked deposit program; 5561
- (5) Annual reports regarding the operation of the program to 5562
be made by the treasurer or governing board to the legislative 5563
authority or the investing authority to the board of county 5564
commissioners. 5565

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

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

(A) "Above-market investment" means a certificate of deposit, investment agreement, or other investment bearing an interest rate at up to three per cent above current market rates as determined and calculated by the treasurer of state.

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

~~(B)~~(C) "Depressed economic area linked deposit" means a certificate of deposit in any amount placed by the treasurer of state with an eligible lending institution at up to three per cent below current market rates as determined and calculated by the treasurer of state, provided the institution agrees either to lend the value of the deposit, according to the deposit agreement provided in division (C) of section 135.86 of the Revised Code to eligible businesses at up to three per cent below the present borrowing rate applicable to each specific business at the time of the deposit of state funds in the institution, 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.

~~(C)~~(D) "Eligible business" means an eligible steel company or

any person that possesses all of the following characteristics: 5597

(1) Maintains or, because of the depressed economic area 5598
linked deposit loan, will maintain offices and operating 5599
facilities in an eligible county in this state and transacts 5600
business in the county; 5601

(2) Is organized for profit. 5602

~~(D)~~(E) "Eligible county" means any county in this state with 5603
a rate of unemployment as determined by the director of job and 5604
family services that is at least one per cent higher than the 5605
statewide average rate of unemployment. 5606

~~(E)~~(F) "Eligible government" means the state or a county, 5607
municipal corporation, or other political subdivision of the state 5608
that has made or guaranteed a loan to a business that is an 5609
eligible steel company. For this purpose, the state or a county, 5610
municipal corporation, or other political subdivision shall be 5611
regarded as having guaranteed a loan to an eligible steel company 5612
if the state, county, municipal corporation, or other political 5613
subdivision has incurred a direct or contingent legal obligation 5614
to repay all or any portion of a loan made to an eligible steel 5615
company, any of the interest accrued on any such loan, or any 5616
amount owed to any person with respect to any letter of credit, 5617
guarantee, surety bond, insurance policy, or other form of credit 5618
facility or credit enhancement provided by that person with 5619
respect to any such loan. 5620

(G) "Eligible lending institution" means a financial 5621
institution that: 5622

(1) Is eligible to make commercial loans; 5623

(2) Is a public depository of state funds under section 5624
135.03 of the Revised Code; 5625

(3) Agrees to participate in the depressed economic area 5626
linked deposit program. 5627

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

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

(J) "Qualified agent" means a:

(1) Community improvement corporation;

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

Sec. 135.82. (A) The general assembly finds that several areas in the state are experiencing economic stagnation or decline because business activity in those areas is at a level that is too low to sustain an adequate level of prosperity and a decent standard of living for area residents. A major factor contributing to the low level of business activity is the inability of businesses to obtain needed financing at reasonable interest rates so as to sustain their operations or to expand operations. The depressed economic area linked deposit program provided for in sections 135.81 to 135.88 of the Revised Code is intended to provide a targeted availability of lower cost funds for lending purposes that will materially contribute to the economic

revitalization of depressed economic areas in this state to allow 5659
the residents of those areas to enjoy the same level of prosperity 5660
and well being that other residents of the state are able to 5661
enjoy. Accordingly, it is declared to be the public policy of the 5662
state through the depressed economic area linked deposit program 5663
to create an availability of lower cost funds to inject needed 5664
capital into the business community, sustain or improve business 5665
profitability, preserve existing employment and create new job 5666
opportunities, and thereby enhance the economic prosperity of the 5667
affected areas. 5668

(B) The general assembly finds and declares it to be the 5669
public policy of this state, consistent with the purposes of the 5670
steel futures program created under section 122.37 of the Revised 5671
Code, to assist steel companies operating in this state by 5672
expanding forms of assistance available under the depressed 5673
economic area linked deposit program provided for in sections 5674
135.81 to 135.88 of the Revised Code, as amended by the main 5675
operating appropriations act for the 2001-2003 biennium. 5676

(C) The depressed economic area linked deposit program 5677
authorized pursuant to sections 135.81 to 135.88 of the Revised 5678
Code is in addition to and separate from the linked deposit 5679
program authorized pursuant to sections 135.61 to 135.67 of the 5680
Revised Code and the agricultural linked deposit program 5681
authorized pursuant to sections 135.71 to 135.76 of the Revised 5682
Code. 5683

Sec. 135.83. (A) The treasurer of state may invest in 5684
depressed economic area linked deposits, provided that at the time 5685
of placement of the linked deposit, not more than three per cent 5686
of the state's total investment portfolio is so invested and, in 5687
the case of linked deposits with respect to which an above-market 5688
investment will be provided to an eligible government or a reduced 5689
rate loan will be made for the benefit of an eligible steel 5690

company, the amount of the linked deposit does not exceed the 5691
product of fifteen thousand dollars, multiplied by the number of 5692
employees, as of the time of placement of the linked deposit, 5693
whose employment was reasonably expected to be created or 5694
preserved as a result of the financial assistance provided under 5695
sections 135.81 to 135.88 of the Revised Code. 5696

(B) The amounts the treasurer is authorized to invest 5697
pursuant to division (A) of this section are in addition to the 5698
amounts the treasurer may invest pursuant to section 135.63 of the 5699
Revised Code. 5700

(C) The treasurer of state may not invest more than one 5701
million dollars in depressed economic area linked deposits per 5702
county in any two-year period, excluding deposits linked to 5703
above-market investments held by eligible governments. 5704

Sec. 135.84. (A) A board of county commissioners of an 5705
eligible county may authorize the county's participation in the 5706
depressed economic area linked deposit program established 5707
pursuant to sections 135.81 to 135.88 of the Revised Code. For 5708
that purpose, the board may: 5709

(1) Appoint a qualified agent to operate the program on 5710
behalf of the board; 5711

(2) Secure eligible lending institutions to participate in 5712
the program. The board shall make every effort to secure eligible 5713
lending institutions located within the county. If no eligible 5714
lending institution located within the county agrees to 5715
participate in the program, the board may secure the participation 5716
of the nearest available eligible lending institution. 5717

(3) Approve loan applications from eligible businesses prior 5718
to the transmittal of depressed economic area linked deposit loan 5719
to the treasurer of state; 5720

(4) Secure and encourage eligible businesses to make loan applications;	5721 5722
(5) Employ staff, develop forms, and procedures as will effectuate the county's participation in the program;	5723 5724
(6) Establish, with the approval of the treasurer of state, a service charge to cover the costs to the board of the county's participation in the depressed economic area linked deposit program;	5725 5726 5727 5728
(7) Fix the amount of a loan that is eligible for a reduced rate based upon a depressed economic area linked deposit, which in no event, may exceed fifty per cent of the total loan.	5729 5730 5731
(B) If the treasurer of state determines that an eligible county ceases to be eligible to participate in the depressed economic area linked deposit program, the treasurer shall notify the board of county commissioners together with all affected eligible lending institutions and any qualified agent. Effective with the first day of the month following the month in which notification is given, the board shall suspend participation of the county in the program and shall not approve any further loan applications pursuant to the program, except that this division shall not be construed to affect the review and approval or denial of loan applications that are pending on the date the suspension takes effect nor the repayment or servicing of loans already made. If the county subsequently again becomes eligible to participate in the program, the board may, with the approval of the treasurer of state, commence operation of the program in the county the first day of the month following the month in which the treasurer of state grants approval.	5732 5733 5734 5735 5736 5737 5738 5739 5740 5741 5742 5743 5744 5745 5746 5747 5748
(C) The board of county commissioners may, with the approval of the treasurer of state, establish a service fee to be charged in connection with the application of an eligible business for	5749 5750 5751

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

(D) The board of county commissioners, in lieu of directly
operating the depressed economic area linked deposit loan program
for the county, may appoint a qualified agent upon terms as are
agreed to between the board and the agent. Where the board
appoints a community improvement corporation as its qualified
agent pursuant to sections 135.81 to 135.88 of the Revised Code,
the appointment does not constitute an appointment of the
corporation as the county agent for the purposes of section
1724.10 of the Revised Code, unless the board separately appoints
the corporation pursuant to that section, nor does appointment of
the corporation pursuant to section 1724.10 of the Revised Code
constitute appointment of the corporation for the purposes of
sections 135.81 to 135.88 of the Revised Code.

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

Sec. 135.85. (A) An eligible business desiring to receive a 5783
loan from an eligible lending institution up to fifty per cent of 5784
which is a depressed economic area linked deposit reduced rate 5785
loan, shall make application to the institution upon such forms as 5786
the institution requires. The business shall certify on its loan 5787
application that the total loan will be used exclusively to 5788
preserve existing jobs or employment opportunities or create new 5789
jobs and will materially contribute to the preservation or 5790
expansion of the business. Whoever knowingly makes a false 5791
statement concerning such application is guilty of the offense of 5792
falsification under section 2921.13 of the Revised Code. In making 5793
its decision with respect to a loan application, the eligible 5794
lending institution shall apply all usual lending institution 5795
standards to determine the creditworthiness of each eligible 5796
business. 5797

(B) The eligible lending institution shall forward completed 5798
loan applications the institution approves to the board of county 5799
commissioners or the qualified agent of the board. The board or 5800
agent shall approve or disapprove the loan within fourteen working 5801
days from receipt of the application from the eligible lending 5802
institution. In considering which loan applications to approve, 5803
the board of county commissioners or its qualified agent shall 5804
give priority to the immediacy of a business's financial need for 5805
the loan, the economic needs of the area in which the business is 5806
located, the number of jobs to be created or preserved by the 5807
receipt of the loan, and such other factors as the board or the 5808
agent consider appropriate to determine the relative financial 5809
need of the eligible business and the county as a whole. The 5810
eligible lending institution also shall forward to the board of 5811
county commissioners or its qualified agent those loan 5812
applications it rejects together with a statement of the reason 5813
for the rejection. 5814

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

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

Sec. 135.86. (A) The treasurer of state may accept or reject a depressed economic area linked deposit loan or loan package, including a proposal for an above-market investment to be held by an eligible government, or any portion of a loan package based on the treasurer's evaluation of the eligible businesses or eligible governments included, the amount of individual loans involved, and the amount of the total package. The treasurer of state may consult with the director of development as the treasurer finds necessary in making the decision. The treasurer shall give

priority to a business's or an eligible government's need for the 5847
loan, the economic needs of the area where the business or 5848
eligible government is located, and the ratio of state funds to be 5849
deposited with the eligible lending institution to the jobs 5850
sustained or created. The treasurer also shall consider any 5851
reports, statements, or plans applicable to the business or 5852
eligible government, the overall financial need of the business or 5853
eligible government, and such other factors as the treasurer 5854
considers appropriate. Whenever the department of development 5855
believes that the economic needs of a county or the state require 5856
the suspension or redirection of depressed economic area linked 5857
deposits with respect to a county or that a linked deposit loan 5858
will be improperly made, it may make such recommendations to the 5859
treasurer of state as the department considers appropriate to its 5860
concerns. 5861

(B) Upon acceptance of the depressed economic area loan 5862
package or any portion thereof, the treasurer of state may place 5863
certificates of deposit with the eligible lending institution at a 5864
rate of up to three per cent below current market rates as 5865
determined and calculated by the treasurer of state. When 5866
necessary, the treasurer may place certificates of deposit prior 5867
to acceptance of a depressed economic area linked deposit loan 5868
package. 5869

(C) The eligible lending institution shall enter into a 5870
depressed economic area linked deposit agreement with the 5871
treasurer of state which shall include requirements necessary to 5872
carry out the purposes of sections 135.81 to 135.88 of the Revised 5873
Code. The requirements shall include an agreement by the eligible 5874
lending institution either to lend the value of the depressed 5875
economic area linked deposit to eligible businesses at a rate of 5876
up to three per cent below the present borrowing rate applicable 5877
to each specific business in the loan package, or to enter into an 5878

agreement with an eligible government to provide that eligible 5879
government with an above-market investment in the value of the 5880
depressed economic area linked deposit. The requirements also 5881
shall reflect the market conditions prevailing in the eligible 5882
lending institution's lending area. The agreement may include a 5883
specification of the period of time in which the lending 5884
institution is to lend funds or to provide an above-market 5885
investment upon the placement of the linked deposit and shall 5886
include provisions for the certificates of deposit to be placed 5887
for any maturity considered appropriate by the treasurer of state, 5888
not to exceed two years. Certificates of deposit may be renewed 5889
for additional periods not to exceed two years at the option of 5890
the treasurer of state. Interest shall be paid at the times 5891
determined by the treasurer of state. 5892

(D) Notwithstanding any other provision of this chapter to 5893
the contrary, an above-market investment entered into by an 5894
eligible government with an eligible lending institution in 5895
compliance with the provisions of this chapter that refer 5896
expressly to above-market investments shall be a legal and 5897
authorized investment for the interim or inactive moneys of that 5898
government. 5899

(E) Eligible lending institutions shall comply fully with 5900
sections 135.81 to 135.88 of the Revised Code. 5901

Sec. 135.87. (A) Upon placement of a depressed economic area 5902
linked deposit with an eligible lending institution, the 5903
institution is required either to lend such funds to each approved 5904
eligible business listed in the depressed economic area linked 5905
deposit loan package required by division (C) of section 135.85 of 5906
the Revised Code, or to enter in above-market investments with 5907
eligible governments or eligible lending institutions in 5908
accordance with the terms of the proposal submitted to the 5909
treasurer of state under division (D) of section 135.85 of the 5910

Revised Code, in each case in accordance with the deposit 5911
agreement required by division (C) of section 135.86 of the 5912
Revised Code. The loan shall be at a rate that is up to three per 5913
cent below the present borrowing rate applicable to each business, 5914
and any above-market investment shall bear interest at a rate that 5915
is up to three per cent above current market rates as determined 5916
by the treasurer of state. A certificate of compliance with this 5917
section in the form and manner prescribed by the treasurer of 5918
state shall be required of the eligible lending institution. 5919

(B) The treasurer of state shall take any and all steps 5920
necessary to implement the depressed economic area linked deposit 5921
program, including the development of guidelines as necessary, and 5922
monitor compliance of eligible lending institutions and, eligible 5923
businesses, and eligible governments. The treasurer of state and 5924
the department of development shall notify each other at least 5925
quarterly of the names of the eligible businesses and eligible 5926
governments receiving financial assistance from their respective 5927
programs. 5928

Annually, by the first day of February, the treasurer of 5929
state shall report on the depressed economic area linked deposit 5930
program for the preceding calendar year to the governor, the 5931
speaker of the house of representatives, the president of the 5932
senate, and to the chairmen chairpersons of the standing 5933
committees in each house that customarily consider economic 5934
development legislation. The report shall set forth the depressed 5935
economic area linked deposits made by the treasurer of state under 5936
the program during the prior calendar year and shall include 5937
information regarding the nature, terms, and amounts of the loans 5938
upon which the deposits were based and the eligible businesses and 5939
eligible governments to which loans were made financial assistance 5940
was provided. 5941

Sec. 140.01. As used in this chapter: 5942

(A) "Hospital agency" means any public hospital agency or any nonprofit hospital agency. 5943
5944

(B) "Public hospital agency" means any county, board of 5945
county hospital trustees established pursuant to section 339.02 of 5946
the Revised Code, county hospital commission established pursuant 5947
to section 339.14 of the Revised Code, municipal corporation, new 5948
community authority organized under Chapter 349. of the Revised 5949
Code, joint township hospital district, state or municipal 5950
university or college operating or authorized to operate a 5951
hospital facility, or the state. 5952

(C) "Nonprofit hospital agency" means a corporation or 5953
association not for profit, no part of the net earnings of which 5954
inures or may lawfully inure to the benefit of any private 5955
shareholder or individual, that has authority to own or operate a 5956
hospital facility or provides or is to provide services to one or 5957
more other hospital agencies. 5958

(D) "Governing body" means, in the case of a county, the 5959
board of county commissioners or other legislative body; in the 5960
case of a board of county hospital trustees, the board; in the 5961
case of a county hospital commission, the commission; in the case 5962
of a municipal corporation, the council or other legislative 5963
authority; in the case of a new community authority, its board of 5964
trustees; in the case of a joint township hospital district, the 5965
joint township district hospital board; in the case of a state or 5966
municipal university or college, its board of trustees or board of 5967
directors; in the case of a nonprofit hospital agency, the board 5968
of trustees or other body having general management ~~thereof~~ of the 5969
agency; and, in the case of the state, the director of development 5970
or the Ohio higher educational facility commission. 5971

(E) "Hospital facilities" means buildings, structures and 5972
other improvements, additions thereto and extensions thereof, 5973
furnishings, equipment, and real estate and interests in real 5974

estate, used or to be used for or in connection with one or more 5975
hospitals, emergency, intensive, intermediate, extended, 5976
long-term, or self-care facilities, diagnostic and treatment and 5977
out-patient facilities, facilities related to programs for home 5978
health services, clinics, laboratories, public health centers, 5979
research facilities, and rehabilitation facilities, for or 5980
pertaining to diagnosis, treatment, care, or rehabilitation of 5981
sick, ill, injured, infirm, impaired, disabled, or handicapped 5982
persons, or the prevention, detection, and control of disease, and 5983
also includes education, training, and food service facilities for 5984
health professions personnel, housing facilities for such 5985
personnel and their families, and parking and service facilities 5986
in connection with any of the foregoing; and includes any one, 5987
part of, or any combination of the foregoing; and further includes 5988
site improvements, utilities, machinery, facilities, furnishings, 5989
and any separate or connected buildings, structures, improvements, 5990
sites, utilities, facilities, or equipment to be used in, or in 5991
connection with the operation or maintenance of, or supplementing 5992
or otherwise related to the services or facilities to be provided 5993
by, any one or more of such hospital facilities. 5994

(F) "Costs of hospital facilities" means the costs of 5995
acquiring or constructing hospital facilities, costs of improving 5996
one or more hospital facilities, including reconstructing, 5997
rehabilitating, remodeling, renovating, and enlarging, costs of 5998
equipping and furnishing such facilities, and all financing costs 5999
pertaining thereto, including, without limitation thereto, costs 6000
of engineering, architectural, and other professional services, 6001
designs, plans, specifications and surveys, and estimates of cost, 6002
costs of tests and inspections, the costs of any indemnity or 6003
surety bonds and premiums on insurance, all related direct or 6004
allocable administrative expenses pertaining thereto, fees and 6005
expenses of trustees, depositories, and paying agents for the 6006

obligations, cost of issuance of the obligations and financing 6007
charges and fees and expenses of financial advisors, attorneys, 6008
accountants, consultants and rating services in connection 6009
therewith, capitalized interest on the obligations, amounts 6010
necessary to establish reserves as required by the bond 6011
proceedings, the reimbursement of all moneys advanced or applied 6012
by the hospital agency or others or borrowed from others for the 6013
payment of any item or items of costs of such facilities, and all 6014
other expenses necessary or incident to planning or determining 6015
feasibility or practicability with respect to such facilities, and 6016
such other expenses as may be necessary or incident to the 6017
acquisition, construction, reconstruction, rehabilitation, 6018
remodeling, renovation, enlargement, improvement, equipment, and 6019
furnishing of such facilities, the financing thereof, and the 6020
placing of the same in use and operation, including any one, part 6021
of, or combination of such classes of costs and expenses, and 6022
means the costs of refinancing obligations issued by, or 6023
reimbursement of money advanced by, nonprofit hospital agencies or 6024
others the proceeds of which were used for the payment of costs of 6025
hospital facilities, if the governing body of the public hospital 6026
agency determines that the refinancing or reimbursement advances 6027
the purposes of this chapter, whether or not the refinancing or 6028
reimbursement is in conjunction with the acquisition or 6029
construction of additional hospital facilities. 6030

(G) "Hospital receipts" means all moneys received by or on 6031
behalf of a hospital agency from or in connection with the 6032
ownership, operation, acquisition, construction, improvement, 6033
equipping, or financing of any hospital facilities, including, 6034
without limitation thereto, any rentals and other moneys received 6035
from the lease, sale, or other disposition of hospital facilities, 6036
and any gifts, grants, interest subsidies, or other moneys 6037
received under any federal program for assistance in financing the 6038

costs of hospital facilities, and any other gifts, grants, and 6039
donations, and receipts therefrom, available for financing the 6040
costs of hospital facilities. 6041

(H) "Obligations" means bonds, notes, or other evidences of 6042
indebtedness or obligation, including interest coupons pertaining 6043
thereto, issued or issuable by a public hospital agency to pay 6044
costs of hospital facilities. 6045

(I) "Bond service charges" means principal, interest, and 6046
call premium, if any, required to be paid on obligations. 6047

(J) "Bond proceedings" means one or more ordinances, 6048
resolutions, trust agreements, indentures, and other agreements or 6049
documents, and amendments and supplements to the foregoing, or any 6050
combination thereof, authorizing or providing for the terms, 6051
including any variable interest rates, and conditions applicable 6052
to, or providing for the security of, obligations and the 6053
provisions contained in such obligations. 6054

(K) "Nursing home" has the same meaning as in division (A)(1) 6055
of section 5701.13 of the Revised Code. 6056

(L) "Residential care facility" has the same meaning as in 6057
division (A)(2) of section 5701.13 of the Revised Code. 6058

(M) "Adult care facility" has the same meaning as in division 6059
(A)(3) of section 5701.13 of the Revised Code. 6060

(N) "Independent living facility" means any self-care 6061
facility or other housing facility designed or used as a residence 6062
for elderly persons. An "independent living facility" does not 6063
include a residential facility, or that part of a residential 6064
facility, that is any of the following: 6065

(1) A hospital required to be certified by section 3727.02 of 6066
the Revised Code; 6067

(2) A nursing home or residential care facility; 6068

(3) An adult care facility;	6069
(4) A hospice licensed under section 3712.04 of the Revised Code;	6070 6071
(5) A habilitation center as defined in section 5123.041 of the Revised Code;	6072 6073
(6) A residential facility for the mentally ill licensed by the department of mental health under section 5119.22 of the Revised Code;	6074 6075 6076
(7) A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code;	6077 6078
(8) A facility certified as an alcohol and drug addiction program under section 3793.06 of the Revised Code;	6079 6080
(9) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of mental retardation and developmental disabilities under section 5123.18 of the Revised Code;	6081 6082 6083 6084
(10) A residential facility used as part of a hospital to provide housing for staff of the hospital or students pursuing a course of study at the hospital.	6085 6086 6087
Sec. 145.01. As used in this chapter:	6088
(A) "Public employee" means:	6089
(1) Any person holding an office, not elective, under the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio historical society, public library, county law library, union cemetery, joint hospital, institutional commissary, state university, or board, bureau, commission, council, committee, authority, or administrative body as the same are, or have been,	6090 6091 6092 6093 6094 6095 6096 6097

created by action of the general assembly or by the legislative
authority of any of the units of local government named in
division (A)(1) of this section, or employed and paid in whole or
in part by the state or any of the authorities named in division
(A)(1) of this section in any capacity not covered by section
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code.

(2) A person who is a member of the public employees
retirement system and who continues to perform the same or similar
duties under the direction of a contractor who has contracted to
take over what before the date of the contract was a publicly
operated function. The governmental unit with which the contract
has been made shall be deemed the employer for the purposes of
administering this chapter.

(3) Any person who is an employee of a public employer,
notwithstanding that the person's compensation for that employment
is derived from funds of a person or entity other than the
employer. Credit for such service shall be included as total
service credit, provided that the employee makes the payments
required by this chapter, and the employer makes the payments
required by sections 145.48 and 145.51 of the Revised Code.

(4) A person who elects in accordance with section 145.015 of
the Revised Code to remain a contributing member of the public
employees retirement system.

In all cases of doubt, the public employees retirement board
shall determine whether any person is a public employee, and its
decision is final.

(B) "Member" means any public employee, other than a public
employee excluded or exempted from membership in the retirement
system by section 145.03, 145.031, 145.032, 145.033, 145.034,
145.035, or 145.38 of the Revised Code. "Member" includes a PERS
retirant who becomes a member under division (C) of section 145.38

of the Revised Code. "Member" also includes a disability benefit
recipient. 6129
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(C) "Head of the department" means the elective or appointive
head of the several executive, judicial, and administrative
departments, institutions, boards, and commissions of the state
and local government as the same are created and defined by the
laws of this state or, in case of a charter government, by that
charter. 6131
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(D) "Employer" or "public employer" means the state or any
county, township, municipal corporation, park district,
conservancy district, sanitary district, health district,
metropolitan housing authority, state retirement board, Ohio
historical society, public library, county law library, union
cemetery, joint hospital, institutional commissary, state medical
college, state university, or board, bureau, commission, council,
committee, authority, or administrative body as the same are, or
have been, created by action of the general assembly or by the
legislative authority of any of the units of local government
named in this division not covered by section 742.01, 3307.01,
3309.01, or 5505.01 of the Revised Code. In addition, "employer"
means the employer of any public employee. 6137
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(E) "Prior service" means all service as a public employee
rendered before January 1, 1935, and all service as an employee of
any employer who comes within the state teachers retirement system
or of the school employees retirement system or of any other
retirement system established under the laws of this state
rendered prior to January 1, 1935, provided that if the employee
claiming the service was employed in any capacity covered by that
other system after that other system was established, credit for
the service may be allowed by the public employees retirement
system only when the employee has made payment, to be computed on
the salary earned from the date of appointment to the date 6150
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membership was established in the public employees retirement 6161
system, at the rate in effect at the time of payment, and the 6162
employer has made payment of the corresponding full liability as 6163
provided by section 145.44 of the Revised Code. "Prior service" 6164
also means all service credited for active duty with the armed 6165
forces of the United States as provided in section 145.30 of the 6166
Revised Code. 6167

If an employee who has been granted prior service credit by 6168
the public employees retirement system for service rendered prior 6169
to January 1, 1935, as an employee of a board of education 6170
establishes, before retirement, one year or more of contributing 6171
service in the state teachers retirement system or school 6172
employees retirement system, then the prior service ceases to be 6173
the liability of this system. 6174

If the board determines that a position of any member in any 6175
calendar year prior to January 1, 1935, was a part-time position, 6176
the board shall determine what fractional part of a year's credit 6177
shall be allowed by the following formula: 6178

(1) When the member has been either elected or appointed to 6179
an office the term of which was two or more years and for which an 6180
annual salary is established, the fractional part of the year's 6181
credit shall be computed as follows: 6182

First, when the member's annual salary is one thousand 6183
dollars or less, the service credit for each such calendar year 6184
shall be forty per cent of a year. 6185

Second, for each full one hundred dollars of annual salary 6186
above one thousand dollars, the member's service credit for each 6187
such calendar year shall be increased by two and one-half per 6188
cent. 6189

(2) When the member is paid on a per diem basis, the service 6190
credit for any single year of the service shall be determined by 6191

using the number of days of service for which the compensation was 6192
received in any such year as a numerator and using two hundred 6193
fifty days as a denominator. 6194

(3) When the member is paid on an hourly basis, the service 6195
credit for any single year of the service shall be determined by 6196
using the number of hours of service for which the compensation 6197
was received in any such year as a numerator and using two 6198
thousand hours as a denominator. 6199

(F) "Contributor" means any person who has an account in the 6200
employees' savings fund created by section 145.23 of the Revised 6201
Code. When used in the sections listed in division (B) of section 6202
145.82 of the Revised Code, "contributor" includes any person 6203
participating in a plan established under section 145.81 of the 6204
Revised Code. 6205

(G) "Beneficiary" or "beneficiaries" means the estate or a 6206
person or persons who, as the result of the death of a member, 6207
contributor, or retirant, qualify for or are receiving some right 6208
or benefit under this chapter. 6209

(H)(1) "Total service credit," except as provided in section 6210
145.37 of the Revised Code, means all service credited to a member 6211
of the retirement system since last becoming a member, including 6212
restored service credit as provided by section 145.31 of the 6213
Revised Code; credit purchased under sections 145.293 and 145.299 6214
of the Revised Code; all the member's prior service credit; all 6215
the member's military service credit computed as provided in this 6216
chapter; all service credit established pursuant to section 6217
145.297 of the Revised Code; and any other service credited under 6218
this chapter. In addition, "total service credit" includes any 6219
period, not in excess of three years, during which a member was 6220
out of service and receiving benefits under Chapters 4121. and 6221
4123. of the Revised Code. For the exclusive purpose of satisfying 6222
the service credit requirement and of determining eligibility for 6223

benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36,
and 145.361 of the Revised Code, "five or more years of total
service credit" means sixty or more calendar months of
contributing service in this system.

(2) "One and one-half years of contributing service credit,"
as used in division (B) of section 145.45 of the Revised Code,
also means eighteen or more calendar months of employment by a
municipal corporation that formerly operated its own retirement
plan for its employees or a part of its employees, provided that
all employees of that municipal retirement plan who have eighteen
or more months of such employment, upon establishing membership in
the public employees retirement system, shall make a payment of
the contributions they would have paid had they been members of
this system for the eighteen months of employment preceding the
date membership was established. When that payment has been made
by all such employee members, a corresponding payment shall be
paid into the employers' accumulation fund by that municipal
corporation as the employer of the employees.

(3) Where a member also is a member of the state teachers
retirement system or the school employees retirement system, or
both, except in cases of retirement on a combined basis pursuant
to section 145.37 of the Revised Code or as provided in section
145.383 of the Revised Code, service credit for any period shall
be credited on the basis of the ratio that contributions to the
public employees retirement system bear to total contributions in
all state retirement systems.

(4) Not more than one year of credit may be given for any
period of twelve months.

(5) "Ohio service credit" means credit for service that was
rendered to the state or any of its political subdivisions or any
employer.

(I) "Regular interest" means interest at any rates for the 6255
respective funds and accounts as the public employees retirement 6256
board may determine from time to time. 6257

(J) "Accumulated contributions" means the sum of all amounts 6258
credited to a contributor's individual account in the employees' 6259
savings fund together with any interest credited to the 6260
contributor's account under section 145.471 or 145.472 of the 6261
Revised Code. 6262

(K)(1) "Final average salary" means the quotient obtained by 6263
dividing by three the sum of the three full calendar years of 6264
contributing service in which the member's earnable salary was 6265
highest, except that if the member has a partial year of 6266
contributing service in the year the member's employment 6267
terminates and the member's earnable salary for the partial year 6268
is higher than for any comparable period in the three years, the 6269
member's earnable salary for the partial year shall be substituted 6270
for the member's earnable salary for the comparable period during 6271
the three years in which the member's earnable salary was lowest. 6272

(2) If a member has less than three years of contributing 6273
service, the member's final average salary shall be the member's 6274
total earnable salary divided by the total number of years, 6275
including any fraction of a year, of the member's contributing 6276
service. 6277

(3) For the purpose of calculating benefits payable to a 6278
member qualifying for service credit under division (Z) of this 6279
section, "final average salary" means the total earnable salary on 6280
which contributions were made divided by the total number of years 6281
during which contributions were made, including any fraction of a 6282
year. If contributions were made for less than twelve months, 6283
"final average salary" means the member's total earnable salary. 6284

(L) "Annuity" means payments for life derived from 6285

contributions made by a contributor and paid from the annuity and pension reserve fund as provided in this chapter. All annuities shall be paid in twelve equal monthly installments. 6286
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(M) "Annuity reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any annuity, or benefit in lieu of any annuity, granted to a retirant as provided in this chapter. 6289
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(N)(1) "Disability retirement" means retirement as provided in section 145.36 of the Revised Code. 6294
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(2) "Disability allowance" means an allowance paid on account of disability under section 145.361 of the Revised Code. 6296
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(3) "Disability benefit" means a benefit paid as disability retirement under section 145.36 of the Revised Code, as a disability allowance under section 145.361 of the Revised Code, or as a disability benefit under section 145.37 of the Revised Code. 6298
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(4) "Disability benefit recipient" means a member who is receiving a disability benefit. 6302
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(O) "Age and service retirement" means retirement as provided in sections 145.32, 145.33, 145.331, 145.34, 145.37, and 145.46 of the Revised Code. 6304
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(P) "Pensions" means annual payments for life derived from contributions made by the employer that at the time of retirement are credited into the annuity and pension reserve fund from the employers' accumulation fund and paid from the annuity and pension reserve fund as provided in this chapter. All pensions shall be paid in twelve equal monthly installments. 6307
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(Q) "Retirement allowance" means the pension plus that portion of the benefit derived from contributions made by the member. 6313
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(R)(1) Except as otherwise provided in division (R) of this section, "earnable salary" means all salary, wages, and other earnings paid to a contributor by reason of employment in a position covered by the retirement system. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund under section 145.47 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes. "Earnable salary" includes the following:

(a) Payments made by the employer in lieu of salary, wages, or other earnings for sick leave, personal leave, or vacation used by the contributor;

(b) Payments made by the employer for the conversion of sick leave, personal leave, and vacation leave accrued, but not used if the payment is made during the year in which the leave is accrued, except that payments made pursuant to section 124.383 or 124.386 of the Revised Code are not earnable salary;

(c) Allowances paid by the employer for full maintenance, consisting of housing, laundry, and meals, as certified to the retirement board by the employer or the head of the department that employs the contributor;

(d) Fees and commissions paid under section 507.09 of the Revised Code;

(e) Payments that are made under a disability leave program sponsored by the employer and for which the employer is required by section 145.296 of the Revised Code to make periodic employer and employee contributions;

(f) Amounts included pursuant to divisions (K)(3) and (Y) of this section.

(2) "Earnable salary" does not include any of the following:

(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;	6347 6348 6349 6350 6351
(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;	6352 6353 6354 6355 6356
(c) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, or use of the employer's property or equipment, or amounts paid by the employer to the contributor in lieu of providing the incidental benefits;	6357 6358 6359 6360
(d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	6361 6362 6363
(e) Payments for accrued but unused sick leave, personal leave, or vacation that are made at any time other than in the year in which the sick leave, personal leave, or vacation was accrued;	6364 6365 6366 6367
(f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended;	6368 6369 6370 6371 6372
(g) Payments made under division (B) or (D) of section 5923.05 of the Revised Code or Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly;	6373 6374 6375
(h) Anything of value received by the contributor that is based on or attributable to retirement or an agreement to retire,	6376 6377

except that payments made on or before January 1, 1989, that are 6378
based on or attributable to an agreement to retire shall be 6379
included in earnable salary if both of the following apply: 6380

(i) The payments are made in accordance with contract 6381
provisions that were in effect prior to January 1, 1986; 6382

(ii) The employer pays the retirement system an amount 6383
specified by the retirement board equal to the additional 6384
liability resulting from the payments. 6385

(3) The retirement board shall determine by rule whether any 6386
compensation not enumerated in division (R) of this section is 6387
earnable salary, and its decision shall be final. 6388

(S) "Pension reserve" means the present value, computed upon 6389
the basis of the mortality and other tables adopted by the board, 6390
of all payments to be made on account of any retirement allowance 6391
or benefit in lieu of any retirement allowance, granted to a 6392
member or beneficiary under this chapter. 6393

(T)(1) "Contributing service" means all service credited to a 6394
member of the system since January 1, 1935, for which 6395
contributions are made as required by sections 145.47, 145.48, and 6396
145.483 of the Revised Code. In any year subsequent to 1934, 6397
credit for any service shall be allowed by the following formula: 6398

(a) For each month for which the member's earnable salary is 6399
two hundred fifty dollars or more, allow one month's credit. 6400

(b) For each month for which the member's earnable salary is 6401
less than two hundred fifty dollars, allow a fraction of a month's 6402
credit. The numerator of this fraction shall be the earnable 6403
salary during the month, and the denominator shall be two hundred 6404
fifty dollars, except that if the member's annual earnable salary 6405
is less than six hundred dollars, the member's credit shall not be 6406
reduced below twenty per cent of a year for a calendar year of 6407
employment during which the member worked each month. Division 6408

(T)(1)(b) of this section shall not reduce any credit earned 6409
before January 1, 1985. 6410

(2) Notwithstanding division (T)(1) of this section, an 6411
elected official who prior to January 1, 1980, was granted a full 6412
year of credit for each year of service as an elected official 6413
shall be considered to have earned a full year of credit for each 6414
year of service regardless of whether the service was full-time or 6415
part-time. The public employees retirement board has no authority 6416
to reduce the credit. 6417

(U) "State retirement board" means the public employees 6418
retirement board, the school employees retirement board, or the 6419
state teachers retirement board. 6420

(V) "Retirant" means any former member who retires and is 6421
receiving a monthly allowance as provided in sections 145.32, 6422
145.33, 145.331, 145.34, and 145.46 of the Revised Code. 6423

(W) "Employer contribution" means the amount paid by an 6424
employer as determined under section 145.48 of the Revised Code. 6425

(X) "Public service terminates" means the last day for which 6426
a public employee is compensated for services performed for an 6427
employer or the date of the employee's death, whichever occurs 6428
first. 6429

(Y) When a member has been elected or appointed to an office, 6430
the term of which is two or more years, for which an annual salary 6431
is established, and in the event that the salary of the office is 6432
increased and the member is denied the additional salary by reason 6433
of any constitutional provision prohibiting an increase in salary 6434
during a term of office, the member may elect to have the amount 6435
of the member's contributions calculated upon the basis of the 6436
increased salary for the office. At the member's request, the 6437
board shall compute the total additional amount the member would 6438
have contributed, or the amount by which each of the member's 6439

contributions would have increased, had the member received the
increased salary for the office the member holds. If the member
elects to have the amount by which the member's contribution would
have increased withheld from the member's salary, the member shall
notify the employer, and the employer shall make the withholding
and transmit it to the retirement system. A member who has not
elected to have that amount withheld may elect at any time to make
a payment to the retirement system equal to the additional amount
the member's contribution would have increased, plus interest on
that contribution, compounded annually at a rate established by
the board and computed from the date on which the last
contribution would have been withheld from the member's salary to
the date of payment. A member may make a payment for part of the
period for which the increased contribution was not withheld, in
which case the interest shall be computed from the date the last
contribution would have been withheld for the period for which the
payment is made. Upon the payment of the increased contributions
as provided in this division, the increased annual salary as
provided by law for the office for the period for which the member
paid increased contributions thereon shall be used in determining
the member's earnable salary for the purpose of computing the
member's final average salary.

(Z) "Five years of service credit," for the exclusive purpose
of satisfying the service credit requirements and of determining
eligibility for benefits under section 145.33 of the Revised Code,
means employment covered under this chapter or under a former
retirement plan operated, recognized, or endorsed by the employer
prior to coverage under this chapter or under a combination of the
coverage.

(AA) "Deputy sheriff" means any person who is commissioned
and employed as a full-time peace officer by the sheriff of any

county, and has been so employed since on or before December 31, 6472
1965, and whose primary duties are to preserve the peace, to 6473
protect life and property, and to enforce the laws of this state; 6474
any person who is or has been commissioned and employed as a peace 6475
officer by the sheriff of any county since January 1, 1966, and 6476
who has received a certificate attesting to the person's 6477
satisfactory completion of the peace officer training school as 6478
required by section 109.77 of the Revised Code and whose primary 6479
duties are to preserve the peace, protect life and property, and 6480
enforce the laws of this state; or any person deputized by the 6481
sheriff of any county and employed pursuant to section 2301.12 of 6482
the Revised Code as a criminal bailiff or court constable who has 6483
received a certificate attesting to the person's satisfactory 6484
completion of the peace officer training school as required by 6485
section 109.77 of the Revised Code and whose primary duties are to 6486
preserve the peace, protect life and property, and enforce the 6487
laws of this state. 6488

(BB) "Township constable or police officer in a township 6489
police department or district" means any person who is 6490
commissioned and employed as a full-time peace officer pursuant to 6491
Chapter 505. or 509. of the Revised Code, who has received a 6492
certificate attesting to the person's satisfactory completion of 6493
the peace officer training school as required by section 109.77 of 6494
the Revised Code, and whose primary duties are to preserve the 6495
peace, protect life and property, and enforce the laws of this 6496
state. 6497

(CC) "Drug agent" means any person who is either of the 6498
following: 6499

(1) Employed full-time as a narcotics agent by a county 6500
narcotics agency created pursuant to section 307.15 of the Revised 6501
Code and has received a certificate attesting to the satisfactory 6502
completion of the peace officer training school as required by 6503

section 109.77 of the Revised Code; 6504

(2) Employed full-time as an undercover drug agent as defined 6505
in section 109.79 of the Revised Code and is in compliance with 6506
section 109.77 of the Revised Code. 6507

(DD) "Department of public safety enforcement agent" means a 6508
full-time employee of the department of public safety who is 6509
designated under section 5502.14 of the Revised Code as an 6510
enforcement agent and who is in compliance with section 109.77 of 6511
the Revised Code. 6512

(EE) "Natural resources law enforcement staff officer" means 6513
a full-time employee of the department of natural resources who is 6514
designated a natural resources law enforcement staff officer under 6515
section 1501.013 of the Revised Code and is in compliance with 6516
section 109.77 of the Revised Code. 6517

(FF) "Park officer" means a full-time employee of the 6518
department of natural resources who is designated a park officer 6519
under section 1541.10 of the Revised Code and is in compliance 6520
with section 109.77 of the Revised Code. 6521

(GG) "Forest officer" means a full-time employee of the 6522
department of natural resources who is designated a forest officer 6523
under section 1503.29 of the Revised Code and is in compliance 6524
with section 109.77 of the Revised Code. 6525

(HH) "Preserve officer" means a full-time employee of the 6526
department of natural resources who is designated a preserve 6527
officer under section 1517.10 of the Revised Code and is in 6528
compliance with section 109.77 of the Revised Code. 6529

(II) "Wildlife officer" means a full-time employee of the 6530
department of natural resources who is designated a wildlife 6531
officer under section 1531.13 of the Revised Code and is in 6532
compliance with section 109.77 of the Revised Code. 6533

(JJ) "State watercraft officer" means a full-time employee of the department of natural resources who is designated a state watercraft officer under section 1547.521 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(KK) "Park district police officer" means a full-time employee of a park district who is designated pursuant to section 511.232 or 1545.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(LL) "Conservancy district officer" means a full-time employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(MM) "Municipal police officer" means a member of the organized police department of a municipal corporation who is employed full-time, is in compliance with section 109.77 of the Revised Code, and is not a member of the Ohio police and fire pension fund.

(NN) "Ohio veterans' home police officer" means any person who is employed at the Ohio veterans' home as a police officer pursuant to section 5907.02 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(OO) "Special police officer for a mental health institution" means any person who is designated as such pursuant to section 5119.14 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(PP) "Special police officer for an institution for the mentally retarded and developmentally disabled" means any person who is designated as such pursuant to section 5123.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(QQ) "State university law enforcement officer" means any

person who is employed full-time as a state university law 6565
enforcement officer pursuant to section 3345.04 of the Revised 6566
Code and who is in compliance with section 109.77 of the Revised 6567
Code. 6568

(RR) "Hamilton county municipal court bailiff" means a person 6569
appointed by the clerk of courts of the Hamilton county municipal 6570
court under division (A)(3) of section 1901.32 of the Revised Code 6571
who is employed full-time as a bailiff or deputy bailiff, who has 6572
received a certificate attesting to the person's satisfactory 6573
completion of the peace officer training school as required by 6574
division (C) of section 109.77 of the Revised Code, and whose 6575
primary duties are to preserve the peace, to protect life and 6576
property, and to enforce the laws of this state. 6577

(SS) "House sergeant at arms" means any person appointed by 6578
the speaker of the house of representatives under division (B)(1) 6579
of section 101.311 of the Revised Code who has arrest authority 6580
under division (E)(1) of that section. 6581

(TT) "Assistant house sergeant at arms" means any person 6582
appointed by the house sergeant at arms under division (C)(1) of 6583
section 101.311 of the Revised Code. 6584

(UU) Notwithstanding section 2901.01 of the Revised Code, 6585
"law enforcement officer" means a sheriff, deputy sheriff, 6586
township constable or police officer in a township police 6587
department or district, drug agent, department of public safety 6588
enforcement agent, natural resources law enforcement staff 6589
officer, park officer, forest officer, preserve officer, wildlife 6590
officer, state watercraft officer, park district police officer, 6591
conservancy district officer, Ohio veterans' home police officer, 6592
special police officer for a mental health institution, special 6593
police officer for an institution for the mentally retarded and 6594
developmentally disabled, state university law enforcement 6595
officer, Hamilton county municipal court bailiff, ~~or~~ municipal 6596

police officer house sergeant at arms, or assistant house sergeant 6597
at arms. 6598

~~(TT)~~(VV) "Fiduciary" means a person who does any of the 6599
following: 6600

(1) Exercises any discretionary authority or control with 6601
respect to the management of the system or with respect to the 6602
management or disposition of its assets; 6603

(2) Renders investment advice for a fee, direct or indirect, 6604
with respect to money or property of the system; 6605

(3) Has any discretionary authority or responsibility in the 6606
administration of the system. 6607

~~(UU)~~(WW) "Actuary" means an individual who satisfies all of 6608
the following requirements: 6609

(1) Is a member of the American academy of actuaries; 6610

(2) Is an associate or fellow of the society of actuaries; 6611

(3) Has a minimum of five years' experience in providing 6612
actuarial services to public retirement plans. 6613

Sec. 145.33. (A) Except as provided in division (B), (C), or 6614
(D) of this section, a member with at least five years of total 6615
service credit who has attained age sixty, or who has thirty years 6616
of total Ohio service credit, may apply for age and service 6617
retirement, which shall consist of: 6618

(1) An annuity having a reserve equal to the amount of the 6619
member's accumulated contributions at that time; 6620

(2) A pension equal to the annuity provided by division 6621
(A)(1) of this section; 6622

(3) An additional pension, if the member can qualify for 6623
prior service, equal to forty dollars multiplied by the number of 6624
years, and fraction thereof, of such prior and military service 6625

credit; 6626

(4) A basic annual pension equal to one hundred eighty 6627
dollars if the member has ten or more years of total service 6628
credit as of October 1, 1956, except that the basic annual pension 6629
shall not exceed the sum of the annual benefits provided by 6630
divisions (A)(1), (2), and (3) of this section. 6631

(5) When a member retires on age and service retirement, the 6632
member's total annual single lifetime allowance, including the 6633
allowances provided in divisions (A)(1), (2), (3), and (4) of this 6634
section, shall be not less than a base amount adjusted in 6635
accordance with division (A)(5) of this section and determined by 6636
multiplying the member's total service credit by the greater of 6637
the following: 6638

(a) Eighty-six dollars; 6639

(b) Two and two-tenths per cent of the member's final average 6640
salary for each of the first thirty years of service plus two and 6641
one-half per cent of the member's final average salary for each 6642
subsequent year of service. 6643

The allowance shall be adjusted by the factors of attained 6644
age or years of service to provide the greater amount as 6645
determined by the following schedule: 6646

Attained	or	Years of	Percentage	
Birthday		Total Service	of	
		Credit	Base Amount	
58		25	75	6650
59		26	80	6651
60		27	85	6652
61			88	6653
		28	90	6654
62			91	6655
63			94	6656

	29	95	6657
64		97	6658
65	30 or more	100	6659

Members shall vest the right to a benefit in accordance with 6660
the following schedule, based on the member's attained age by 6661
September 1, 1976: 6662

Attained	Percentage	
Birthday	of	
	Base Amount	
66	102	6666
67	104	6667
68	106	6668
69	108	6669
70 or more	110	6670

(6) The total annual single lifetime allowance that a member 6671
shall receive under division (A)(5) of this section shall not 6672
exceed the lesser of one hundred per cent of the member's final 6673
average salary or the limit established by section 415 of the 6674
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, 6675
as amended. 6676

(B)(1) For the purposes of divisions (B) to (F) of this 6677
section, "total service credit as a law enforcement officer" 6678
includes credit for military service to the extent permitted by 6679
division (F)(2) of this section and credit for service as a police 6680
officer or state highway patrol trooper to the extent permitted by 6681
division (F)(3) of this section. 6682

(2) A member who meets the conditions in division (B)(2)(a), 6683
(b), or (c) of this section may apply for an age and service 6684
retirement benefit under this division: 6685

(a) Except as provided in division (B)(2)(b) of this section, 6686
has at least twenty-five years of total service credit as a law 6687
enforcement officer and has attained age fifty-two; 6688

(b) Has at least twenty-five years of total service credit as 6689
a law enforcement officer while serving as a sheriff, deputy 6690
sheriff, or township constable or police officer in a township 6691
police department or district and has attained age forty-eight; 6692

(c) Has at least fifteen years of total service credit as a 6693
law enforcement officer and has attained age sixty-two. 6694

(3) A benefit paid under division (B) of this section shall 6695
consist of an annual single lifetime allowance equal to the sum of 6696
two and one-half per cent of the member's final average salary 6697
multiplied by the first twenty-five years of the member's total 6698
service plus two and one-tenth per cent of the member's final 6699
average salary multiplied by the number of years of the member's 6700
total service credit in excess of twenty-five years. 6701

(C) A member with at least fifteen years of total service 6702
credit as a law enforcement officer who voluntarily resigns or is 6703
discharged for any reason except death, dishonesty, cowardice, 6704
intemperate habits, or conviction of a felony may apply for an age 6705
and service retirement benefit, which shall consist of an annual 6706
single lifetime allowance equal to one and one-half per cent of 6707
the member's final average salary multiplied by the number of 6708
years of the member's total service credit. The allowance shall 6709
commence on the first day of the calendar month following the 6710
month in which the application is filed with the public employees 6711
retirement board on or after the attainment by the applicant of 6712
age fifty-two. 6713

(D)(1) A member with at least twenty-five years of total 6714
service credit as a law enforcement officer other than as a law 6715
enforcement officer eligible for a benefit under division 6716
(B)(2)(b) of this section who voluntarily resigns or is discharged 6717
for any reason except death, dishonesty, cowardice, intemperate 6718
habits, or conviction of a felony, on or after the date of 6719
attaining forty-eight years of age, but before the date of 6720

attaining fifty-two years of age, may elect to receive a reduced benefit as determined by the following schedule:

Attained Age	Reduced Benefit
48	75% of the benefit payable under division (B)(3) of this section
49	80% of the benefit payable under division (B)(3) of this section
50	86% of the benefit payable under division (B)(3) of this section
51	93% of the benefit payable under division (B)(3) of this section

(2) If a member elects to receive a reduced benefit after attaining age forty-eight the reduced benefit is payable from the later of the date of the member's most recent birthday or the date the member becomes eligible to receive the reduced benefit.

(3) Once a member elects to receive a reduced benefit determined by the schedule in division (D)(1) of this section and has received a payment, the member may not reelect to change that election.

(4) If a member who has resigned or been discharged has left on deposit the member's accumulated contributions in the employees' savings fund and has not elected to receive a reduced benefit determined by the schedule in division (D)(1) of this section, upon attaining fifty-two years of age, the member shall be entitled to receive a benefit computed and paid under division (B)(3) of this section.

(E) A benefit paid under division (B), (C), or (D) of this section shall not exceed the lesser of ninety per cent of the member's final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(F)(1) A member with service credit as a law enforcement officer and other service credit under this chapter may elect one of the following:

(a) To have all the member's service credit under this chapter, including credit for service as a law enforcement officer, used in calculating a retirement allowance under division (A) of this section if the member qualifies for an allowance under that division;

(b) If the member qualifies for an allowance under division (B)(2)(a) or (c), (C), or (D) of this section, to have the member's service credit as a law enforcement officer used in calculating a benefit under that division and the member's credit for all service other than law enforcement service under this chapter used in calculating a benefit consisting of a single life annuity having a reserve equal to the amount of the member's accumulated contributions and an equal amount of the employer's contributions;

(c) If the member qualifies for an allowance under division (B)(2)(b) of this section, to have the member's service credit as a law enforcement officer while serving as a sheriff, deputy sheriff, or township constable or police officer in a township police department or district used in calculating a benefit under division (B)(2)(b) of this section and the member's credit for all other service under this chapter used in calculating a benefit consisting of a single life annuity having a reserve equal to the amount of the member's accumulated contributions and an equal amount of the employer's contributions.

(2) Notwithstanding sections 145.01 and 145.30 of the Revised Code, no more than four years of military service credit granted under section 145.30 of the Revised Code and five years of military service credit purchased under section 145.301 or 145.302 of the Revised Code shall be used in calculating service as a law

enforcement officer or the total service credit of that person.	6784
(3) Only credit for the member's service as a law enforcement officer or service credit obtained as a police officer or state highway patrol trooper shall be used in computing the benefits under division (B), (C), or (D) of this section for the following:	6785 6786 6787 6788 6789
(a) Any person who originally is commissioned and employed as a deputy sheriff by the sheriff of any county, or who originally is elected sheriff, on or after January 1, 1975;	6790 6791 6792
(b) Any deputy sheriff who originally is employed as a criminal bailiff or court constable on or after April 16, 1993;	6793 6794
(c) Any person who originally is appointed as a township constable or police officer in a township police department or district on or after January 1, 1981;	6795 6796 6797
(d) Any person who originally is employed as a county narcotics agent on or after September 26, 1984;	6798 6799
(e) Any person who originally is employed as an undercover drug agent as defined in section 109.79 of the Revised Code, department of public safety enforcement agent who prior to June 30, 1999, was a liquor control investigator, park officer, forest officer, wildlife officer, state watercraft officer, park district police officer, conservancy district officer, Ohio veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for the mentally retarded and developmentally disabled, or municipal police officer on or after December 15, 1988;	6800 6801 6802 6803 6804 6805 6806 6807 6808 6809
(f) Any person who originally is employed as a state university law enforcement officer on or after November 6, 1996;	6810 6811
(g) Any person who originally is employed as a Hamilton county municipal court bailiff on or after November 6, 1996;	6812 6813

(h) Any person who is originally employed as a state university law enforcement officer by the university of Akron on or after September 16, 1998;

(i) Any person who originally is employed as a preserve officer on or after March 18, 1999;

(j) Any person who originally is employed as a natural resources law enforcement staff officer on or after March 18, 1999;

(k) Any person who is originally employed as a department of public safety enforcement agent on or after June 30, 1999;

(l) Any person who is originally employed as a house sergeant at arms or assistant house sergeant at arms on or after the effective date of this amendment.

(G) Retirement allowances determined under this section shall be paid as provided in section 145.46 of the Revised Code.

(H) For the purposes of this section, service prior to June 30, 1999, as a food stamp trafficking agent under former section 5502.14 of the Revised Code shall be considered service as a law enforcement officer.

Sec. 147.01. (A) The ~~governor~~ secretary of state may appoint and commission as notaries public as many persons who meet the qualifications of division (B) of this section as ~~he~~ the secretary of state considers necessary.

(B) In order for a person to qualify to be appointed and commissioned as a notary public, the person must satisfy both of the following:

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

(2) One of the following applies:

(a) The person is a citizen of this state who is not an

attorney admitted to the practice of law. 6843

(b) The person is a citizen of this state who is an attorney 6844
admitted to the practice of law in this state by the Ohio supreme 6845
court. 6846

(c) The person is not a citizen of this state, is an attorney 6847
admitted to the practice of law in this state by the Ohio supreme 6848
court, and has ~~his~~ the person's principal place of business or ~~his~~ 6849
the person's primary practice in this state. 6850

(C) A notary public shall be appointed and commissioned as a 6851
notary public for the state. The ~~governor~~ secretary of state may 6852
revoke a commission issued to a notary public upon presentation of 6853
satisfactory evidence of official misconduct or incapacity. 6854

Sec. 147.02. (A) Before the appointment of a notary public is 6855
made, the applicant shall produce to the ~~governor~~ secretary of 6856
state a certificate from a judge or justice of the court of common 6857
pleas, court of appeals, or supreme court that contains the 6858
following: 6859

(1) A statement that the applicant is of good moral 6860
character; 6861

(2) If the applicant is not an attorney admitted to the 6862
practice of law in this state by the Ohio supreme court, a 6863
statement that ~~he~~ the applicant is a citizen of the county in 6864
which ~~he~~ the applicant resides; 6865

(3) If the applicant is an attorney admitted to the practice 6866
of law in this state by the Ohio supreme court, a statement that 6867
~~he~~ the applicant is possessed of sufficient qualifications and 6868
ability to discharge the duties of the office of notary public. 6869

(B) No judge or justice shall issue a certificate required by 6870
division (A) of this section until ~~he~~ the judge or justice is 6871
satisfied from ~~his~~ personal knowledge that the applicant possesses 6872

the qualifications necessary to a proper discharge of the duties 6873
of the office or until the applicant has passed an examination 6874
under any rules that the judge or justice may prescribe. 6875

(C) If the applicant is a citizen of this state who is an 6876
attorney admitted to the practice of law in this state by the Ohio 6877
supreme court, the judge or justice also shall certify this fact 6878
in the certification required by division (A) of this section. 6879

(D) If the applicant is not a citizen of this state but is an 6880
attorney who is admitted to the practice of law in this state by 6881
the Ohio supreme court and whose principal place of business or 6882
primary practice is in this state, the judge or justice also shall 6883
certify these facts in the certification required by division (A) 6884
of this section. 6885

(E) For the purposes of sections 147.03, 147.04, 147.05, and 6886
147.13 of the Revised Code, the county in which an attorney who is 6887
not a citizen of this state and who is a notary public has ~~his~~ the 6888
attorney's principal place of business or ~~his~~ the attorney's 6889
primary practice shall be deemed the county in which ~~he~~ the 6890
attorney resides. 6891

Sec. 147.03. Each notary public, except an attorney admitted 6892
to the practice of law in this state by the Ohio supreme court, 6893
shall hold ~~his~~ office for the term of five years unless the 6894
commission is revoked. ~~Before entering upon the duties of his~~ 6895
~~office, he shall take and subscribe an oath to be endorsed on his~~ 6896
~~commission.~~ An 6897

An attorney admitted to the practice of law in this state by 6898
the Ohio supreme court shall hold ~~his~~ office as a notary public as 6899
long as ~~he~~ the attorney is a resident of this state or has ~~his~~ the 6900
attorney's principal place of business or primary practice in this 6901
state, ~~he~~ the attorney is in good standing before the Ohio supreme 6902
court, and the commission is not revoked. Before entering upon the 6903

duties of his office, ~~he~~ a notary public shall ~~deposit with the~~ 6904
~~secretary of state the certificate provided for in section 147.02~~ 6905
~~of the Revised Code and shall~~ take and subscribe an oath to be 6906
~~endorsed on his~~ the notary public's commission. 6907

A notary public who violates the oath of office required by 6908
this section shall be removed from office by the court of common 6909
pleas of the county in which ~~he~~ the notary public resides, upon 6910
complaint filed and substantiated in the court, and the court, 6911
upon removing a notary public from office, shall certify the 6912
removal to the ~~governor~~ secretary of state. The person so removed 6913
shall be ineligible for reappointment to the office of notary 6914
public. 6915

~~Each person holding office as a notary public on October 24,~~ 6916
~~1961, shall continue in that office until the expiration of his~~ 6917
~~term, and, after the expiration of that office, he shall hold~~ 6918
~~office pursuant to this section.~~ 6919

Sec. 147.05. (A) Before entering upon the duties of ~~his~~ the 6920
office of notary public, a notary public shall leave ~~his~~ the 6921
notary public's commission with the oath ~~indorsed~~ endorsed on the 6922
commission with the clerk of the court of common pleas of the 6923
county in which ~~he~~ the notary public resides. The clerk shall 6924
record the commission ~~shall be recorded by the clerk~~ in a book 6925
kept for that purpose. The clerk shall ~~indorse~~ endorse on the 6926
margin of the record and on the back of the commission the time ~~he~~ 6927
that the clerk received ~~it~~ the commission for record and make a 6928
proper index to all commissions so recorded ~~by him~~. For recording 6929
and indexing ~~the~~ a commission, the fee of the clerk shall be as 6930
provided ~~for~~ in division (R) of section 2303.20 of the Revised 6931
Code. 6932

(B) The secretary of state shall maintain a record of the 6933
commissions of each notary public appointed and commissioned by 6934

the secretary of state under this chapter and make a proper index
to that record.

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

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

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Sec. 147.13. A notary public who charges or receives for an
act or service done or rendered by ~~him~~ the notary public a fee
greater than the amount prescribed by law, or who dishonestly or
unfaithfully discharges any ~~of his~~ official duties as notary
public, shall be removed from ~~his~~ office by the court of common
pleas of the county in which ~~he~~ the notary public resides, upon
complaint filed and substantiated in ~~such the~~ court, ~~and the.~~ The
court shall ~~thereupon~~ certify ~~such the~~ removal to the ~~governor~~
secretary of state. The person so removed shall be ineligible for
reappointment to the office of notary public.

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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

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section shall be removed from office by the court of common pleas 6965
of the county in which ~~the~~ a conviction was for a violation of 6966
this section is had. The court shall ~~thereupon~~ certify ~~such~~ the 6967
removal to the ~~governor~~ secretary of state. The person so removed 6968
shall be ineligible to reappointment for a period of three years. 6969

Sec. 147.37. Each person receiving a commission as notary 6970
public, except an attorney admitted to the practice of law in this 6971
state by the Ohio supreme court, shall pay a fee of five dollars 6972
to the secretary of state. Each person receiving a commission as a 6973
notary public who is an attorney admitted to the practice of law 6974
in this state by the Ohio supreme court shall pay a fee of ten 6975
dollars to the secretary of state. 6976

Sec. 147.371. Upon receipt of a fee of two dollars and an 6977
affidavit that the original commission of a notary public has been 6978
lost or destroyed, a duplicate commission as notary public shall 6979
be issued by the ~~governor~~ secretary of state. 6980

Sec. 151.04. This section applies to obligations as defined 6981
in this section. 6982

(A) As used in this section: 6983

(1) "Costs of capital facilities" include related direct 6984
administrative expenses and allocable portions of direct costs of 6985
the using institution. 6986

(2) "Obligations" means obligations as defined in section 6987
~~154.30~~ 151.01 of the Revised Code issued to pay costs of capital 6988
facilities for state-supported or state-assisted institutions of 6989
higher education. 6990

(3) "State-supported or state-assisted institutions of higher 6991
education" means a state university or college, or community 6992
college district, technical college district, university branch 6993

district, or state community college, or other institution for
education, including technical education, beyond the high school,
receiving state support or assistance for its expenses of
operation. "State university or college" means each of the state
universities identified in section 3345.011 of the Revised Code,
the northeastern Ohio universities college of medicine, and the
medical college of Ohio at Toledo.

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

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

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

(D) There is hereby created in the state treasury the "higher
education capital facilities bond service fund." All moneys
received by the state and required by the bond proceedings,
consistent with sections 151.01 and 151.04 of the Revised Code, to
be deposited, transferred, or credited to the bond service fund,
and all other moneys transferred or allocated to or received for
the purposes of that fund, shall be deposited and credited to the
bond service fund, subject to any applicable provisions of the
bond proceedings but without necessity for any act of
appropriation. During the period beginning with the date of the
first issuance of obligations and continuing during the time that

any obligations are outstanding in accordance with their terms, so 7026
long as moneys in the bond service fund are insufficient to pay 7027
debt service when due on those obligations payable from that fund 7028
(except the principal amounts of bond anticipation notes payable 7029
from the proceeds of renewal notes or bonds anticipated) and due 7030
in the particular fiscal year, a sufficient amount of revenues of 7031
the state is committed and, without necessity for further act of 7032
appropriation, shall be paid to the bond service fund for the 7033
purpose of paying that debt service when due. 7034

Sec. 166.03. (A) There is hereby created the facilities 7035
establishment fund within the state treasury, consisting of 7036
proceeds from the issuance of obligations as specified under 7037
section 166.08 of the Revised Code; the moneys received by the 7038
state from the sources specified in section 166.09 of the Revised 7039
Code; service charges imposed under sections 166.06 and 166.07 of 7040
the Revised Code; any grants, gifts, or contributions of moneys 7041
received by the director of development to be used for loans made 7042
under section 166.07 of the Revised Code or for the payment of the 7043
allowable costs of project facilities; and all other moneys 7044
appropriated or transferred to the fund. Moneys in the loan 7045
guarantee fund in excess of four per cent of the unpaid principal 7046
amount of loan repayments guaranteed under section 166.06 of the 7047
Revised Code, but subject to the provisions and requirements of 7048
any guarantee contracts, may be transferred to the facilities 7049
establishment fund by the treasurer of state upon the order of the 7050
director of development. Moneys received by the state under 7051
Chapter 122. of the Revised Code, to the extent allocable to the 7052
utilization of moneys derived from proceeds of the sale of 7053
obligations pursuant to section 166.08 of the Revised Code, shall 7054
be credited to the facilities establishment fund. 7055

(B) All moneys appropriated or transferred to the facilities 7056
establishment fund may be released at the request of the director 7057

of development for payment of allowable costs or the making of 7058
loans under this chapter, for transfer to the loan guarantee fund 7059
established in section 166.06 of the Revised Code, or for use for 7060
the purpose of or transfer to the funds established by sections 7061
122.35, 122.42, 122.54, 122.55, 122.56, 122.561, 122.57, and 7062
122.80 of the Revised Code and, until July 1, ~~2001~~ 2003, the funds 7063
established by sections 122.26 and 166.031 of the Revised Code, 7064
but only for such of those purposes as are within the 7065
authorization of Section 13 of Article VIII, Ohio Constitution, in 7066
all cases subject to the approval of the controlling board. 7067

(C) The department of development, in the administration of 7068
the facilities establishment fund, is encouraged to utilize and 7069
promote the utilization of, to the maximum practicable extent, the 7070
other existing programs, business incentives, and tax incentives 7071
that department is required or authorized to administer or 7072
supervise. 7073

Sec. 169.01. As used in this chapter, unless the context 7074
otherwise requires: 7075

(A) "Financial organization" means any bank, trust company, 7076
savings bank, safe deposit company, mutual savings bank without 7077
mutual stock, savings and loan association, credit union, or 7078
investment company. 7079

(B)(1) "Unclaimed funds" means any moneys, rights to moneys, 7080
or intangible property, described in section 169.02 of the Revised 7081
Code, when, as shown by the records of the holder, the owner has 7082
not, within the times provided in section 169.02 of the Revised 7083
Code, done any of the following: 7084

(a) Increased, decreased, or adjusted the amount of such 7085
funds; 7086

(b) Assigned, paid premiums, or encumbered such funds; 7087

(c) Presented an appropriate record for the crediting of such funds or received payment of such funds by check, draft, or otherwise;	7088 7089 7090
(d) Corresponded with the holder concerning such funds;	7091
(e) Otherwise indicated an interest in or knowledge of such funds;	7092 7093
(f) Transacted business with the holder.	7094
(2) "Unclaimed funds" does not include any of the following:	7095
(a) Money received or collected under section 9.39 of the Revised Code;	7096 7097
(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;	7098 7099 7100 7101 7102 7103
(c) Any payment or credit received by a business association from a business association for tangible goods sold, or services performed, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;	7104 7105 7106 7107 7108
<u>(d) Any credit due a retail customer that is represented by a gift certificate, gift card, merchandise credit, or merchandise credit card, redeemable only for merchandise.</u>	7109 7110 7111
For purposes of divisions (B)(2)(b) and (c) of this section, "business association" means any corporation, joint venture, business trust, limited liability company, partnership, association, or other business entity composed of one or more individuals, whether or not the entity is for profit.	7112 7113 7114 7115 7116
(C) "Owner" means any person, or the person's legal	7117

representative, entitled to receive or having a legal or equitable
interest in or claim against moneys, rights to moneys, or other
intangible property, subject to this chapter.

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

(a) Such person resides in this state;

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

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

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

(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, 7149
good-faith effort to contact the owner of the unclaimed funds. 7150

(E) "Person" includes a natural person; corporation, whether 7151
for profit or not for profit; copartnership; unincorporated 7152
association or organization; public authority; estate; trust; two 7153
or more persons having a joint or common interest; eleemosynary 7154
organization; fraternal or cooperative association; other legal or 7155
community entity; the United States government, including any 7156
district, territory, possession, officer, agency, department, 7157
authority, instrumentality, board, bureau, or court; or any state 7158
or political subdivision thereof, including any officer, agency, 7159
board, bureau, commission, division, department, authority, court, 7160
or instrumentality. 7161

(F) "Mortgage funds" means the mortgage insurance fund 7162
created by section 122.561 of the Revised Code, and the housing 7163
guarantee fund created by division (D) of section 128.11 of the 7164
Revised Code. 7165

(G) "Lawful claims" means any vested right a holder of 7166
unclaimed funds has against the owner of such unclaimed funds. 7167

(H) "Public utility" means any entity defined as such by 7168
division (A) of section 745.01 or by section 4905.02 of the 7169
Revised Code. 7170

(I) "Deposit" means to place money in the custody of a 7171
financial organization for the purpose of establishing an 7172
income-bearing account by purchase or otherwise. 7173

(J) "Income-bearing account" means a time or savings account, 7174
whether or not evidenced by a certificate of deposit, or an 7175
investment account through which investments are made solely in 7176
obligations of the United States or its agencies or 7177
instrumentalities or guaranteed as to principal and interest by 7178
the United States or its agencies or instrumentalities, debt 7179

securities rated as investment grade by at least two nationally 7180
recognized rating services, debt securities which the director of 7181
commerce has determined to have been issued for the safety and 7182
welfare of the residents of this state, and equity interests in 7183
mutual funds that invest solely in some or all of the above-listed 7184
securities and involve no general liability, without regard to 7185
whether income earned on such accounts, securities, or interests 7186
is paid periodically or at the end of a term. 7187

Sec. 173.35. (A) As used in this section, "PASSPORT 7188
administrative agency" means an entity under contract with the 7189
department of aging to provide administrative services regarding 7190
the PASSPORT program created under section 173.40 of the Revised 7191
Code. 7192

(B) The department of aging shall administer the residential 7193
state supplement program under which the state supplements the 7194
supplemental security income payments received by aged, blind, or 7195
disabled adults under Title XVI of the "Social Security Act," 49 7196
Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state 7197
supplement payments shall be used for the provision of 7198
accommodations, supervision, and personal care services to 7199
supplemental security income recipients who the department 7200
determines are at risk of needing institutional care. 7201

(C) For an individual to be eligible for residential state 7202
supplement payments, all of the following must be the case: 7203

(1) Except as provided by division (G) of this section, the 7204
individual must reside in one of the following: 7205

(a) An adult foster home certified under section 173.36 of 7206
the Revised Code; 7207

(b) A home or facility, other than a nursing home or nursing 7208
home unit of a home for the aging, licensed by the department of 7209

health under Chapter 3721. or 3722. of the Revised Code; 7210

(c) A community alternative home licensed under section 7211
3724.03 of the Revised Code; 7212

(d) A residential facility as defined in division 7213
(A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by 7214
the department of mental health; 7215

(e) An apartment or room used to provide community mental 7216
health housing services certified by the department of mental 7217
health under ~~division (M)~~ of section ~~5119.61~~ 5119.611 of the 7218
Revised Code and approved by a board of alcohol, drug addiction, 7219
and mental health services under division (A)~~(13)~~(14) of section 7220
340.03 of the Revised Code. 7221

(2) Effective July 1, 2000, a PASSPORT administrative agency 7222
must have determined that the environment in which the individual 7223
will be living while receiving the payments is appropriate for the 7224
individual's needs. If the individual is eligible for supplemental 7225
security income payments or social security disability insurance 7226
benefits because of a mental disability, the PASSPORT 7227
administrative agency shall refer the individual to a community 7228
mental health agency for the community mental health agency to 7229
issue in accordance with section 340.091 of the Revised Code a 7230
recommendation on whether the PASSPORT administrative agency 7231
should determine that the environment in which the individual will 7232
be living while receiving the payments is appropriate for the 7233
individual's needs. Division (C)(2) of this section does not apply 7234
to an individual receiving residential state supplement payments 7235
on June 30, 2000, until the individual's first eligibility 7236
redetermination after that date. 7237

(3) The individual satisfies all eligibility requirements 7238
established by rules adopted under division (D) of this section. 7239

(D) The directors of aging and job and family services shall 7240

adopt rules in accordance with section 111.15 of the Revised Code 7241
as necessary to implement the residential state supplement 7242
program. 7243

To the extent permitted by Title XVI of the "Social Security 7244
Act," and any other provision of federal law, the director of job 7245
and family services shall adopt rules establishing standards for 7246
adjusting the eligibility requirements concerning the level of 7247
impairment a person must have so that the amount appropriated for 7248
the program by the general assembly is adequate for the number of 7249
eligible individuals. The rules shall not limit the eligibility of 7250
disabled persons solely on a basis classifying disabilities as 7251
physical or mental. The director of job and family services also 7252
shall adopt rules that establish eligibility standards for aged, 7253
blind, or disabled individuals who reside in one of the homes or 7254
facilities specified in division (C)(1) of this section but who, 7255
because of their income, do not receive supplemental security 7256
income payments. The rules may provide that these individuals may 7257
include individuals who receive other types of benefits, 7258
including, social security disability insurance benefits provided 7259
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 7260
42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this 7261
section, such payments may be made if funds are available for 7262
them. 7263

The director of aging shall adopt rules establishing the 7264
method to be used to determine the amount an eligible individual 7265
will receive under the program. The amount the general assembly 7266
appropriates for the program shall be a factor included in the 7267
method that department establishes. 7268

(E) The county department of job and family services of the 7269
county in which an applicant for the residential state supplement 7270
program resides shall determine whether the applicant meets income 7271
and resource requirements for the program. 7272

(F) The department of aging shall maintain a waiting list of 7273
any individuals eligible for payments under this section but not 7274
receiving them because moneys appropriated to the department for 7275
the purposes of this section are insufficient to make payments to 7276
all eligible individuals. An individual may apply to be placed on 7277
the waiting list even though the individual does not reside in one 7278
of the homes or facilities specified in division (C)(1) of this 7279
section at the time of application. The director of aging, by 7280
rules adopted in accordance with Chapter 119. of the Revised Code, 7281
shall specify procedures and requirements for placing an 7282
individual on the waiting list. Individuals on the waiting list 7283
who reside in a community setting not required to be licensed or 7284
certified shall have their eligibility for the payments assessed 7285
before other individuals on the waiting list. 7286

(G) An individual in a licensed or certified living 7287
arrangement receiving state supplementation on November 15, 1990, 7288
under former section 5101.531 of the Revised Code shall not become 7289
ineligible for payments under this section solely by reason of the 7290
individual's living arrangement as long as the individual remains 7291
in the living arrangement in which the individual resided on 7292
November 15, 1990. 7293

(H) The department of aging shall notify each person denied 7294
approval for payments under this section of the person's right to 7295
a hearing. On request, the hearing shall be provided by the 7296
department of job and family services in accordance with section 7297
5101.35 of the Revised Code. 7298

Sec. 173.40. There is hereby created a component of the 7299
medicaid program established under Chapter 5111. of the Revised 7300
Code to be known as the preadmission screening system providing 7301
options and resources today program, or PASSPORT. ~~Through the~~ 7302
~~medical assistance program established under Chapter 5111. of the~~ 7303

~~Revised Code, the~~ The PASSPORT program shall provide home and 7304
community-based services as an alternative to nursing facility 7305
placement for aged and disabled ~~persons~~ medicaid recipients. The 7306
program shall be operated pursuant to a home and community-based 7307
waiver granted by the United States secretary of health and human 7308
services under section 1915 of the "Social Security Act," 49 Stat. 7309
620 (1935), 42 U.S.C. 1396n, as amended. The department of aging 7310
shall administer the program. ~~The department of aging shall enter~~ 7311
~~into~~ through an interagency agreement entered into with the 7312
department of job and family services ~~regarding services provided~~ 7313
~~under the program to recipients of medical assistance under~~ 7314
~~Chapter 5111.~~ under section 5111.86 of the Revised Code. The 7315
directors of aging and job and family services shall adopt rules 7316
in accordance with Chapter 119. of the Revised Code to implement 7317
the program. 7318

Sec. 173.46. The department of aging shall develop and 7319
publish a guide to nursing facilities in this state for use by 7320
individuals considering nursing facility placement and their 7321
families, friends, and advisors. The guide shall be titled the 7322
Ohio long-term care consumer guide. 7323

The consumer guide shall be published in computerized form 7324
for distribution over the internet. The guide shall be made 7325
available not later than ~~fourteen months after the effective date~~ 7326
~~of this section~~ March 1, 2002, and shall be updated in accordance 7327
with section 173.52 of the Revised Code. 7328

Every two years, the department shall publish an executive 7329
summary of the consumer guide, and shall make the executive 7330
summary available in both computerized and printed forms. 7331

Sec. 173.47. The department of aging may contract with any 7332
person or government entity to perform any function related to the 7333
publication of the Ohio long-term care consumer guide or the 7334

collection and preparation of data and other material for the 7335
guide, except that the department shall contract to have the 7336
customer satisfaction surveys conducted under section 173.54 of 7337
the Revised Code. ~~In awarding the contract to have the surveys~~ 7338
~~conducted~~ To the extent possible, the department shall contract 7339
with a person or government entity that has experience in 7340
surveying the customer satisfaction of nursing facility residents 7341
and their families. The department's contract shall permit the 7342
person or government entity to subcontract with other persons or 7343
government entities for purposes of conducting all or part of the 7344
surveys. 7345

Sec. 175.03. (A)(1) The Ohio housing finance agency shall 7346
consist of ~~nine~~ eleven members. ~~Seven~~ Nine of the members shall be 7347
appointed by the governor with the advice and consent of the 7348
senate. The director of commerce and the director of development, 7349
or their respective designees, shall also be voting members of the 7350
agency. Of the ~~seven~~ nine appointed members, at least one shall 7351
have experience in residential housing construction; at least one 7352
shall have experience in residential housing mortgage lending, 7353
loan servicing, or brokering; at least one shall have experience 7354
in the licensed residential housing brokerage business; at least 7355
one shall have experience with the housing needs of senior 7356
citizens; at least one shall be from a background in labor 7357
representation in the construction industry; at least one shall 7358
represent the interests of nonprofit multifamily housing 7359
development organizations; at least one shall represent the 7360
interests of for-profit multifamily housing development 7361
corporations; and two shall be public members. No more than ~~five~~ 7362
six of the appointed members of the agency shall be of the same 7363
political party. ~~Of the initial appointments made to the agency,~~ 7364
~~two shall be for a term ending on January 31, 1984, two shall be~~ 7365
~~for a term ending on January 31, 1985, one shall be for a term~~ 7366

~~ending on January 31, 1986, one shall be for a term ending on~~ 7367
~~January 31, 1987, and one shall be for a term ending on January~~ 7368
~~31, 1988, the term for each member to be designated by the~~ 7369
governor Of the appointments made to the agency for the eighth and 7370
ninth appointed members in accordance with this amendment, one 7371
shall be for a term ending on January 31, 2005, and one shall be 7372
for a term ending on January 31, 2006. Thereafter, each appointed 7373
member shall serve for a term ending on the thirty-first day of 7374
January which is six years following the date of termination of 7375
the term which it succeeds. Each member shall hold office from the 7376
date of the member's appointment until the end of the term for 7377
which the member was appointed. Any member appointed to fill a 7378
vacancy occurring prior to the expiration of the term for which 7379
the member's predecessor was appointed shall hold office for the 7380
remainder of such term. Any appointed member shall continue in 7381
office subsequent to the expiration date of the member's term 7382
until the member's successor takes office, or until a period of 7383
sixty days has elapsed, whichever occurs first. Each appointed 7384
member may be removed from office by the governor for misfeasance, 7385
nonfeasance, malfeasance in office, or for failure to attend in 7386
person three consecutive meetings of the agency. 7387

(2) The director of development or the director's designee 7388
shall be the chairperson of the agency. The agency shall elect one 7389
of its appointed members as vice-chairperson and such other 7390
officers as it deems necessary, who need not be members of the 7391
agency. Each appointed member of the agency shall receive 7392
compensation at the rate of one hundred fifty dollars per agency 7393
meeting attended in person, not to exceed a maximum of three 7394
thousand dollars per year. All members shall be reimbursed for 7395
their actual and necessary expenses incurred in the discharge of 7396
their official duties. 7397

(3) ~~Five~~ six members of the agency constitute a quorum, and 7398

the affirmative vote of ~~five~~ six members shall be necessary for 7399
any action taken by the agency. No vacancy in membership of the 7400
agency impairs the right of a quorum to exercise all the rights 7401
and perform all the duties of the agency. Meetings of the agency 7402
may be held at any place within the state. Meetings of the agency, 7403
including notice of the place of meetings, shall comply with 7404
section 121.22 of the Revised Code. 7405

(B) The appointed members of the agency are not subject to 7406
section 102.02 of the Revised Code. Each such appointed member 7407
shall file with the agency a signed written statement setting 7408
forth the general nature of sales of goods, property or services 7409
or of loans to the agency in which such member has a pecuniary 7410
interest or in which any member of the member's immediate family, 7411
as defined in section 102.01 of the Revised Code, or any 7412
corporation, partnership or enterprise of which the member is an 7413
officer, director, or partner, or of which the member or a member 7414
of the member's immediate family, as so defined, owns more than a 7415
five per cent interest, has a pecuniary interest, and of which 7416
sale, loan and interest such member has knowledge. The statement 7417
shall be supplemented from time to time to reflect changes in the 7418
general nature of any such sales or loans. No member shall 7419
participate in portions of agency meetings dealing with, or vote 7420
concerning, any such matter. The requirements of this section 7421
pertaining to disclosure and prohibition from participation and 7422
voting do not apply to agency loans to lending institutions or 7423
contracts between the agency and lending institutions for the 7424
purchase, administration, or servicing of loans notwithstanding 7425
that such lending institution has a director, officer, employee, 7426
or owner who is a member of the agency, and no such loans or 7427
contracts shall be deemed to be prohibited or otherwise regulated 7428
by reason of any other law or rule. 7429

Sec. 175.21. (A) The low- and moderate-income housing trust 7430

fund is hereby created in the state treasury. The fund shall 7431
consist of all appropriations, grants, gifts, loan repayments, and 7432
contributions of money made from any source to the department of 7433
development for the fund. All investment earnings of the fund 7434
shall be credited to the fund. The director of development shall 7435
allocate a portion of the money in the fund to an account of the 7436
Ohio housing finance agency. The department shall administer the 7437
fund. The agency shall use money allocated to it in the fund for 7438
implementing and administering its programs and duties under 7439
sections 175.22 and 175.24 of the Revised Code, and the department 7440
shall use the remaining money in the fund for implementing and 7441
administering its programs and duties under sections 175.22 to 7442
175.25 of the Revised Code. Use of all money in the fund is 7443
subject to the following restrictions: forty-five per cent of the 7444
~~money in the fund~~ amount of funds awarded during any one fiscal 7445
year shall be used to make grants and loans to nonprofit 7446
organizations under section 175.22 of the Revised Code, not less 7447
than ~~thirty-five~~ forty-five per cent of the ~~money in the fund~~ 7448
amount of funds awarded during any one fiscal year shall be used 7449
to make grants and loans for activities that will provide housing 7450
and housing assistance to families and individuals in rural areas 7451
and small cities that would not be eligible to participate ~~in the~~ 7452
~~small cities program of the community development and block grant~~ 7453
~~program under sections 570.420 to 570.438 of the Code of Federal~~ 7454
~~Regulations~~ as a participating jurisdiction under the "HOME 7455
Investment Partnerships Act," 104 Stat. 4094 (1990), 42 U.S.C. 7456
12701 note, 12721, no more than ~~five~~ six per cent of the money in 7457
the fund shall be used for administration, and no money in the 7458
fund shall be used to pay for any legal services other than the 7459
usual and customary legal services associated with the acquisition 7460
of housing. Except as otherwise provided by the director under 7461
division (B) of this section, money in the fund may be used as 7462
matching money for federal funds received by the state, counties, 7463

municipal corporations, and townships for the activities listed in 7464
section 175.22 of the Revised Code. 7465

(B) If after the second quarter of any year it appears to the 7466
director that the full amount of the money in the low- and 7467
moderate-income housing trust fund designated in that year for 7468
activities that will provide housing and housing assistance to 7469
families and individuals in rural areas and small cities under 7470
division (A) of this section will not be so used, the director may 7471
reallocate all or a portion of that amount for other housing 7472
activities. In determining whether or how to reallocate money 7473
under this division, the director may consult with and shall 7474
receive advice from the housing trust fund advisory committee. 7475

Sec. 175.22. (A) The department of development and the Ohio 7476
housing finance agency shall each develop programs under which, in 7477
accordance with rules adopted under this section, it may make 7478
grants, loans, loan guarantees, and loan subsidies to counties, 7479
municipal corporations, townships, local housing authorities, and 7480
nonprofit organizations and may make loans, loan guarantees, and 7481
loan subsidies to private developers and private lenders to assist 7482
them in activities that will provide housing and housing 7483
assistance for specifically targeted low- and moderate-income 7484
families and individuals. There shall be no minimum housing 7485
project size for awards under this division for any project that 7486
is being developed for a special needs population and that is 7487
supported by a social service agency where the housing project 7488
will be located. Activities for which grants, loans, loan 7489
guarantees, and loan subsidies may be made under this section 7490
include all of the following: 7491

(1) Acquiring, financing, constructing, leasing, 7492
rehabilitating, remodeling, improving, and equipping publicly or 7493
privately owned housing; 7494

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

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

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

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

(D) The department and the agency, in accordance with Chapter 119. of the Revised Code, shall each adopt rules under which it shall administer programs developed by it under this section. The rules shall prescribe procedures and forms whereby counties, municipal corporations, townships, local housing authorities, and nonprofit organizations may apply for grants, loans, loan guarantees, and loan subsidies and private developers and private lenders may apply for loans, loan guarantees, and loan subsidies; eligibility criteria for the receipt of funds; procedures for reviewing and granting or denying applications; procedures for

paying out funds; conditions on the use of funds; procedures for 7527
monitoring the use of funds; and procedures under which a 7528
recipient shall be required to repay funds that are improperly 7529
used. The rules adopted by the department shall do both of the 7530
following: 7531

(1) Require each recipient of a grant or loan made from the 7532
low- and moderate-income housing trust fund for activities that 7533
will provide, or assist in providing, a rental housing project, to 7534
reasonably ensure that the rental housing project will be 7535
affordable to those families and individuals targeted for the 7536
rental housing project for the useful life of the rental housing 7537
project or for thirty years, whichever is longer; 7538

(2) Require each recipient of a grant or loan made from the 7539
low- and moderate-income housing trust fund for activities that 7540
will provide, or assist in providing, a housing project to prepare 7541
and implement a plan to reasonably assist any families and 7542
individuals displaced by the housing project in obtaining decent 7543
affordable housing. 7544

(E) In prescribing eligibility criteria and conditions for 7545
the use of funds, neither the department nor agency is limited to 7546
the criteria and conditions specified in this section and each may 7547
prescribe additional eligibility criteria and conditions that 7548
relate to the purposes for which grants, loans, loan guarantees, 7549
and loan subsidies may be made. However, the department and agency 7550
are limited by the following specifically targeted low- and 7551
moderate-income guidelines: 7552

(1) Not less than seventy-five per cent of the money granted 7553
and loaned under this section in any ~~biennium~~ fiscal year shall be 7554
for activities that will provide affordable housing and housing 7555
assistance to families and individuals in a county whose incomes 7556
are equal to or less than fifty per cent of the median income for 7557
that county, as determined by the department under section 175.23 7558

of the Revised Code. 7559

(2) The remainder of the money granted and loaned under this 7560
section in any ~~biennium~~ fiscal year shall be for activities that 7561
will provide affordable housing and housing assistance to families 7562
and individuals in a county whose incomes are equal to or less 7563
than eighty per cent of the median income for that county, as 7564
determined by the department under section 175.23 of the Revised 7565
Code. 7566

(F) In making grants, loans, loan guarantees, and loan 7567
subsidies under this section, the department and the agency shall 7568
give preference to viable projects and activities that will 7569
benefit those families and individuals in a county whose incomes 7570
are equal to or less than thirty-five per cent of the median 7571
income for that county, as determined by the department under 7572
section 175.23 of the Revised Code. The department and the agency 7573
shall monitor the programs developed under this section to ensure 7574
that money granted and loaned under this section is not used in a 7575
manner that violates division (H) of section 4112.02 of the 7576
Revised Code or discriminates against families with children. 7577

Sec. 175.24. (A) Annually, the department of development 7578
shall submit a report to the president of the senate and the 7579
speaker of the house of representatives describing the activities 7580
of the department under sections 175.21 to 175.25 of the Revised 7581
Code during the previous ~~calendar~~ state fiscal year. 7582

(B) Annually, the Ohio housing finance agency shall submit a 7583
report to the president of the senate and the speaker of the house 7584
of representatives describing the activities of the agency under 7585
sections 175.21, 175.22, and 175.24 of the Revised Code during the 7586
previous ~~calendar~~ state fiscal year. 7587

Sec. 179.02. (A) There is hereby established the Ohio 7588

commission on dispute resolution and conflict management, 7589
consisting of twelve members, unless a vacancy exists in an 7590
appointment at any given time. The purpose of the commission is to 7591
provide, coordinate, fund, and evaluate dispute resolution and 7592
conflict management education, training, and research programs in 7593
this state, and to consult with, educate, train, provide resources 7594
for, and otherwise assist and facilitate other persons and public 7595
or private agencies, organizations, or entities that are engaged 7596
in activities related to dispute resolution and conflict 7597
management. Four members of the commission shall be appointed by 7598
the governor, four members shall be appointed by the chief justice 7599
of the supreme court, two members shall be appointed by the 7600
president of the senate, and two members shall be appointed by the 7601
speaker of the house of representatives. 7602

Within thirty days after ~~the effective date of this section~~ 7603
June 30, 1995, the governor, the chief justice of the supreme 7604
court, the president of the senate, and the speaker of the house 7605
of representatives shall make initial appointments to the 7606
commission. Of the initial appointments made to the commission by 7607
the governor and the chief justice, two each shall be for a term 7608
ending two years after ~~the effective date of this section~~ June 30, 7609
1995, and two each shall be for a term ending four years after 7610
that date. Of the initial appointments made to the commission by 7611
the president of the senate and the speaker of the house of 7612
representatives, one each shall be for a term ending two years 7613
after ~~the effective date of this section~~ June 30, 1995, and one 7614
each shall be for a term ending four years after that date. 7615
Thereafter, terms of office shall be for three years, with each 7616
term ending on the same day of the same month of the year as the 7617
term that it succeeds. Each member shall hold office from the date 7618
of appointment until the end of the term for which appointed. 7619
Members may be reappointed. ~~Vacancies~~ 7620

Vacancies shall be filled in the manner provided for original 7621
appointments. Any member appointed to fill a vacancy occurring 7622
prior to the expiration date of the term for which the member's 7623
predecessor was appointed shall hold office as a member for the 7624
remainder of that term. ~~A~~ 7625

A member shall continue in office subsequent to the 7626
expiration date of the member's term until ~~a~~ the member's 7627
successor takes office or until a period of sixty days has 7628
elapsed, whichever occurs first. 7629

(B) The commission shall meet within two weeks after all of 7630
its initial members have been appointed, at a time and place 7631
determined by the governor. Thereafter, the commission shall meet 7632
at least quarterly, or more often upon the call of the ~~chairman~~ 7633
chairperson or at the request of the executive director of the 7634
commission. ~~The~~ 7635

The commission shall organize by selecting from among its 7636
members a ~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, 7637
and ~~such~~ other necessary officers ~~as are necessary~~. All officers 7638
shall be elected annually by vote of the members of the 7639
commission. ~~Each~~ 7640

Each member of the commission shall have one vote. ~~Seven~~ A 7641
majority of the members constitute of the commission, as it exists 7642
at any given time, constitutes a quorum, and the votes of a 7643
majority of the members present at a meeting of the commission are 7644
required to validate an action of the commission. 7645

(C) The members of the commission shall serve without 7646
compensation, but each member shall be reimbursed for actual and 7647
necessary expenses incurred in the performance of official duties, 7648
and actual mileage for each mile necessarily traveled in the 7649
performance of official duties. 7650

Sec. 179.03. (A) The Ohio commission on dispute resolution	7651
and conflict management shall do all of the following:	7652
(1) Appoint and set the compensation of an executive	7653
director, who shall serve at the pleasure of the commission;	7654
(2) Establish and maintain a central office;	7655
(3) Adopt rules to govern the application for, and the	7656
awarding of, grants made available by the commission under	7657
sections 179.01 to 179.04 of the Revised Code out of the dispute	7658
resolution and conflict management commission gifts, grants, and	7659
reimbursements fund established by division (C) of this section;	7660
(4) Seek, solicit, and apply for grants from any public or	7661
private source to provide for the operation of dispute resolution	7662
and conflict management programs in this state;	7663
(5) Adopt standards for the evaluation of dispute resolution	7664
and conflict management programs funded pursuant to sections	7665
179.01 to 179.04 of the Revised Code;	7666
(6) Provide technical aid and assistance to dispute	7667
resolution and conflict management programs, to centers that	7668
provide these programs, and to public and private agencies and	7669
organizations that provide these programs or engage in dispute	7670
resolution and conflict management activities <u>services</u> ;	7671
(7) Approve an annual operating budget;	7672
(8) Prepare an annual report on the operation of the	7673
commission and the office established by the commission, and	7674
provide the report to the governor, the supreme court, and the	7675
general assembly.	7676
(B) The commission may do any of the following:	7677
(1) Receive and accept donations, grants, awards, bequests,	7678
gifts, reimbursements, and similar funds from any lawful source;	7679

(2) Accept the services of volunteer workers and consultants 7680
at no compensation, other than reimbursement for actual and 7681
necessary expenses incurred in the performance of their official 7682
duties, and reimburse any volunteer workers or consultants for 7683
their actual and necessary expenses so incurred; 7684

(3) Prepare and publish statistical data and case studies and 7685
other data pertinent to the development, operation, and evaluation 7686
of dispute resolution and conflict management programs and centers 7687
that provide these programs or engage in dispute resolution and 7688
conflict management services; 7689

(4) Conduct programs that have a general objective of 7690
training and educating mediators and other persons engaged in 7691
providing dispute resolution and conflict management services; 7692

(5) Develop programs and curricula that are designed to 7693
provide dispute resolution and conflict management training and 7694
education for public and private education, as well as other 7695
appropriate education forums; 7696

(6) Enter into contracts for dispute resolution and conflict 7697
management services or authorize the executive director to enter 7698
into those contracts. 7699

(C) There is hereby established in the state treasury the 7700
dispute resolution and conflict management commission gifts, 7701
grants, and reimbursements fund. All donations, grants, awards, 7702
bequests, gifts, ~~and~~ reimbursements, and similar funds received by 7703
the commission under this section shall be deposited in the fund. 7704

Sec. 179.04. (A) No person shall be appointed executive 7705
director of the Ohio commission on dispute resolution and conflict 7706
management unless the person is trained in law, public affairs, 7707
business administration, or social sciences and the person has 7708
experience in administering dispute resolution and conflict 7709

management programs or services. The executive director appointed 7710
by the commission shall serve at the pleasure of the commission. 7711

(B) The executive director shall do both of the following: 7712

(1) Appoint and set the compensation of personnel who are 7713
necessary for the efficient operation of the office established by 7714
the commission, with the approval of the commission; 7715

(2) Keep and maintain financial records pertaining to the 7716
awarding of grants and contracts authorized ~~pursuant to~~ under 7717
sections 179.01 to 179.04 of the Revised Code, and report 7718
periodically, but not less than annually, to the commission on all 7719
relevant data pertaining to the operations, costs, and projected 7720
needs of the office established by the commission and on 7721
recommendations for legislation or amendments to court rules that 7722
may be appropriate to improve dispute resolution and conflict 7723
management programs. 7724

(C) The executive director may do any of the following: 7725

(1) Make all necessary arrangements to coordinate the 7726
services of the office established by the commission with any 7727
federal, state, county, municipal, township, or private entity or 7728
program established to provide dispute resolution and conflict 7729
management services and to obtain and provide all funds allowable 7730
from any such entity or under any such ~~programs~~ program; 7731

(2) Consult and cooperate with professional groups concerned 7732
with the study, development, implementation, and evaluation of 7733
dispute resolution and conflict management programs and services 7734
and the operation of the ~~state dispute resolution and conflict~~ 7735
~~management~~ office established by the commission; 7736

(3) Accept the services of volunteer workers and consultants 7737
at no compensation, other than reimbursement for actual and 7738
necessary expenses incurred in the performance of their official 7739

duties, and provide for the reimbursement of any volunteer workers 7740
or consultants for their actual and necessary expenses so 7741
incurred; 7742

(4) Prescribe any forms that are necessary for the uniform 7743
operation of sections 179.01 to 179.04 of the Revised Code; 7744

(5) With the authorization of the commission, enter into 7745
contracts for dispute resolution and conflict management services. 7746

Sec. 181.51. As used in sections 181.51 to 181.56 of the 7747
Revised Code: 7748

(A) "Federal criminal justice acts" means any federal law 7749
that authorizes financial assistance and other forms of assistance 7750
to be given by the federal government to the states to be used for 7751
the improvement of the criminal and juvenile justice systems of 7752
the states. 7753

(B)(1) "Criminal justice system" includes all of the 7754
functions of the following: 7755

(a) The state highway patrol, county sheriff offices, 7756
municipal and township police departments, and all other law 7757
enforcement agencies; 7758

(b) The courts of appeals, courts of common pleas, municipal 7759
courts, county courts, and mayor's courts, when dealing with 7760
criminal cases; 7761

(c) The prosecuting attorneys, city directors of law, village 7762
solicitors, and other prosecuting authorities when prosecuting or 7763
otherwise handling criminal cases and the county and joint county 7764
public defenders and other public defender agencies or offices; 7765
7766

(d) The department of rehabilitation and correction, 7767
probation departments, county and municipal jails and workhouses, 7768

and any other department, agency, or facility that is concerned 7769
with the rehabilitation or correction of criminal offenders; 7770

(e) Any public or private agency whose purposes include the 7771
prevention of crime or the diversion, adjudication, detention, or 7772
rehabilitation of criminal offenders; 7773

(f) Any public or private agency, the purposes of which 7774
include assistance to crime victims or witnesses. 7775

(2) The inclusion of any public or private agency, the 7776
purposes of which include assistance to crime victims or 7777
witnesses, as part of the criminal justice system pursuant to 7778
division (B)(1) of this section does not limit, and shall not be 7779
construed as limiting, the discretion or authority of the attorney 7780
general with respect to crime victim assistance and criminal 7781
justice programs. 7782

(C) "Juvenile justice system" includes all of the functions 7783
of the juvenile courts, the department of youth services, any 7784
public or private agency whose purposes include the prevention of 7785
delinquency or the diversion, adjudication, detention, or 7786
rehabilitation of delinquent children, and any of the functions of 7787
the criminal justice system that are applicable to children. 7788

(D) "Comprehensive plan" means a document that coordinates, 7789
evaluates, and otherwise assists, on an annual or multi-year 7790
basis, ~~all~~ any of the functions of the criminal and juvenile 7791
justice systems of the state or a specified area of the state, 7792
that conforms to the priorities of the state with respect to 7793
criminal and juvenile justice systems, and that conforms with the 7794
requirements of all federal criminal justice acts. These functions 7795
may include, but are not limited to, ~~all~~ any of the following: 7796

(1) Crime and delinquency prevention; 7797
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(2) Identification, detection, apprehension, and detention of 7799

persons charged with criminal offenses or delinquent acts; 7800

(3) Assistance to crime victims or witnesses, except that the 7801
comprehensive plan does not include the functions of the attorney 7802
general pursuant to sections 109.91 and 109.92 of the Revised 7803
Code; 7804

(4) Adjudication or diversion of persons charged with 7805
criminal offenses or delinquent acts; 7806

(5) Custodial treatment of criminal offenders ~~and~~, delinquent 7807
children, or both; 7808

(6) Institutional and noninstitutional rehabilitation of 7809
criminal offenders ~~and~~, delinquent children, or both. 7810

(E) "Metropolitan county criminal justice services agency" 7811
means an agency that is established pursuant to division (A) of 7812
section 181.54 of the Revised Code. 7813

(F) "Administrative planning district" means a district that 7814
is established pursuant to division (A) or (B) of section 181.56 7815
of the Revised Code. 7816

(G) "Criminal justice coordinating council" means a criminal 7817
justice services agency that is established pursuant to division 7818
~~(B)~~(D) of section 181.56 of the Revised Code. 7819

(H) "Local elected official" means any person who is a member 7820
of a board of county commissioners or township trustees or of a 7821
city or village council, judge of the court of common pleas, a 7822
municipal court, or a county court, sheriff, county coroner, 7823
prosecuting attorney, city director of law, village solicitor, or 7824
mayor. 7825

(I) "Juvenile justice coordinating council" means a juvenile 7826
justice services agency that is established pursuant to division 7827
(D) of section 181.56 of the Revised Code. 7828

Sec. 181.52. (A) There is hereby created an office of 7829
criminal justice services. The governor shall appoint a director 7830
of the office, and the director may appoint, within the office, 7831
any professional and technical personnel and other employees that 7832
are necessary to enable the office to comply with sections 181.51 7833
to 181.56 of the Revised Code. The director and the assistant 7834
director of the office, and all professional and technical 7835
personnel employed within the office who are not public employees 7836
as defined in section 4117.01 of the Revised Code, shall be in the 7837
unclassified civil service, and all other persons employed within 7838
the office shall be in the classified civil service. The director 7839
may enter into any contracts, except contracts governed by Chapter 7840
4117. of the Revised Code, that are necessary for the operation of 7841
the office. 7842

(B) Subject to division ~~(D)~~(E) of this section and subject to 7843
divisions (D) to (F) of section 5120.09 of the Revised Code 7844
insofar as those divisions relate to federal criminal justice acts 7845
that the governor requires the department of rehabilitation and 7846
correction to administer, the office of criminal justice services 7847
shall do all of the following: 7848

(1) Serve as the state criminal justice services agency and 7849
perform criminal ~~and juvenile~~ justice system planning in the 7850
state, including any planning that is required by any federal law; 7851

(2) Collect, analyze, and correlate information and data 7852
concerning the criminal ~~and juvenile~~ justice ~~systems~~ system in the 7853
state; 7854

(3) Cooperate with and provide technical assistance to state 7855
departments, administrative planning districts, metropolitan 7856
county criminal justice services agencies, criminal justice 7857
coordinating councils, agencies, offices, and departments of the 7858
criminal ~~and juvenile~~ justice ~~systems~~ system in the state, and 7859

other appropriate organizations and persons; 7860

(4) Encourage and assist agencies, offices, and departments 7861
of the criminal ~~and juvenile~~ justice ~~systems~~ system in the state 7862
and other appropriate organizations and persons to solve problems 7863
that relate to the duties of the office; 7864

(5) Administer within the state any federal criminal justice 7865
acts ~~or juvenile justice acts~~ that the governor requires it to 7866
administer; 7867

(6) Administer funds received under the "Family Violence 7868
Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 7869
10401, as amended, with all powers necessary for the adequate 7870
administration of those funds, including the authority to 7871
establish a family violence prevention and services program. 7872

(7) Implement the state comprehensive plans; 7873

~~(7)~~(8) Audit grant activities of agencies, offices, 7874
organizations, and persons that are financed in whole or in part 7875
by funds granted through the office; 7876

~~(8)~~(9) Monitor or evaluate the performance of criminal ~~and~~ 7877
~~juvenile~~ justice ~~systems~~ system projects and programs in the state 7878
that are financed in whole or in part by funds granted through the 7879
office; 7880

~~(9)~~(10) Apply for, allocate, disburse, and account for grants 7881
that are made available pursuant to federal criminal justice acts 7882
~~or juvenile justice acts~~, or made available from other federal, 7883
state, or private sources, to improve the criminal ~~and juvenile~~ 7884
justice ~~systems~~ system in the state. All money from such federal 7885
grants shall, if the terms under which the money is received 7886
require that the money be deposited into an interest-bearing fund 7887
or account, be deposited in the state treasury to the credit of 7888
the federal program purposes fund, which is hereby created. All 7889
investment earnings of the fund shall be credited to the fund. 7890

	7891
(10) (11) Contract with federal, state, and local agencies, foundations, corporations, businesses, and persons when necessary to carry out the duties of the office;	7892 7893 7894
(11) (12) Oversee the activities of metropolitan county criminal justice services agencies, administrative planning districts, and criminal justice coordinating councils in the state;	7895 7896 7897 7898
(12) (13) Advise the general assembly and governor on legislation and other significant matters that pertain to the improvement and reform of criminal and juvenile justice systems in the state;	7899 7900 7901 7902
(13) (14) Prepare and recommend legislation to the general assembly and governor for the improvement of the criminal and juvenile justice systems in the state;	7903 7904 7905
(14) (15) Assist, advise, and make any reports that are requested or required by the governor, attorney general, or general assembly;	7906 7907 7908
(15) (16) Adopt rules pursuant to Chapter 119. of the Revised Code.	7909 7910
(C) <u>Division Upon the request of the governor, the office of criminal justice services may do any of the following:</u>	7911 7912
<u>(1) Collect, analyze, or correlate information and data concerning the juvenile justice system in the state;</u>	7913 7914
<u>(2) Cooperate with and provide technical assistance to state departments, administrative planning districts, metropolitan county criminal justice service agencies, criminal justice coordinating councils, agency offices, and the departments of the juvenile justice system in the state and other appropriate organizations and persons;</u>	7915 7916 7917 7918 7919 7920

(3) Encourage and assist 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 office. 7921
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(D) Divisions (B) and (C) of this section does do not limit the discretion or authority of the attorney general with respect to crime victim assistance and criminal justice programs. 7925
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~~(D)~~(E) Nothing in this section is intended to diminish or alter the status of the office of the attorney general as a criminal justice services agency. 7928
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Sec. 181.54. (A) A county may enter into an agreement with the largest city within the county to establish a metropolitan county criminal justice services agency, if the population of the county exceeds five hundred thousand or the population of the city exceeds two hundred fifty thousand. 7931
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(B) A metropolitan county criminal justice services agency shall do all of the following: 7936
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(1) Accomplish criminal and juvenile justice systems planning within its services area; 7938
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(2) Collect, analyze, and correlate information and data concerning the criminal and juvenile justice systems within its services area; 7940
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(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; 7943
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7945

(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; 7946
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(5) Administer within its services area any federal criminal 7949

justice acts or juvenile justice acts that the office of criminal
justice services pursuant to section 5139.11 of the Revised Code
or the department of youth services administers within the state; 7950
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(6) Implement the comprehensive plans for its services area; 7953

(7) Monitor or evaluate, within its services area, the 7954
performance of the criminal and juvenile justice systems projects 7955
and programs that are financed in whole or in part by funds 7956
granted through it; 7957

(8) Apply for, allocate, and disburse grants that are made 7958
available pursuant to any federal criminal justice acts, or 7959
pursuant to any other federal, state, or private sources for the 7960
purpose of improving the criminal and juvenile justice systems; 7961

(9) Contract with federal, state, and local agencies, 7962
foundations, corporations, and other businesses or persons to 7963
carry out the duties of the agency. 7964

Sec. 181.55. (A)(1) When funds are available for ~~this purpose~~ 7965
criminal justice purposes pursuant to section 181.54 of the 7966
Revised Code, the office of criminal justice services shall 7967
provide funds to metropolitan county criminal justice services 7968
agencies for the purpose of developing, coordinating, evaluating, 7969
and implementing comprehensive plans within their respective 7970
counties. The office of criminal justice services shall provide 7971
funds to an agency only if it complies with the conditions of 7972
division (B) of this section. 7973

(2) When funds are available for juvenile justice purposes 7974
pursuant to section 181.54 of the Revised Code, the department of 7975
youth services shall provide funds to metropolitan county criminal 7976
justice services agencies for the purpose of developing, 7977
coordinating, evaluating, and implementing comprehensive plans 7978
within their respective counties. The department shall provide 7979

<u>funds to an agency only if it complies with the conditions of</u>	7980
<u>division (B) of this section.</u>	7981
(B) A metropolitan county criminal justice services agency shall do all of the following:	7982 7983
(1) Submit, in a form that is acceptable to the office of criminal justice services <u>or the department of youth services pursuant to section 5139.01 of the Revised Code</u> , a comprehensive plan for the county;	7984 7985 7986 7987
(2) Establish a metropolitan county criminal justice services supervisory board whose members shall include a majority of the local elected officials in the county and representatives from law enforcement agencies, courts, prosecuting authorities, public defender agencies, rehabilitation and correction agencies, community organizations, juvenile justice services agencies, professionals, and private citizens in the county, and that shall have the authority set forth in division (C) of this section;	7988 7989 7990 7991 7992 7993 7994 7995
(3) Organize in the manner provided in sections 167.01 to 167.03, 302.21 to 302.24, or 713.21 to 713.27 of the Revised Code, unless the board created pursuant to division (B)(2) of this section organizes pursuant to these sections.	7996 7997 7998 7999
(C) A metropolitan county criminal justice services supervisory board shall do all of the following:	8000 8001
(1) Exercise leadership in improving the quality of the criminal and juvenile justice systems in the county;	8002 8003
(2) Review, approve, and maintain general oversight of the comprehensive plans for the county and the implementation of the plans;	8004 8005 8006
(3) Review and comment on the overall needs and accomplishments of the criminal and juvenile justice systems in the county;	8007 8008 8009

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

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

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

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

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

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

forth in division (B) of section 181.54 of the Revised Code. 8041

Sec. 183.09. The fiscal year of the tobacco use prevention 8042
and control foundation shall be the same as the fiscal year of the 8043
state. 8044

Within ninety days after the end of each fiscal year, the 8045
foundation shall submit to the governor and the general assembly 8046
both of the following: 8047

(A) A report of the activities of the foundation during the 8048
preceding fiscal year and an independent and objective evaluation 8049
of the progress being made by the foundation in reducing tobacco 8050
use by Ohioans; 8051

(B) A financial report of the foundation for the preceding 8052
fiscal year, which shall include both: 8053

(1) Information on the amount and percentage of overhead and 8054
administrative expenditures compared to programmatic expenditures; 8055

(2) An independent auditor's report on the ~~general purpose~~ 8056
basic financial statements and required supplementary information 8057
of the foundation. Such financial statements shall be prepared in 8058
conformity with generally accepted accounting principles 8059
prescribed for governmental entities. 8060

Sec. 183.10. The law enforcement improvements trust fund is 8061
hereby created in the state treasury. Money credited to the fund 8062
shall be used by the attorney general to maintain, upgrade, and 8063
modernize the law enforcement training, law enforcement 8064
technology, and laboratory ~~facilities~~ equipment of the office of 8065
the attorney general. All investment earnings of the fund shall be 8066
credited to the fund. 8067

Sec. 183.17. The fiscal year of the southern Ohio 8068
agricultural and community development foundation shall be the 8069

same as the fiscal year of the state. 8070

Within ninety days after the end of each fiscal year, the 8071
foundation shall submit to the governor and the general assembly 8072
both of the following: 8073

(A) A report of the activities of the foundation during the 8074
preceding fiscal year. The report shall also contain an 8075
independent evaluation of the progress being made by the 8076
foundation in carrying out its duties. 8077

(B) A financial report of the foundation for the preceding 8078
year, which shall include both: 8079

(1) Information on the amount and percentage of overhead and 8080
administrative expenditures compared to programmatic expenditures; 8081

(2) An independent auditor's report on the ~~general purpose~~ 8082
basic financial statements and required supplementary information 8083
of the foundation. Such financial statements shall be prepared in 8084
conformity with generally accepted accounting principles 8085
prescribed for governmental entities. 8086

On or before July 1, 2010, the foundation shall report to the 8087
governor and the general assembly on the progress that the 8088
foundation has made in replacing the production of tobacco in 8089
southern Ohio with the production of other agricultural products 8090
and in mitigating the adverse economic impact of reduced tobacco 8091
production in the region. ~~In~~ If the foundation concludes that a 8092
need for additional funding still exists, the foundation may 8093
request that provision be made for a portion of the payments 8094
credited to the tobacco master settlement agreement fund to 8095
continue to be transferred to the southern Ohio agricultural and 8096
community development trust fund. 8097

Sec. 183.28. The education technology trust fund is hereby 8098
created in the state treasury. Money credited to the fund shall be 8099

used to pay costs of ~~new and innovative technology for primary and~~ 8100
~~secondary education, including chartered nonpublic schools, and~~ 8101
~~higher education, including state institutions of higher education~~ 8102
~~and private nonprofit institutions of higher education holding~~ 8103
~~certificates of authorization~~ the Ohio SchoolNet commission under 8104
section ~~1713.02~~ 3301.80 of the Revised Code. All investment 8105
earnings of the fund shall be credited to the fund. 8106

Sec. 183.30. (A) ~~No~~ Except as provided in division (D) of 8107
this section, no more than five per cent of the total expenditures 8108
of the tobacco use prevention and control foundation in a fiscal 8109
year shall be for administrative expenses of the foundation. 8110

(B) ~~No~~ Except as provided in division (D) of this section, no 8111
more than five per cent of the total expenditures of the southern 8112
Ohio agricultural and community development foundation in a fiscal 8113
year shall be for administrative expenses of the foundation. 8114

(C) ~~No~~ Except as provided in division (D) of this section, no 8115
more than five per cent of the total expenditures of the 8116
biomedical research and technology transfer commission in a fiscal 8117
year shall be for administrative expenses of the commission. 8118

(D) This section's five per cent limitation on administrative 8119
expenses does not apply in fiscal years 2001 and 2002, provided 8120
the foundation or commission seeking to spend more than five per 8121
cent has submitted a spending plan to the controlling board and 8122
the controlling board has approved the plan. 8123

Sec. 301.27. (A) As used in this section: 8124

(1) "Credit card" includes a gasoline credit card and a 8125
telephone credit card. 8126

(2) "Officer" includes an individual who also is an 8127
appointing authority. 8128

(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. 8129
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(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~~ expenses, limited to the following: 8133
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(1) Food expenses; 8137

(2) Transportation expenses; 8138

(3) Gasoline and oil, ~~minor~~ expenses; 8139

(4) Minor motor vehicle maintenance, ~~emergency;~~ 8140

(5) Emergency motor vehicle repair, ~~telephone, lodging, and internet~~ expenses; 8141
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(6) Telephone expenses; 8143

(7) Lodging expenses; 8144

(8) Internet service provider expenses; 8145

(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. 8146
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(C) A county appointing authority may apply to the board of county commissioners for authorization to have an officer or employee of the appointing authority use a credit card held by that appointing authority. The authorization request shall state whether the card is to be issued only in the name of the office of the appointing authority itself or whether the issued card shall 8152
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also include the name of a specified officer or employee. 8158

(D) The debt incurred as a result of the use of a credit card 8159
pursuant to this section shall be paid from moneys appropriated to 8160
the appointing authority for work-related ~~food, transportation,~~ 8161
~~gasoline and oil, minor motor vehicle maintenance, emergency motor~~ 8162
~~vehicle repair, telephone, lodging, and internet service provider~~ 8163
expenses listed in division (B) of this section. 8164

(E)(1) Except as otherwise provided in division (E)(2) of 8165
this section, every officer or employee authorized to use a credit 8166
card held by the board or appointing authority shall submit to the 8167
board by the first day of each month an estimate of the officer's 8168
or employee's work-related ~~food, transportation, gasoline and oil,~~ 8169
~~minor motor vehicle maintenance, emergency motor vehicle repair,~~ 8170
~~telephone, lodging, and internet service provider~~ expenses listed 8171
in division (B) of this section for that month, unless the board 8172
authorizes, by resolution, the officer or employee to submit to 8173
the board such an estimate for a period longer than one month. The 8174
board may revise the estimate and determine the amount it 8175
approves, if any, not to exceed the estimated amount. The board 8176
shall certify the amount of its determination to the county 8177
auditor along with the necessary information for the auditor to 8178
determine the appropriate appropriation line item from which such 8179
expenditures are to be made. After receiving certification from 8180
the county auditor that the determined sum of money is in the 8181
treasury or in the process of collection to the credit of the 8182
appropriate appropriation line item for which the credit card is 8183
approved for use, and is free from previous and then-outstanding 8184
obligations or certifications, the board shall authorize the 8185
officer or employee to incur debt for such expenses against the 8186
county's credit up to the authorized amount. 8187

(2) In lieu of following the procedure set forth in division 8188
(E)(1) of this section, a board of county commissioners may adopt 8189

a resolution authorizing an officer or employee of an appointing authority to use a county credit card to pay for specific classes of the work-related expenses listed in division (B) of this section, or use a specific credit card for any of those work-related expenses listed in division (B) of this section, without submitting an estimate of those expenses to the board as required by division (E)(1) of this section. Prior to adopting the resolution, the board shall notify the county auditor. The resolution shall specify whether the officer's or employee's exemption extends to the use of a specific card, which card shall be identified by its number, or to one or more specific work-related uses from the classes of uses permitted under division (B) of this section. Before any credit card exempted for specific uses may be used to make purchases for uses other than those specific uses listed in the resolution, the procedures outlined in division (E)(1) of this section must be followed or the use shall be considered an unauthorized use. Use of any credit card under division (E)(2) of this section shall be limited to the amount appropriated and encumbered in a specific appropriation line item for the permitted use or uses designated in the authorizing resolution, or, in the case of a resolution that authorizes use of a specific credit card, for each of the permitted uses listed in division (B) of this section, but only to the extent the moneys in such appropriations are not otherwise encumbered.

(F)(1) Any time a county credit card approved for use for an authorized amount under division (E)(1) of this section is used for more than that authorized amount, the appointing authority may request the board of county commissioners to authorize after the fact the expenditure of any amount charged beyond the originally authorized amount if, upon the board's request, the county auditor certifies that sum of money is in the treasury or in the process

of collection to the credit of the appropriate appropriation line 8222
item for which the credit card was used and is free from previous 8223
and then-outstanding obligations or certifications. If the card is 8224
used for more than the amount originally authorized and if for any 8225
reason that amount is not authorized after the fact, then the 8226
county treasury shall be reimbursed for any amount spent beyond 8227
the originally authorized amount in the following manner: 8228

(a) If the card is issued in the name of a specific officer 8229
or employee, then that officer or employee is liable in person and 8230
upon any official bond the officer or employee has given to the 8231
county to reimburse the county treasury for the amount charged to 8232
the county beyond the originally authorized amount. 8233

(b) If the card was issued to the office of the appointing 8234
authority, then the appointing authority is liable in person and 8235
upon any official bond the appointing authority has given to the 8236
county for the amount charged to the county beyond the originally 8237
authorized amount. 8238

(2) Any time a county credit card authorized for use under 8239
division (E)(2) of this section is used for more than the amount 8240
appropriated under that division, the appointing authority may 8241
request the board of county commissioners to issue a supplemental 8242
appropriation or make a transfer to the proper line item account 8243
as permitted in section 5705.40 of the Revised Code, to cover the 8244
amount charged beyond the originally appropriated amount. If the 8245
card is used for more than the amount originally appropriated and 8246
if for any reason that amount is not appropriated or transferred 8247
as permitted by this section, then the county treasury shall be 8248
reimbursed for any amount spent beyond the originally appropriated 8249
amount in the following manner: 8250

(a) If the card is issued in the name of a specific officer 8251
or employee, then that officer or employee is liable in person and 8252
upon any official bond the officer or employee has given to the 8253

county for reimbursing the county treasury for any amount charged 8254
on the card beyond the originally appropriated amount. 8255

(b) If the card is issued in the name of the office of the 8256
appointing authority, then the appointing authority is liable in 8257
person and upon any official bond the appointing authority has 8258
given to the county for reimbursement for any amount charged on 8259
the card beyond the originally appropriated amount. 8260

(3) Whenever any officer or employee authorized to use a 8261
credit card held by the board or the office of any other county 8262
appointing authority suspects the loss, theft, or possibility of 8263
unauthorized use of the county credit card the officer or employee 8264
is authorized to use, the officer or employee shall so notify the 8265
officer's or employee's appointing authority or the board 8266
immediately and in writing. 8267

(4) If the county auditor determines there has been a credit 8268
card expenditure beyond the appropriated or authorized amount as 8269
provided in division (E) of this section, the auditor immediately 8270
shall notify the board of county commissioners of this fact. When 8271
the board of county commissioners determines on its own or after 8272
notification from the county auditor that the county treasury 8273
should be reimbursed for credit card expenditures beyond the 8274
appropriated or authorized amount as provided in divisions (F)(1) 8275
and (2) of this section, it shall give written notice to the 8276
officer or employee or appointing authority liable to the treasury 8277
as provided in divisions (F)(1) and (2) of this section. If, 8278
within thirty days after issuance of this written notice the 8279
county treasury is not reimbursed for the amount shown on the 8280
written notice, the prosecuting attorney of the county shall 8281
recover that amount from the officer or employee or appointing 8282
authority who is liable under this section by civil action in any 8283
court of appropriate jurisdiction. 8284

(G) Use of a county credit card for any use other than those 8285

permitted under division (B) of this section is a violation of law 8286
for the purposes of section 2913.21 of the Revised Code. 8287

Sec. 307.86. Anything to be purchased, leased, leased with an 8288
option or agreement to purchase, or constructed, including, but 8289
not limited to, any product, structure, construction, 8290
reconstruction, improvement, maintenance, repair, or service, 8291
except the services of an accountant, architect, attorney at law, 8292
physician, professional engineer, construction project manager, 8293
consultant, surveyor, or appraiser, by or on behalf of the county 8294
or contracting authority, as defined in section 307.92 of the 8295
Revised Code, at a cost in excess of fifteen thousand dollars, 8296
except as otherwise provided in division (D) of section 713.23 and 8297
in sections 125.04, 307.022, 307.041, 307.861, 339.05, 340.03, 8298
340.033, 4115.31 to 4115.35, 5119.16, 5513.01, 5543.19, 5713.01, 8299
and 6137.05 of the Revised Code, shall be obtained through 8300
competitive bidding. However, competitive bidding is not required 8301
when any of the following applies: 8302

(A) The board of county commissioners, by a unanimous vote of 8303
its members, makes a determination that a real and present 8304
emergency exists, and that determination and the reasons for it 8305
are entered in the minutes of the proceedings of the board, when 8306
either of the following applies: 8307

(1) The estimated cost is less than fifty thousand dollars. 8308

(2) There is actual physical disaster to structures, radio 8309
communications equipment, or computers. 8310

For purposes of this division, "unanimous vote" means all 8311
three members of a board of county commissioners when all three 8312
members are present, or two members of the board if only two 8313
members, constituting a quorum, are present. 8314

Whenever a contract of purchase, lease, or construction is 8315

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

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

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

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

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

(F) The purchase consists of any form of an insurance policy 8348
or contract authorized to be issued under Title XXXIX of the 8349
Revised Code or any form of health care plan authorized to be 8350
issued under Chapter 1751. of the Revised Code, or any combination 8351
of such policies, contracts, or plans that the contracting 8352
authority is authorized to purchase, and the contracting authority 8353
does all of the following: 8354

(1) Determines that compliance with the requirements of this 8355
section would increase, rather than decrease, the cost of ~~such~~ the 8356
purchase; 8357

(2) Employs a competent consultant to assist the contracting 8358
authority in procuring appropriate coverages at the best and 8359
lowest prices; 8360

(3) Requests issuers of ~~such~~ the policies, contracts, or 8361
plans to submit proposals to the contracting authority, in a form 8362
prescribed by the contracting authority, setting forth the 8363
coverage and cost of ~~such~~ the policies, contracts, or plans as the 8364
contracting authority desires to purchase; 8365

(4) Negotiates with ~~such~~ the issuers for the purpose of 8366
purchasing ~~such~~ the policies, contracts, or plans at the best and 8367
lowest price reasonably possible. 8368

(G) The purchase consists of computer hardware, software, or 8369
consulting services that are necessary to implement a computerized 8370
case management automation project administered by the Ohio 8371
prosecuting attorneys association and funded by a grant from the 8372
federal government. 8373

(H) Child day-care services are purchased for provision to 8374
county employees. 8375

(I)(1) Property, including land, buildings, and other real 8376
property, is leased for offices, storage, parking, or other 8377
purposes, and all of the following apply: 8378

(a) The contracting authority is authorized by the Revised Code to lease the property.	8379 8380
(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.	8381 8382 8383 8384
(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.	8385 8386 8387 8388 8389
(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.	8390 8391 8392 8393 8394
(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.	8395 8396 8397 8398
(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 treatment, services to children in their home, or electronic monitoring.	8399 8400 8401 8402 8403 8404 8405 8406
(K) The purchase is made by a public children services agency pursuant to section 307.92 or 5153.16 of the Revised Code and consists of family services, programs, or ancillary services that	8407 8408 8409

provide case management, prevention, or treatment services for 8410
children at risk of being or alleged to be abused, neglected, or 8411
dependent children. 8412

Any issuer of policies, contracts, or plans listed in 8413
division (F) of this section and any prospective lessor under 8414
division (I) of this section may have the issuer's or prospective 8415
lessor's name and address, or the name and address of an agent, 8416
placed on a special notification list to be kept by the 8417
contracting authority, by sending the contracting authority ~~such~~ 8418
that name and address. The contracting authority shall send notice 8419
to all persons listed on the special notification list. Notices 8420
shall state the deadline and place for submitting proposals. The 8421
contracting authority shall mail the notices at least six weeks 8422
prior to the deadline set by the contracting authority for 8423
submitting proposals. Every five years the contracting authority 8424
may review this list and remove any person from the list after 8425
mailing the person notification of ~~such~~ that action. 8426

Any contracting authority that negotiates a contract under 8427
division (F) of this section shall request proposals and 8428
renegotiate with issuers in accordance with that division at least 8429
every three years from the date of the signing of such a contract. 8430
8431

Any consultant employed pursuant to division (F) of this 8432
section and any real estate appraiser employed pursuant to 8433
division (I) of this section shall disclose any fees or 8434
compensation received from any source in connection with that 8435
employment. 8436

Sec. 313.091. In connection with the performance of duties 8437
~~performed in accordance with~~ under this chapter, a coroner, deputy 8438
coroner, or representative of a coroner or deputy coroner may 8439
request, in writing, to inspect and receive a copy of the deceased 8440

person's medical and psychiatric records. The person to whom the 8441
request is delivered shall make such records in the person's 8442
custody available during normal business hours to the coroner, 8443
deputy coroner, or representative for purposes of inspection and 8444
copying. A person who provides copies of medical or psychiatric 8445
records pursuant to a request made under this section may request, 8446
in writing, reimbursement in a specified amount for the necessary 8447
and reasonable costs of copying the records, in which case the 8448
coroner, deputy coroner, or representative shall remit that amount 8449
to the person upon receipt of the copies. 8450

Any medical or psychiatric record provided to a coroner, 8451
deputy coroner, or representative of a coroner or deputy coroner 8452
under this section is not a public record subject to section 8453
149.43 of the Revised Code. The release of a deceased person's 8454
medical or psychiatric records to a coroner, deputy coroner, or 8455
representative of a coroner or deputy coroner in accordance with 8456
this section does not violate division (B)(4) of section 4731.22 8457
or section 5122.31 of the Revised Code. 8458

As used in this section and section 313.10 of the Revised 8459
Code, "medical record" has the same meaning as in division (A)(3) 8460
of section 149.43 of the Revised Code. 8461

Sec. 325.071. There shall be allowed annually to the sheriff, 8462
in addition to all salary and allowances otherwise provided by 8463
law, an amount equal to one-half of the official salary allowed 8464
under ~~sections~~ division (A) of section 325.06 and section 325.18 8465
of the Revised Code, to provide for expenses that the sheriff 8466
incurs in the performance of the sheriff's official duties and in 8467
the furtherance of justice. Upon the order of the sheriff, the 8468
county auditor shall draw the auditor's warrant on the county 8469
treasurer, payable to the sheriff or any other person as the order 8470
designates, for the amount the order requires. The amounts the 8471
order requires, not exceeding the amount provided by this section, 8472

shall be paid out of the general fund of the county. 8473

Nothing shall be paid under this section until the sheriff 8474
gives bond to the state in an amount not less than the sheriff's 8475
official salary, to be fixed by the court of common pleas or the 8476
probate court, with sureties to be approved by either of those 8477
courts. The bond shall be conditioned that the sheriff will 8478
faithfully discharge all the duties enjoined upon the sheriff, and 8479
pay over all moneys the sheriff receives in an official capacity. 8480
The bond, with the approval of the court of common pleas or the 8481
probate court of the amount of the bond and the sureties on the 8482
bond, shall be deposited with the county treasurer. 8483

The sheriff annually, before the first Monday of January, 8484
shall file with the county auditor an itemized statement, verified 8485
by the sheriff, as to the manner in which the fund provided by 8486
this section has been expended during the current year, and, if 8487
any part of that fund remains in the sheriff's hands unexpended, 8488
forthwith shall pay the remainder into the county treasury. 8489

Sec. 329.04. (A) The county department of job and family 8490
services shall have, exercise, and perform the following powers 8491
and duties: 8492

(1) Perform any duties assigned by the state department of 8493
job and family services regarding the provision of public family 8494
services, including the provision of the following services to 8495
prevent or reduce economic or personal dependency and to 8496
strengthen family life: 8497

(a) ~~Services authorized by a Title IV-A of the "Social~~ 8498
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301 program, as~~ 8499
~~amended, and known in this state as the Ohio works first program~~ 8500
~~established by Chapter 5107. of the Revised Code and the~~ 8501
~~prevention, retention, and contingency program established under~~ 8502
~~Chapter 5108. defined in section 5101.80 of the Revised Code;~~ 8503

- (b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 of the Revised Code; 8504
8505
8506
- (c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services. 8507
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- (2) Administer disability assistance under Chapter 5115. of the Revised Code as required by the state department of job and family services; 8515
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- (3) Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law; 8518
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- (4) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities; 8521
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8523
- (5) Submit an annual account of its work and expenses to the board of county commissioners and to the state department of job and family services at the close of each fiscal year; 8524
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- (6) Exercise any powers and duties relating to family services or workforce development activities imposed upon the county department of job and family services by law, by resolution of the board of county commissioners, or by order of the governor, when authorized by law, to meet emergencies during war or peace; 8527
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- (7) Determine the eligibility for medical assistance of recipients of aid under Title XVI of the "Social Security Act"; 8532
8533

(8) If assigned by the state director of job and family services under section 5101.515 of the Revised Code, determine applicants' eligibility for health assistance under the children's health insurance program part II;

(9) Enter into a plan of cooperation with the board of county commissioners under section 307.983, consult with the board in the development of the transportation work plan developed under section 307.985, establish with the board procedures under section 307.986 for providing services to children whose families relocate frequently, and comply with the contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the county department;

(10) For the purpose of complying with a partnership agreement the board of county commissioners enters into under section 307.98 of the Revised Code, exercise the powers and perform the duties the partnership agreement assigns to the county department;

(11) If the county department is designated as the workforce development agency, provide the workforce development activities specified in the contract required by section 330.05 of the Revised Code.

(B) The powers and duties of a county department of job and family services are, and shall be exercised and performed, under the control and direction of the board of county commissioners. The board may assign to the county department any power or duty of the board regarding family services and workforce development activities. If the new power or duty necessitates the state department of job and family services changing its federal cost allocation plan, the county department may not implement the power or duty unless the United States department of health and human services approves the changes.

Sec. 329.042. The county department of job and family 8565
services shall certify public assistance and nonpublic assistance 8566
households eligible under the "Food Stamp Act of 1964," 78 Stat. 8567
703, 7 U.S.C.A. 2011, as amended, and federal and state 8568
regulations adopted pursuant to such act, to enable low-income 8569
households to participate in the food stamp program and thereby to 8570
purchase foods having a greater monetary value than is possible 8571
under public assistance standard allowances or other low-income 8572
budgets. 8573

The county department of job and family services shall 8574
administer the distribution of food stamp ~~coupons~~ benefits under 8575
the supervision of the department of job and family services. ~~Such~~ 8576
~~coupons~~ The benefits shall be distributed by ~~mail in accordance~~ 8577
~~with sections 5101.541, 5101.542, and 5101.543 of the Revised~~ 8578
~~Code, or by some alternative~~ a method approved by the department 8579
of job and family services in accordance with the "Food Stamp Act 8580
of 1964," 78 Stat. 703, 7 U.S.C.A. 2011, as amended, and 8581
regulations issued thereunder. 8582

The document referred to as the "authorization-to-participate 8583
card," which shows the face value of the ~~coupon allotment~~ benefits 8584
an eligible household is entitled to receive on presentment of the 8585
document, shall be issued, immediately upon certification, to a 8586
household determined under division (C) of section 5101.54 of the 8587
Revised Code to be in immediate need of food assistance by being 8588
personally handed by a member of the staff of the county 8589
department of job and family services to the member of the 8590
household in whose name application was made for participation in 8591
the program or the authorized representative of such member of the 8592
household. 8593

Sec. ~~5101.19~~ 329.19. (A) Upon determining that a person or 8594
persons are eligible for ~~aid payments~~ benefits or services under 8595

~~Chapter 5107. or 5115. of the Revised Code any assistance program~~ 8596
~~administered by the county department of job and family services,~~ 8597
~~the county department may issue an identification card shall be~~ 8598
~~issued to the individual designated to receive warrants for aid~~ 8599
~~payments person or persons. Such cards may be made up and issued~~ 8600
~~by the county department of job and family services, or the~~ 8601
~~department of job and family services may enter into a contract~~ 8602
~~with any person, corporation, or agency, public or private, to~~ 8603
~~furnish cards to individuals certified by the county department.~~ 8604
The county department of job and family services shall determine 8605
the card's material, design, and informational content, which 8606
shall may include a photograph, social security number, name, and 8607
signature, and shall prescribe the procedure by which it is 8608
issued. 8609

~~(B) Any county department of job and family services which on~~ 8610
~~July 7, 1972 is furnishing identification cards to individuals~~ 8611
~~designated to receive warrants for aid payments under Chapter~~ 8612
~~5107. of the Revised Code, may continue to issue such cards and~~ 8613
~~may issue identification cards to individuals designated to~~ 8614
~~receive warrants for aid payments under Chapter 5115. of the~~ 8615
~~Revised Code under procedures developed by the county, in lieu of~~ 8616
~~those established under division (A) of this section, provided:~~ 8617

~~(1) The information borne on the card is substantially the~~ 8618
~~same as that required in division (A) of this section;~~ 8619

~~(2) The county complies with any regulations adopted by the~~ 8620
~~director of job and family services which are applicable to such a~~ 8621
~~procedure.~~ 8622

~~(C) The individual designated to receive warrants for aid~~ 8623
~~payments shall present the identification card issued under this~~ 8624
~~section as a condition for the acceptance and payment of the~~ 8625
~~warrants.~~ 8626

In issuing identification cards under this section, the 8627

county department shall comply with any state or federal laws 8628
governing the issuance of the cards. All expenses incurred in 8629
issuing the issuance of identification cards under this section 8630
shall be paid from funds appropriated available to the county 8631
department of job and family services for administrative expenses. 8632

Sec. 339.05. A board of county hospital trustees may adopt, 8633
annually, bidding procedures and purchasing policies for services 8634
provided through a joint purchasing arrangement sponsored by a 8635
nonprofit organization, and for supplies and equipment, that are 8636
routinely used in the operation of the hospital and that cost in 8637
excess of the amount specified in section 307.86 of the Revised 8638
Code as the amount above which purchases must be competitively 8639
bid. If a board of county hospital trustees adopts such those 8640
policies and procedures, and if the board of county commissioners 8641
approves them, the board of county hospital trustees may follow 8642
these those policies and procedures in lieu of following the 8643
competitive bidding procedures of sections 307.86 to 307.92 of the 8644
Revised Code. 8645

Sec. 340.02. As used in this section, "mental health 8646
professional" means a person who is qualified to work with 8647
mentally ill persons, pursuant to ~~minimum~~ standards established by 8648
the director of mental health under section ~~5119.61~~ 5119.611 of 8649
the Revised Code. 8650

For each alcohol, drug addiction, and mental health service 8651
district there shall be appointed a board of alcohol, drug 8652
addiction, and mental health services of eighteen members. Members 8653
shall be residents of the district and shall be interested in 8654
mental health programs and facilities or in alcohol or drug 8655
addiction programs. 8656

The director of mental health shall appoint four members of 8657

the board, the director of alcohol and drug addiction services 8658
shall appoint four members, and the board of county commissioners 8659
shall appoint ten members. In a joint-county district the county 8660
commissioners of each participating county shall appoint members 8661
in as nearly as possible the same proportion as that county's 8662
population bears to the total population of the district, except 8663
that at least one member shall be appointed from each 8664
participating county. 8665

The director of mental health shall ensure that at least one 8666
member of the board is a psychiatrist and one member of the board 8667
is a mental health professional. One member of the board may be a 8668
voting member of the citizen's advisory council of an institution 8669
under the control of the department of mental health which serves 8670
a hospital district in which one or more counties in the service 8671
district is located. If the appointment of a psychiatrist is not 8672
possible, as determined under rules adopted by the director, a 8673
licensed physician may be appointed in place of the psychiatrist. 8674
If the appointment of a licensed physician is not possible, the 8675
director of mental health may waive the requirement that the 8676
psychiatrist or licensed physician be a resident of the service 8677
district and appoint a psychiatrist or licensed physician from a 8678
contiguous county. The membership of the board shall, as nearly as 8679
possible, reflect the composition of the population of the service 8680
district as to race and sex. The director of mental health shall 8681
ensure that at least one member of the board is a person who has 8682
received or is receiving mental health services paid for by public 8683
funds and at least one member is a parent or other relative of 8684
such a person. 8685

The director of alcohol and drug addiction services shall 8686
ensure that at least one member of the board is a professional in 8687
the field of alcohol or drug addiction services and one member of 8688
the board is an advocate for persons receiving treatment for 8689

alcohol or drug addiction. Of the members appointed by the 8690
director of alcohol and drug addiction services, at least one 8691
shall be a person who has received or is receiving services for 8692
alcohol or drug addiction and at least one member shall be a 8693
parent or other relative of such a person. 8694

No member or employee of a board of alcohol, drug addiction, 8695
and mental health services shall serve as a member of the board of 8696
any agency with which the board of alcohol, drug addiction, and 8697
mental health services has entered into a contract for the 8698
provision of services or facilities. No member of a board of 8699
alcohol, drug addiction, and mental health services shall be an 8700
employee of any agency with which the board has entered into a 8701
contract for the provision of services or facilities. No person 8702
shall be an employee of a board and such an agency unless the 8703
board and agency both agree in writing. 8704

No person shall serve as a member of the board of alcohol, 8705
drug addiction, and mental health services whose spouse, child, 8706
parent, brother, sister, grandchild, stepparent, stepchild, 8707
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 8708
daughter-in-law, brother-in-law, or sister-in-law serves as a 8709
member of the board of any agency with which the board of alcohol, 8710
drug addiction, and mental health services has entered into a 8711
contract for the provision of services or facilities. No person 8712
shall serve as a member or employee of the board whose spouse, 8713
child, parent, brother, sister, stepparent, stepchild, 8714
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 8715
daughter-in-law, brother-in-law, or sister-in-law serves as a 8716
county commissioner of a county or counties in the alcohol, drug 8717
addiction, and mental health service district. 8718

Each year each board member shall attend at least one 8719
inservice training session provided or approved by the department 8720
of mental health or the department of alcohol and drug addiction 8721

services. Such training sessions shall not be considered to be 8722
regularly scheduled meetings of the board. 8723

Each member shall be appointed for a term of four years, 8724
commencing the first day of July, except that one-third of initial 8725
appointments to a newly established board, and to the extent 8726
possible to expanded boards, shall be for terms of two years, 8727
one-third for terms of three years, and one-third for terms of 8728
four years. No member shall serve more than two consecutive 8729
four-year terms. A member may serve for three consecutive terms 8730
only if one of the terms is for less than two years. A member who 8731
has served two consecutive four-year terms or three consecutive 8732
terms totaling less than ten years is eligible for reappointment 8733
one year following the end of the second or third term, 8734
respectively. 8735

When a vacancy occurs, appointment for the expired or 8736
unexpired term shall be made in the same manner as an original 8737
appointment. The appointing authority shall be notified by 8738
certified mail of any vacancy and shall fill the vacancy within 8739
sixty days following such notice. 8740

Any member of the board may be removed from office by the 8741
appointing authority for neglect of duty, misconduct, or 8742
malfeasance in office, and shall be removed by the appointing 8743
authority if the member's spouse, child, parent, brother, sister, 8744
stepparent, stepchild, stepbrother, stepsister, father-in-law, 8745
mother-in-law, son-in-law, daughter-in-law, brother-in-law, or 8746
sister-in-law serves as a county commissioner of a county or 8747
counties in the service district or serves as a member or employee 8748
of the board of an agency with which the board of alcohol, drug 8749
addiction, and mental health services has entered a contract for 8750
the provision of services or facilities. The member shall be 8751
informed in writing of the charges and afforded an opportunity for 8752
a hearing. Upon the absence of a member within one year from 8753

either four board meetings or from two board meetings without
prior notice, the board shall notify the appointing authority,
which may vacate the appointment and appoint another person to
complete the member's term.

Members of the board shall serve without compensation, but
shall be reimbursed for actual and necessary expenses incurred in
the performance of their official duties, as defined by rules of
the departments of mental health and alcohol and drug addiction
services.

Sec. 340.03. (A) Subject to rules issued by the director of
mental health after consultation with relevant constituencies as
required by division (A)(11) of section 5119.06 of the Revised
Code, with regard to mental health services, the board of alcohol,
drug addiction, and mental health services shall:

(1) Serve as the community mental health planning agency for
the county or counties under its jurisdiction, and in so doing it
shall:

(a) Evaluate the need for facilities and community mental
health ~~programs and facilities~~ services;

(b) ~~Assess~~ In cooperation with other local and regional
planning and funding bodies and with relevant ethnic
organizations, assess the community mental health needs, set
priorities, and develop plans for the operation of facilities and
community mental health services ~~and programs, and facilities for~~
~~those services and programs, in cooperation with other local and~~
~~regional planning and funding bodies and with relevant ethnic~~
~~organizations~~;

(c) In accordance with guidelines issued by the director of
mental health after consultation with board representatives,
develop and submit to the department of mental health, no later

than six months prior to the conclusion of the fiscal year in 8784
which the board's current plan is scheduled to expire, a community 8785
mental health plan listing community mental health needs, 8786
including the needs of all residents of the district now residing 8787
in state mental institutions and severely mentally disabled 8788
adults, children, and adolescents; all children subject to a 8789
determination made pursuant to section 121.38 of the Revised Code; 8790
and all the facilities and community mental health ~~programs and~~ 8791
~~facilities~~ services that are or will be in operation or provided 8792
during the period for which the plan will be in operation in the 8793
service district to meet such needs. 8794

The plan shall include, but not be limited to, a statement of 8795
which of the services listed in section 340.09 of the Revised Code 8796
the board intends to provide or purchase, an explanation of how 8797
the board intends to make any payments that it may be required to 8798
pay under section 5119.62 of the Revised Code, a statement of the 8799
inpatient and community-based services the board proposes that the 8800
department operate, an assessment of the number and types of 8801
residential facilities needed, and such other information as the 8802
department requests, and a budget for moneys the board expects to 8803
receive. The board shall also submit an allocation request for 8804
state and federal funds. Within sixty days after the department's 8805
determination that the plan and allocation request are complete, 8806
the department shall approve or disapprove the plan and request, 8807
in whole or in part, according to the criteria developed pursuant 8808
to section 5119.61 of the Revised Code. The department's statement 8809
of approval or disapproval shall specify the inpatient and the 8810
community-based services that the department will operate for the 8811
board. Eligibility for financial support shall be contingent upon 8812
an approved plan or relevant part of a plan. 8813

If the director disapproves all or part of any plan, the 8814
director shall inform the board of the reasons for the disapproval 8815

and of the criteria that must be met before the plan may be 8816
approved. The director shall provide the board an opportunity to 8817
present its case on behalf of the plan. The director shall give 8818
the board a reasonable time in which to meet the criteria, and 8819
shall offer the board technical assistance to help it meet the 8820
criteria. 8821

If the approval of a plan remains in dispute thirty days 8822
prior to the conclusion of the fiscal year in which the board's 8823
current plan is scheduled to expire, the board or the director may 8824
request that the dispute be submitted to a mutually agreed upon 8825
third-party mediator with the cost to be shared by the board and 8826
the department. The mediator shall issue to the board and the 8827
department recommendations for resolution of the dispute. Prior to 8828
the conclusion of the fiscal year in which the current plan is 8829
scheduled to expire, the director, taking into consideration the 8830
recommendations of the mediator, shall make a final determination 8831
and approve or disapprove the plan, in whole or in part. 8832

If a board determines that it is necessary to amend a plan or 8833
an allocation request that has been approved under division 8834
(A)(1)(c) of this section, the board shall submit a proposed 8835
amendment to the director. The director may approve or disapprove 8836
all or part of the amendment. If the director does not approve all 8837
or part of the amendment within thirty days after it is submitted, 8838
the amendment or part of it shall be considered to have been 8839
approved. The director shall inform the board of the reasons for 8840
disapproval of all or part of an amendment and of the criteria 8841
that must be met before the amendment may be approved. The 8842
director shall provide the board an opportunity to present its 8843
case on behalf of the amendment. The director shall give the board 8844
a reasonable time in which to meet the criteria, and shall offer 8845
the board technical assistance to help it meet the criteria. 8846

The board shall implement the plan approved by the 8847

department. 8848

(d) Receive, compile, and transmit to the department of 8849
mental health applications for state reimbursement; 8850

(e) Promote, arrange, and implement working agreements with 8851
social agencies, both public and private, and with judicial 8852
agencies. 8853

(2) Investigate, or request another agency to investigate, 8854
any complaint alleging abuse or neglect of any person receiving 8855
services from a community mental health agency as defined in 8856
section 5122.01 of the Revised Code, or from a residential 8857
facility licensed under section 5119.22 of the Revised Code. If 8858
the investigation substantiates the charge of abuse or neglect, 8859
the board shall take whatever action it determines is necessary to 8860
correct the situation, including notification of the appropriate 8861
authorities. Upon request, the board shall provide information 8862
about such investigations to the department. 8863

(3) Review, For the purpose of section 5119.611 of the 8864
Revised Code, cooperate with the director of mental health in 8865
visiting and evaluating whether the services of a community mental 8866
health agency satisfy the certification standards established by 8867
rules adopted under that section; 8868

(4) In accordance with criteria established under division 8869
(G) of section 5119.61 of the Revised Code, review and evaluate, 8870
and conduct program audits for the quality, effectiveness, and 8871
efficiency of services provided through its community mental 8872
health services, facilities, and agencies seeking federal, state, 8873
or board assistance, review licensure applications pursuant to 8874
section 5119.22 of the Revised Code, and determine if the services 8875
meet minimum standards established pursuant to division (G) of 8876
section 5119.01 of the Revised Code plan and submit its findings 8877
and recommendations to the department of mental health; 8878

~~(4)~~(5) In accordance with section 5119.22 of the Revised Code, review applications for residential facility licenses and recommend to the department of mental health approval or disapproval of applications; 8879
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(6) Audit, in accordance with rules adopted by the auditor of state pursuant to section 117.20 of the Revised Code, at least annually all programs and services provided under contract with the board. In so doing, the board may contract for or employ the services of private auditors. A copy of the fiscal audit report shall be provided to the director of mental health, the auditor of state, and the county auditor of each county in the board's district. 8883
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~~(5)~~(7) Recruit and promote local financial support for mental health programs from private and public sources; 8891
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~~(6)~~(8)(a) Enter into contracts with public and private facilities for the operation of facility services included in the board's community mental health plan and enter into contracts with public and private community mental health agencies for the provision of community mental health services and facilities listed in section 340.09 of the Revised Code and included in the board's community mental health plan. Contracts with community mental health agencies are subject to section 5119.611 of the Revised Code. Section 307.86 of the Revised Code does not apply to contracts entered into under this division. In contracting with a public or private community mental health agency, a board shall consider the cost effectiveness of services provided by that agency and the quality and continuity of care, and may review cost elements, including salary costs, of the services to be provided. A utilization review process shall be established as part of the contract for services entered into between a board and a public or private community mental health agency. The board may establish this process in a way which that is most effective and efficient 8893
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in meeting local needs. In the case of a contract with a community 8911
mental health facility described in division (B) of section 8912
5111.022 of the Revised Code to provide services established by 8913
division (A) of that section, the contract shall provide for the 8914
facility to be paid in accordance with the contract entered into 8915
between the departments of ~~human job and family~~ services and 8916
mental health under division (E) of that section and any rules 8917
adopted under division (A) of section 5119.61 of the Revised Code. 8918

8919
If either the board or a facility or community mental health 8920
agency with which ~~it the board~~ contracts ~~for mental health~~ 8921
~~services, programs, or facilities~~ under division (A)(8)(a) of this 8922
section proposes not to renew the contract or proposes substantial 8923
changes in contract terms, the other party shall be given written 8924
notice at least one hundred twenty days before the expiration date 8925
of the contract. During the first sixty days of this one hundred 8926
twenty-day period, both parties shall attempt to resolve any 8927
dispute through good faith collaboration and negotiation in order 8928
to continue to provide services to persons in need. If the dispute 8929
has not been resolved sixty days before the expiration date of the 8930
contract, either party may notify the department of mental health 8931
of the unresolved dispute. The director may require both parties 8932
to submit the dispute to a third party with the cost to be shared 8933
by the board and the facility or community mental health agency. 8934
The third party shall issue to the board, the facility or agency, 8935
and the department recommendations on how the dispute may be 8936
resolved twenty days prior to the expiration date of the contract, 8937
unless both parties agree to a time extension. The director shall 8938
adopt rules establishing the procedures of this dispute resolution 8939
process. 8940

(b) With the prior approval of the director of mental health, 8941
a board may operate a facility or provide a community mental 8942

health service, ~~program, or facility~~ as follows, if there is no 8943
other qualified private or public facility or community mental 8944
health agency that is immediately available and willing to operate 8945
such a facility or provide the service, ~~program, or facility~~: 8946

8947

(i) In an emergency situation, any board may operate a 8948
facility or provide a community mental health service, ~~program, or~~ 8949
~~facility~~ in order to provide essential services for the duration 8950
of the emergency; 8951

(ii) In a service district with a population of at least one 8952
hundred thousand but less than five hundred thousand, a board may 8953
operate a facility or provide a community mental health service, 8954
~~program, or facility~~ for no longer than one year; 8955

(iii) In a service district with a population of less than 8956
one hundred thousand, a board may operate a facility or provide a 8957
community mental health service, ~~program, or facility~~ for no 8958
longer than one year, except that such a board may operate a 8959
facility or provide a community mental health service, ~~program, or~~ 8960
~~facility~~ for more than one year with the prior approval of the 8961
director and the prior approval of the board of county 8962
commissioners, or of a majority of the boards of county 8963
commissioners if the district is a joint-county district. 8964

The director shall not give a board approval to operate a 8965
facility or provide a community mental health service, ~~program, or~~ 8966
~~facility~~ under division (A)~~(6)~~(8)(b)(ii) or (iii) of this section 8967
unless the director determines that it is not feasible to have the 8968
department operate the facility or provide the service, ~~program,~~ 8969
~~or facility~~. 8970

The director shall not give a board approval to operate a 8971
facility or provide a community mental health service, ~~program, or~~ 8972
~~facility~~ under division (A)~~(6)~~(8)(b)(iii) of this section unless 8973
the director determines that the ~~board's service, program, or~~ 8974

facility board will provide greater administrative efficiency and 8975
more or better services than would be available if the board 8976
contracted with a private or public facility or community mental 8977
health agency for provision of the services. 8978

The director shall not give a board approval to operate a 8979
~~mental health service, program, or facility~~ previously operated by 8980
a ~~community mental health agency~~ person or other government entity 8981
unless the board has established to the director's satisfaction 8982
that the ~~agency~~ person or other government entity cannot 8983
effectively ~~provide~~ operate the ~~service, program, or facility,~~ or 8984
that the ~~agency~~ person or other government entity has requested 8985
the board to take over operation of the ~~service, program, or~~ 8986
facility. The director shall not give a board approval to provide 8987
a community mental health service previously provided by a 8988
community mental health agency unless the board has established to 8989
the director's satisfaction that the agency cannot effectively 8990
provide the service or that the agency has requested the board 8991
take over providing the service. 8992

The director shall review and evaluate ~~the~~ a board's 8993
operation of ~~each a facility and provision of community~~ mental 8994
health service, ~~program, or facility~~ operated by a board under 8995
division (A)~~(6)~~(8)(b) of this section. 8996

Nothing in division (A)~~(6)~~(8)(b) of this section authorizes a 8997
board to administer or direct the daily operation of any facility 8998
or community mental health agency, but ~~an~~ a facility or agency may 8999
contract with a board to receive administrative services or staff 9000
direction from the board under the direction of the governing body 9001
of the facility or agency. 9002

~~(7)~~(9) Approve fee schedules and related charges or adopt a 9003
unit cost schedule or other methods of payment for contract 9004
services provided by community mental health agencies in 9005
accordance with guidelines issued by the department as necessary 9006

to comply with state and federal laws pertaining to financial 9007
assistance; 9008

~~+8)~~(10) Submit to the director and the county commissioners 9009
of the county or counties served by the board, and make available 9010
to the public, an annual report of the programs under the 9011
jurisdiction of the board, including a fiscal accounting; 9012

~~+9)~~(11) Establish, to the extent resources are available, a 9013
community support system, which provides for treatment, support, 9014
and rehabilitation services and opportunities. The essential 9015
elements of the system include, but are not limited to, the 9016
following components in accordance with section 5119.06 of the 9017
Revised Code: 9018

(a) To locate persons in need of mental health services to 9019
inform them of available services and benefits mechanisms; 9020

(b) Assistance for clients to obtain services necessary to 9021
meet basic human needs for food, clothing, shelter, medical care, 9022
personal safety, and income; 9023

(c) Mental health care, including, but not limited to, 9024
outpatient, partial hospitalization, and, where appropriate, 9025
inpatient care; 9026

(d) Emergency services and crisis intervention; 9027

(e) Assistance for clients to obtain vocational services and 9028
opportunities for jobs; 9029

(f) The provision of services designed to develop social, 9030
community, and personal living skills; 9031

(g) Access to a wide range of housing and the provision of 9032
residential treatment and support; 9033

(h) Support, assistance, consultation, and education for 9034
families, friends, consumers of mental health services, and 9035
others; 9036

(i) Recognition and encouragement of families, friends, 9037
neighborhood networks, especially networks that include racial and 9038
ethnic minorities, churches, community organizations, and 9039
meaningful employment as natural supports for consumers of mental 9040
health services; 9041

(j) Grievance procedures and protection of the rights of 9042
consumers of mental health services; 9043

(k) Case management, which includes continual individualized 9044
assistance and advocacy to ensure that needed services are offered 9045
and procured. 9046

~~(10)~~(12) Designate the treatment program, agency, or facility 9047
for each person involuntarily committed to the board pursuant to 9048
Chapter 5122. of the Revised Code and authorize payment for such 9049
treatment. The board shall provide the least restrictive and most 9050
appropriate alternative that is available for any person 9051
involuntarily committed to it and shall assure that the services 9052
listed in section 340.09 of the Revised Code are available to 9053
severely mentally disabled persons residing within its service 9054
district. The board shall establish the procedure for authorizing 9055
payment for services, which may include prior authorization in 9056
appropriate circumstances. The board may provide for services 9057
directly to a severely mentally disabled person when life or 9058
safety is endangered and when no community mental health agency is 9059
available to provide the service. 9060

~~(11)~~(13) Establish a method for evaluating referrals for 9061
involuntary commitment and affidavits filed pursuant to section 9062
5122.11 of the Revised Code in order to assist the probate 9063
division of the court of common pleas in determining whether there 9064
is probable cause that a respondent is subject to involuntary 9065
hospitalization and what alternative treatment is available and 9066
appropriate, if any-; 9067

~~(12)~~(14) Ensure that apartments or rooms built, subsidized, 9068
renovated, rented, owned, or leased by the board or a community 9069
mental health agency have been approved as meeting minimum fire 9070
safety standards and that persons residing in the rooms or 9071
apartments are receiving appropriate and necessary services, 9072
including culturally relevant services, from a community mental 9073
health agency. This division does not apply to residential 9074
facilities licensed pursuant to section 5119.22 of the Revised 9075
Code. 9076

~~(13)~~(15) Establish a mechanism for involvement of consumer 9077
recommendation and advice on matters pertaining to mental health 9078
services in the alcohol, drug addiction, and mental health service 9079
district; 9080

~~(14)~~(16) Perform the duties under section 3722.18 of the 9081
Revised Code required by rules adopted under section 5119.61 of 9082
the Revised Code regarding referrals by the board or mental health 9083
agencies under contract with the board of individuals with mental 9084
illness or severe mental disability to adult care facilities and 9085
effective arrangements for ongoing mental health services for the 9086
individuals. The board is accountable in the manner specified in 9087
the rules for ensuring that the ongoing mental health services are 9088
effectively arranged for the individuals. 9089

(B) The board shall establish such rules, operating 9090
procedures, standards, and bylaws, and perform such other duties 9091
as may be necessary or proper to carry out the purposes of this 9092
chapter. 9093

(C) A board of alcohol, drug addiction, and mental health 9094
services may receive by gift, grant, devise, or bequest any 9095
moneys, lands, or property for the benefit of the purposes for 9096
which the board is established, and may hold and apply it 9097
according to the terms of the gift, grant, or bequest. All money 9098
received, including accrued interest, by gift, grant, or bequest 9099

shall be deposited in the treasury of the county, the treasurer of
which is custodian of the alcohol, drug addiction, and mental
health services funds to the credit of the board and shall be
available for use by the board for purposes stated by the donor or
grantor.

(D) No board member or employee of a board of alcohol, drug
addiction, and mental health services shall be liable for injury
or damages caused by any action or inaction taken within the scope
of the board member's official duties or the employee's
employment, whether or not such action or inaction is expressly
authorized by this section, section 340.033, or any other section
of the Revised Code, unless such action or inaction constitutes
willful or wanton misconduct. Chapter 2744. of the Revised Code
applies to any action or inaction by a board member or employee of
a board taken within the scope of the board member's official
duties or employee's employment. For the purposes of this
division, the conduct of a board member or employee shall not be
considered willful or wanton misconduct if the board member or
employee acted in good faith and in a manner that the board member
or employee reasonably believed was in or was not opposed to the
best interests of the board and, with respect to any criminal
action or proceeding, had no reasonable cause to believe the
conduct was unlawful.

(E) The meetings held by any committee established by a board
of alcohol, drug addiction, and mental health services shall be
considered to be meetings of a public body subject to section
121.22 of the Revised Code.

Sec. 340.08. The community mental health plan prepared
pursuant to division (A)~~(3)~~(1)(c) of section 340.03 of the Revised
Code constitutes an application for funds from the department of
mental health. The director of mental health shall distribute

funds to the board pursuant to section 5119.62 of the Revised Code. The director shall review the budgets and expenditures of the various facilities, and community mental health agencies, ~~and programs~~ receiving funds periodically during the year. The director may charge against the county or counties any overpayment of state funds allocated to the program, and the county or counties shall reimburse the treasurer of state the amount of the overpayment if the overpayment exceeds the total moneys allocated to but not yet received by the county or counties.

Sec. 340.091. Each board of alcohol, drug addiction, and mental health services shall contract with a community mental 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 9161
establish requirements and procedures for prior notification and 9162
service coordination between public children services agencies and 9163
boards of alcohol, drug addiction, and mental health services when 9164
a public children services agency refers a child in its custody to 9165
a board for services funded by the board. The rules shall be 9166
adopted in accordance with Chapter 119. of the Revised Code. 9167

The department of mental health and department of job and 9168
family services shall collaborate in formulating a plan that 9169
delineates the funding responsibilities of public children 9170
services agencies and boards of alcohol, drug addiction, and 9171
mental health services for services provided under section 9172
5111.022 of the Revised Code to children in the custody of public 9173
children services agencies. The departments shall complete the 9174
plan not later than ninety days after the effective date of this 9175
section. 9176

Sec. 349.01. As used in this chapter: 9177

(A) "New community" means a community or an addition to an 9178
existing community planned pursuant to this chapter so that it 9179
includes facilities for the conduct of industrial, commercial, 9180
residential, cultural, educational, and recreational activities, 9181
and designed in accordance with planning concepts for the 9182
placement of utility, open space, and other supportive facilities. 9183

(B) "New community development program" means a program for 9184
the development of a new community characterized by well-balanced 9185
and diversified land use patterns and which includes land 9186
acquisition and land development, the acquisition, construction, 9187
operation, and maintenance of community facilities, and the 9188
provision of services authorized in ~~sections 349.01 to 349.16 of~~ 9189
the Revised Code this chapter. 9190

(C) "New community district" means the area of land described 9191
by the developer in the petition as set forth in division (A) of 9192
section 349.03 of the Revised Code for development as a new 9193
community and any lands added to ~~such~~ the district by amendment of 9194
the resolution establishing the community authority. 9195

(D) "New community authority" means a body corporate and 9196
politic in this state, established pursuant to section 349.03 of 9197
the Revised Code and governed by a board of trustees as provided 9198
in section 349.04 of the Revised Code. 9199

(E) "Developer" means any person, organized for carrying out 9200
a new community development program who owns or controls, through 9201
leases of at least seventy-five years' duration, options, or 9202
contracts to purchase, the land within a new community district, 9203
or any ~~municipality~~ municipal corporation, county, or port 9204
authority that owns the land within a new community district, or 9205
has the ability to acquire such land, either by voluntary 9206
acquisition or condemnation in order to eliminate slum, blighted, 9207
and deteriorated or deteriorating areas and to prevent the 9208
recurrence thereof. 9209

(F) "Organizational board of commissioners" means, if the new 9210
community district is located in only one county, the board of 9211
county commissioners of such county; if located in more than one 9212
county, a board consisting of the members of the board of county 9213
commissioners of each of the counties in which the district is 9214
located, provided that action of such board shall require a 9215
majority vote of the members of each separate board of county 9216
commissioners; or, if more than half of the new community district 9217
is located within the boundaries of the most populous municipal 9218
corporation of a county, the legislative authority of the 9219
municipal corporation. 9220

(G) "Land acquisition" means the acquisition of real property 9221
and interests in real property as part of a new community 9222

development program. 9223

(H) "Land development" means the process of clearing and 9224
grading land, making, installing, or constructing water 9225
distribution systems, sewers, sewage collection systems, steam, 9226
gas, and electric lines, roads, streets, curbs, gutters, 9227
sidewalks, storm drainage facilities, and other installations or 9228
work, whether within or without the new community district, and 9229
the construction of community facilities. 9230

(I) "Community facilities" means all real property, 9231
buildings, structures, or other facilities, including related 9232
fixtures, equipment, and furnishings, to be owned, operated, 9233
financed, constructed, and maintained under this chapter, 9234
including public, community, village, neighborhood, or town 9235
buildings, centers and plazas, auditoriums, day care centers, 9236
recreation halls, educational facilities, hospital facilities as 9237
defined in section 140.01 of the Revised Code, recreational 9238
facilities, natural resource facilities, including parks and other 9239
open space land, lakes and streams, cultural facilities, community 9240
streets, pathway and bikeway systems, pedestrian underpasses and 9241
overpasses, lighting facilities, design amenities, or other 9242
community facilities, and buildings needed in connection with 9243
water supply or sewage disposal installations or steam, gas, or 9244
electric lines or installation. 9245

(J) "Cost" as applied to a new community development program 9246
means all costs related to land acquisition and land development, 9247
the acquisition, construction, maintenance, and operation of 9248
community facilities and offices of the community authority, and 9249
of providing furnishings and equipment therefor, financing charges 9250
including interest prior to and during construction and for the 9251
duration of the new community development program, planning 9252
expenses, engineering expenses, administrative expenses including 9253
working capital, and all other expenses necessary and incident to 9254

the carrying forward of the new community development program. 9255

(K) "Income source" means any and all sources of income to 9256
the community authority, including community development charges 9257
of which the new community authority is the beneficiary as 9258
provided in section 349.07 of the Revised Code, rentals, user fees 9259
and other charges received by the new community authority, any 9260
gift or grant received, any moneys received from any funds 9261
invested by or on behalf of the new community authority, and 9262
proceeds from the sale or lease of land and community facilities. 9263

(L) "Community development charge" means a dollar amount 9264
which shall be determined on the basis of the assessed valuation 9265
of real property or interests in real property in a new community 9266
district sold, leased, or otherwise conveyed by the developer or 9267
the new community authority, the income of the residents of such 9268
property subject to such charge under section 349.07 of the 9269
Revised Code, if such property is devoted to residential uses or 9270
to the profits of any business, a uniform fee on each parcel of 9271
such real property originally sold, leased, or otherwise conveyed 9272
by the developer or new community authority, or any combination of 9273
the foregoing bases. 9274

(M) "Proximate city" means any city that, as of the date of 9275
filing of the petition under section 349.03 of the Revised Code, 9276
is the most populous city of the county in which the proposed new 9277
community district is located, is the most populous city of an 9278
adjoining county if any portion of such city is within five miles 9279
of any part of the boundaries of such district, or exercises 9280
extraterritorial subdivision authority under section 711.09 of the 9281
Revised Code with respect to any part of such district. 9282

Sec. 503.162. (A) After certification of a resolution as 9283
provided in section 503.161 of the Revised Code, the board of 9284
elections shall submit the question of whether the township's name 9285

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:

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

..... For name change

..... Against name change"

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

(C) If a majority of the votes cast on the proposition of changing the township's name is in the affirmative, the name change is adopted and becomes effective ninety days after the board of elections certifies the election results to the clerk of the township. Upon receipt of the certification of the election results from the board of elections, the clerk of the township shall send a copy of that certification to the secretary of state ~~and to the state and local government commission of Ohio.~~

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

Sec. 504.03. (A)(1) If a limited home rule government is adopted pursuant to section 504.02 of the Revised Code, it shall remain in effect for at least three years except as otherwise provided in division (B) of this section. At the end of that period, if the board of township trustees determines that that government is not in the best interests of the township, it may

adopt a resolution causing the board of elections to submit to the electors of the unincorporated area of the township the question of whether the township should continue the limited home rule government. The question shall be voted upon at the next general election occurring at least seventy-five days after the certification of the resolution to the board of elections. After certification of the resolution, the board of elections shall submit the question to the electors of the unincorporated area of the township, and the ballot language shall be substantially as follows:

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

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

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

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

504.02 of the Revised Code for at least three years after that 9348
date. 9349

(D) If a limited home rule government is terminated pursuant 9350
to under this section, the board of township trustees immediately 9351
shall adopt a resolution repealing all resolutions adopted 9352
pursuant to this chapter that are not authorized by any other 9353
section of the Revised Code outside this chapter, effective on the 9354
first day of January immediately following the election described 9355
in division (A) or (B) of this section. However, no resolution 9356
adopted under this division shall affect or impair the obligations 9357
of the township under any security issued or contracts entered 9358
into by the township in connection with the financing of any water 9359
supply facility or sewer improvement under sections 504.18 to 9360
504.20 of the Revised Code or the authority of the township to 9361
collect or enforce any assessments or other revenues constituting 9362
security for or source of payments of debt service charges of 9363
those securities. 9364

(E) Upon the termination of a limited home rule government 9365
under this section, if the township had converted its board of 9366
township trustees to a five-member board under section 504.21 of 9367
the Revised Code, the current board member who received the lowest 9368
number of votes of the current board members who were elected at 9369
the most recent election for township trustees, and the current 9370
board member who received the lowest number of votes of the 9371
current board members who were elected at the second most recent 9372
election for township trustees, shall cease to be township 9373
trustees on the date that the limited home rule government 9374
terminates. Their offices likewise shall cease to exist at that 9375
time, and the board shall continue as a three-member board as 9376
provided in section 505.01 of the Revised Code. 9377

Sec. 504.04. (A) A township that adopts a limited home rule 9378

government may do all of the following by resolution, provided 9379
that any of these resolutions, other than a resolution to supply 9380
water or sewer services in accordance with sections 504.18 to 9381
504.20 of the Revised Code, may be enforced only by the imposition 9382
of civil fines as authorized in this chapter: 9383

(1) Exercise all powers of local self-government within the 9384
unincorporated area of the township, other than powers that are in 9385
conflict with general laws, except that the township shall comply 9386
with the requirements and prohibitions of this chapter, and shall 9387
enact no taxes other than those authorized by general law, and 9388
except that no resolution adopted pursuant to this chapter shall 9389
encroach upon the powers, duties, and privileges of elected 9390
township officers or change, alter, combine, eliminate, or 9391
otherwise modify the form or structure of the township government 9392
unless the change is required or permitted by this chapter; 9393

(2) Adopt and enforce within the unincorporated area of the 9394
township local police, sanitary, and other similar regulations 9395
that are not in conflict with general laws or otherwise prohibited 9396
by division (B) of this section; 9397

(3) Supply water and sewer services to users within the 9398
unincorporated area of the township in accordance with sections 9399
504.18 to 504.20 of the Revised Code. 9400

(B) No resolution adopted pursuant to this chapter shall do 9401
any of the following: 9402

(1) Create a criminal offense or impose criminal penalties, 9403
except as authorized by division (A) of this section; 9404

(2) Impose civil fines other than as authorized by this 9405
chapter; 9406

(3) Establish or revise subdivision regulations, road 9407
construction standards, urban sediment rules, or storm water and 9408
drainage regulations; 9409

(4) Establish or revise building standards, building codes, 9410
and other standard codes except as provided in section 504.13 of 9411
the Revised Code; 9412

(5) Increase, decrease, or otherwise alter the powers or 9413
duties of a township under any other chapter of the Revised Code 9414
pertaining to agriculture or the conservation or development of 9415
natural resources; 9416

(6) Establish regulations affecting hunting, trapping, 9417
fishing, or the possession, use, or sale of firearms; 9418

(7) Establish or revise water or sewer regulations, except in 9419
accordance with sections 504.18 and 504.19 of the Revised Code. 9420

Nothing in this chapter shall be construed as affecting the 9421
powers of counties with regard to the subjects listed in divisions 9422
(B)(3) to (5) of this section. 9423

(C) Under a limited home rule government, all officers shall 9424
have the qualifications, and be nominated, elected, or appointed, 9425
as provided in Chapter 505. of the Revised Code, except that the 9426
board of township trustees shall appoint a full-time or part-time 9427
law director pursuant to section 504.15 of the Revised Code, and 9428
except that section 504.21 of the Revised Code also shall apply if 9429
a five-member board of township trustees is approved for the 9430
township. 9431

(D) In case of conflict between resolutions enacted by a 9432
board of township trustees and municipal ordinances or 9433
resolutions, the ordinance or resolution enacted by the municipal 9434
corporation prevails. In case of conflict between resolutions 9435
enacted by a board of township trustees and any county resolution, 9436
the resolution enacted by the board of township trustees prevails. 9437

Sec. 504.21. (A) By a unanimous vote, the board of township 9438
trustees of a limited home rule township may pass a resolution to 9439

place on the ballot at the next general election described in this 9440
division the question of whether the board should be converted to 9441
a five-member board. Upon passage of the resolution, the question 9442
shall be voted upon at the next general election occurring at 9443
least seventy-five days after the board certifies the resolution 9444
to the board of elections. 9445

(B) If a majority of the votes cast on the question of 9446
converting the board of township trustees to a five-member board 9447
is in the affirmative, at the next election at which any members 9448
of the board are elected, two additional board members shall be 9449
elected, one for a four-year term of office and the other for a 9450
two-year term of office. Their successors thereafter shall be 9451
elected for four-year terms of office. 9452

(C) If a board of township trustees is converted to a 9453
five-member board, the board members shall be elected by 9454
determining which individuals receive the highest number of votes 9455
from a slate of candidates running for the office of township 9456
trustee. If the first election after a township converts its board 9457
of township trustees to a five-member board is an election for 9458
three four-year term members and one two-year term member, the 9459
three candidates who receive the highest number of votes from the 9460
slate of candidates for township trustee shall serve a four-year 9461
term and the candidate who receives the fourth highest number of 9462
votes from that slate of candidates shall serve a two-year term. 9463

Sec. 505.24. Each township trustee is entitled to 9464
compensation as follows: 9465

(A) Except as otherwise provided in division (B) of this 9466
section, an amount for each day of service in the business of the 9467
township, to be paid from the township treasury as follows: 9468

(1) In townships having a budget of fifty thousand dollars or 9469
less, twenty dollars per day for not more than two hundred days; 9470

	9471
(2) In townships having a budget of more than fifty thousand	9472
but not more than one hundred thousand dollars, twenty-four	9473
dollars per day for not more than two hundred days;	9474
(3) In townships having a budget of more than one hundred	9475
thousand but not more than two hundred fifty thousand dollars,	9476
twenty-eight dollars and fifty cents per day for not more than two	9477
hundred days;	9478
(4) In townships having a budget of more than two hundred	9479
fifty thousand but not more than five hundred thousand dollars,	9480
thirty-three dollars per day for not more than two hundred days;	9481
(5) In townships having a budget of more than five hundred	9482
thousand but not more than seven hundred fifty thousand dollars,	9483
thirty-five dollars per day for not more than two hundred days;	9484
(6) In townships having a budget of more than seven hundred	9485
fifty thousand but not more than one million five hundred thousand	9486
dollars, forty dollars per day for not more than two hundred days;	9487
(7) In townships having a budget of more than one million	9488
five hundred thousand but not more than three million five hundred	9489
thousand dollars, forty-four dollars per day for not more than two	9490
hundred days;	9491
(8) In townships having a budget of more than three million	9492
five hundred thousand dollars but not more than six million	9493
dollars, forty-eight dollars per day for not more than two hundred	9494
days;	9495
(9) In townships having a budget of more than six million	9496
dollars, fifty-two dollars per day for not more than two hundred	9497
days.	9498
(B) Beginning in calendar year 1999, the amounts paid as	9499
specified in division (A) of this section shall be replaced by the	9500

following amounts:	9501
(1) In calendar year 1999, the amounts specified in division	9502
(A) of this section increased by three per cent;	9503
(2) In calendar year 2000, the amounts determined under	9504
division (B)(1) of this section increased by three per cent;	9505
(3) In calendar year 2001, the amounts determined under	9506
division (B)(2) of this section increased by three per cent;	9507
(4) In calendar year 2002, <u>except in townships having a</u>	9508
<u>budget of more than six million dollars,</u> the amounts determined	9509
under division (B)(3) of this section increased by three per cent;	9510
<u>in townships having a budget of more than six million but not more</u>	9511
<u>than ten million dollars, seventy dollars per day for not more</u>	9512
<u>than two hundred days; and in townships having a budget of more</u>	9513
<u>than ten million dollars, ninety dollars per day for not more than</u>	9514
<u>two hundred days;</u>	9515
(5) In calendar years 2003 through 2008, the amounts	9516
determined under division (B) of this section for the immediately	9517
preceding calendar year increased by the lesser of the following:	9518
(a) Three per cent;	9519
(b) The percentage increase, if any, in the consumer price	9520
index over the twelve-month period that ends on the thirtieth day	9521
of September of the immediately preceding calendar year, rounded	9522
to the nearest one-tenth of one per cent;	9523
(6) In calendar year 2009 and thereafter, the amount	9524
determined under division (B) of this section for calendar year	9525
2008.	9526
As used in division (B) of this section, "consumer price	9527
index" has the same meaning as in section 325.18 of the Revised	9528
Code.	9529
(C) Whenever members of a board of township trustees are	9530

compensated per diem and not by annual salary, the board shall 9531
establish, by resolution, a method by which each member of the 9532
board shall periodically notify the township clerk of the number 9533
of days spent in the service of the township and the kinds of 9534
services rendered on those days. The per diem compensation shall 9535
be paid from the township general fund or from other township 9536
funds in such proportions as the kinds of services performed may 9537
require. The notice shall be filed with the township clerk and 9538
preserved for inspection by any persons interested. 9539

By unanimous vote, a board of township trustees may adopt a 9540
method of compensation consisting of an annual salary to be paid 9541
in equal monthly payments. If the office of trustee is held by 9542
more than one person during any calendar year, each person holding 9543
the office shall receive payments for only those months, and any 9544
fractions of those months, during which the person holds the 9545
office. The amount of the annual salary approved by the board 9546
shall be no more than the maximum amount that could be received 9547
annually by a trustee if the trustee were paid on a per diem basis 9548
as specified in this division, and shall be paid from the township 9549
general fund or from other township funds in such proportions as 9550
the board may specify by resolution. A board of township trustees 9551
that has adopted a salary method of compensation may return to a 9552
method of compensation on a per diem basis as specified in this 9553
division by a majority vote. Any change in the method of 9554
compensation shall be effective on the first day of January of the 9555
year following the year during which the board has voted to change 9556
the method of compensation. 9557

Sec. 507.09. (A) Except as otherwise provided in division (D) 9558
of this section, the township clerk shall be entitled to 9559
compensation as follows: 9560

(1) In townships having a budget of fifty thousand dollars or 9561

less, three thousand five hundred dollars;	9562
(2) In townships having a budget of more than fifty thousand but not more than one hundred thousand dollars, five thousand five hundred dollars;	9563 9564 9565
(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;	9566 9567 9568
(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;	9569 9570 9571
(5) In townships having a budget of more than five hundred thousand but not more than seven hundred fifty thousand dollars, eleven thousand dollars;	9572 9573 9574
(6) In townships having a budget of more than seven hundred fifty thousand but not more than one million five hundred thousand dollars, thirteen thousand two hundred dollars;	9575 9576 9577
(7) In townships having a budget of more than one million five hundred thousand but not more than three million five hundred thousand dollars, fifteen thousand four hundred dollars;	9578 9579 9580
(8) In townships having a budget of more than three million five hundred thousand dollars but not more than six million dollars, sixteen thousand five hundred dollars;	9581 9582 9583
(9) In townships having a budget of more than six million dollars, seventeen thousand six hundred dollars.	9584 9585
(B) Any township clerk may elect to receive less than the compensation the clerk is entitled to under division (A) of this section. Any clerk electing to do this shall so notify the board of township trustees in writing, and the board shall include this notice in the minutes of its next board meeting.	9586 9587 9588 9589 9590
(C) The compensation of the township clerk shall be paid in	9591

equal monthly payments. If the office of clerk is held by 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.

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

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

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

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

(4) In calendar year 2002, except in townships having a
budget of more than six million dollars, the compensation
determined under division (D)(3) of this section increased by
three per cent; in townships having a budget of more than six
million but not more than ten million dollars, nineteen thousand
eight hundred ten dollars; and in townships having a budget of
more than ten million dollars, twenty thousand nine hundred
dollars;

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

(a) Three per cent;

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

(6) In calendar year 2009 and thereafter, the amount

determined under division (D) of this section for calendar year 2008. 9622
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As used in this division, "consumer price index" has the same meaning as in section 325.18 of the Revised Code. 9624
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Sec. 737.03. The director of public safety shall manage, and make all contracts with reference to the police stations, fire houses, reform schools, infirmaries, hospitals, workhouses, farms, pesthouses, and all other charitable and reformatory institutions. In the control and supervision of ~~such~~ those institutions, the director shall be governed by the provisions of Title VII of the Revised Code relating to ~~such~~ those institutions. 9626
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~~Such~~ The director may make all contracts and expenditures of money for acquiring lands for the erection or repairing of station houses, police stations, fire department buildings, fire cisterns, and plugs, that are required, for the purchase of engines, apparatus, and all other supplies necessary for the police and fire departments, and for other undertakings and departments under ~~his~~ the director's supervision, but no obligation involving an expenditure of more than ~~ten~~ fifteen thousand dollars shall be created unless first authorized and directed by ordinance. In making, altering, or modifying ~~such~~ those contracts, the director shall be governed by sections 735.05 to 735.09 of the Revised Code, except that all bids shall be filed with and opened by ~~such~~ the director. ~~He~~ The director shall make no sale or disposition of any property belonging to the city without first being authorized by resolution or ordinance of the city legislative authority. 9633
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Sec. 901.43. (A) The director of agriculture may authorize any department of agriculture laboratory to perform a laboratory service for any person, organization, political subdivision, state agency, federal agency, or other entity, whether public or 9648
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private. The director shall adopt and enforce rules to provide for 9652
the rendering of a laboratory service. 9653

(B) The director may charge a reasonable fee for the 9654
performance of a laboratory service, except when the service is 9655
performed on an official sample taken by the director acting 9656
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 9657
Revised Code; by a board of health acting as the licensor of 9658
retail food establishments or food service operations under 9659
Chapter 3717. of the Revised Code; or by the director of health 9660
acting as the licensor of food service operations under Chapter 9661
3717. of the Revised Code. The director of agriculture shall adopt 9662
rules specifying what constitutes an official sample. 9663

The director shall publish a list of laboratory services 9664
offered, together with the fee for each service. 9665

(C) The director may enter into a contract with any person, 9666
organization, political subdivision, state agency, federal agency, 9667
or other entity for the provision of a laboratory service. 9668

(D)(1) The director may adopt rules establishing standards 9669
for accreditation of laboratories and laboratory services and in 9670
doing so may adopt by reference existing or recognized standards 9671
or practices. 9672

(2) The director may inspect and accredit laboratories and 9673
laboratory services, and may charge a reasonable fee for the 9674
inspections and accreditation. 9675

(E)(1) All moneys collected by the director under this 9676
section that are from fees generated by a laboratory service 9677
performed by the department and related to the diseases of 9678
animals, and all moneys so collected that are from fees generated 9679
for the inspection and accreditation of laboratories and 9680
laboratory services related to the diseases of animals, shall be 9681
deposited in the animal industry laboratory fund, which is hereby 9682

created in the state treasury. The director shall use the moneys 9683
in the animal industry laboratory fund to pay the expenses 9684
necessary to operate the animal industry laboratory, including the 9685
purchase of supplies and equipment ~~for the laboratory that~~ 9686
~~provides laboratory services related to the diseases of animals.~~ 9687

(2) All moneys collected by the director under this section 9688
that are from fees generated by a laboratory service performed by 9689
the consumer analytical laboratory, and all moneys so collected 9690
that are from fees generated for the inspection and accreditation 9691
of laboratories and laboratory services not related to weights and 9692
measures or the diseases of animals, shall be deposited in the 9693
laboratory services fund, which is hereby created in the state 9694
treasury. The moneys held in the fund may be used to pay the 9695
expenses necessary to operate the consumer analytical laboratory, 9696
including the purchase of supplies and equipment. 9697

(3) All moneys collected by the director under this section 9698
that are from fees generated by a laboratory service performed by 9699
the weights and measures laboratory, and all moneys so collected 9700
that are from fees generated for the inspection and accreditation 9701
of laboratories and laboratory services related to weights and 9702
measures, shall be deposited in the weights and measures 9703
laboratory fund, which is hereby created in the state treasury. 9704
The moneys held in the fund may be used to pay the expenses 9705
necessary to operate the division of weights and measures, 9706
including the purchase of supplies and equipment. 9707

Sec. 901.63. (A) The agricultural financing commission shall 9708
do both of the following until July 1, ~~2001~~ 2003: 9709

(1) Make recommendations to the director of agriculture about 9710
financial assistance applications made pursuant to sections 901.80 9711
to 901.83 of the Revised Code. In making its recommendations, the 9712
commission shall utilize criteria established by rules adopted 9713

under division (A)(8)(b) of section 901.82 of the Revised Code. 9714
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(2) Advise the director in the administration of sections 9716
901.80 to 901.83 of the Revised Code. 9717

With respect to sections 901.80 to 901.83 of the Revised 9718
Code, the role of the commission is solely advisory. No officer, 9719
member, or employee of the commission is liable for damages in a 9720
civil action for any injury, death, or loss to person or property 9721
that allegedly arises out of purchasing any loan or providing a 9722
loan guarantee, failure to purchase a loan or provide a loan 9723
guarantee, or failure to take action under sections 901.80 to 9724
901.83 of the Revised Code, or that allegedly arises out of any 9725
act or omission of the department of agriculture that involves 9726
those sections. 9727

(B) The commission may: 9728

(1) Adopt bylaws for the conduct of its business; 9729

(2) Exercise all rights, powers, and duties conferred on the 9730
commission as an issuer under Chapter 902. of the Revised Code; 9731

(3) Contract with, retain, or designate financial 9732
consultants, accountants, and such other consultants and 9733
independent contractors as the commission may determine to be 9734
necessary or appropriate to carry out the purposes of this chapter 9735
and to fix the terms of those contracts; 9736

(4) Undertake and carry out or authorize the completion of 9737
studies and analyses of agricultural conditions and needs within 9738
the state relevant to the purpose of this chapter to the extent 9739
not otherwise undertaken by other departments or agencies of the 9740
state satisfactory for ~~such~~ that purpose; 9741

(5) Acquire by gift, purchase, foreclosure, or other means, 9742
and hold, assign, pledge, lease, transfer, or otherwise dispose 9743
of, real and personal property, or any interest in that real and 9744

personal property, in the exercise of its powers and the 9745
performance of its duties under this chapter and Chapter 902. of 9746
the Revised Code; 9747

(6) Receive and accept gifts, grants, loans, or any other 9748
financial or other form of aid from any federal, state, local, or 9749
private agency or fund and enter into any contract with any such 9750
agency or fund in connection therewith, and receive and accept aid 9751
or contributions from any other source of money, property, labor, 9752
or things of value, to be held, used, and applied only for the 9753
purposes for which ~~such~~ the grants and contributions are made, all 9754
within the purposes of this chapter and Chapter 902. of the 9755
Revised Code; 9756

(7) Sue and be sued in its own name with respect to its 9757
contracts or to enforce this chapter or its obligations or 9758
covenants made under this chapter and Chapter 902. of the Revised 9759
Code; 9760

(8) Make and enter into all contracts, commitments, and 9761
agreements, and execute all instruments necessary or incidental to 9762
the performance of its duties and the execution of its powers 9763
under this chapter and Chapter 902. of the Revised Code; 9764

(9) Adopt an official seal; 9765

(10) Do any and all things necessary or appropriate to carry 9766
out the public purposes and exercise the powers granted to the 9767
commission in this chapter and Chapter 902. of the Revised Code 9768
and the public purposes of Section 13 of Article VIII, Ohio 9769
Constitution. 9770

Any instrument by which real property is acquired pursuant to 9771
this section shall identify the agency of the state that has the 9772
use and benefit of the real property as specified in section 9773
5301.012 of the Revised Code. 9774

Sec. 901.81. (A) As used in this section and sections 901.82 9775
and 901.83 of the Revised Code: 9776

(1) "Financial institution" means any banking corporation; 9777
trust company; savings and loan association; building and loan 9778
association; or corporation, partnership, or other institution 9779
that is engaged in lending or investing funds for agricultural or 9780
other business purposes and that is eligible to become a 9781
depository for public moneys under section 135.03 of the Revised 9782
Code. 9783

(2) "Eligible applicant" means a person who has made all of 9784
the demonstrations enumerated in division (B) of section 901.82 of 9785
the Revised Code. 9786

(B) A financial institution that wishes to participate in the 9787
program established under section 901.80 of the Revised Code shall 9788
accept and review applications for loans from eligible applicants. 9789
Forms and procedures involved in the application process shall 9790
comply with rules adopted under division (A)(8)(a) of section 9791
901.82 of the Revised Code. The financial institution shall apply 9792
all usual lending standards to determine the creditworthiness of 9793
each eligible applicant, including whether the eligible applicant 9794
has the ability to repay the loan and whether adequate security 9795
exists for the loan. 9796

The financial institution shall forward to the department of 9797
~~development~~ agriculture the completed loan application of an 9798
eligible applicant whom the financial institution has determined 9799
to be creditworthy, along with the farm business plan and 9800
management strategy required by division (A)(5) of section 901.82 9801
of the Revised Code, and any other information required by rules 9802
adopted under division (A)(8) of section 901.82 of the Revised 9803
Code. If a loan guarantee is involved, the financial institution 9804
also shall forward a request by the financial institution to enter 9805

into a contract of guarantee described in section 901.83 of the Revised Code. 9806
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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. 9808
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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: 9811
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(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 supporting information; 9814
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(2) Receive the recommendations of the commission made under division (A)(1) of section 901.63 of the Revised Code and make a final determination whether to approve ~~the~~ an application for financial assistance; 9820
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(3) Transmit the director's determinations to approve assistance to the controlling board together with any information the controlling board requires for its review and its decision whether to approve the release of money for the financial assistance; 9824
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(4) Work in conjunction with financial institutions and other private and public financing sources to purchase loans from financial institutions or provide loan guarantees to eligible applicants; 9829
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(5) Require each applicant to provide a farm business plan, including an overview of the type of agricultural operation the applicant anticipates conducting, and a management strategy for 9833
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the project;	9836
(6) Inform agricultural organizations and others in the state	9837
of the existence of the program established under section 901.80	9838
of the Revised Code and of the financial assistance available	9839
under the program;	9840
(7) Report to the governor, president of the senate, speaker	9841
of the house of representatives, and minority leaders of the	9842
senate and the house of representatives by the thirtieth day of	9843
June of each year on the activities carried out under the program	9844
during the preceding calendar year. The report shall include the	9845
number of loans purchased or loan guarantees made that year, the	9846
amount of each such loan or loan guarantee, the county in which	9847
the loan recipient's farm is located, and whatever other	9848
information the director determines is relevant to include.	9849
(8) Adopt rules in accordance with Chapter 119. of the	9850
Revised Code establishing all of the following with regard to the	9851
program:	9852
(a) Forms and procedures by which eligible applicants may	9853
apply for financial assistance;	9854
(b) Criteria for reviewing, evaluating, and ranking	9855
applications, and for approving applications that best serve the	9856
goals of the program;	9857
(c) Reporting requirements and monitoring procedures;	9858
(d) Interest rates, payment schedules, loan transfer	9859
provisions, penalties, including penalties for the conversion of	9860
land devoted exclusively to agricultural use as defined in section	9861
5713.30 of the Revised Code, and other terms and conditions for	9862
loans purchased and loan guarantees provided under the program;	9863
(e) Criteria for determining whether the location at which	9864
the applicant proposes to use financial assistance provided under	9865

the program is in an area in which agriculture is the primary land use at the time the application is made and whether the land at that location reasonably may not be expected to be converted to a nonagricultural use during the period of time that the applicant's obligation to repay the loan remains outstanding; 9866
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(f) Any other rules necessary to implement and administer the program. 9871
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(B) In order to be eligible for financial assistance under section 901.80 of the Revised Code, an applicant shall demonstrate all of the following: 9873
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(1) That the applicant is domiciled in this state; 9876

(2) That the applicant is unable to obtain sufficient financing from commercial or agricultural lending sources; 9877
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(3) That the applicant has the ability to repay the loan, primarily from the cash flow of the proposed farming operation, and that there is adequate security for the loan; 9879
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(4) That the applicant has sufficient education, training, or experience in the type of farming for which the applicant requests the financial assistance; 9882
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(5) That there are no zoning restrictions, environmental regulations, or other impairments to the use of the land for the purpose intended; 9885
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(6) That the location at which the applicant proposes to use the financial assistance is in an area in which agriculture is the primary land use at the time the application is made and that the land at that location reasonably may not be expected to be converted to a nonagricultural use during the period of time that the applicant's obligation to repay the financial assistance remains outstanding. In demonstrating the information required under division (B)~~(5)~~(6) of this section, the applicant shall 9888
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utilize criteria established in rules adopted under division 9896
(A)(8)(e) of this section. 9897

Sec. 917.07. The dairy industry fund is hereby created in the 9898
state treasury. All inspection fees and license fees collected 9899
under this chapter shall be deposited into the fund. 9900

~~The dairy fund is hereby created in the state treasury. All 9901
together with all fine moneys received by the treasurer of state 9902
pursuant to division ~~(E)~~(F) of section 917.99 of the Revised Code 9903
and any other moneys collected under this chapter, ~~except for 9904
inspection fees and license fees, shall be deposited into the 9905
fund.~~ 9906~~

Moneys credited to the dairy industry fund ~~and the dairy fund 9907~~
shall be used to operate and pay expenses of the division of dairy 9908
in the department of agriculture. 9909

Sec. 917.99. (A) Whoever violates division (C) of section 9910
917.09 of the Revised Code is guilty of a misdemeanor of the 9911
second degree on a first offense and a misdemeanor of the first 9912
degree on each subsequent offense. 9913

(B) Whoever violates section 917.13 or 917.14 of the Revised 9914
Code is guilty of a misdemeanor of the first degree on a first 9915
offense, a felony of the fifth degree on a second offense, and a 9916
felony of the fourth degree on each subsequent offense. 9917

(C) Whoever violates division (A), (B), (C), (D), or (G) of 9918
section 917.05 of the Revised Code is guilty of a misdemeanor of 9919
the fourth degree. 9920

(D) Whoever violates division (E) or (F) of section 917.05 of 9921
the Revised Code is guilty of a misdemeanor of the second degree 9922
on a first offense and a misdemeanor of the first degree on each 9923
subsequent offense. 9924

(E) Each day of violation of a provision described in 9925
divisions (A) to (D) of this section constitutes a separate 9926
offense. 9927

(F) The court imposing a fine under divisions (A) to (D) of 9928
this section shall order that not less than fifty per cent of the 9929
fine be disbursed to the treasurer of state for deposit into the 9930
dairy industry fund created in section 917.07 of the Revised Code. 9931
Subject to that minimum percentage, the court's order shall 9932
specify the percentage of the fine that the clerk of the court 9933
shall disburse to the treasurer of state. The clerk of the court 9934
shall disburse the remainder of the fine to the county treasurer. 9935

Sec. 1309.40. (A) Presentation for filing of a financing 9936
statement, tender of the filing fee, and acceptance of the 9937
statement by the filing officer constitute filing under sections 9938
1309.01 to 1309.50 of the Revised Code. 9939

(B)(1) Except as provided in divisions (B)(2) and (F) of this 9940
section, a filed financing statement is effective for a period of 9941
five years from the date of filing. The effectiveness of a filed 9942
financing statement lapses on the expiration of the five-year 9943
period unless a continuation statement is filed prior to the 9944
lapse. If a security interest perfected by filing exists at the 9945
time insolvency proceedings are commenced by or against the 9946
debtor, the security interest remains perfected until termination 9947
of the insolvency proceedings and thereafter for a period of sixty 9948
days or until expiration of the five-year period, whichever occurs 9949
later. Upon lapse the security interest becomes unperfected, 9950
unless it is perfected without filing. If the security interest 9951
becomes unperfected upon lapse, it is deemed to have been 9952
unperfected as against a person who became a purchaser or lien 9953
creditor before lapse. 9954

(2) A filed financing statement that states that it relates 9955

to an obligation secured by both (a) a mortgage upon real estate 9956
filed for record within this state and (b) a security interest in 9957
collateral, whether or not such collateral includes or consists of 9958
goods which are or are to become fixtures situated upon such real 9959
estate, shall, if such financing statement states a maturity date 9960
of such obligation, or the final installment thereof, of more than 9961
five years, be fully effective until the maturity date set forth 9962
therein. Such financing statement shall also contain a reference 9963
to the recorder's file number of the mortgage upon real estate or 9964
to the volume and page of the mortgage record in which such 9965
mortgage is recorded. 9966

(C) A continuation statement may be filed by the secured 9967
party within six months prior to the expiration of the five-year 9968
period specified in division (B)(1) of this section, or within six 9969
months prior to the stated maturity date referred to in division 9970
(B)(2) of this section. A continuation statement shall be filed on 9971
a form prescribed by the secretary of state. A continuation 9972
statement filed in the office of the county recorder shall also 9973
comply with Chapter 317. of the Revised Code. The continuation 9974
statement must be signed by the secured party, identify the 9975
original statement by file number, and state that the original 9976
statement is still effective. A continuation statement signed by a 9977
person other than the secured party of record must be accompanied 9978
by a separate written statement of assignment signed by the 9979
secured party of record and complying with division (B) of section 9980
1309.42 of the Revised Code, including payment of the required 9981
fee. Upon timely filing of the continuation statement, the 9982
effectiveness of the original statement is continued for five 9983
years after the last date to which the filing was effective 9984
whereupon it lapses in the same manner as provided in division (B) 9985
of this section unless another continuation statement is filed 9986
prior to such lapse. Succeeding continuation statements may be 9987

filed in the same manner to continue the effectiveness of the 9988
original statement. The filing officer may remove a lapsed 9989
statement from the files and destroy it immediately if the filing 9990
officer has retained a microfilm or other photographic record, or 9991
in other cases one year after the lapse. The filing officer shall 9992
so arrange matters by physical annexation of financing statements 9993
to continuation statements or other related filings, or by other 9994
means, that if the filing officer physically destroys the 9995
financing statements of a period more than five years past, those 9996
which have been continued by a continuation statement or which are 9997
still effective under division (B)(2) or (F) of this section shall 9998
be retained. 9999

(D) Except as provided in division (G) of this section, a 10000
filing officer shall assign each statement a consecutive file 10001
number and shall hold the statement or a microfilm or other 10002
photographic or digitized copy thereof for public inspection. In 10003
addition, the filing officer shall index the statements according 10004
to the name of the debtor and shall note in the index the file 10005
number, the date and hour of filing, and the address of the debtor 10006
given in the statement. In addition to the indexing required in 10007
the previous sentence, statements covering crops growing or to be 10008
grown or timber to be cut or minerals or the like, including oil 10009
and gas, or accounts subject to division (E) of section 1309.03 of 10010
the Revised Code, or a financing statement filed as a fixture 10011
filing pursuant to section 1309.32 of the Revised Code shall also 10012
be indexed in the real estate mortgage records by the filing 10013
officer according to the name of the debtor or, if the financing 10014
statement shows the record owner or record lessee to be other than 10015
the debtor, then according to the name of the record owner or 10016
record lessee given in the statement. The fee to be charged for 10017
indexing financing statements in the real estate mortgage records 10018
shall be two dollars for each record owner or lessee listed in the 10019

statement, as provided in division (E) of section 317.32 of the Revised Code. 10020
10021

(E) The fee for filing, indexing, and furnishing filing data for an original, amended, or a continuation statement on a form that is prescribed by the secretary of state shall be ~~nine~~ twelve dollars. The fee for filing, indexing, and furnishing filing data for an original, amended, or a continuation statement on a form that is not prescribed by the secretary of state and that is filed in the office of the county recorder shall be eleven dollars. 10022
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(F) If the debtor is a transmitting utility and a filed financing statement so states, it is effective until a termination statement is filed. A real estate mortgage that is effective as a fixture filing under division (E) of section 1309.39 of the Revised Code remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate. 10029
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(G) If the person filing any original or amended financing statement, termination statement, statement of assignment, or statement of release requests a copy thereof, the filing officer shall note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person. 10036
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(H)(1) Upon request of any person, the filing officer shall issue a certificate showing whether there is on file on the date and hour stated ~~therein~~ in the certificate, any presently effective financing statement naming a particular debtor, owner, ~~or lessee~~, and any statement of assignment ~~thereof~~ of the financing statement, and, if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party ~~therein~~ in each such statement. The fee for such a certificate shall be ~~nine~~ twenty dollars ~~plus one dollar for each financing statement and for each statement of assignment reported~~ 10042
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therein. Upon 10052

(2) Upon request, ~~the a county recorder who is a filing~~ 10053
officer shall furnish to any person a copy of any filed financing 10054
statement ~~or naming a particular debtor, owner, or lessee and any~~ 10055
filed statement of assignment of the financing statement. When 10056
such a request ~~for copies~~ is made ~~in the office of the county~~ 10057
~~recorder~~, the county recorder shall charge a fee of one dollar per 10058
page. ~~When a request for copies is made in the office of the~~ 10059
~~secretary of state, the fee shall not exceed one dollar per page.~~ 10060

(3) Any person may request from the secretary of state a copy 10061
of any financing statement naming a particular debtor, owner, or 10062
lessee, and of any statement of assignment of the financing 10063
statement, that is on file with the secretary of state. The 10064
request shall be made in writing to the secretary of state, and 10065
the secretary of state shall charge and collect a fee of five 10066
dollars for each copy requested. 10067

Sec. 1309.401. ~~Through June 30, 2001, four dollars and fifty~~ 10068
~~cents, and, on and after July 1, 2001, four dollars, of each fee~~ 10069
~~collected by the secretary of state under sections 1309.42 and~~ 10070
~~1309.43 and divisions (E) and (H) of section 1309.40 of the~~ 10071
~~Revised Code, and all of the fees collected by the secretary of~~ 10072
~~state under section 1309.402 (A) All fees collected by the~~ 10073
secretary of state for filings under Title XIII or XVII of the 10074
Revised Code, shall be deposited in into the state treasury to the 10075
credit of the corporate and uniform commercial code filing fund, 10076
which is hereby created. The remainder of each such fee shall be 10077
deposited in the general revenue fund. All moneys credited to the 10078
corporate and uniform commercial code filing fund, subject to 10079
division (B) of this section, shall be used only for the purpose 10080
of paying for the operations of the office of the secretary of 10081
state, other than the division of elections, and for the purpose 10082
of paying for expenses relating to the processing of filings under 10083

Title XIII or XVII and ~~Chapter 1329~~ of the Revised Code and the 10084
uniform commercial code. 10085

(B) The secretary of state business technology fund is hereby 10086
created in the state treasury. One per cent of the money credited 10087
to the corporate and uniform commercial code filing fund shall be 10088
transferred to the credit of this fund. All moneys credited to 10089
this fund shall be used only for the upkeep, improvement, or 10090
replacement of equipment, or for the purpose of training employees 10091
in the use of equipment, used to conduct business of the secretary 10092
of state's office under Title XIII or XVII of the Revised Code. 10093
10094

Sec. 1309.402. The fee for expedited filing service by the 10095
secretary of state for any filing under this chapter ~~is ten 10096~~
~~dollars in addition to~~ shall be the fee set by rule under division 10097
(A) of section 111.23 of the Revised Code plus the fee the 10098
secretary of state is otherwise required to collect for the filing 10099
under this chapter. 10100

Sec. 1309.42. (A) A financing statement may disclose an 10101
assignment of a security interest in the collateral described in 10102
the financing statement by indication in the financing statement 10103
of the name and address of the assignee or by an assignment itself 10104
or a copy thereof on the face or back of the statement. On 10105
presentation to the filing officer of such a financing statement, 10106
the filing officer shall proceed as provided in division (D) of 10107
section 1309.40 of the Revised Code. The fee for filing, indexing, 10108
and furnishing filing data for a financing statement so indicating 10109
an assignment shall be ~~nine~~ twelve dollars. 10110

(B) A secured party may assign of record all or a part of the 10111
secured party's rights under a financing statement by the filing 10112
in the place where the original financing statement was filed of a 10113
separate written statement of assignment. The statement of 10114

assignment shall be on a form prescribed by the secretary of 10115
state, shall be signed by the secured party of record, shall set 10116
forth the name of the secured party of record and the debtor, the 10117
file number and the date of filing of the financing statement, and 10118
the name and address of the assignee, and shall contain a 10119
description of the collateral assigned. A statement of assignment 10120
filed in the office of the county recorder shall also comply with 10121
Chapter 317. of the Revised Code. On presentation to the filing 10122
officer of a separate statement of assignment, the filing officer 10123
shall mark the separate statement with the date and hour of 10124
filing. The filing officer shall note the assignment on the index 10125
of the financing statement, or in the case of a fixture filing, or 10126
a filing covering crops growing or to be grown or timber to be 10127
cut, or covering minerals or the like, including oil and gas, or 10128
accounts subject to division (E) of section 1309.03 of the Revised 10129
Code, the filing officer shall index the assignment under the name 10130
of the assignor as grantor and, to the extent that the law of this 10131
state provides for indexing the assignment of a mortgage under the 10132
name of the assignee, the filing officer shall index the 10133
assignment of the financing statement under the name of the 10134
assignee. The fee for filing, indexing, and furnishing filing data 10135
about such a separate statement of assignment shall be ~~nine~~ twelve 10136
dollars if on a form prescribed by the secretary of state. The fee 10137
for filing, indexing, and furnishing filing data about such a 10138
separate statement of assignment on a form that is not prescribed 10139
by the secretary of state and that is filed in the office of the 10140
county recorder shall be eleven dollars. Notwithstanding the 10141
provisions of this division, an assignment of record of a security 10142
interest in a fixture contained in a mortgage effective as a 10143
fixture filing pursuant to division (E) of section 1309.39 of the 10144
Revised Code may be made only by an assignment of the mortgage in 10145
the manner provided by the law of this state other than sections 10146
1309.01 to 1309.50 of the Revised Code. 10147

10148
(C) After the disclosure or filing of an assignment under 10149
this section, the assignee is the secured party of record. 10150

Sec. 1309.525. (A) Except as provided in division (C) of this 10151
section, the fee for filing and indexing a record under sections 10152
1309.501 to 1309.527 of the Revised Code is twelve dollars. 10153

10154

(B) The fee for responding to a request for information from 10155
the filing office, including for communicating whether there is on 10156
file any financing statement naming a particular debtor is: 10157

(1) Twenty dollars if the request is communicated in writing; 10158

(2) Twenty dollars if the request is communicated by another 10159
medium authorized by the filing office rule. 10160

However, the fee otherwise required under division (B) of 10161
this section is five dollars if the request is limited to 10162
communicating only whether there is on file any financing 10163
statement naming a particular debtor and the name of the secured 10164
party or record relating thereto. Division (B) of this section 10165
does not require that a fee be charged for remote access searching 10166
of the filing office data base. 10167

(C) This section does not require a fee with respect to a 10168
record of a mortgage that is effective as a financing statement 10169
filed as a fixture filing or as a financing statement covering 10170
as-extracted collateral or timber to be cut under division (C) of 10171
section 1309.502 of the Revised Code. However, the recording and 10172
satisfaction fees that otherwise would be applicable to the record 10173
of the mortgage apply. 10174

Sec. 1329.01. (A) As used in sections 1329.01 to 1329.10 of 10175
the Revised Code: 10176

(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.

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

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

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

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

(b) If the applicant is a limited partnership existing prior to July 1, 1994, that has not registered with the secretary of

state pursuant to Chapter 1782. of the Revised Code, the name of 10208
the Ohio county in which its certificate of limited partnership or 10209
application for registration as a foreign limited partnership is 10210
filed; 10211

(c) If the applicant is a limited partnership to which 10212
division (B)(1)(b) of this section does not apply or is a 10213
corporation, professional association, limited liability company, 10214
or other entity, the form of the entity and the state under the 10215
laws of which it was formed. 10216

(2) The trade name to be registered; 10217

(3) The general nature of the business conducted by the 10218
applicant; 10219

(4) The length of time during which the trade name has been 10220
used by the applicant in business operations in this state. 10221

(C) The trade name application shall be signed by the 10222
applicant or by any authorized representative of the applicant. 10223

A single trade name may be registered upon each trade name 10224
application submitted under sections 1329.01 to 1329.10 of the 10225
Revised Code. 10226

The trade name application shall be accompanied by a filing 10227
fee of ~~twenty~~ fifty dollars, payable to the secretary of state. 10228

(D) Any person who does business under a fictitious name and 10229
who has not registered and does not wish to register the 10230
fictitious name as a trade name or who cannot do so because the 10231
name is not available for registration shall report the use of the 10232
fictitious name to the secretary of state, on a form prescribed by 10233
the secretary of state, setting forth all of the following: 10234

(1) The name and business address of the user and any of the 10235
following that is applicable: 10236

(a) If the user is a general partnership, the names and 10237

residence addresses of all the partners; 10238

(b) If the user is a limited partnership existing prior to 10239
July 1, 1994, that has not been registered with the secretary of 10240
state pursuant to Chapter 1782. of the Revised Code, the name of 10241
the Ohio county in which its certificate of limited partnership or 10242
application for registration as a foreign limited partnership is 10243
filed; 10244

(c) If the user is a limited partnership to which division 10245
(D)(1)(b) of this section does not apply or is a corporation, 10246
professional association, limited liability company, or other 10247
entity, the form of the entity and the state under whose laws it 10248
was formed. 10249

(2) The fictitious name being used; 10250

(3) The general nature of the business conducted by the user. 10251
10252

(E) The report of use of a fictitious name shall be signed by 10253
the user or by any authorized representative of the user. 10254

A single fictitious name may be registered upon each 10255
fictitious name report submitted under sections 1329.01 to 1329.10 10256
of the Revised Code. 10257

The fictitious name report shall be accompanied by a filing 10258
fee of ~~ten~~ fifty dollars, payable to the secretary of state. 10259

A report under this division shall be made within thirty days 10260
after the date of the first use of the fictitious name. 10261

Sec. 1329.04. Registration of a trade name or report of a 10262
fictitious name, under sections 1329.01 to 1329.10 of the Revised 10263
Code, shall be effective for a term of five years from the date of 10264
registration or report. Upon application filed within six months 10265
prior to the expiration of such term, on a form furnished by the 10266

secretary of state, the registration or report may be renewed at 10267
the end of each five-year period for a like term, provided that a 10268
general partnership shall renew its registration or report 10269
whenever there has been a change in the listing of partners on its 10270
registration or report and a limited partnership shall renew its 10271
registration or report when a change occurs in the listing of its 10272
general partners on its registration or report. Such a renewal 10273
shall extend the registration or report for five years, unless 10274
further changes occur in the interim. ~~A~~ The renewal fee specified 10275
in division (S)(3) of ten dollars section 111.16 of the Revised 10276
Code, payable to the secretary of state, shall accompany the 10277
application for renewal of the registration or report. 10278

The secretary of state shall notify persons who have 10279
registered trade names or reported fictitious names, within the 10280
six months next preceding the expiration of the five years from 10281
the date of registration or report, of the necessity of renewal by 10282
writing to the last known address of such persons. 10283

Sec. 1329.06. Any trade name or fictitious name and its 10284
registration or report shall be assignable by an instrument in 10285
writing duly executed and may be recorded with the secretary of 10286
state upon the payment of ~~a~~ the fee specified in division (S)(4) 10287
of ten dollars section 111.16 of the Revised Code, payable to the 10288
secretary of state, who, recording the assignment, shall issue in 10289
the name of the assignee a new certificate for the remainder of 10290
the term of the registration or report or the last renewal 10291
thereof. The instrument shall be on a form prescribed by the 10292
secretary of state. 10293

Sec. 1329.07. The registrant of any trade name or a person 10294
who reports a fictitious name shall record all changes of the 10295
registrant's business address by filing with the secretary of 10296
state a statement in writing, on a form prescribed by the 10297

secretary of state, setting forth the name previously registered 10298
or reported, the date of the registration or report, and the new 10299
address of the applicant. A The filing fee specified in division 10300
(S)(4) of ~~three dollars~~ section 111.16 of the Revised Code shall 10301
accompany ~~such~~ the statement. 10302

Sec. 1329.42. A person who uses in this state a name, mark, 10303
or device to indicate ownership of articles or supplies may file 10304
in the office of the secretary of state, on a form to be 10305
prescribed by the secretary of state, a verified statement setting 10306
forth, but not limited to, the following information: 10307

(A) The name and business address of the person filing the 10308
statement; and, if a corporation, the state of incorporation; 10309

(B) The nature of the business of the applicant; 10310

(C) The type of articles or supplies in connection with which 10311
the name, mark, or device is used. 10312

The statement shall include or be accompanied by a specimen 10313
evidencing actual use of the name, mark, or device, together with 10314
~~a~~ the filing fee specified in division (U)(1) of ~~twenty dollars~~ 10315
section 111.16 of the Revised Code. The registration of a name, 10316
mark, or device pursuant to this section is effective for a 10317
ten-year period beginning on the date of registration. If an 10318
application for renewal is filed within six months prior to the 10319
expiration of the ten-year period on a form prescribed by the 10320
secretary of state, the registration may be renewed at the end of 10321
each ten-year period for an additional ten-year period. A The 10322
renewal fee specified in division (U)(2) of ~~ten dollars~~ section 10323
111.16 of the Revised Code shall accompany the application for 10324
renewal. The secretary of state shall notify a registrant within 10325
the six months next preceding the expiration of ten years from the 10326
date of registration of the necessity of renewal by writing to the 10327
last known address of the registrant. 10328

Sec. 1329.421. The registrant of a name, mark, or device used 10329
to indicate ownership shall record all changes of the registrant's 10330
business address by filing with the secretary of state a written 10331
statement, on a form prescribed by the secretary of state, of the 10332
new address. ~~A~~ The filing fee of three dollars specified in 10333
division (U)(2) of section 111.16 of the Revised Code shall 10334
accompany the statement. 10335

Sec. 1329.45. The certificate of the filing of any name, 10336
mark, or device under sections 1329.41 to 1329.53 of the Revised 10337
Code and the benefits obtained ~~thereunder~~ under it shall be 10338
assignable with the sale of the articles or supplies on which the 10339
same are produced and used. Assignments shall be by instruments in 10340
writing duly executed and may be recorded upon the payment of ~~a~~ 10341
the fee specified in division (U)(2) of ten dollars section 111.16 10342
of the Revised Code, payable to the secretary of state, who, after 10343
recording the assignment, upon request of the assignee, may issue 10344
in the assignee's name a new certificate. The instrument shall be 10345
on a form prescribed by the secretary of state. 10346

Sec. 1329.56. (A) Subject to the limitations set forth in 10347
sections 1329.54 to 1329.67 of the Revised Code, any person who 10348
adopts and uses a trademark or service mark in this state may file 10349
in the office of the secretary of state, on a form to be 10350
prescribed by the secretary of state, an application for 10351
registration of that trademark or service mark that sets forth, 10352
but is not limited to, the following information: 10353

(1) The name and business address of the person applying for 10354
the registration; if the person is a corporation, the state of its 10355
incorporation; if the person is a partnership or limited liability 10356
partnership, the state in which the partnership is organized and 10357
the names of the general partners; and, if the person is a limited 10358

liability company, the state of its organization; 10359

(2) The goods or services on or in connection with which the 10360
mark is used, the mode or manner in which the mark is used on or 10361
in connection with the goods or services, and the class in which 10362
the goods or services fall; 10363

(3) The date when the mark was first used anywhere and the 10364
date when it was first used in this state by the applicant or the 10365
applicant's predecessor in interest; 10366

(4) A statement that the applicant is the owner of the mark, 10367
that the mark is in use, and that, to the knowledge of the person 10368
verifying the application, no other person has the right to use 10369
the mark in the state either in the identical form of the mark, or 10370
in near resemblance to the mark, as to be likely, when used on or 10371
in connection with the goods or services of another person, to 10372
cause confusion or mistake or to deceive; 10373

(5) A statement that, to the knowledge of the person 10374
verifying the application, no other person has a registration or a 10375
pending intent to use application of the same or a confusingly 10376
similar mark in the United States patent and trademark office for 10377
the same or similar goods or services or a statement that the 10378
applicant is the owner of a concurrent registration in the United 10379
States patent and trademark office of the applicant's mark 10380
covering an area including this state. 10381

(B) The application shall be signed and verified by the 10382
applicant, by an authorized representative, or by an officer of 10383
the firm, limited liability company, limited liability 10384
partnership, general partnership, or limited partnership, 10385
corporation, union, association, or other organization that is the 10386
applicant. 10387

(C) The application shall be accompanied by a specimen of the 10388
mark as actually used and shall contain a brief description of the 10389

mark as it appears on the specimen. 10390

(D) The application shall be accompanied by ~~a~~ the filing fee 10391
specified in division (U)(1) of twenty dollars that is section 10392
111.16 of the Revised Code, payable to the secretary of state. 10393

Sec. 1329.58. Registration of a trademark or service mark 10394
under sections 1329.54 to 1329.67 of the Revised Code shall be 10395
effective for a term of ten years from the date of registration. 10396
Upon the filing of an application within six months prior to the 10397
expiration of that term on a form furnished by the secretary of 10398
state, the registrant may renew the registration at the end of 10399
each ten-year period for a similar term. ~~A~~ The renewal fee 10400
specified in division (U)(2) of ten dollars that is section 111.16 10401
of the Revised Code, payable to the secretary of state, shall 10402
accompany the renewal application. The renewal application shall 10403
require the applicant to state that the mark still is in use in 10404
this state. 10405

Sec. 1329.60. Any trademark or service mark and its 10406
registration shall be assignable with the good will of the 10407
business in which the trademark or service mark is used, or with 10408
that part of the good will of the business connected with the use 10409
of and symbolized by the trademark or service mark. Assignment 10410
shall be by instruments in writing duly executed and may be 10411
recorded with the secretary of state upon the payment of ~~a~~ the fee 10412
specified in division (U)(2) of ten dollars section 111.16 of the 10413
Revised Code, payable to the secretary of state, who, after 10414
recording the assignment, shall issue in the name of the assignee 10415
a new certificate for the remainder of the term of the 10416
registration or of the last renewal thereof. The instrument shall 10417
be on a form prescribed by the secretary of state. An assignment 10418
of any registration shall be void as against any subsequent 10419
purchaser for valuable consideration without notice unless it is 10420

recorded with the secretary of state within three months after the 10421
date thereof or prior to such subsequent purchase. 10422

Sec. 1329.601. The registrant of a trademark or service mark 10423
shall record all changes of the registrant's business address by 10424
filing a written statement, on a form prescribed by the secretary 10425
of state, of the new address with the secretary of state. ~~A~~ The 10426
filing fee of three dollars specified in division (U)(2) of 10427
section 111.16 of the Revised Code shall accompany the statement. 10428

Sec. 1345.21. As used in sections 1345.21 to 1345.28 of the 10429
Revised Code: 10430

(A) "Home solicitation sale" means a sale of consumer goods 10431
or services in which the seller or a person acting for the seller 10432
engages in a personal solicitation of the sale at a residence of 10433
the buyer, including solicitations in response to or following an 10434
invitation by the buyer, and the buyer's agreement or offer to 10435
purchase is there given to the seller or a person acting for the 10436
seller, or in which the buyer's agreement or offer to purchase is 10437
made at a place other than the seller's place of business. It does 10438
not include a transaction or transactions in which: 10439

(1) The total purchase price to be paid by the buyer, whether 10440
under single or multiple contracts, is less than twenty-five 10441
dollars; 10442

(2) The transaction was conducted and consummated entirely by 10443
mail or by telephone if initiated by the buyer, and without any 10444
other contact between the seller or the seller's representative 10445
prior to the delivery of goods or performance of the service; 10446

(3) The final agreement is made pursuant to prior 10447
negotiations in the course of a visit by the buyer to a retail 10448
business establishment having a fixed permanent location where the 10449
goods are exhibited or the services are offered for sale on a 10450

continuing basis; 10451

(4) The buyer initiates the contact between the parties for 10452
the purpose of negotiating a purchase and the seller has a 10453
business establishment at a fixed location in this state where the 10454
goods or services involved in the transaction are regularly 10455
offered or exhibited for sale. 10456

Advertisements by such a seller in newspapers, magazines, 10457
catalogues, radio, or television do not constitute the seller 10458
initiation of the contact. 10459

(5) The buyer initiates the contact between the parties, the 10460
goods or services are needed to meet a bona fide immediate 10461
personal emergency of the buyer which will jeopardize the welfare, 10462
health, or safety of natural persons, or endanger property which 10463
the buyer owns or for which the buyer is responsible, and the 10464
buyer furnishes the seller with a separate, dated, and signed 10465
statement in the buyer's handwriting describing the situation 10466
requiring immediate remedy and expressly acknowledging and waiving 10467
the right to cancel the sale within three business days; 10468

(6) The buyer has initiated the contact between the parties 10469
and specifically requested the seller to visit the buyer's home 10470
for the purpose of repairing or performing maintenance upon the 10471
buyer's personal property. If, in the course of such a visit, the 10472
seller sells the buyer additional services or goods other than 10473
replacement parts necessarily used in performing the maintenance 10474
or in making the repairs, the sale of those additional goods or 10475
services does not fall within this exclusion. 10476

(7) The buyer is accorded the right of rescission by the 10477
"Consumer Credit Protection Act," (1968) 82 Stat. 152, 15 U.S.C. 10478
1635, or regulations adopted pursuant to it. 10479

(B) "Sale" includes a lease or rental. 10480

(C) "Seller" includes a lessor or anyone offering goods for 10481

rent.	10482
(D) "Buyer" includes a lessee or anyone who gives a consideration for the privilege of using goods.	10483 10484
(E) "Consumer goods or services" means goods or services purchased, leased, or rented primarily for personal, family, or household purposes, including courses or instruction or training regardless of the purpose for which they are taken.	10485 10486 10487 10488
(F) "Consumer goods or services" does not include goods or services pertaining to any of the following:	10489 10490
(1) Sales or rentals of real property by a real estate broker or salesperson, or by a foreign real estate dealer or salesperson, who is licensed by the Ohio real estate commission under Chapter 4735. of the Revised Code;	10491 10492 10493 10494
(2) The sale of securities or commodities by a broker-dealer registered with the securities and exchange commission;	10495 10496
(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;	10497 10498 10499
(4) The sale of insurance by a person licensed by the superintendent of insurance;	10500 10501
(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;	10502 10503 10504
(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.	10505 10506 10507
(G) "Purchase price" means the total cumulative price of the consumer goods or services, including all interest and service charges.	10508 10509 10510

(H) "Place of business" means the main office, or a permanent 10511
branch office or permanent local address of a seller. 10512

(I) "Business day" means any calendar day except Sunday, or 10513
the following business holidays: New Year's day, Presidents' day, 10514
Memorial day, Independence day, Labor day, Columbus day, Veterans 10515
day, Thanksgiving day, and Christmas day. 10516

Sec. 1501.01. Except where otherwise expressly provided, the 10517
director of natural resources shall formulate and institute all 10518
the policies and programs of the department of natural resources. 10519
The chief of any division of the department shall not enter into 10520
any contract, agreement, or understanding unless it is approved by 10521
the director. No appointee or employee of the director, other than 10522
the assistant director, may bind the director in a contract except 10523
when given general or special authority to do so by the director. 10524
10525

The director shall correlate and coordinate the work and 10526
activities of the divisions in the department to eliminate 10527
unnecessary duplications of effort and overlapping of functions. 10528
The chiefs of the various divisions of the department shall meet 10529
with the director at least once each month at a time and place 10530
designated by the director. 10531

The director may create advisory boards to any of those 10532
divisions in conformity with section 121.13 of the Revised Code. 10533

The director may accept and expend gifts, devises, and 10534
bequests of money, lands, and other properties on behalf of the 10535
department or any division thereof under the terms set forth in 10536
section 9.20 of the Revised Code. Any political subdivision of 10537
this state may make contributions to the department for the use of 10538
the department or any division therein according to the terms of 10539
the contribution. 10540

The director may publish and sell or otherwise distribute 10541
data, reports, and information. 10542

The director shall adopt rules in accordance with Chapter 10543
119. of the Revised Code to permit the department to accept by 10544
means of a credit card the payment of fees, charges, and rentals 10545
at those facilities described in section 1501.07 of the Revised 10546
Code that are operated by the department, for any data, reports, 10547
or information sold by the department, and for any other goods or 10548
services provided by the department. 10549

Whenever authorized by the governor to do so, the director 10550
may appropriate property for the uses and purposes authorized to 10551
be performed by the department and on behalf of any division 10552
within the department. This authority shall be exercised in the 10553
manner provided in sections 163.01 to 163.22 of the Revised Code 10554
for the appropriation of property by the director of 10555
administrative services. This authority to appropriate property is 10556
in addition to the authority provided by law for the appropriation 10557
of property by divisions of the department. The director of 10558
natural resources also may acquire by purchase, lease, or 10559
otherwise such real and personal property rights or privileges in 10560
the name of the state as are necessary for the purposes of the 10561
department or any division therein. The director, with the 10562
approval of the governor and the attorney general, may sell, 10563
lease, or exchange portions of lands or property, real or 10564
personal, of any division of the department or grant easements or 10565
licenses for the use thereof, or enter into agreements for the 10566
sale of water from lands and waters under the administration or 10567
care of the department or any of its divisions, when the sale, 10568
lease, exchange, easement, agreement, or license for use is 10569
advantageous to the state, provided that such approval is not 10570
required for leases and contracts made under ~~section 1507.12, if~~ 10571
~~any, or~~ section 1501.07, 1501.09, or 1520.03 or Chapter 1523. of 10572

the Revised Code. Water may be sold from a reservoir only to the 10573
extent that the reservoir was designed to yield a supply of water 10574
for a purpose other than recreation or wildlife, and the water 10575
sold is in excess of that needed to maintain the reservoir for 10576
purposes of recreation or wildlife. 10577

Money received from such sales, leases, easements, exchanges, 10578
agreements, or licenses for use, except revenues required to be 10579
set aside or paid into depositories or trust funds for the payment 10580
of bonds issued under sections 1501.12 to 1501.15 of the Revised 10581
Code, and to maintain the required reserves therefor as provided 10582
in the orders authorizing the issuance of such bonds or the trust 10583
agreements securing such bonds, revenues required to be paid and 10584
credited pursuant to the bond proceeding applicable to obligations 10585
issued pursuant to section 154.22, and revenues generated under 10586
section 1520.05 of the Revised Code, shall be deposited in the 10587
state treasury to the credit of the fund of the division of the 10588
department having prior jurisdiction over the lands or property. 10589
If no such fund exists, the money shall be credited to the general 10590
revenue fund. All such money received from lands or properties 10591
administered by the division of wildlife shall be credited to the 10592
wildlife fund. 10593

The director shall provide for the custody, safekeeping, and 10594
deposit of all moneys, checks, and drafts received by the 10595
department or its employees prior to paying them to the treasurer 10596
of state under section 113.08 of the Revised Code. 10597

The director shall cooperate with the nature conservancy, 10598
other nonprofit organizations, and the United States fish and 10599
wildlife service in order to secure protection of islands in the 10600
Ohio river and the wildlife and wildlife habitat of those islands. 10601

Any instrument by which real property is acquired pursuant to 10602
this section shall identify the agency of the state that has the 10603
use and benefit of the real property as specified in section 10604

5301.012 of the Revised Code.

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Sec. 1501.23. The department of natural resources may utilize the services of volunteers to implement clean-up and beautification programs or any other programs that accomplish any of the purposes of the department. The director of natural resources shall approve all volunteer programs and may recruit, train, and supervise the services of community volunteers or volunteer groups for volunteer programs. The director may designate volunteers in a volunteer program as state employees for the purpose of motor vehicle accident liability insurance under section 9.83 of the Revised Code, for the purpose of immunity under section 9.86 of the Revised Code, and for the purpose of indemnification from liability incurred in the performance of their duties under section 9.87 of the Revised Code.

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Sec. 1501.40. The department of natural resources is the designated state agency responsible for the coordination and administration of sections 120 to 136 of the "National and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C.A. 12401 to 12456, ~~and amendments thereto as amended.~~ With the assistance of the ~~state~~ Ohio community service ~~advisory committee council~~ created in section 121.40 of the Revised Code, the director of natural resources shall coordinate with other state agencies to apply for funding under the act when appropriate and shall administer any federal funds the state receives under sections 120 to 136 of the act.

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Sec. 1502.12. (A) There is hereby created in the state treasury the scrap tire grant fund, consisting of moneys transferred to the fund under section 3734.82 of the Revised Code. The chief of the division of recycling and litter prevention, with the approval of the director of natural resources, may make grants

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from the fund for the purpose of supporting market development 10635
activities for scrap tires. The grants may be awarded to 10636
individuals, businesses, and entities certified under division (B) 10637
of section 1502.04 of the Revised Code. 10638

(B) Projects and activities that are eligible for grants 10639
under this section shall be evaluated for funding using, at a 10640
minimum, the following criteria: 10641

(1) The degree to which a proposed project contributes to the 10642
increased use of scrap tires generated in this state; 10643

(2) The degree of local financial support for a proposed 10644
project; 10645

(3) The technical merit and quality of a proposed project. 10646

Sec. 1503.011. The chief of the division of forestry shall be 10647
responsible for the conservation and development of forests within 10648
this state. ~~He~~ The chief shall be concerned with silvicultural 10649
practices, including the proper planting, growing, protecting, 10650
harvesting, and managing of trees for such purposes as watershed 10651
and soil protection, timber production and utilization, 10652
recreation, aesthetics, wildlife habitat development, and urban 10653
enhancement and for all benefits that forests provide. 10654

The chief may do any or all of the following: 10655

(A) Provide rural forestry assistance to nonindustrial 10656
private forest landowners, including advice in tree planting, 10657
forest improvement, harvesting, and all aspects of conservation; 10658

(B) Provide urban forestry assistance to individuals, 10659
nonprofit organizations, and political subdivisions to manage 10660
their urban forest resource and develop comprehensive tree care 10661
programs; 10662

(C) Provide wood utilization, marketing, and rural forestry 10663

development assistance to forest industries, political 10664
subdivisions and agencies thereof, and state and federal agencies 10665
for the purpose of establishing and maintaining a viable, 10666
economically sound wood-based industry while expanding the forest 10667
resource of this state; 10668

(D) Provide forest pest protection assistance to forest 10669
landowners, political subdivisions and agencies thereof, and state 10670
and federal agencies on assessing and evaluating the health and 10671
vigor of the forest resource; 10672

(E) Provide technical assistance to landowners in developing 10673
forest windbreaks, filter strips, and other forest management 10674
practices that provide conservation benefits; 10675

(F) Provide awareness of and education concerning the 10676
programs provided for under divisions (A) to (E) of this section; 10677

(G) Enter into agreements with political subdivisions and 10678
agencies thereof, state and federal agencies, firefighting 10679
agencies and private fire companies, as those terms are defined in 10680
section 9.60 of the Revised Code, nonprofit organizations, and 10681
individuals to meet the needs of forestry assistance in this state 10682
and, in accordance with ~~sections~~ section 1503.01 ~~and 1503.35~~ of 10683
the Revised Code, develop and administer grant programs for any of 10684
those entities requesting assistance. The chief shall adopt, and 10685
may amend and rescind, rules in accordance with Chapter 119. of 10686
the Revised Code establishing such requirements and procedures as 10687
are necessary to implement this division. 10688

As used in this section, "nonprofit organization" has the 10689
same meaning as in section 4141.01 of the Revised Code. 10690

Sec. 1507.01. There is hereby created in the department of 10691
natural resources the division of engineering to be administered 10692
by the chief engineer of the department, who shall be a 10693

professional engineer registered under Chapter 4733. of the 10694
Revised Code. The chief engineer shall do all of the following: 10695

(A) Administer this chapter; 10696

(B) Provide engineering, architectural, land surveying, and 10697
related administrative and maintenance support services to the 10698
other divisions in the department; 10699

(C) Upon request of the director of natural resources, 10700
implement the department's capital improvement program and 10701
facility maintenance projects, including all associated 10702
engineering, architectural, design, contracting, surveying, 10703
inspection, and management responsibilities and requirements; 10704

(D) With the approval of the director, act as contracting 10705
officer in departmental engineering, architectural, surveying, and 10706
construction matters regarding capital improvements except for 10707
those matters otherwise specifically provided for in law; 10708

~~(E) As long as the state retains ownership of the Burr Oak 10709
water system, administer, operate, and maintain the Burr Oak water 10710
system and, with the approval of the director, act as contracting 10711
agent in matters concerning that system; 10712~~

~~(F)~~ Provide engineering support for the coastal management 10713
program established under Chapter 1506. of the Revised Code; 10714

~~(G)~~(F) Coordinate the department's roadway maintenance 10715
program with the department of transportation pursuant to section 10716
5511.05 of the Revised Code and maintain the roadway inventory of 10717
the department of natural resources; 10718

~~(H) Coordinate the department's emergency response activities 10719
with the emergency management agency created in section 5502.22 of 10720
the Revised Code; 10721~~

~~(I)~~(G) Coordinate the department's projects, programs, 10722
policies, procedures, and activities with the United States army 10723

corps of engineers;	10724
(J) (H) Subject to the approval of the director, employ	10725
professional and technical assistants and such other employees as	10726
are necessary for the performance of the activities required or	10727
authorized under this chapter, other work of the division, and any	10728
other work agreed to under working agreements or contractual	10729
arrangements; prescribe their duties; and fix their compensation	10730
in accordance with such schedules as are provided by law for the	10731
compensation of state employees.	10732
Sec. 1509.06. An application for a permit to drill a new	10733
well, drill an existing well deeper, reopen a well, convert a well	10734
to any use other than its original purpose, or plug back a well to	10735
a different source of supply shall be filed with the chief of the	10736
division of mineral resources management upon such form as the	10737
chief prescribes and shall contain each of the following that is	10738
applicable:	10739
(A) The name and address of the owner and, if a corporation,	10740
the name and address of the statutory agent;	10741
(B) The signature of the owner or the owner's authorized	10742
agent. When an authorized agent signs an application, it shall be	10743
accompanied by a certified copy of the appointment as such agent.	10744
(C) The names and addresses of all persons holding the	10745
royalty interest in the tract upon which the well is located or is	10746
to be drilled or within a proposed drilling unit;	10747
(D) The location of the tract or drilling unit on which the	10748
well is located or is to be drilled identified by section or lot	10749
number, city, village, township, and county;	10750
(E) Designation of the well by name and number;	10751
(F) The geological formation to be tested or used and the	10752
proposed total depth of the well;	10753

(G) The type of drilling equipment to be used; 10754

(H) If the well is for the injection of a liquid, identity of 10755
the geological formation to be used as the injection zone and the 10756
composition of the liquid to be injected; 10757

(I) A sworn statement that all requirements of any municipal 10758
corporation, county, or township having jurisdiction over any 10759
activity related to the drilling or operation of an oil or gas 10760
well that have been filed with the division of mineral resources 10761
management and are in effect at the time the application is filed, 10762
including, but not limited to, zoning ordinances and resolutions 10763
and the requirements of section 4513.34 of the Revised Code, will 10764
be complied with until abandonment of the well; 10765

(J) A plan for restoration of the land surface disturbed by 10766
drilling operations. The plan shall provide for compliance with 10767
the restoration requirements of division (A) of section 1509.072 10768
of the Revised Code and any rules adopted by the chief pertaining 10769
to that restoration. 10770

(K) A description by name or number of the county, township, 10771
and municipal corporation roads, streets, and highways that the 10772
applicant anticipates will be used for access to and egress from 10773
the well site; 10774

(L) Such other relevant information as the chief prescribes 10775
by rule. 10776

Each application shall be accompanied by a map, on a scale 10777
not smaller than four hundred feet to the inch, prepared by an 10778
Ohio registered surveyor, showing the location of the well and 10779
containing such other data as may be prescribed by the chief. If 10780
the well is or is to be located within the excavations and 10781
workings of a mine, the map also shall include the location of the 10782
mine, the name of the mine, and the name of the person operating 10783
the mine. 10784

The chief shall cause a copy of the weekly circular prepared 10785
by the division to be provided to the county engineer of each 10786
county that contains active or proposed drilling activity. The 10787
weekly circular shall contain, in the manner prescribed by the 10788
chief, the names of all applicants for permits, the location of 10789
each well or proposed well, the information required by division 10790
(K) of this section, and any additional information the chief 10791
prescribes. 10792

The chief shall not issue a permit for at least ten days 10793
after the date of filing of the application for the permit unless, 10794
upon reasonable cause shown, the chief waives that period or a 10795
request for expedited review is filed under this section. However, 10796
the chief shall issue a permit within twenty-one days of the 10797
filing of the application unless the chief denies the application 10798
by order. 10799

An applicant may file a request with the chief for expedited 10800
review of a permit application if the well is not or is not to be 10801
located in a gas storage reservoir or reservoir protective area, 10802
as "reservoir protective area" is defined in section 1571.01 of 10803
the Revised Code. If the well is or is to be located in a coal 10804
bearing township, the application shall be accompanied by the 10805
affidavit of the landowner prescribed in section 1509.08 of the 10806
Revised Code. 10807

In addition to a complete application for a permit that meets 10808
the requirements of this section and the permit fee prescribed by 10809
this section, a request for expedited review shall be accompanied 10810
by a separate nonrefundable filing fee of five hundred dollars. 10811
Upon the filing of a request for expedited review, the chief shall 10812
cause the county engineer of the county in which the well is or is 10813
to be located to be notified of the filing of the permit 10814
application and the request for expedited review by telephone or 10815
other means that in the judgment of the chief will provide timely 10816

notice of the application and request. The chief shall issue a permit within seven days of the filing of the request unless the chief denies the application by order. Notwithstanding the provisions of this section governing expedited review of permit applications, the chief may refuse to accept requests for expedited review if, in the chief's judgment, the acceptance of the requests would prevent the issuance, within twenty-one days of their filing, of permits for which applications are pending.

A well shall be drilled and operated in accordance with the plans, sworn statements, and other information submitted in the approved application.

The chief shall issue an order denying a permit if the chief finds that there is a substantial risk that the operation will result in violations of this chapter or rules adopted under it that will present an imminent danger to public health or safety or damage to the environment, provided that where the chief finds that terms or conditions to the permit can reasonably be expected to prevent such violations, the chief shall issue the permit subject to those terms or conditions.

Each application for a permit required by section 1509.05 of the Revised Code, except an application for a well drilled or reopened for purposes of section 1509.22 of the Revised Code, also shall be accompanied by a nonrefundable fee of two hundred fifty dollars.

The chief may order the immediate suspension of drilling, operating, or plugging activities after finding that any person is causing, engaging in, or maintaining a condition or activity that in the chief's judgment presents an imminent danger to public health or safety or results in or is likely to result in immediate substantial damage to natural resources or for nonpayment of the 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 10849
activities present an imminent and substantial threat to public 10850
health or safety or to miners' health or safety. Before issuing 10851
any such order, the chief shall notify the owner in such manner as 10852
in the chief's judgment would provide reasonable notification that 10853
the chief intends to issue a suspension order. The chief may issue 10854
such an order without prior notification if reasonable attempts to 10855
notify the owner have failed, but in such an event notification 10856
shall be given as soon thereafter as practical. Within five 10857
calendar days after the issuance of the order, the chief shall 10858
provide the owner an opportunity to be heard and to present 10859
evidence that the condition or activity is not likely to result in 10860
immediate substantial damage to natural resources or does not 10861
present an imminent danger to public health or safety or to 10862
miners' health or safety, if applicable. In the case of activities 10863
in a coal bearing township, if the chief, after considering 10864
evidence presented by the owner, determines that the activities do 10865
not present such a threat, the chief shall revoke the suspension 10866
order. Notwithstanding any provision of this chapter, the owner 10867
may appeal a suspension order directly to the court of common 10868
pleas of the county in which the activity is located or, if in a 10869
coal bearing township, to the ~~mine-examining board~~ reclamation 10870
commission under section 1513.13 of the Revised Code. 10871
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Sec. 1509.071. (A) When the chief of the division of mineral 10873
resources management finds that an owner has failed to comply with 10874
the restoration requirements of section 1509.072, plugging 10875
requirements of section 1509.12, or permit provisions of section 10876
1509.13 of the Revised Code, or rules and orders relating thereto, 10877
the chief shall make a finding of that fact and declare any surety 10878
bond filed to ensure compliance with those sections and rules 10879
forfeited in the amount set by rule of the chief. The chief 10880

thereupon shall certify the total forfeiture to the attorney 10881
general, who shall proceed to collect the amount of the 10882
forfeiture. 10883

In lieu of total forfeiture, the surety, at its option, may 10884
cause the well to be properly plugged and abandoned and the area 10885
properly restored or pay to the treasurer of state the cost of 10886
plugging and abandonment. 10887

(B) All moneys collected because of forfeitures of bonds as 10888
provided in this section shall be deposited in the state treasury 10889
to the credit of the oil and gas well fund created in section 10890
1509.02 of the Revised Code. The fund shall be expended by the 10891
chief for the following purposes in addition to the other purposes 10892
specified in that section: 10893

(1) In accordance with division (D) of this section, to plug 10894
wells or to restore the land surface properly as required in 10895
section 1509.072 of the Revised Code for which the bonds have been 10896
forfeited, for abandoned wells for which no funds are available to 10897
plug the wells in accordance with this chapter, or to use 10898
abandoned wells for the injection of oil or gas production wastes; 10899

(2) In accordance with division (E) of this section, to 10900
correct conditions that the chief reasonably has determined are 10901
causing imminent health or safety risks. 10902

Expenditures from the fund shall be made only for lawful 10903
purposes. 10904

(C)(1) Upon determining that the owner of a well has failed 10905
to properly plug and abandon it or to properly restore the land 10906
surface at the well site in compliance with the applicable 10907
requirements of this chapter and applicable rules adopted and 10908
orders issued under it or that a well is an abandoned well for 10909
which no funds are available to plug the well in accordance with 10910
this chapter, the chief shall do all of the following: 10911

(a) Determine from the records in the office of the county recorder of the county in which the well is located the identity of the owner of the land on which the well is located, the identity of the owner of the oil or gas lease under which the well was drilled or the identity of each person owning an interest in the lease, and the identities of the persons having legal title to, or a lien upon, any of the equipment appurtenant to the well;

(b) Mail notice to the owner of the land on which the well is located informing the landowner that the well is to be plugged. If the owner of the oil or gas lease under which the well was drilled is different from the owner of the well or if any persons other than the owner of the well own interests in the lease, the chief also shall mail notice that the well is to be plugged to the owner of the lease or to each person owning an interest in the lease, as appropriate.

(c) Mail notice to each person having legal title to, or a lien upon, any equipment appurtenant to the well, informing the person that the well is to be plugged and offering the person the opportunity to plug the well and restore the land surface at the well site at the person's own expense in order to avoid forfeiture of the equipment to this state.

(2) If none of the persons described in division (C)(1)(c) of this section plugs the well within sixty days after the mailing of the notice required by that division, all equipment appurtenant to the well is hereby declared to be forfeited to this state without compensation and without the necessity for any action by the state for use to defray the cost of plugging and abandoning the well and restoring the land surface at the well site.

(D) Expenditures from the fund for the purpose of division (B)(1) of this section shall be made in accordance with either of the following:

(1) The expenditures may be made pursuant to contracts 10943
entered into by the chief with persons who agree to furnish all of 10944
the materials, equipment, work, and labor as specified and 10945
provided in such a contract. Agents or employees of persons 10946
contracting with the chief for the restoration, plugging, and 10947
injection projects may enter upon any land, public or private, ~~for~~ 10948
~~which a project has been approved by the controlling board and on~~ 10949
which the well is located, for the purpose of performing the work. 10950
Prior to such entry, the chief shall give to the following persons 10951
written notice of the existence of a contract for a project to 10952
restore, plug, or inject oil or gas production wastes into a well, 10953
the names of the persons with whom the contract is made, and the 10954
date that the project will commence: the owner of the well, the 10955
owner of the land upon which the well is located, the owner or 10956
agents of adjoining land, and, if the well is located in the same 10957
township as or in a township adjacent to the excavations and 10958
workings of a mine and the owner or lessee of that mine has 10959
provided written notice identifying those townships to the chief 10960
at any time during the immediately preceding three years, the 10961
owner or lessee of the mine. 10962

~~The chief periodically shall submit project proposals under 10963
division (D)(1) of this section to the controlling board, together 10964
with benefit and cost data and other pertinent information. 10965
Expenditures from the fund for the purpose of division (D)(1) of 10966
this section may be made only for restoration, plugging, or 10967
injection projects that are approved by the controlling board, and 10968
expenditures for a particular project may not exceed any limits 10969
set by the board. 10970~~

(2)(a) The owner of the land on which a well is located who 10971
has received notice under division (C)(1)(b) of this section may 10972
plug the well and be reimbursed by the division for the reasonable 10973
cost of plugging the well. In order to plug the well, the 10974

landowner shall submit an application to the chief on a form 10975
prescribed by the chief and approved by the technical advisory 10976
council on oil and gas created in section 1509.38 of the Revised 10977
Code. The application, at a minimum, shall require the landowner 10978
to provide the same information as is required to be included in 10979
the application for a permit to plug and abandon under section 10980
1509.13 of the Revised Code. The application shall be accompanied 10981
by a copy of a proposed contract to plug the well prepared by a 10982
contractor regularly engaged in the business of plugging oil and 10983
gas wells. The proposed contract shall require the contractor to 10984
furnish all of the materials, equipment, work, and labor necessary 10985
to plug the well properly and shall specify the price for doing 10986
the work, including a credit for the equipment appurtenant to the 10987
well that was forfeited to the state through the operation of 10988
division (C)(2) of this section. The application also shall be 10989
accompanied by the permit fee required by section 1509.13 of the 10990
Revised Code unless the chief, in the chief's discretion, waives 10991
payment of the permit fee. The application constitutes an 10992
application for a permit to plug and abandon the well for the 10993
purposes of section 1509.13 of the Revised Code. 10994

(b) Within thirty days after receiving an application and 10995
accompanying proposed contract under division (D)(2)(a) of this 10996
section, the chief shall determine whether the plugging would 10997
comply with the applicable requirements of this chapter and 10998
applicable rules adopted and orders issued under it and whether 10999
the cost of the plugging under the proposed contract is 11000
reasonable. If the chief determines that the proposed plugging 11001
would comply with those requirements and that the proposed cost of 11002
the plugging is reasonable, the chief shall notify the landowner 11003
of that determination and issue to the landowner a permit to plug 11004
and abandon the well under section 1509.13 of the Revised Code. 11005
Upon approval of the application and proposed contract, the chief 11006

shall transfer ownership of the equipment appurtenant to the well 11007
to the landowner. The chief may disapprove an application 11008
submitted under division (D)(2)(a) of this section if the chief 11009
determines that the proposed plugging would not comply with the 11010
applicable requirements of this chapter and applicable rules 11011
adopted and orders issued under it, that the cost of the plugging 11012
under the proposed contract is unreasonable, or that the proposed 11013
contract is not a bona fide, arms length contract. 11014

(c) After receiving the chief's notice of the approval of the 11015
application and permit to plug and abandon a well under division 11016
(D)(2)(b) of this section, the landowner shall enter into the 11017
proposed contract to plug the well. The plugging shall be 11018
completed within one hundred eight days after the landowner 11019
receives the notice of approval and permit. 11020

(d) Upon determining that the plugging has been completed 11021
within the time required by division (D)(2)(c) of this section and 11022
has been completed in compliance with the applicable requirements 11023
of this chapter and applicable rules adopted and orders issued 11024
under it, the chief shall reimburse the landowner for the cost of 11025
the plugging as set forth in the proposed contract approved by the 11026
chief. The reimbursement shall be paid from the oil and gas well 11027
fund. If the chief determines that the plugging was not completed 11028
within the required time or was not completed in accordance with 11029
the applicable requirements, the chief shall not reimburse the 11030
landowner for the cost of the plugging, and the landowner or the 11031
contractor, as applicable, promptly shall transfer back to this 11032
state title to and possession of the equipment appurtenant to the 11033
well that previously was transferred to the landowner under 11034
division (D)(2)(b) of this section. If any such equipment was 11035
removed from the well during the plugging and sold, the landowner 11036
shall pay to the chief the proceeds from the sale of the 11037
equipment, and the chief promptly shall pay the moneys so received 11038

to the treasurer of state for deposit into the oil and gas well fund. 11039
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The chief may establish an annual limit on the number of wells that may be plugged under division (D)(2) of this section or an annual limit on the expenditures to be made under that division. 11041
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As used in division (D)(2) of this section, "plug" and "plugging" include the plugging of the well and the restoration of the land surface disturbed by the plugging. 11045
11046
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(E) Expenditures from the oil and gas well fund for the purpose of division (B)(2) of this section may be made pursuant to contracts entered into by the chief with persons who agree to furnish all of the materials, equipment, work, and labor as specified and provided in such a contract. The competitive bidding requirements of Chapter 153. of the Revised Code do not apply if the chief reasonably determines that correction of the applicable health or safety risk requires immediate action. The chief, designated representatives of the chief, and agents or employees of persons contracting with the chief under this division may enter upon any land, public or private, for the purpose of performing the work. 11048
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(F) Contracts entered into by the chief under this section are not subject to either of the following: 11060
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(1) Chapter 4115. of the Revised Code; 11062

(2) Section 153.54 of the Revised Code, except that the contractor shall obtain and provide to the chief as a bid guaranty a surety bond or letter of credit in an amount equal to ten per cent of the amount of the contract. 11063
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(G) The owner of land on which a well is located who has received notice under division (C)(1)(b) of this section, in lieu of plugging the well in accordance with division (D)(2) of this 11067
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section, may cause ownership of the well to be transferred to an owner who is lawfully doing business in this state and who has met the financial responsibility requirements established under section 1509.07 of the Revised Code, subject to the approval of the chief. The transfer of ownership also shall be subject to the landowner's filing the appropriate forms required under this chapter and providing to the chief sufficient information to demonstrate the landowner's or owner's right to produce a formation or formations. That information may include a deed, a lease, or other documentation of ownership or property rights.

The chief shall approve or disapprove the transfer of ownership of the well. If the chief approves the transfer, the owner is responsible for operating the well in accordance with this chapter and rules adopted under it, including, without limitation, all of the following:

(1) Filing an application with the chief under section 1509.06 of the Revised Code if the owner intends to drill deeper or produce a formation that is not listed in the records of the division for that well;

(2) Taking title to and possession of the equipment appurtenant to the well that has been identified by the chief as having been abandoned by the former owner;

(3) Complying with all applicable requirements that are necessary to drill deeper, plug the well, or plug back the well.

Sec. 1509.08. Upon receipt of an application for a permit required by section 1509.05 of the Revised Code, or upon receipt of an application for a permit to plug and abandon under section 1509.13 of the Revised Code, the chief of the division of mineral resources management shall determine whether the well is or is to be located in a coal bearing township.

Whether or not the well is or is to be located in a coal bearing township, the chief, by order, may refuse to issue a permit required by section 1509.05 of the Revised Code to any applicant who at the time of applying for the permit is in material or substantial violation of this chapter or rules adopted or orders issued under it. The chief shall refuse to issue a permit to any applicant who at the time of applying for the permit has been found liable by a final nonappealable order of a court of competent jurisdiction for damage to streets, roads, highways, bridges, culverts, or drainways pursuant to section 4513.34 or 5577.12 of the Revised Code until the applicant provides the chief with evidence of compliance with the order. No applicant shall attempt to circumvent this provision by applying for a permit under a different name or business organization name, by transferring responsibility to another person or entity, by abandoning the well or lease, or by any other similar act.

If the well is not or is not to be located in a coal bearing township, or if it is to be located in a coal bearing township, but the landowner submits an affidavit attesting to ownership of the property in fee simple, including the coal, and has no objection to the well, the chief shall issue the permit.

If the application to drill, reopen, or convert concerns a well that is or is to be located in a coal bearing township, the chief immediately shall notify the owner or lessee of any affected mine that the application has been filed and send to the owner or lessee two copies of the map accompanying the application setting forth the location of the well.

If the owner or lessee objects to the location of the well or objects to any location within fifty feet of the original location as a possible site for relocation of the well, the owner or lessee shall notify the chief of the objection, giving the reasons for the objection and, if applicable, indicating on a copy of the map

the particular location or locations within fifty feet of the
original location to which the owner or lessee objects as a site
for possible relocation of the well, within six days after the
receipt of the notice. If the chief receives no objections from
the owner or lessee of the mine within ten days after the receipt
of the notice by the owner or lessee, or if in the opinion of the
chief the objections offered by the owner or lessee are not
sufficiently well founded, the chief immediately shall notify the
owner or lessee of those findings. The owner or lessee may appeal
the decision of the chief to the ~~mine examining board created~~
reclamation commission under section ~~1561.10~~ 1513.13 of the
Revised Code. The appeal shall be filed within fifteen days,
notwithstanding provisions in divisions (A)(1) of section 1513.13
of the Revised Code, to the contrary, from the date on which the
owner or lessee receives the notice. If the appeal is not filed
within that time, the chief immediately shall approve the
application and issue the permit if the provisions of this chapter
pertaining to the issuance of such a permit have been complied
with.

If the chief receives an objection from the owner or lessee
of the mine as to the location of the well within ten days after
receipt of the notice by the owner or lessee, and if in the
opinion of the chief the objection is well founded, the chief
shall disapprove the application and suggest a new location for
the well, provided that the suggested new location shall not be a
location within fifty feet of the original location to which the
owner or lessee has objected as a site for possible relocation of
the well if the chief has determined that the objection is well
founded. The chief immediately shall notify the applicant for the
permit of the disapproval and any suggestion as to a new location
for the well. The applicant may withdraw the application or amend
the application to drill the well at the location suggested by the

chief, or the applicant may appeal the disapproval of the 11164
application by the chief to the ~~mine examining board~~ reclamation 11165
commission. 11166

If the chief receives no objection from the owner or lessee 11167
of a mine as to the location of the well, but does receive an 11168
objection from the owner or lessee as to one or more locations 11169
within fifty feet of the original location as possible sites for 11170
relocation of the well within ten days after receipt of the notice 11171
by the owner or lessee, and if in the opinion of the chief the 11172
objection is well founded, the chief nevertheless shall approve 11173
the application and issue a permit if the provisions of this 11174
chapter pertaining to the issuance of such a permit have been 11175
complied with, incorporating as a term or condition of the permit 11176
that the applicant is prohibited from commencing drilling at any 11177
location within fifty feet of the original location that has been 11178
disapproved by the chief. The applicant may appeal to the ~~mine~~ 11179
~~examining board~~ reclamation commission the terms and conditions of 11180
the permit prohibiting the commencement of drilling at any such 11181
location disapproved by the chief. 11182

Any such appeal shall be filed within fifteen days, 11183
notwithstanding provisions in division (A)(1) of section 1513.13 11184
of the Revised Code to the contrary, from the date the applicant 11185
receives notice of the disapproval of the application, any other 11186
location within fifty feet of the original location, or terms or 11187
conditions of the permit, or the owner or lessee receives notice 11188
of the chief's decision. No approval or disapproval of an 11189
application shall be delayed by the chief for more than fifteen 11190
days from the date of sending the notice of the application to the 11191
mine owner or lessee as required by this section. 11192

All appeals provided for in this section shall be treated as 11193
expedited appeals. The ~~mine examining board~~ reclamation commission 11194
shall hear any such appeal in accordance with section ~~1561.53~~ 11195

1513.13 of the Revised Code and ~~render~~ issue a decision within 11196
thirty days of the filing of the notice of appeal. 11197

The chief shall not issue a permit to drill a new well or 11198
reopen a well that is or is to be located within three hundred 11199
feet of any opening of any mine used as a means of ingress, 11200
egress, or ventilation for persons employed in the mine, nor 11201
within one hundred feet of any building or inflammable structure 11202
connected with the mine and actually used as a part of the 11203
operating equipment of the mine, unless the chief determines that 11204
life or property will not be endangered by drilling and operating 11205
the well in that location. 11206

Sec. 1509.11. The owner of any well producing or capable of 11207
producing oil or gas shall file with the chief of the division of 11208
mineral resources management, on or before the ~~fifteenth~~ first day 11209
of ~~April~~ March, a statement of production of oil, gas, and brine 11210
for the last preceding calendar year in such form as the chief may 11211
prescribe. The chief shall include on the form, at the minimum, a 11212
request for the submittal of the information that a person who is 11213
regulated under this chapter is required to submit under the 11214
"Emergency Planning and Community Right-To-Know Act of 1986," 100 11215
Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under it, 11216
and that the division does not obtain through other reporting 11217
mechanisms. 11218

Sec. 1509.23. (A) Rules of the chief of the division of 11219
mineral resources management may specify practices to be followed 11220
in the drilling of wells and production of oil and gas for 11221
protection of public health or safety or to prevent damage to 11222
natural resources, including specification of devices, minimum 11223
distances that wells and other excavations, structures, and 11224
equipment shall be located from water wells, streets, roads, 11225
highways, railroad tracks, and buildings, other methods of 11226

operation, and procedures, methods, and equipment and other 11227
requirements for equipment to prevent and contain discharges of 11228
oil from oil production facilities and oil drilling and workover 11229
facilities consistent with and equivalent in scope, content, and 11230
coverage to section 311(j)(1)(c) of the "Federal Water Pollution 11231
Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, 11232
as amended, and regulations adopted under it. 11233

(B) The chief, in consultation with the emergency response 11234
commission created in section 3750.02 of the Revised Code, shall 11235
adopt rules in accordance with Chapter 119. of the Revised Code 11236
that specify the information that shall be included in an 11237
electronic database that the chief shall create and host. The 11238
information shall be that which the chief considers to be 11239
appropriate for the purpose of responding to emergency situations 11240
that pose a threat to public health or safety or the environment. 11241
At the minimum, the information shall include that which a person 11242
who is regulated under this chapter is required to submit under 11243
the "Emergency Planning and Community Right-To-Know Act of 1986," 11244
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 11245
it. 11246

In addition, the rules shall specify whether and to what 11247
extent the database and the information that it contains will be 11248
made accessible to the public. The rules shall ensure that the 11249
database will be made available via the internet or a system of 11250
computer disks to the emergency response commission and to every 11251
local emergency planning committee and fire department in this 11252
state. 11253

Sec. 1513.05. There is hereby created a reclamation 11254
commission consisting of seven members appointed by the governor 11255
with the advice and consent of the senate. For the purposes of 11256
hearing appeals under section 1513.13 of the Revised Code that 11257
involve mine safety issues, the reclamation commission shall 11258

consist of two additional members appointed specifically for that 11259
function by the governor with the advice and consent of the 11260
senate. All terms of office shall be for five years, commencing on 11261
the twenty-ninth day of June and ending on the twenty-eighth day 11262
of June. Each member shall hold office from the date of 11263
appointment until the end of the term for which the appointment 11264
was made. Each vacancy occurring on the commission shall be filled 11265
by appointment within sixty days after the vacancy occurs. Any 11266
member appointed to fill a vacancy occurring prior to the 11267
expiration of the term for which the member's predecessor was 11268
appointed shall hold office for the remainder of such term. Any 11269
member shall continue in office subsequent to the expiration date 11270
of the member's term until the member's successor takes office, or 11271
until a period of sixty days has elapsed, whichever occurs first. 11272
~~Two~~ 11273

Two of the appointees to the commission shall be persons who, 11274
at the time of their appointment, own and operate a farm or are 11275
retired farmers. Notwithstanding section 1513.04 of the Revised 11276
Code, one of the appointees to the commission shall be a person 11277
who, at the time of appointment, is the representative of an 11278
operator of a coal mine. One of the appointees to the commission 11279
shall be a person who, by reason of the person's previous 11280
vocation, employment, or affiliations, can be classed as a 11281
representative of the public. One of the appointees to the 11282
commission shall be a person who, by reason of previous training 11283
and experience, can be classed as one learned and experienced in 11284
modern forestry practices. One of the appointees to the commission 11285
shall be a person who, by reason of previous training and 11286
experience, can be classed as one learned and experienced in 11287
agronomy. One of the appointees to the commission shall be either 11288
a person who, by reason of previous training and experience, can 11289
be classed as one capable and experienced in earth-grading 11290
problems, or a civil engineer. Not more than four members shall be 11291

members of the same political party. 11292

The two additional members of the commission who are 11293
appointed specifically to hear appeals that involve mine safety 11294
issues shall be individuals who, because of previous vocation, 11295
employment, or affiliation, can be classified as representatives 11296
of employees currently engaged in mining operations. One shall be 11297
a representative of coal miners, and one shall be a representative 11298
of aggregates miners. Prior to making the appointment, the 11299
governor shall request the highest ranking officer in the major 11300
employee organization representing coal miners in this state to 11301
submit to the governor the names and qualifications of three 11302
nominees and shall request the highest ranking officer in the 11303
major employee organization representing aggregates miners in this 11304
state to do the same. The governor shall appoint one person 11305
nominated by each organization to the commission. The nominees 11306
shall have not less than five years of practical experience in 11307
dealing with mine health and safety issues and at the time of the 11308
nomination shall be employed in positions that involve the 11309
protection of the health and safety of miners. The major employee 11310
organization representing coal miners and the major employee 11311
organization representing aggregates miners shall represent a 11312
membership consisting of the largest number of coal miners and 11313
aggregates miners, respectively, in this state compared to other 11314
employee organizations in the year prior to the year in which the 11315
appointments are made. 11316

When the commission hears an appeal that involves a coal 11317
mining safety issue, one of the commission members who owns and 11318
operates a farm or is a retired farmer shall be replaced by the 11319
additional member who is a representative of coal miners. When the 11320
commission hears an appeal that involves an aggregates mining 11321
safety issue, one of the commission members who owns and operates 11322
a farm or is a retired farmer shall be replaced by the additional 11323

member who is a representative of aggregates miners. Neither of 11324
the additional members who are appointed specifically to hear 11325
appeals that involve mine safety issues shall be considered to be 11326
members of the commission for any other purpose, and they shall 11327
not participate in any other matters that come before the 11328
commission. 11329

The commission may appoint a secretary to hold office at its 11330
pleasure. A commission member may serve as secretary. The 11331
secretary shall perform such duties as the commission prescribes, 11332
and shall receive such compensation as the commission fixes in 11333
accordance with such schedules as are provided by law for the 11334
compensation of state employees. 11335

The commission shall appoint one or more hearing officers who 11336
shall be attorneys at law admitted to practice in this state to 11337
conduct hearings under this chapter. 11338

Four members constitute a quorum, and no action of the 11339
commission shall be valid unless it has the concurrence of at 11340
least four members. The commission shall keep a record of its 11341
proceedings. 11342

Each member shall be paid as compensation for work as a 11343
member one hundred fifty dollars per day when actually engaged in 11344
the performance of work as a member and when engaged in travel 11345
necessary in connection with such work. In addition to such 11346
compensation each member shall be reimbursed for all traveling, 11347
hotel, and other expenses, in accordance with the current travel 11348
rules of the office of budget and management, necessarily incurred 11349
in the performance of the member's work as a member. 11350

Annually one member shall be elected as chairperson and 11351
another member shall be elected as vice-chairperson for terms of 11352
one year. 11353

The governor may remove any member of the commission from 11354

office for inefficiency, neglect of duty, malfeasance, 11355
misfeasance, or nonfeasance, after delivering to the member the 11356
charges against the member in writing with at least ten days' 11357
written notice of the time and place at which the governor will 11358
publicly hear the member, either in person or by counsel, in 11359
defense of the charges against the member. If the member is 11360
removed from office, the governor shall file in the office of the 11361
secretary of state a complete statement of the charges made 11362
against the member and a complete report of the proceedings. The 11363
action of the governor removing a member from office is final. 11364

The commission shall adopt rules governing procedure of 11365
appeals under section 1513.13 of the Revised Code and may, for its 11366
own internal management, adopt rules ~~which~~ that do not affect 11367
private rights. 11368

Sec. 1513.10. If, at the end of a coal mining operation's 11369
permit or renewal period, the number of acres of land affected by 11370
the operation proves to be smaller than the number of acres of 11371
land for which the operator paid a permit fee for the operation 11372
under section 1513.07 of the Revised Code, the operator is 11373
entitled to a refund of the excess permit fee. The refund shall be 11374
in an amount equal to the amount paid per acre as a permit fee 11375
multiplied by the difference between the number of acres in the 11376
area of land affected as verified by the division of mineral 11377
resources management and the number of acres of land for which the 11378
operator paid a permit fee. 11379

Refunds shall be paid out of the reclamation fee fund, which 11380
is hereby created in the state treasury. The treasurer of state 11381
shall place forty thousand dollars from the fees collected under 11382
section 1513.07 of the Revised Code in the fund. As moneys are 11383
spent from the fund, the treasurer of state shall credit to the 11384
fund the amount that is needed to keep the balance of the fund at 11385

forty thousand dollars. The remainder of the fees collected under 11386
section 1513.07 of the Revised Code shall be deposited with the 11387
treasurer of state to the credit of the coal mining administration 11388
and reclamation reserve fund created in section 1513.181 of the 11389
Revised Code. 11390

Sec. 1513.13. (A)(1) ~~A person having an interest that is or~~ 11391
~~may be adversely affected by a finding or determination of the~~ 11392
~~chief of the division of mineral resources management made under~~ 11393
~~section 1509.08, 1561.35, 1561.351, 1563.13, or 6111.044 of the~~ 11394
~~Revised Code or an investigation made by the chief under section~~ 11395
~~1561.51 of the Revised Code may appeal to the mine examining board~~ 11396
~~in accordance with those sections. Any other person having an~~ 11397
interest that is or may be adversely affected by a notice of 11398
violation, order, or decision of the chief of the division of 11399
mineral resources management, other than a show cause order or an 11400
order that adopts a rule, or by any modification, vacation, or 11401
termination of such a notice, order, or decision, may appeal by 11402
filing a notice of appeal with the reclamation commission for 11403
review of the notice, order, or decision within thirty days after 11404
the notice, order, or decision is served upon the person or within 11405
thirty days after its modification, vacation, or termination and 11406
by filing a copy of the notice of appeal with the chief within 11407
three days after filing the notice of appeal with the commission. 11408
The notice of appeal shall contain a copy of the notice of 11409
violation, order, or decision complained of and the grounds upon 11410
which the appeal is based. The commission has exclusive original 11411
jurisdiction to hear and decide such appeals. The filing of a 11412
notice of appeal under division (A)(1) of this section does not 11413
operate as a stay of any order, notice of violation, or decision 11414
of the chief. 11415

(2) The permittee, the chief, and other interested persons 11416
shall be given written notice of the time and place of the hearing 11417

at least five days prior thereto. The hearing shall be of record. 11418

(3) Any person authorized under this section to appeal to the 11419
commission may request an informal review by the chief or the 11420
chief's designee by filing a written request with the chief within 11421
thirty days after a notice, order, decision, modification, 11422
vacation, or termination is served upon the person. Filing of the 11423
written request shall toll the time for appeal before the 11424
commission, but shall not operate as a stay of any order, notice 11425
of violation, or decision of the chief. The chief's determination 11426
of an informal review is appealable to the commission under this 11427
section. 11428

(B) The commission shall affirm the notice of violation, 11429
order, or decision of the chief unless the commission determines 11430
that it is arbitrary, capricious, or otherwise inconsistent with 11431
law; in that case the commission may modify the notice of 11432
violation, order, or decision or vacate it and remand it to the 11433
chief for further proceedings that the commission may direct. 11434

The commission shall conduct hearings and render decisions in 11435
a timely fashion, except that all of the following apply: 11436

(1) When the appeal concerns an order for the cessation of 11437
coal mining and reclamation operations issued pursuant to division 11438
(D)(1) or (2) of section 1513.02 of the Revised Code, the 11439
commission shall issue its written decision within thirty days 11440
after the receipt of the appeal unless temporary relief has been 11441
granted by the chairperson pursuant to division (C) of this 11442
section. 11443

(2) When the appeal concerns an application for a permit 11444
under division (I) of section 1513.07 of the Revised Code, the 11445
commission shall hold a hearing within thirty days after receipt 11446
of the notice of appeal and issue its decision within thirty days 11447
after the hearing. 11448

(3) When the appeal concerns a decision of the chief 11449
regarding release of bond under division (F) of section 1513.16 of 11450
the Revised Code, the commission shall hold a hearing within 11451
thirty days after receipt of the notice of appeal and issue its 11452
decision within sixty days after the hearing. 11453

(4) When the appeal concerns a decision of the chief 11454
regarding the location of a well in a coal bearing township under 11455
section 1509.08 of the Revised Code, the commission shall hold a 11456
hearing and issue its decision within thirty days after receipt of 11457
the notice of appeal. 11458

(C) The chairperson of the commission, under conditions the 11459
chairperson prescribes, may grant temporary relief the chairperson 11460
considers appropriate pending final determination of an appeal if 11461
all of the following conditions are met: 11462

(1) All parties to the appeal have been notified and given an 11463
opportunity for a hearing to be held in the locality of the 11464
subject site on the request for temporary relief and the 11465
opportunity to be heard on the request. 11466

(2) The person requesting relief shows that there is a 11467
substantial likelihood that the person will prevail on the merits. 11468

(3) The relief will not adversely affect public health or 11469
safety or cause significant imminent environmental harm to land, 11470
air, or water resources. 11471

The chairperson shall issue a decision expeditiously, except 11472
that when the applicant requests relief from an order for the 11473
cessation of coal mining and reclamation operations issued 11474
pursuant to division (D)(1) or (2) of section 1513.02 of the 11475
Revised Code, the decision shall be issued within five days after 11476
its receipt. 11477

Any party to an appeal filed with the commission who is 11478
aggrieved or adversely affected by a decision of the chairperson 11479

to grant or deny temporary relief under this section may appeal 11480
that decision to the commission. The commission may confine its 11481
review to the record developed at the hearing before the 11482
chairperson. 11483

The appeal shall be filed with the commission within thirty 11484
days after the chairperson issues the decision on the request for 11485
temporary relief. The commission shall issue a decision as 11486
expeditiously as possible, except that when the appellant requests 11487
relief from an order for the cessation of coal mining and 11488
reclamation operations issued pursuant to division (D)(1) or (2) 11489
of section 1513.02 of the Revised Code, the decision of the 11490
commission shall be issued within five days after receipt of the 11491
notice of appeal. 11492

The commission shall affirm the decision of the chairperson 11493
granting or denying temporary relief unless it determines that the 11494
decision is arbitrary, capricious, or otherwise inconsistent with 11495
law. 11496

(D) Following the issuance of an order to show cause as to 11497
why a permit should not be suspended or revoked pursuant to 11498
division (D)(3) of section 1513.02 of the Revised Code, the chief 11499
or a representative of the chief shall hold a public adjudicatory 11500
hearing after giving written notice of the time, place, and date 11501
thereof. The hearing shall be of record. 11502

Within sixty days following the public hearing, the chief 11503
shall issue and furnish to the permittee and all other parties to 11504
the hearing a written decision, and the reasons therefor, 11505
concerning suspension or revocation of the permit. If the chief 11506
revokes the permit, the permittee immediately shall cease coal 11507
mining operations on the permit area and shall complete 11508
reclamation within a period specified by the chief, or the chief 11509
shall declare as forfeited the performance bonds for the 11510
operation. 11511

(E)(1) Whenever an enforcement order or permit decision is 11512
appealed under this section or any action is filed under division 11513
(B) of section 1513.15 or 1513.39 of the Revised Code, at the 11514
request of a prevailing party, a sum equal to the aggregate amount 11515
of all costs and expenses, including attorney's fees, as 11516
determined to have been necessary and reasonably incurred by the 11517
prevailing party for or in connection with participation in the 11518
enforcement proceedings before the commission, the court under 11519
section 1513.15 of the Revised Code, or the chief under section 11520
1513.39 of the Revised Code, may be awarded, as considered proper, 11521
in accordance with divisions (E)(1)(a) to (c) of this section. In 11522
no event shall attorney's fees awarded under this section exceed, 11523
for the kind and quality of services, the prevailing market rates 11524
at the time the services were furnished under division (A) of this 11525
section. A party may be entitled to costs and expenses related 11526
solely to the preparation, defense, and appeal of a petition for 11527
costs and expenses, provided that the costs and expenses are 11528
limited and proportionate to costs and expenses otherwise allowed 11529
under division (E) of this section. 11530

(a) A party, other than the permittee or the division of 11531
mineral resources management, shall file a petition, if any, for 11532
an award of costs and expenses, including attorney's fees, with 11533
the chief, who shall review the petition. If the chief finds that 11534
the party, other than the permittee or the division, prevailed in 11535
whole or in part, made a substantial contribution to a full and 11536
fair determination of the issues, and made a contribution separate 11537
and distinct from the contribution made by any other party, the 11538
chief may award to that party the party's costs and expenses, 11539
including attorney's fees that were necessary and reasonably 11540
incurred by the party for, or in connection with, participation in 11541
the proceeding before the commission. 11542

(b) If a permittee who made a request under division (E)(1) 11543

of this section demonstrates that a party other than a permittee 11544
who initiated an appeal under this section or participated in such 11545
an appeal initiated or participated in the appeal in bad faith and 11546
for the purpose of harassing or embarrassing the permittee, the 11547
permittee may file a petition with the chief. The chief may award 11548
to the permittee the costs and expenses reasonably incurred by the 11549
permittee in connection with participation in the appeal and 11550
assess those costs and expenses against the party who initiated 11551
the appeal. 11552

(c) The division may file, with the commission, a request for 11553
an award to the division of the costs and expenses reasonably 11554
incurred by the division in connection with an appeal initiated 11555
under this section. The commission may assess those costs and 11556
expenses against the party who initiated the appeal if the 11557
division demonstrates that the party initiated or participated in 11558
the appeal in bad faith and for the purpose of harassing or 11559
embarrassing the division. 11560

(2) Whenever an order issued under this section or as a 11561
result of any administrative proceeding under this chapter is the 11562
subject of judicial review, at the request of any party, a sum 11563
equal to the aggregate amount of all costs and expenses, including 11564
attorney's fees, as determined by the court to have been necessary 11565
and reasonably incurred by the party for or in connection with 11566
participation in the proceedings, may be awarded to either party, 11567
in accordance with division (E)(1) of this section, as the court, 11568
on the basis of judicial review, considers proper. 11569

Sec. 1513.14. (A) Any party aggrieved or adversely affected 11570
by a decision of the reclamation commission may appeal to the 11571
court of appeals for the county in which the activity addressed by 11572
the decision of the commission occurred, is occurring, or will 11573
occur, which court has exclusive jurisdiction over the appeal. The 11574

appeal shall be filed within thirty days of issuance of the 11575
decision of the commission. The court shall confine its review to 11576
the record certified by the commission. The court may, upon 11577
motion, grant such temporary relief as it ~~deems~~ considers 11578
appropriate pending final disposition of the appeal if all of the 11579
following apply: 11580

(1) All parties to the appeal have been notified and given an 11581
opportunity to be heard on a request for temporary relief~~+~~. 11582

(2) The person requesting the relief shows that there is a 11583
substantial likelihood that the person will prevail on the merits~~+~~ 11584
and. 11585

(3) The relief will not adversely affect public health or 11586
safety or the health or safety of miners or cause significant 11587
imminent environmental harm to land, air, or water resources. 11588

The court shall affirm the decision of the commission unless 11589
the court determines that it is arbitrary, capricious, or 11590
otherwise inconsistent with law, in which case the court shall 11591
vacate the decision and remand to the commission for such further 11592
proceedings as it may direct. 11593

(B) Any order of the chief of the division of mineral 11594
resources management adopting a rule shall be subject to judicial 11595
review in the Franklin county court of appeals, which court has 11596
exclusive original jurisdiction to review the order. A petition 11597
for review of the order shall be filed within thirty days from the 11598
date of such order. The petition may be made by any person who 11599
participated in the rule-making proceedings and who is aggrieved 11600
by the order. The court shall confine its review to the record of 11601
the rule-making proceedings. The order shall be affirmed unless 11602
the court concludes that the order is arbitrary, capricious, or 11603
otherwise inconsistent with law, in which case the court shall 11604
vacate the order or portion thereof and remand to the chief for 11605
such further proceedings as it may direct. 11606

Sec. 1514.11. In addition to the purposes authorized in 11607
section 1514.06 of the Revised Code, the chief of the division of 11608
mineral resources management may use moneys in the surface mining 11609
fund created under that section for the administration and 11610
enforcement of this chapter, for the reclamation of land affected 11611
by surface mining under a permit issued under this chapter that 11612
the operator failed to reclaim and for which the performance bond 11613
filed by the operator is insufficient to complete the reclamation, 11614
~~and~~ for the reclamation of land affected by surface mining that 11615
was abandoned and left unreclaimed and for which no permit was 11616
issued or bond filed under this chapter, and for the mine safety 11617
and first aid classes provided under division (C) of section 11618
1561.26 of the Revised Code. The chief, with the approval of the 11619
director of natural resources, annually shall determine the 11620
amounts to be expended for the mine safety and first aid classes. 11621
For purposes of this section, the chief shall expend moneys in the 11622
fund in accordance with the procedures and requirements 11623
established in section 1514.06 of the Revised Code and may enter 11624
into contracts and perform work in accordance with that section. 11625

Fees collected under sections 1514.02 and 1514.03 of the 11626
Revised Code, one-half of the moneys collected from the severance 11627
taxes levied under divisions (A)(3) and (4) of section 5749.02 of 11628
the Revised Code, and all of the moneys collected from the 11629
severance tax levied under division (A)(7) of section 5749.02 of 11630
the Revised Code shall be credited to the fund in accordance with 11631
those sections. Notwithstanding any section of the Revised Code 11632
relating to the distribution or crediting of fines for violations 11633
of the Revised Code, all fines imposed under section 1514.99 of 11634
the Revised Code shall be credited to the fund. 11635

Sec. 1517.05. The department of natural resources, for and on 11636
behalf of the state, shall acquire a system of nature preserves 11637

for the following uses and purposes: 11638

(A) For scientific research in such fields as ecology, 11639
taxonomy, genetics, forestry, pharmacology, agriculture, soil 11640
science, geology, paleontology, conservation, and similar fields; 11641

(B) For the teaching of biology, natural history, ecology, 11642
geology, conservation, and other subjects; 11643

(C) As habitats for plant and animal species and communities 11644
and other natural objects; 11645

(D) As reservoirs of natural materials; 11646

(E) As places of natural interest and beauty; 11647

(F) For visitation whereby persons may observe and experience 11648
natural biotic and environmental systems of the earth and their 11649
processes; 11650

(G) To promote understanding and appreciation of the 11651
aesthetic, cultural, scientific, and spiritual values of such 11652
areas by the people of the state; 11653

(H) For the preservation and protection of nature preserves 11654
against modification or encroachment resulting from occupation, 11655
development, or other use ~~which~~ that would destroy their natural 11656
or aesthetic conditions. 11657

The director of natural resources, upon the advice and 11658
concurrence of the Ohio natural areas council, shall accept 11659
natural areas by articles of dedication or gift, provided that 11660
funds and services are available for their preservation and 11661
protection. 11662

A nature preserve is established when articles of dedication 11663
have been filed by or at the direction of the owner of land, or a 11664
governmental agency having ownership or control thereof, in the 11665
office of the county recorder of the county in which the land is 11666
located. 11667

Articles of dedication shall be executed by the owner of the 11668
land in the same manner and with the same effect as a conveyance 11669
of an interest in land and shall be irrevocable except as provided 11670
in this section. The county recorder may not accept articles of 11671
dedication for recording unless they have been accepted by the 11672
director of natural resources. The director may not accept 11673
articles of dedication unless they contain terms restricting the 11674
use of the land ~~which~~ that adequately provide for its preservation 11675
and protection against modification or encroachment resulting from 11676
occupation, development, or other use ~~which~~ that would destroy its 11677
natural or aesthetic conditions for one or more of the uses and 11678
purposes set forth in this section. Wherever possible and 11679
consistent with such preservation and protection of the land, the 11680
articles shall provide for public access in order that the maximum 11681
benefit be obtained for the uses and purposes stated in this 11682
section. 11683

Articles of dedication may contain provisions for the 11684
management, custody, and transfer of land, provisions defining the 11685
rights of the owner or operating agency, and the department, and 11686
such other provisions as may be necessary or advisable to carry 11687
out the uses and purposes for which the land is dedicated. They 11688
may contain conditions under which the owner and the director of 11689
natural resources may agree to rescind the articles. 11690

The attorney general, upon request of the director of natural 11691
resources, may bring an action for injunction in any court of 11692
competent jurisdiction to enforce the terms of articles of 11693
dedication. 11694

The department may make or accept amendments of any articles 11695
of dedication upon terms and conditions that the director of 11696
natural resources determines will not destroy the natural or 11697
aesthetic conditions of a preserve, including amendments that are 11698
in regard to a dedicated preserve not owned in fee simple by the 11699

department and that provide for the relocation of an existing 11700
easement, license, or right of way within the boundaries of the 11701
preserve if the relocation best serves to protect the natural or 11702
aesthetic condition of the preserve. If the fee simple interest in 11703
the area or preserve is not held by the state, no amendments shall 11704
be made without the written consent of the owner. Each amendment 11705
shall be recorded in the same manner as the articles of 11706
dedication. 11707

Sec. 1517.06. (A) Nature preserves dedicated under section 11708
1517.05 of the Revised Code are to be held in trust, for the uses 11709
and purposes set forth in that section ~~1517.05 of the Revised~~ 11710
~~Code~~, for the benefit of the people of the state of present and 11711
future generations. They shall be managed and protected in the 11712
manner approved by⁷ and subject to rules established by the chief 11713
of the division of natural areas and preserves. They shall not be 11714
taken for any other use except another public use after a finding 11715
by the department of natural resources of the existence of an 11716
imperative and unavoidable public necessity for such other public 11717
use and with the approval of the governor. Except as may otherwise 11718
be provided in the articles of dedication, the department may 11719
grant, upon such terms and conditions as it may determine, an 11720
estate, interest, or right in, or dispose of, a nature preserve, 11721
but only after a finding by the department of the existence of an 11722
imperative and unavoidable public necessity for ~~such~~ the grant or 11723
disposition and with the approval of the governor. 11724

(B) For purposes of this section, the relocation of an 11726
existing easement, license, or right of way within the boundaries 11727
of a preserve does not constitute the taking of land for another 11728
use. In addition, the relocation does not require a finding of the 11729
existence of an imperative and unavoidable public necessity by the 11730
department and does not require the approval of the governor. 11731

Sec. 1517.07. Before (A) Except as provided in division (B) 11732
of this section, before the department of natural resources makes 11733
any finding of the existence of an imperative and unavoidable 11734
public necessity, or grants any estate, interest, or right in a 11735
nature preserve or disposes of a nature preserve or of any estate, 11736
interest, or right therein as provided in section 1517.06 of the 11737
Revised Code, it shall give notice of ~~such~~ the proposed action and 11738
an opportunity for any person to be heard at a public hearing in 11739
the county in which the preserve is located. In the event the 11740
preserve is located in more than one county, the public hearing 11741
shall be held in the most populous county. ~~Such~~ The notice shall 11742
be published at least once in a newspaper with a general 11743
circulation in the county in which the nature preserve is located. 11744
The notice shall set forth the substance of the proposed action 11745
and describe, with or without legal description, the nature 11746
preserve affected, and shall specify a place and time not less 11747
than thirty days after ~~such~~ the publication for a public hearing 11748
before the department on ~~such~~ the proposed action. All persons 11749
desiring to be heard shall have a reasonable opportunity to be 11750
heard prior to action by the department on ~~such~~ the proposal. 11751

(B) A public hearing under this section is not required for 11752
the relocation of an existing easement, license, or right of way 11753
within the boundaries of a preserve. 11754

Sec. 1521.04. The chief of the division of water, with the 11755
approval of the director of natural resources, may make loans and 11756
grants from the water management fund created in section 1501.32 11757
of the Revised Code to governmental agencies for water management, 11758
water supply improvements, and planning and may administer grants 11759
from the federal government and from other public or private 11760
sources for carrying out those functions and for the performance 11761
of any acts that may be required by the United States or by any 11762

agency or department thereof as a condition for the participation 11763
by any governmental agency in any federal financial or technical 11764
assistance program. Direct and indirect costs of administration 11765
may be paid from the water management fund. 11766

The chief may use the water management fund to acquire, 11767
construct, reconstruct, improve, equip, maintain, operate, and 11768
dispose of water management improvements. The chief may fix, 11769
alter, charge, and collect rates, fees, rentals, and other charges 11770
to be paid into the water management fund by governmental agencies 11771
and persons who are supplied with water by facilities constructed 11772
or operated by the department of natural resources in order to 11773
amortize and defray the cost of the construction, maintenance, and 11774
operation of those facilities. ~~This section does not apply to the~~ 11775
~~Burr Oak water system administered by the chief engineer of the~~ 11776
~~department of natural resources under sections 1507.01 and 1507.12~~ 11777
~~of the Revised Code.~~ 11778

Sec. 1521.19. (A) There is hereby created the Ohio water 11779
resources council consisting of the directors of agriculture, 11780
development, environmental protection, health, natural resources, 11781
transportation, and the Ohio public works commission, the 11782
chairperson of the public utilities commission of Ohio, the 11783
executive directors of the state and local government commission 11784
of Ohio and the Ohio water development authority, and an executive 11785
assistant in the office of the governor appointed by the governor. 11786
The governor shall appoint one of the members of the council to 11787
serve as its chairperson. The council may adopt bylaws that are 11788
necessary for the implementation of this section. The council 11789
shall provide a forum for policy development, collaboration and 11790
coordination among state agencies, and strategic direction with 11791
respect to state water resource programs. The council shall be 11792
assisted in its functions by a state agency coordinating group and 11793
an advisory group as provided in this section. 11794

(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.

(C) The advisory group shall consist of not more than twenty members, each representing an organization or entity with an interest in water resource issues. The council shall appoint the members of the advisory group. Of the initial appointments, not more than ten members shall be appointed for one-year terms, and not more than ten members shall be appointed for two-year terms. Thereafter, all advisory group members shall serve two-year terms. Members may be reappointed. Each member shall hold office from the date of the member's appointment until the end of the member's term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. The council may remove a member for misfeasance, nonfeasance, or malfeasance in office. The council shall appoint members to fill any vacancies on the group. A member appointed to fill a vacancy shall hold office for the remainder of the term for which that member was appointed.

The chairperson of the council shall appoint a chairperson of the advisory group. The advisory group shall advise the council on water resources issues addressed by the council. 11827
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(D) There is hereby created in the state treasury the Ohio water resources council fund. The department of natural resources shall serve as the fiscal agent for the fund. The departments of agriculture, development, environmental protection, health, natural resources, and transportation shall transfer moneys to the fund in equal amounts via intrastate transfer voucher. The public utilities commission of Ohio, Ohio public works commission, state and local government commission of Ohio, and Ohio water development authority may transfer moneys to the fund. If a voluntary transfer of moneys is made to the fund, the portion that is required to be transferred by the departments of agriculture, development, environmental protection, health, natural resources, and transportation may be equally reduced. Moneys in the fund shall be used to pay the operating expenses of the Ohio water resources council, including those specified in division (E) of this section. 11830
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(E) The Ohio water resources council may hire staff to support its activities. The council may enter into contracts and agreements with state agencies, political subdivisions, and private entities to assist in accomplishing its objectives. Advisory group members shall be reimbursed for expenses necessarily incurred in the performance of their duties pursuant to section 126.31 of the Revised Code and any applicable rules pertaining to travel reimbursement adopted by the office of budget and management. 11846
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Sec. 1531.35. The wildlife boater angler fund is hereby created in the state treasury. The fund shall consist of money credited to the fund pursuant to section 5735.051 of the Revised 11855
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Code and other money contributed to the division of wildlife for 11858
the purposes of the fund. The fund ~~may~~ shall be used for boating 11859
access construction, capital improvements, grant programs for 11860
boating and fishing access, maintenance, and development on lakes 11861
on which the operation of gasoline-powered watercraft is 11862
permissible. 11863

Sec. 1533.13. Hunting and fishing licenses, wetlands habitat 11864
stamps, deer and wild turkey permits, and fur taker permits shall 11865
be issued by the clerk of the court of common pleas, village and 11866
township clerks, and other authorized agents designated by the 11867
chief of the division of wildlife. When required by the chief, a 11868
clerk or agent shall give bond in the manner provided by the 11869
chief. All bonds, reports, except records prescribed by the 11870
auditor of state, and moneys received by those persons shall be 11871
handled under rules adopted by the director of natural resources. 11872

The premium of ~~any fidelity bond prescribed under section~~ 11873
~~9.832 of the Revised Code or~~ of any bond prescribed by the chief 11874
under this section may be paid by the chief. Any person who is 11875
designated and authorized by the chief to issue licenses, stamps, 11876
and permits as provided in this section, except the clerk of the 11877
court of common pleas and the village and township clerks, shall 11878
pay to the chief a premium in an amount that represents the 11879
person's portion of the premium paid by the chief under this 11880
section, which amount shall be established by the chief and 11881
approved by the wildlife council created under section 1531.03 of 11882
the Revised Code. The chief shall pay all moneys that the chief 11883
receives as premiums under this section into the state treasury to 11884
the credit of the wildlife fund created under section 1531.17 of 11885
the Revised Code. 11886

Every authorized agent, for the purpose of issuing hunting 11887
and fishing licenses, deer and wild turkey permits, and fur taker 11888

permits, may administer oaths to and take affidavits from 11889
applicants for the licenses or permits when required. An 11890
authorized agent may appoint deputies to perform any acts that the 11891
agent is authorized to perform, consistent with division rules. 11892

Every applicant for a hunting or fishing license, deer or 11893
wild turkey permit, or fur taker permit, unless otherwise provided 11894
by division rule, shall make and subscribe an affidavit setting 11895
forth the applicant's name, age, weight, height, occupation, place 11896
of residence, personal description, and citizenship. The clerk or 11897
other agent authorized to issue licenses and permits shall charge 11898
each applicant a fee of one dollar for taking the affidavit and 11899
issuing the license or permit. The application, license, permit, 11900
and other blanks required by this section shall be prepared and 11901
furnished by the chief, in such form as the chief provides, to the 11902
clerk or other agent authorized to issue them. The licenses and 11903
permits shall be issued to applicants by the clerk or other agent. 11904
The record of licenses and permits kept by the clerk and other 11905
authorized agents shall be uniform throughout the state and in 11906
such form or manner as the auditor of state prescribes and shall 11907
be open at all reasonable hours to the inspection of any person. 11908
Unless otherwise provided by division rule, each hunting license, 11909
deer or wild turkey permit, and fur taker permit issued shall 11910
remain in force until midnight of the thirty-first day of August 11911
next ensuing. Application for any such license or permit may be 11912
made and a license or permit issued prior to the date upon which 11913
it becomes effective. 11914

The chief may require an applicant who wishes to purchase a 11915
license, stamp, or permit by mail or telephone to pay a nominal 11916
fee for postage and handling. 11917

The court before whom a violator of any laws or division 11918
rules for the protection of wild animals is tried, as a part of 11919
the punishment, shall revoke the license, stamp, or permit of any 11920

person convicted. The license, stamp, or permit fee paid by that 11921
person shall not be returned to the person. The person shall not 11922
procure or use any other license, stamp, or permit or engage in 11923
hunting wild animals or trapping fur-bearing animals during the 11924
period of revocation as ordered by the court. 11925

No person under sixteen years of age shall engage in hunting 11926
unless accompanied by the person's parent or another adult person. 11927

Sec. 1547.67. The division of watercraft, with the approval 11928
of the director of natural resources, may expend, for the purpose 11929
of assisting political subdivisions, conservancy districts, and 11930
state departments to establish or maintain and operate a marine 11931
patrol for the purpose of enforcing this chapter and Chapter 1548. 11932
of the Revised Code and rules adopted under them and to provide 11933
emergency response to boating accidents on the water, such funds 11934
as are appropriated by the general assembly for that purpose and, 11935
in addition, such moneys from the waterways safety fund 11936
established in section 1547.75 of the Revised Code as determined 11937
to be necessary by the division not to exceed ten per cent of all 11938
moneys accruing to the fund. In no case shall the grant to a 11939
political subdivision, conservancy district, or state department, 11940
not including the department of natural resources, total more than 11941
thirty thirty-five thousand dollars in a calendar year. Moneys so 11942
allocated may be used for the purchase, maintenance, and operation 11943
of vessels and marine equipment, educational materials, and 11944
personnel salaries that are necessary for enforcement of this 11945
chapter and Chapter 1548. of the Revised Code and rules adopted 11946
under them and to provide emergency response to boating accidents 11947
on the water. 11948

The division shall disburse the moneys as provided in this 11949
section in accordance with its determination of need in the 11950
enforcement of this chapter and Chapter 1548. of the Revised Code 11951

and rules adopted under them and shall disburse those moneys only 11952
on a cost share basis to supplement funds allocated by a political 11953
subdivision, conservancy district, or state department for that 11954
purpose. A grantee shall provide at least twenty-five per cent of 11955
the total program cost. 11956

Sec. 1561.05. The laws relating to mines and mining and 11957
duties and functions of the division of mineral resources 11958
management shall be administered by the chief of the division of 11959
mineral resources management, and through and by deputy mine 11960
inspectors. If a vacancy occurs in the office of a deputy mine 11961
inspector, it may be filled by the chief, who shall select a 11962
~~qualified person from the eligible list certified to the chief by~~ 11963
~~the mine examining board~~ for deputy mine inspectors that is 11964
prepared under section 124.24 of the Revised Code. 11965

The chief shall adopt, in accordance with Chapter 119. of the 11966
Revised Code, all necessary rules for conducting examinations and 11967
for governing all other matters requisite to the exercise of the 11968
chief's powers and the performance of the chief's duties under 11969
this chapter and Chapters 1509., 1563., 1565., and 1567. of the 11970
Revised Code relating to mines and mining. 11971

Sec. 1561.07. The mining laws of this state shall extend to 11972
and govern the operation of clay mines and clay stripping pits in 11973
so far as such laws are applicable thereto. The chief of the 11974
division of mineral resources management shall adopt, publish, and 11975
enforce specific rules particularly applicable to clay mining 11976
operations to safeguard life and property in the clay mining 11977
industry and to secure safe and sanitary working conditions in 11978
such clay mines and clay stripping pits. 11979

Such rules adopted by the chief shall provide that: 11980

(A) Distances between break-throughs in clay mines shall not 11981

exceed one hundred feet, unless permission in special cases is 11982
granted by the chief, after maps have been filed with the chief 11983
showing the method of working and ventilating the same, if such 11984
distances would add to increased safety. 11985

(B) When, in the opinion of the mine foreperson or deputy 11986
mine inspector, line brattices or other approved methods of 11987
circulation are necessary to deliver sufficient air to the working 11988
face, they shall be provided by the owner, operator, or lessee. 11989

(C) Not more than a two days' supply of explosives shall be 11990
stored in a clay mine at any one time, and not more than one 11991
hundred pounds of explosives shall be stored in any one place at 11992
any one time. 11993

(D) Charges of explosives shall be made up at least one 11994
hundred feet away from any storage place for explosives. 11995

(E) There shall be no less than two persons in each working 11996
place when shots are being lighted. 11997

(F) Misfired shots in clay mines shall be posted on the 11998
bulletin board or other conspicuous place available for 11999
examination by the workers when shots are fired by other than the 12000
loaders. 12001

(G) The use of electric blasting caps shall be encouraged as 12002
a safety measure. 12003

The chief, in assigning deputy mine inspectors, shall 12004
designate inspectors who have had experience and are especially 12005
qualified in clay mining operations, to examine and inspect clay 12006
mining operations and enforce the law relating to such operations. 12007

The ~~mine examining board~~ chief, in conducting examinations 12008
and issuing certificates for mine forepersons, shall ~~in its rules~~ 12009
provide by rules adopted under section 1561.05 of the Revised Code 12010
for the examination of applicants for certificates as mine 12011

forepersons in a clay mine or clay stripping pits to test the 12012
applicant on experience and fitness on the problems and duties 12013
peculiar to the clay mining industry. An applicant for a 12014
certificate as a clay mine foreperson shall have at least three 12015
years' experience in mining operations. 12016

Sec. 1561.11. The ~~mine examining board~~ chief of the division 12017
of mineral resources management, for the purpose of conducting the 12018
examinations for mine ~~foremen~~ forepersons and fire bosses, may 12019
designate one or more examining boards of three members, selected 12020
from among the deputy mine inspectors, superintendent and 12021
assistant superintendents of rescue stations, and electrical 12022
inspectors. The examinations shall be conducted in the district of 12023
the applicant's residence or as near thereto as practicable. 12024
Grading and issuance of certificates shall be done by the ~~board~~ 12025
chief. 12026

Sec. 1561.12. An applicant for any examination or certificate 12027
under this section shall, before being examined, register ~~his~~ the 12028
applicant's name with the ~~mine examining board~~ chief of the 12029
division of mineral resources management and file with the ~~board~~ 12030
chief an affidavit as to all matters of fact establishing ~~his~~ the 12031
applicant's right to receive the examination, a certificate of 12032
good character and temperate habits signed by at least three 12033
reputable citizens of the community in which ~~he~~ the applicant 12034
resides, and a certificate from a reputable and disinterested 12035
physician as to the physical condition of such applicant showing 12036
that ~~he~~ the applicant is physically capable of performing the 12037
duties of the office or position. 12038

Each applicant for examination for any of the following 12039
positions shall present evidence satisfactory to the ~~board~~ chief 12040
that ~~he~~ the applicant has been a resident and citizen of this 12041
state for two years next preceding the date of application: 12042

(A) An applicant for the position of deputy mine inspector of 12043
underground mines shall have had actual practical experience of 12044
not less than six years, at least two of which shall have been in 12045
the underground workings of ~~coal~~ mines in this state. In the case 12046
of an applicant who would inspect underground coal mines, the two 12047
years shall consist of actual practical experience in underground 12048
coal mines. In the case of an applicant who would inspect noncoal 12049
mines, the two years shall consist of actual practical experience 12050
in noncoal mines. In lieu of two years of the actual practical 12051
experience required, the ~~board~~ chief may accept as the equivalent 12052
thereof a certificate evidencing graduation from an accredited 12053
school of mines or mining, after a four-year course of study, but 12054
such credit shall not apply as to the two years' actual practical 12055
experience required in the ~~coal~~ mines in this state. 12056

~~He~~ The applicant shall pass an examination as to ~~his~~ the 12057
applicant's practical and technological knowledge of mine 12058
surveying, mining machinery, and appliances; the proper 12059
development and operation of mines; the best methods of working 12060
and ventilating mines; the nature, properties, and powers of 12061
noxious, poisonous, and explosive gases, particularly methane; the 12062
best means and methods of detecting, preventing, and removing the 12063
accumulation of such gases; the use and operation of gas detecting 12064
devices and appliances; first aid to the injured; and the uses and 12065
dangers of electricity as applied and used in, at, and around 12066
mines. Such applicant shall also hold a certificate for ~~foreman~~ 12067
foreperson of gaseous mines issued by the ~~mine examining board~~ 12068
chief. 12069

(B) An applicant for the position of deputy mine inspector of 12070
surface mines shall have had actual practical mining experience of 12071
not less than six years, at least two of which shall have been in 12072
surface coal mines in this state. In lieu of two years of the 12073
actual practical experience required, the ~~board~~ chief may accept 12074

as the equivalent thereof a certificate evidencing graduation from 12075
an accredited school of mines or mining, after a four-year course 12076
of study, but that credit shall not apply as to the two years' 12077
actual practical experience required in the coal mines in this 12078
state. The applicant shall pass an examination as to ~~his~~ the 12079
applicant's practical and technological knowledge of surface mine 12080
surveying, machinery, and appliances; the proper development and 12081
operations of surface mines; first aid to the injured; and the use 12082
and dangers of explosives and electricity as applied and used in, 12083
at, and around surface mines. The applicant shall also hold a 12084
surface mine ~~foreman~~ foreperson certificate issued by the ~~mine~~ 12085
~~examining board~~ chief. 12086

(C) An applicant for the position of electrical inspector 12087
shall have had at least five years' practical experience in the 12088
installation and maintenance of electrical circuits and equipment 12089
in mines, and ~~he~~ the applicant shall be thoroughly familiar with 12090
the principles underlying the safety features of permissible and 12091
approved equipment as authorized and used in mines. 12092

~~He~~ The applicant shall be required to pass the examination 12093
required for deputy mine inspectors and an examination testing and 12094
determining ~~his~~ the applicant's qualification and ability to 12095
competently inspect and administer the mining law ~~which~~ that 12096
relates to electricity used in and around mines and mining in this 12097
state. 12098

(D) An applicant for the position of superintendent or 12099
assistant superintendent of rescue stations shall possess the same 12100
qualifications as those required for a deputy mine inspector. In 12101
addition, ~~he~~ the applicant shall present evidence satisfactory to 12102
the ~~board~~ chief that ~~he~~ the applicant is sufficiently qualified 12103
and trained to organize, supervise, and conduct group training 12104
classes in first aid, safety, and rescue work. 12105

~~He~~ The applicant shall pass the examination required for 12106

deputy mine inspectors and shall be tested as to ~~his~~ the 12107
applicant's practical and technological experience and training in 12108
first aid, safety, and mine rescue work. 12109

(E) An applicant for the position of mine chemist shall have 12110
such educational training as is represented by the degree MS in 12111
chemistry from a university of recognized standing, and at least 12112
five years of actual practical experience in research work in 12113
chemistry or as an assistant chemist. The ~~board~~ chief may provide 12114
that an equivalent combination of education and experience 12115
together with a wide knowledge of the methods of and skill in 12116
chemical analysis and research may be accepted in lieu of the 12117
above qualifications. It is preferred that such chemist shall have 12118
had actual experience in mineralogy and metallurgy. 12119

(F) An applicant for the position of gas storage well 12120
inspector shall possess the same qualifications as an applicant 12121
for the position of deputy mine inspector and shall have a 12122
practical knowledge and experience of and in the operation, 12123
location, drilling, maintenance, and abandonment of oil and gas 12124
wells, especially in coal or mineral bearing townships, and shall 12125
have a thorough knowledge of the latest and best method of 12126
plugging and sealing abandoned oil and gas wells. 12127

Such applicant for gas storage well inspector shall pass an 12128
examination conducted by the ~~board~~ chief to determine ~~his~~ the 12129
applicant's fitness to act as a gas storage well inspector before 12130
being eligible for appointment. 12131

Sec. 1561.13. The ~~mine examining board~~ chief of the division 12132
of mineral resources management shall conduct examinations for 12133
offices and positions in the division of mineral resources 12134
management, and for mine forepersons, mine electricians, shot 12135
firers, surface mine blasters, and fire bosses, as follows: 12136

(A) Division of mineral resources management: 12137

(1) Deputy mine inspectors of underground mines;	12138
(2) Deputy mine inspectors of surface mines;	12139
(3) Electrical inspectors;	12140
(4) Superintendent of rescue stations;	12141
(5) Assistant superintendents of rescue stations;	12142
(6) Mine chemists at a division laboratory if the chief of	12143
the division of mineral resources management chooses to operate a	12144
laboratory;	12145
(7) Gas storage well inspector.	12146
(B) Mine forepersons:	12147
(1) Mine foreperson of gaseous mines;	12148
(2) Mine foreperson of nongaseous mines;	12149
(3) Mine foreperson of surface mines.	12150
(C) Forepersons:	12151
(1) Foreperson of gaseous mines;	12152
(2) Foreperson of nongaseous mines;	12153
(3) Foreperson of surface maintenance facilities at	12154
underground or surface mines;	12155
(4) Foreperson of surface mines.	12156
(D) Fire bosses.	12157
(E) Mine electricians.	12158
(F) Surface mine blasters.	12159
(G) Shot firers.	12160
The board shall hold such meetings as are necessary for the	12161
proper discharge of its duties.	12162
The <u>board chief annually</u> shall meet annually at the capitol,	12163

~~as prescribed by its rules,~~ provide for the examination of 12164
candidates for appointment or promotion as deputy mine inspectors 12165
and such other positions and offices set forth in division (A) of 12166
this section as are necessary. Special examinations may be held 12167
whenever it becomes necessary to make appointments to any of those 12168
positions. 12169

~~For~~ The chief shall provide for the examination of persons 12170
seeking certificates of competency as mine forepersons, 12171
forepersons, mine electricians, shot firers, surface mine 12172
blasters, and fire bosses, ~~the board shall hold meetings,~~ 12173
quarterly or more often as required, at such times and places 12174
within the state as shall, in the judgment of the ~~members~~ chief, 12175
afford the best facilities to the greatest number of applicants. 12176
Public notice shall be given through the press or otherwise, not 12177
less than ten days in advance, announcing the time and place at 12178
which examinations under this section are to be held. 12179

The examinations provided for in this section shall be 12180
conducted under rules adopted under section 1561.05 of the Revised 12181
Code and conditions prescribed by the ~~board~~ chief. ~~Such rules~~ 12182
~~shall be made a part of the permanent record of the board, and~~ 12183
~~such of them as~~ Any rules that relate to particular candidates 12184
shall, upon application of any candidate, be furnished to the 12185
candidate by the ~~board~~ chief; they shall also be of uniform 12186
application to all candidates in the several groups. 12187

Sec. 1561.14. A person who applies for a certificate as a 12188
mine electrician shall be able to read and write the English 12189
language, and prior to the date of the application for examination 12190
either shall have had at least one year's experience in performing 12191
electrical work underground in a coal mine, in the surface work 12192
area of an underground coal mine, in a surface coal mine, or in a 12193
noncoal mine, or shall have had such experience as the ~~mine~~ 12194
~~examining board~~ chief of the division of mineral resources 12195

management determines to be equivalent. Each applicant for 12196
examination shall pay a fee of ten dollars to the ~~board~~ chief on 12197
the first day of the examination. Any moneys collected under this 12198
section shall be paid into the state treasury to the credit of the 12199
mining regulation fund created in section 1561.48 of the Revised 12200
Code. 12201

Sec. 1561.15. An applicant for a certificate as mine ~~foreman~~ 12202
foreperson, ~~foreman~~ foreperson, mine electrician, shot firer, 12203
surface mine blaster, or fire boss shall apply to the ~~mine~~ 12204
~~examining board~~ chief of the division of mineral resources 12205
management for examination and shall be examined by the ~~board~~ 12206
chief. This shall be a practical examination, a substantial part 12207
of which shall be oral, to determine the competency of the 12208
applicant, based on experience and practical knowledge of the 12209
dangers incident to coal mining, and not upon technical education, 12210
but consideration shall be given such technical education as the 12211
applicant possesses. This examination shall be held as soon after 12212
application is made as practicable in the district from which the 12213
applicant makes application. 12214

Sec. 1561.16. (A) As used in this section and sections 12215
1561.17 to 1561.21 of the Revised Code, "actual practical 12216
experience" means previous employment that involved a person's 12217
regular presence in the type of mining operation in which the 12218
experience is required to exist; participation in functions 12219
relating to the hazards involved in and the utilization of 12220
equipment, tools, and work crews and individuals for that type of 12221
mining; and regular exposure to the methods, procedures, and 12222
safety laws applicable to that type of mining. Credit of up to one 12223
year for a portion of the required experience time may be given 12224
upon documentation to the ~~mine-examining board~~ chief of the 12225
division of mineral resources management of an educational degree 12226

in a field related to mining. Credit of up to two years of the 12227
required experience time may be given upon presentation to the 12228
~~mine-examining board~~ chief of proof of graduation from an 12229
accredited school of mines or mining after a four-year course of 12230
study with employment in the mining industry during interim breaks 12231
during the school years. 12232

(B) A person who applies for a certificate as a mine ~~foreman~~ 12233
foreperson of gaseous mines shall be able to read and write the 12234
English language; shall have had at least five years' actual 12235
practical experience in the underground workings of a gaseous mine 12236
or the equivalent thereof in the judgment of the ~~mine-examining~~ 12237
~~board~~ chief; and shall have had practical experience obtained by 12238
actual contact with gas in mines and have knowledge of the dangers 12239
and nature of noxious and explosive gases and ventilation of 12240
gaseous mines. An applicant for a certificate as a ~~foreman~~ 12241
foreperson of gaseous mines shall meet the same requirements, 12242
except that the applicant shall have had at least three years' 12243
actual practical experience in the underground workings of a 12244
gaseous mine or the equivalent thereof in the judgment of the ~~mine~~ 12245
~~examining board~~ chief. Each applicant for examination shall pay a 12246
fee of ten dollars to the ~~board~~ chief on the first day of such 12247
examination. Any moneys collected under this section shall be paid 12248
into the state treasury to the credit of the mining regulation 12249
fund created in section 1561.48 of the Revised Code. 12250

Sec. 1561.17. A person who applies for a certificate as mine 12251
~~foreman~~ foreperson or ~~foreman~~ foreperson of nongaseous mines shall 12252
be able to read and write the English language; shall have had at 12253
least three years' actual practical experience in mines, or the 12254
equivalent thereof in the judgment of the ~~mine-examining board~~ 12255
chief of the division of mineral resources management; and shall 12256
have knowledge of the dangers and nature of noxious gases. Each 12257
applicant for examination shall pay a fee of ten dollars to the 12258

~~board chief~~ on the first day of the examination. Any moneys 12259
collected under this section shall be paid into the state treasury 12260
to the credit of the mining regulation fund created in section 12261
1561.48 of the Revised Code. 12262

Sec. 1561.18. A person who applies for a certificate as a 12263
~~foreman~~ foreperson of surface maintenance facilities at 12264
underground or surface mines shall be able to read and write the 12265
English language and shall have had at least three years' actual 12266
practical experience in or around the surface maintenance 12267
facilities of underground or surface mines or the equivalent 12268
thereof in the judgment of the ~~mine-examining board~~ chief of the 12269
division of mineral resources management. Each applicant for 12270
examination shall pay a fee of ten dollars to the ~~board chief~~ on 12271
the first day of the examination. Any moneys collected under this 12272
section shall be paid into the state treasury to the credit of the 12273
mining regulation fund created in section 1561.48 of the Revised 12274
Code. 12275

Sec. 1561.19. A person who applies for a certificate as a 12276
mine ~~foreman~~ foreperson of surface mines shall be able to read and 12277
write the English language and shall have had at least five years' 12278
actual practical experience in surface mines. An applicant for a 12279
certificate as a ~~foreman~~ foreperson of surface mines shall meet 12280
the same requirements, except that the applicant shall have had at 12281
least three years' actual practical experience in surface mines or 12282
the equivalent thereof in the judgment of the ~~mine-examining board~~ 12283
chief of the division of mineral resources management. Each 12284
applicant for examination shall pay a fee of ten dollars to the 12285
~~board chief~~ on the first day of the examination. Any moneys 12286
collected under this section shall be paid into the state treasury 12287
to the credit of the mining regulation fund created in section 12288
1561.48 of the Revised Code. 12289

Sec. 1561.20. A person who applies for a certificate as a 12290
surface mine blaster shall be able to read and write the English 12291
language; shall have had at least one year's actual practical 12292
experience in surface mines or the equivalent thereof in the 12293
judgment of the ~~mine examining board~~ chief of the division of 12294
mineral resources management; shall have knowledge of the dangers 12295
and nature of the use of explosives, related equipment, and 12296
blasting techniques; and shall have knowledge of safety laws and 12297
rules, including those related to the storage, use, and 12298
transportation of explosives. Each applicant for examination shall 12299
pay a fee of ten dollars to the ~~board~~ chief on the first day of 12300
the examination. Any moneys collected under this section shall be 12301
paid into the state treasury to the credit of the mining 12302
regulation fund created in section 1561.48 of the Revised Code. 12303

Sec. 1561.21. A person who applies for a certificate as a 12304
shot firer shall be able to read and write the English language; 12305
shall have had at least one year's actual practical experience in 12306
the underground workings of mines or the equivalent thereof in the 12307
judgment of the ~~mine examining board~~ chief of the division of 12308
mineral resources management; shall have knowledge of the dangers 12309
and nature of noxious and explosive gases; shall have knowledge of 12310
the dangers and nature of the use of explosives, related 12311
equipment, and blasting techniques; and shall have knowledge of 12312
safety laws and rules, including those related to the underground 12313
storage, use, and transportation of explosives. Each applicant for 12314
examination shall pay a fee of ten dollars to the ~~board~~ chief on 12315
the first day of the examination. Any moneys collected under this 12316
section shall be paid into the state treasury to the credit of the 12317
mining regulation fund created in section 1561.48 of the Revised 12318
Code. 12319

Any person who possesses a mine ~~foreman~~ foreperson or ~~foreman~~ 12320

foreperson certificate issued by the ~~mine examining board~~ chief 12321
shall be considered certified as a shot firer. 12322

Sec. 1561.22. A person who applies for a certificate as fire 12323
boss shall be able to read and write the English language; shall 12324
have had at least three years' actual practical experience in the 12325
underground workings of a gaseous mine or the equivalent thereof 12326
in the judgment of the ~~mine examining board~~ chief of the division 12327
of mineral resources management; and shall have knowledge of the 12328
dangers and nature of noxious and explosive gases gained by actual 12329
contact with gas in mines and ventilation of gaseous mines. Each 12330
applicant for examination shall pay a fee of ten dollars to the 12331
~~board~~ chief on the first day of the examination. Any moneys 12332
collected under this section shall be paid into the state treasury 12333
to the credit of the mining regulation fund created in section 12334
1561.48 of the Revised Code. 12335

Sec. 1561.23. The ~~mine examining board~~ chief of the division 12336
of mineral resources management shall issue the following 12337
certificates to those applicants who pass their examination: 12338

(A) Certificates for mine ~~foremen~~ forepersons of gaseous 12339
mines; 12340

(B) Certificates for mine ~~foremen~~ forepersons of nongaseous 12341
mines; 12342

(C) Certificates for ~~foremen~~ forepersons of gaseous mines; 12343

(D) Certificates for ~~foremen~~ forepersons of nongaseous mines; 12344
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(E) Certificates for ~~foremen~~ forepersons of surface 12346
maintenance facilities of underground or surface mines; 12347

(F) Certificates for mine ~~foremen~~ forepersons of surface 12348
mines; 12349

- (G) Certificates for ~~foremen~~ forepersons of surface mines; 12350
- (H) Certificates for fire bosses; 12351
- (I) Certificates for mine electricians; 12352
- (J) Certificates for surface mine blasters; 12353
- (K) Certificates for shot firers. 12354

Applicants for certificates shall make application to the 12355
~~board~~ chief, on a form provided by ~~it~~ the chief, for examination. 12356

All applicants shall be able to read and write the English 12357
language intelligently, and shall furnish the ~~board~~ chief with a 12358
certificate as to their character, length and description of their 12359
practical experience, and satisfactory evidence of their ability 12360
to perform the duties of the position for which they make 12361
application for examination. 12362

Any certificate issued by the former mine examining board 12363
prior to ~~the effective date of this amendment~~ October 29, 1995, 12364
shall remain in effect notwithstanding the new classifications of 12365
certificates established by this ~~amendment~~ section. 12366

Sec. 1561.26. (A) As used in this section, "EMT-basic," 12367
"EMT-I," and "paramedic" have the same meanings as in section 12368
4765.01 of the Revised Code. 12369

(B) The superintendent of rescue stations, with the approval 12370
of the chief of the division of mineral resources management, 12371
shall, at each rescue station provided for in section 1561.25 of 12372
the Revised Code, train and employ rescue crews of six members 12373
each, one of whom shall hold a mine foreperson or fire boss 12374
certificate and be designated captain, and train and employ any 12375
number of such rescue crews as the superintendent believes 12376
necessary. One member of a rescue crew shall be certified as an 12377
EMT-basic, EMT-I, or paramedic. Each member of a rescue crew shall 12378
devote the time specified by the chief each month for training 12379

purposes and shall be available at all times to assist in rescue
work at explosions, mine fires, and other emergencies. 12380
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A captain of mine rescue crews shall receive for service as
captain the sum of twenty-four dollars per month, and each member
shall receive the sum of twenty dollars per month, all payable on
requisition approved by the chief. When engaged in rescue work at
explosions, mine fires, or other emergencies away from their
station, the members of the rescue crews and captains of the same
shall be paid the sum of six dollars per hour for work on the
surface, which includes the time consumed by ~~such~~ those members in
traveling to and from the scene of ~~such~~ the emergency when ~~such~~
the scene is away from the station of ~~such~~ the members, and the
sum of seven dollars per hour for all work underground at ~~such~~ the
emergency, and in addition thereto, the necessary living expenses
of ~~such~~ the members when ~~such~~ the emergency is away from their
home station, all payable on requisition approved by the chief. 12382
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Each member of a mine rescue crew shall undergo an annual
medical examination by a doctor designated by the chief. In
designating ~~such~~ the doctor, the chief shall choose one near the
station of the member of ~~such~~ the rescue crews. ~~Such~~ The doctor
shall report the doctor's findings to the chief and if, in the
opinion of the chief, ~~such~~ the report indicates that ~~such~~ the
member is physically unfit for further services, the chief shall
relieve the member from further duty. The fee charged by ~~such~~ the
doctor for ~~such~~ the examination shall be paid in the same manner
as fees are paid to doctors employed by the industrial commission
for special medical examinations. 12396
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The chief may remove any member of a rescue crew for any
reason. Such crews shall be subject to the orders of the chief,
the superintendent, and the deputy mine inspectors when engaged in
actual mine rescue work. Mine rescue crews shall, in case of death
or injury when engaged in rescue work, wherever the same may 12407
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occur, be paid compensation, or their dependents shall be paid 12412
death benefits, from the workers' compensation fund, in the same 12413
manner as other employees of the state. 12414

(C) In addition to the training of rescue crews, each 12415
assistant superintendent of rescue stations, with the approval of 12416
the superintendent, shall provide for and conduct safety, first 12417
aid, and rescue classes at any mine or for any group of miners who 12418
make application for the conducting of such classes. The chief may 12419
assess a fee for safety and first aid classes for the purpose of 12420
covering the costs associated with providing those classes. The 12421
chief shall establish a fee schedule for safety and first aid 12422
classes by rule adopted in accordance with Chapter 119. of the 12423
Revised Code. Fees collected under this section shall be deposited 12424
in the surface mining fund created in section 1514.06 of the 12425
Revised Code. 12426

The superintendent shall prescribe and provide for a uniform 12427
schedule of conducting such safety and rescue classes as will 12428
provide a competent knowledge of modern safety and rescue methods 12429
in, at, and about mines. 12430

Sec. 1561.35. If the deputy mine inspector finds that any 12431
matter, thing, or practice connected with any mine and not 12432
prohibited specifically by law is dangerous or hazardous, or that 12433
from a rigid enforcement of this chapter and Chapters 1509., 12434
1563., 1565., and 1567. of the Revised Code, the matter, thing, or 12435
practice would become dangerous and hazardous so as to tend to the 12436
bodily injury of any person, the deputy mine inspector forthwith 12437
shall give notice in writing to the owner, lessee, or agent of the 12438
mine of the particulars in which the deputy mine inspector 12439
considers the mine or any matter, thing, or practice connected 12440
therewith is dangerous or hazardous and recommend changes that the 12441
conditions require, and forthwith shall mail a copy of the report 12442

and the deputy mine inspector's recommendations to the chief of 12443
the division of mineral resources management. Upon receipt of the 12444
report and recommendations, the chief forthwith shall make a 12445
finding thereon and mail a copy to the owner, operator, lessee, or 12446
agent of the mine, and to the deputy mine inspector; a copy of the 12447
finding of the chief shall be posted upon the bulletin board of 12448
the mine. Where the miners have a mine safety committee, one 12449
additional copy shall be posted on the bulletin board for the use 12450
and possession of the committee. 12451

The owner, operator, lessee, or agent of the mine, or the 12452
authorized representative of the workers of the mine, within ten 12453
days may appeal to the ~~mine examining board~~ reclamation commission 12454
for a review and redetermination of the finding of the chief in 12455
the matter in accordance with section ~~1561.53~~ 1513.13 of the 12456
Revised Code, notwithstanding division (A)(1) of that section, 12457
which provides for appeals within thirty days. A copy of the 12458
decision of the ~~board~~ commission shall be mailed as required by 12459
this section for the mailing of the finding by the chief on the 12460
deputy mine inspector's report. 12461

Sec. 1561.351. A deputy mine inspector who makes a finding 12462
concerning a violation of this chapter or Chapter 1563., 1565., or 12463
1567. or section 1509.09, 1509.12, 1509.13, 1509.14, 1509.15, 12464
1509.17, or 1509.18 of the Revised Code that involves mining 12465
safety shall notify the chief of the division of mineral resources 12466
management of the finding. The chief shall review the inspector's 12467
finding, make a written determination regarding it, and provide a 12468
copy of the written determination to the owner, operator, lessee, 12469
or agent of the mine involved. The chief shall provide a copy of 12470
the written determination to any other interested party upon 12471
request. 12472

A person, such as an owner, operator, lessee, or agent of the 12473
mine or the authorized representative of the workers of the mine, 12474

who has an interest that is or may be adversely affected by the 12475
chief's determination may appeal the determination, not later than 12476
ten days after receiving notice of the determination, to the ~~mine~~ 12477
~~examining board~~ reclamation commission by filing a copy of the 12478
chief's written determination with the ~~board~~ commission, 12479
notwithstanding division (A)(1) of section 1513.13 of the Revised 12480
Code, which provides for appeals within thirty days. The ~~board~~ 12481
commission shall hear the appeal in accordance with section 12482
~~1561.53~~ 1513.13 of the Revised Code. 12483

Sec. 1561.46. Fees received by the ~~mine-examining board~~ chief 12484
of the division of mineral resources management under sections 12485
1561.16 to 1561.22 of the Revised Code shall be paid by the 12486
~~secretary of the board~~ chief into the state treasury to the credit 12487
of the mining regulation fund created in section 1561.48 of the 12488
Revised Code. 12489

Sec. 1561.51. When written charges of neglect of duty, 12490
incompetency, or malfeasance in office against the deputy mine 12491
inspector are filed with the chief of the division of mineral 12492
resources management, signed by not less than fifteen employees, 12493
or otherwise as provided in section 1561.50 of the Revised Code, 12494
or the owner, lessee, or agent of a mine, and the signers of the 12495
charges are dissatisfied with the result of the investigation made 12496
by the chief, they may appeal to the ~~mine-examining board~~ 12497
reclamation commission by filing the same charges against the 12498
deputy mine inspector and a copy of the report of the 12499
investigation made by the chief in the matter with the ~~board~~ 12500
commission, and the ~~board~~ commission shall hear the appeal in 12501
accordance with section ~~1561.53~~ 1513.13 of the Revised Code. The 12502
~~board~~ commission shall mail a copy of its decision to the 12503
complainant whose name appears first in the charges. 12504

Sec. 1561.52. On receipt of a notice pursuant to section 12505
3123.43 of the Revised Code, the ~~mine examining board~~ chief of the 12506
division of mineral resources management shall comply with 12507
sections 3123.41 to 3123.50 of the Revised Code and any applicable 12508
rules adopted under section 3123.63 of the Revised Code with 12509
respect to a certificate issued pursuant to this chapter. 12510

Sec. 1563.13. When a deputy mine inspector considers that the 12511
ways and means of egress in any underground mine from the interior 12512
working places to the surface are inadequate as a safe and ready 12513
means of escape in case of emergency, from danger of fire at any 12514
point, or any other cause that may result in the entombment of 12515
persons working in the mine, the deputy mine inspector shall give 12516
notice in writing to the owner, lessee, or agent of the mine of 12517
the particular in which the deputy mine inspector considers the 12518
conditions dangerous, recommending any changes that the conditions 12519
require, and forthwith shall mail a copy of the deputy mine 12520
inspector's recommendations to the chief of the division of 12521
mineral resources management. Upon receipt of the recommendations, 12522
the chief forthwith shall make a finding concerning them and mail 12523
a copy to the operator of the mine and to the deputy mine 12524
inspector. A copy of the finding of the chief shall be posted upon 12525
the bulletin board at the time. 12526

The operator of the mine, or the authorized representative of 12527
the workers of the mine, within ten days may appeal to the ~~mine~~ 12528
~~examining board~~ reclamation commission for a review and 12529
redetermination of the finding of the chief in the matter in 12530
accordance with section ~~1561.53~~ 1513.13 of the Revised Code, 12531
notwithstanding division (A)(1) of that section, which provides 12532
for appeals within thirty days. A copy of the decision of the 12533
~~board~~ commission shall be mailed as required by this section for 12534
the mailing of the finding by the chief on the deputy mine 12535

inspector's report. 12536

No operator of a mine shall refuse or neglect to comply with 12537
this section. 12538

Sec. 1565.04. The operator of each mine who is an employer as 12539
defined in section 4123.01 of the Revised Code, or any mine 12540
~~working with~~ three or more ~~men~~ workers, shall employ a certified 12541
mine ~~foreman~~ foreperson. In gaseous mines, only a holder of a mine 12542
~~foreman~~ foreperson of gaseous mines certificate ~~which that~~ 12543
contains a notation by the ~~mine-examining board~~ chief of the 12544
division of mineral resources management showing the holder to be 12545
at least twenty-three years of age and have at least five years' 12546
actual practical experience in gaseous mines shall be employed as 12547
the mine ~~foreman~~ foreperson. In other mines, the mine ~~foreman~~ 12548
foreperson shall be a holder of a mine ~~foreman~~ foreperson of 12549
nongaseous mines certificate ~~which that~~ contains a notation by the 12550
~~mine-examining board~~ chief showing the holder to be at least 12551
twenty-one years of age and have at least three years' actual 12552
practical experience in mines. All such mines shall have at least 12553
one certified ~~foreman~~ foreperson on duty at all times when ~~men~~ 12554
workers are employed in the loading or mining of coal. 12555

No operator of a mine shall refuse or neglect to comply with 12556
this section. 12557

Sec. 1565.06. (A) In emergencies arising at a mine because of 12558
accident, death, illness, or any other cause, an operator may 12559
appoint noncertificate persons as forepersons and fire bosses to 12560
act until certified forepersons and fire bosses satisfactory to 12561
the operator can be secured. Such appointee may not serve in such 12562
capacity for a period longer than six months or until such time 12563
thereafter as an examination is held for such certified persons 12564
under section 1561.13 of the Revised Code. The employer of such 12565
noncertificate person shall, upon appointment of such 12566

noncertificate person in this capacity, forward the name of such 12567
noncertificate person to the chief of the division of mineral 12568
resources management. 12569

(B) An operator may appoint as a temporary foreperson or fire 12570
boss a noncertificate person who is within six months of 12571
possessing the necessary actual practical experience to qualify to 12572
take the examination for certification for the position to which 12573
the person is temporarily appointed. Upon appointment of a 12574
noncertificate person, the operator shall forward the name, social 12575
security number, and brief summary of the person's actual 12576
practical experience to the ~~mine examining board~~ chief, and the 12577
~~board~~ chief shall issue the person a temporary certificate for the 12578
position to which the person has been temporarily appointed. A 12579
temporary certificate issued under this division is valid for six 12580
months or until such time thereafter as an examination is held 12581
under section 1561.13 of the Revised Code for the position to 12582
which the person has been temporarily appointed. 12583

(C) A person who possesses a valid certificate issued by 12584
another state for a position for which the ~~mine examining board~~ 12585
chief issues a certificate shall be eligible for a temporary 12586
certificate from the ~~board~~ chief upon presentation to the ~~board~~ 12587
chief of a copy of the certificate from that other state. A 12588
temporary certificate issued under this division shall be valid 12589
for six months. 12590

No operator of a mine shall violate or fail to comply with 12591
this section. 12592

Sec. 1565.07. The superintendent in charge of a mine shall 12593
direct the mine foreperson in such manner as is necessary to 12594
secure compliance with this chapter and Chapters 1561., 1563., and 12595
1567. and sections 1509.18 and 1509.19 of the Revised Code. The 12596
superintendent may act as mine foreperson, but if the 12597

superintendent does so act regularly, the superintendent shall 12598
obtain a certificate from the ~~mine-examining board~~ chief of the 12599
division of mineral resources management in the same manner as the 12600
certification of mine foreperson is obtained. 12601

A person designated as a superintendent of an underground 12602
coal mine after January 1, 1977, shall, within six months after 12603
being so designated, demonstrate to the chief ~~of the division of~~ 12604
~~mineral resources management~~ that the person has knowledge of the 12605
mining laws of this state governing the operation of underground 12606
coal mines either by presenting evidence that the person has 12607
passed a mine foreperson examination given by the ~~mine-examining~~ 12608
~~board~~ chief or an examination given by the chief concerning the 12609
laws of this state governing the operation of underground coal 12610
mines. 12611

No person shall refuse or neglect to comply with this 12612
section. 12613

Sec. 1565.08. If a person certified by the ~~mine-examining~~ 12614
~~board~~ chief of the division of mineral resources management 12615
purposely violates the mining laws, the person's certificate may 12616
be revoked by the chief after investigation and a hearing in 12617
accordance with Chapter 119. of the Revised Code, ~~by the chief of~~ 12618
~~the division of mineral resources management, with the approval of~~ 12619
~~the mine-examining board.~~ 12620

No person whose license, certificate, or similar authority to 12621
perform any certifiable mining duties in another state is 12622
suspended or revoked by that state shall be certified for an 12623
equivalent mining certificate in this state during the period of 12624
the suspension or revocation in the other state. 12625

Sec. 1565.25. On receipt of a notice pursuant to section 12626
3123.43 of the Revised Code, the ~~mine-examining board~~ chief of the 12627

division of mineral resources management shall comply with 12628
sections 3123.41 to 3123.50 of the Revised Code and any applicable 12629
rules adopted under section 3123.63 of the Revised Code with 12630
respect to a certificate issued pursuant to this chapter. 12631

Sec. 1701.05. (A) Except as provided in this section, and in 12632
sections 1701.75, 1701.78, and 1701.82 of the Revised Code, which 12633
sections relate to the reorganization, merger, and consolidation 12634
of corporations, the corporate name of a domestic corporation 12635
shall comply with all of the following: 12636

(1) It shall end with or include the word or abbreviation 12637
"company," "co.," "corporation," "corp.," "incorporated," or 12638
"inc." 12639

(2) It shall be distinguishable upon the records in the 12640
office of the secretary of state from all of the following: 12641

(a) The name of any other corporation, whether nonprofit or 12642
for profit and whether that of a domestic or of a foreign 12643
corporation authorized to do business in this state; 12644

(b) The name of any limited liability company registered in 12645
the office of the secretary of state pursuant to Chapter 1705. of 12646
the Revised Code, whether domestic or foreign; 12647

(c) The name of any limited liability partnership registered 12648
in the office of the secretary of state pursuant to Chapter 1775. 12649
of the Revised Code, whether domestic or foreign; 12650

(d) The name of any limited partnership registered in the 12651
office of the secretary of state pursuant to Chapter 1782. of the 12652
Revised Code, whether domestic or foreign; 12653

(e) Any trade name the exclusive right to which is at the 12654
time in question registered in the office of the secretary of 12655
state pursuant to Chapter 1329. of the Revised Code. 12656

(3) It shall not contain any language that indicates or 12657
implies that the corporation is connected with a government agency 12658
of this state, another state, or the United States. 12659

(B) The secretary of state shall determine for purposes of 12660
this section whether a name is "distinguishable" from another name 12661
upon the secretary of state's records. Without excluding other 12662
names that may not constitute distinguishable names in this state, 12663
a name is not considered distinguishable from another name for 12664
purposes of this section solely because it differs from the other 12665
name in only one or more of the following manners: 12666

(1) The use of the word "corporation," "company," 12667
"incorporated," "limited," or any abbreviation of any of those 12668
words; 12669

(2) The use of any article, conjunction, contraction, 12670
abbreviation, or punctuation; 12671

(3) The use of a different tense or number of the same word. 12672

(C) A corporation may apply to the secretary of state for 12673
authorization to use a name that is not distinguishable upon the 12674
secretary of state's records from the name of any other 12675
corporation, limited liability company, limited liability 12676
partnership, or limited partnership, or from a registered trade 12677
name, if there also is filed in the office of the secretary of 12678
state, on a form prescribed by the secretary of state, the consent 12679
of the other entity or, in the case of a registered trade name, 12680
the person in whose name is registered the exclusive right to use 12681
the name, which consent is evidenced in a writing signed by any 12682
authorized officer or any authorized representative of the other 12683
entity or person. 12684

(D) In case of judicial sale or judicial transfer, by sale or 12685
transfer of good will or otherwise, of the right to use the name 12686
of a corporation, whether nonprofit or for profit, and whether 12687

that of a domestic corporation or of a foreign corporation 12688
authorized to exercise its corporate privileges in this state or 12689
to do business in this state, the secretary of state, at the 12690
instance of the purchaser or transferee of such right, shall 12691
accept for filing articles of a corporation with a name the same 12692
as or similar to the name of such other corporation, if there also 12693
is filed in the office of the secretary of state a certified copy 12694
of the decree or order of court confirming or otherwise evidencing 12695
the purchase or transfer. 12696

(E) Any person who wishes to reserve a name for a proposed 12697
new corporation, or any corporation intending to change its name, 12698
may submit to the secretary of state a written application, on a 12699
form prescribed by the secretary of state, for the exclusive right 12700
to use a specified name as the name of a corporation. If the 12701
secretary of state finds that, under this section, the specified 12702
name is available for such use, the secretary of state shall file 12703
the application and, from the date of the filing, the applicant 12704
shall have the exclusive right for sixty one hundred eighty days 12705
to use the specified name as the name of a corporation, counting 12706
the date of such filing as the first of sixty one hundred eighty 12707
days. The right so obtained may be transferred by the applicant or 12708
other holder thereof by the filing in the office of the secretary 12709
of state of a written transfer, on a form prescribed by the 12710
secretary of state, stating the name and address of the 12711
transferee. 12712

~~(F) For filing under this section any application or other 12713
document, other than articles or a consent to the use of a name, 12714
the secretary of state shall charge and collect a fee of five 12715
dollars. 12716~~

Sec. 1701.07. (A) Every corporation shall have and maintain 12717
an agent, sometimes referred to as the "statutory agent," upon 12718

whom any process, notice, or demand required or permitted by 12719
statute to be served upon a corporation may be served. The agent 12720
may be a natural person who is a resident of this state or may be 12721
a domestic corporation or a foreign corporation holding a license 12722
as such under the laws of this state, that is authorized by its 12723
articles of incorporation to act as such agent and that has a 12724
business address in this state. 12725

(B) The secretary of state shall not accept original articles 12726
for filing unless there is filed with the articles a written 12727
appointment of an agent that is signed by the incorporators of the 12728
corporation or a majority of them and a written acceptance of the 12729
appointment that is signed by the agent. In all other cases, the 12730
corporation shall appoint the agent and shall file in the office 12731
of the secretary of state a written appointment of the agent that 12732
is signed by any authorized officer of the corporation and a 12733
written acceptance of the appointment that is either the original 12734
acceptance signed by the agent or a photocopy, facsimile, or 12735
similar reproduction of the original acceptance signed by the 12736
agent. 12737

(C) The written appointment of an agent shall set forth the 12738
name and address in this state of the agent, including the street 12739
and number or other particular description, and shall otherwise be 12740
in such form as the secretary of state prescribes. The secretary 12741
of state shall keep a record of the names of corporations, and the 12742
names and addresses of their respective agents. 12743

(D) If any agent dies, removes from the state, or resigns, 12744
the corporation shall forthwith appoint another agent and file 12745
with the secretary of state, on a form prescribed by the secretary 12746
of state, a written appointment of the agent. 12747

(E) Unless the change is reported on the annual report filed 12748
with the department of taxation, if the agent changes the agent's 12749
address from that appearing upon the record in the office of the 12750

secretary of state, the corporation or the agent shall forthwith
file with the secretary of state, on a form prescribed by the
secretary of state, a written statement setting forth the new
address.

(F) An agent may resign by filing with the secretary of
state, on a form prescribed by the secretary of state, a written
notice to that effect that is signed by the agent and by sending a
copy of the notice to the corporation at the current or last known
address of its principal office on or prior to the date the notice
is filed with the secretary of state. The notice shall set forth
the name of the corporation, the name and current address of the
agent, the current or last known address, including the street and
number or other particular description, of the corporation's
principal office, the resignation of the agent, and a statement
that a copy of the notice has been sent to the corporation within
the time and in the manner prescribed by this division. Upon the
expiration of thirty days after the filing, the authority of the
agent shall terminate.

(G) A corporation may revoke the appointment of an agent by
filing with the secretary of state, on a form prescribed by the
secretary of state, a written appointment of another agent and a
statement that the appointment of the former agent is revoked.

(H) Any process, notice, or demand required or permitted by
statute to be served upon a corporation may be served upon the
corporation by delivering a copy of it to its agent, if a natural
person, or by delivering a copy of it at the address of its agent
in this state, as the address appears upon the record in the
office of the secretary of state. If (1) the agent cannot be
found, or (2) the agent no longer has that address, or (3) the
corporation has failed to maintain an agent as required by this
section, and if in any such case the party desiring that the
process, notice, or demand be served, or the agent or

representative of the party, shall have filed with the secretary 12783
of state an affidavit stating that one of the foregoing conditions 12784
exists and stating the most recent address of the corporation that 12785
the party after diligent search has been able to ascertain, then 12786
service of process, notice, or demand upon the secretary of state, 12787
as the agent of the corporation, may be initiated by delivering to 12788
the secretary of state or at the secretary of state's office 12789
quadruplicate copies of such process, notice, or demand and by 12790
paying to the secretary of state a fee of five dollars. The 12791
secretary of state shall forthwith give notice of the delivery to 12792
the corporation at its principal office as shown upon the record 12793
in the secretary of state's office and at any different address 12794
shown on its last franchise tax report filed in this state, or to 12795
the corporation at any different address set forth in the above 12796
mentioned affidavit, and shall forward to the corporation at said 12797
addresses, by certified mail, with request for return receipt, a 12798
copy of the process, notice, or demand; and thereupon service upon 12799
the corporation shall be deemed to have been made. 12800

(I) The secretary of state shall keep a record of each 12801
process, notice, and demand delivered to the secretary of state or 12802
at the secretary of state's office under this section or any other 12803
law of this state that authorizes service upon the secretary of 12804
state, and shall record the time of the delivery and the action 12805
thereafter with respect thereto. 12806

(J) This section does not limit or affect the right to serve 12807
any process, notice, or demand upon a corporation in any other 12808
manner permitted by law. 12809

(K) Every corporation shall state in each annual report filed 12810
by it with the department of taxation the name and address of its 12811
statutory agent. 12812

(L) Except when an original appointment of an agent is filed 12813
with the original articles, a written appointment of an agent or a 12814

written statement filed by a corporation with the secretary of 12815
state shall be signed by any authorized officer of the corporation 12816
or by the incorporators of the corporation or a majority of them 12817
if no directors have been elected. 12818

(M) For filing a written appointment of an agent other than 12819
one filed with original articles, and for filing a statement of 12820
change of address of an agent, the secretary of state shall charge 12821
and collect ~~a~~ the fee specified in division (R) of three dollars 12822
section 111.16 of the Revised Code. 12823

(N) Upon the failure of a corporation to appoint another 12824
agent or to file a statement of change of address of an agent, the 12825
secretary of state shall give notice thereof by certified mail to 12826
the corporation at the address set forth in the notice of 12827
resignation or on the last franchise tax return filed in this 12828
state by the corporation. Unless the default is cured within 12829
thirty days after the mailing by the secretary of state of the 12830
notice or within any further period of time that the secretary of 12831
state grants, upon the expiration of that period of time from the 12832
date of the mailing, the articles of the corporation shall be 12833
canceled without further notice or action by the secretary of 12834
state. The secretary of state shall make a notation of the 12835
cancellation on the secretary of state's records. 12836

A corporation whose articles have been canceled may be 12837
reinstated by filing, on a form prescribed by the secretary of 12838
state, an application for reinstatement and the required 12839
appointment of agent or required statement, and by paying ~~a~~ the 12840
filing fee specified in division (Q) of ten dollars section 111.16 12841
of the Revised Code. The rights, privileges, and franchises of a 12842
corporation whose articles have been reinstated are subject to 12843
section 1701.922 of the Revised Code. The secretary of state shall 12844
furnish the tax commissioner a monthly list of all corporations 12845
canceled and reinstated under this division. 12846

(O) This section does not apply to banks, trust companies, 12847
insurance companies, or any corporation defined under the laws of 12848
this state as a public utility for taxation purposes. 12849

Sec. 1701.81. (A) Upon adoption by each constituent entity of 12850
an agreement of merger or consolidation pursuant to section 12851
1701.78, 1701.781, 1701.79, 1701.791, 1701.80, or 1701.801 of the 12852
Revised Code, a certificate of merger or consolidation shall be 12853
filed with the secretary of state that is signed by any authorized 12854
representative of each constituent corporation, partnership, or 12855
other entity. The certificate shall be on a form prescribed by the 12856
secretary of state and shall set forth only the information 12857
required by this section. 12858

(B)(1) The certificate of merger or consolidation shall set 12859
forth all of the following: 12860

(a) The name and the form of entity of each constituent 12861
entity and the state under the laws of which each constituent 12862
entity exists; 12863

(b) A statement that each constituent entity has complied 12864
with all of the laws under which it exists and that the laws 12865
permit the merger or consolidation; 12866

(c) The name and mailing address of the person or entity that 12867
is to provide, in response to any written request made by a 12868
shareholder, partner, or other equity holder of a constituent 12869
entity, a copy of the agreement of merger or consolidation; 12870

(d) The effective date of the merger or consolidation, which 12871
date may be on or after the date of the filing of the certificate; 12872

(e) The signature of each representative authorized to sign 12873
the certificate on behalf of each constituent entity and the 12874
office held or the capacity in which the representative is acting; 12875

(f) A statement that the agreement of merger or consolidation 12876

is authorized on behalf of each constituent entity and that each 12877
person who signed the certificate on behalf of each entity is 12878
authorized to do so; 12879

(g) In the case of a merger, a statement that one or more 12880
specified constituent entities will be merged into a specified 12881
surviving entity or, in the case of a consolidation, a statement 12882
that the constituent entities will be consolidated into a new 12883
entity; 12884

(h) In the case of a merger, if the surviving entity is a 12885
foreign entity not licensed to transact business in this state, 12886
the name and address of the statutory agent upon whom any process, 12887
notice, or demand against any constituent entity may be served; 12888

(i) In the case of a consolidation, the name and address of 12889
the statutory agent upon whom any process, notice, or demand 12890
against any constituent entity or the new entity may be served. 12891

(2) In the case of a consolidation into a new domestic 12892
corporation, limited liability company, or limited partnership, 12893
the articles of incorporation, the articles of organization, or 12894
the certificate of limited partnership of the new domestic entity 12895
shall be filed with the certificate of merger or consolidation. 12896

(3) In the case of a merger into a domestic corporation, 12897
limited liability company, or limited partnership, any amendments 12898
to the articles of incorporation, articles of organization, or 12899
certificate of limited partnership of the surviving domestic 12900
entity shall be filed with the certificate of merger or 12901
consolidation. 12902

(4) If the surviving or new entity is a foreign entity that 12903
desires to transact business in this state as a foreign 12904
corporation, limited liability company, or limited partnership, 12905
the certificate of merger or consolidation shall be accompanied by 12906
the information required by division (B)(8), (9), or (10) of 12907

section 1701.791 of the Revised Code. 12908

(5) If a foreign or domestic corporation licensed to transact 12909
business in this state is a constituent entity and the surviving 12910
or new entity resulting from the merger or consolidation is not a 12911
foreign or domestic corporation that is to be licensed to transact 12912
business in this state, the certificate of merger or consolidation 12913
shall be accompanied by the affidavits, receipts, certificates, or 12914
other evidence required by division (H) of section 1701.86 of the 12915
Revised Code, with respect to each domestic constituent 12916
corporation, and by the affidavits, receipts, certificates, or 12917
other evidence required by division (C) or (D) of section 1703.17 12918
of the Revised Code, with respect to each foreign constituent 12919
corporation licensed to transact business in this state. 12920

(C) If any constituent entity in a merger or consolidation is 12922
organized or formed under the laws of a state other than this 12923
state or under any chapter of the Revised Code other than this 12924
chapter, there also shall be filed in the proper office all 12925
documents that are required to be filed in connection with the 12926
merger or consolidation by the laws of that state or by that 12927
chapter. 12928

(D) Upon the filing of a certificate of merger or 12929
consolidation and other filings as described in division (C) of 12930
this section or at such later date as the certificate of merger or 12931
consolidation specifies, the merger or consolidation is effective. 12932

(E) The secretary of state shall furnish, upon request and 12933
payment of ~~a~~ the fee specified in division (D) of ten dollars 12934
section 111.16 of the Revised Code, the secretary of state's 12935
certificate setting forth the name and the form of entity of each 12936
constituent entity and the states under the laws of which each 12937
constituent entity existed prior to the merger or consolidation, 12938
the name and the form of entity of the surviving or new entity and 12939

the state under the laws of which the surviving entity exists or 12940
the new entity is to exist, the date of filing of the certificate 12941
of merger or consolidation with the secretary of state, and the 12942
effective date of the merger or consolidation. The certificate of 12943
the secretary of state, or a copy of the certificate of merger or 12944
consolidation certified by the secretary of state, may be filed 12945
for record in the office of the recorder of any county in this 12946
state and, if filed, shall be recorded in the records of deeds for 12947
that county. For that recording, the county recorder shall charge 12948
and collect the same fee as in the case of deeds. 12949

Sec. 1702.05. (A) Except as provided in this section and in 12950
sections 1702.41 and 1702.45 of the Revised Code, the secretary of 12951
state shall not accept for filing in the secretary of state's 12952
office any articles if the corporate name set forth in the 12953
articles is not distinguishable upon the secretary of state's 12954
records from any of the following: 12955

(1) The name of any other corporation, whether a nonprofit 12956
corporation or a business corporation and whether that of a 12957
domestic or of a foreign corporation authorized to do business in 12958
this state; 12959

(2) The name of any limited liability company registered in 12960
the office of the secretary of state pursuant to Chapter 1705. of 12961
the Revised Code, whether domestic or foreign; 12962

(3) The name of any limited liability partnership registered 12963
in the office of the secretary of state pursuant to Chapter 1775. 12964
of the Revised Code, whether domestic or foreign; 12965

(4) The name of any limited partnership registered in the 12966
office of the secretary of state pursuant to Chapter 1782. of the 12967
Revised Code, whether domestic or foreign; 12968

(5) Any trade name, the exclusive right to which is at the 12969
time in question registered in the office of the secretary of 12970

state pursuant to Chapter 1329. of the Revised Code. 12971

(B) The secretary of state shall determine for purposes of 12972
this section whether a name is "distinguishable" from another name 12973
upon the secretary of state's records. Without excluding other 12974
names that may not constitute distinguishable names in this state, 12975
a name is not considered distinguishable from another name for 12976
purposes of this section solely because it differs from the other 12977
name in only one or more of the following manners: 12978

(1) The use of the word "corporation," "company," 12979
"incorporated," "limited," or any abbreviation of any of those 12980
words; 12981

(2) The use of any article, conjunction, contraction, 12982
abbreviation, or punctuation; 12983

(3) The use of a different tense or number of the same word. 12984

(C) A corporation may apply to the secretary of state for 12985
authorization to use a name that is not distinguishable upon the 12986
secretary of state's records from the name of any other 12987
corporation, any limited liability company, limited liability 12988
partnership, or limited partnership, or from a registered trade 12989
name, if there also is filed in the office of the secretary of 12990
state, on a form prescribed by the secretary of state, the consent 12991
of the other entity, or, in the case of a registered trade name, 12992
the person in whose name is registered the exclusive right to use 12993
the name, which consent is evidenced in a writing signed by any 12994
authorized officer or authorized representative of the other 12995
entity or person. 12996

(D) In case of judicial sale or judicial transfer, by sale or 12997
transfer of good will or otherwise, of the right to use the name 12998
of a nonprofit corporation or business corporation, whether that 12999
of a domestic corporation or of a foreign corporation authorized 13000
to exercise its corporate privileges in this state or to do 13001

business in this state, the secretary of state, at the instance of 13002
the purchaser or transferee of such right, shall accept for filing 13003
articles of a corporation with a name the same as or similar to 13004
the name of such other corporation, if there also is filed in the 13005
office of the secretary of state a certified copy of the decree or 13006
order of court confirming or otherwise evidencing the purchase or 13007
transfer. 13008

(E) Any person who wishes to reserve a name for a proposed 13009
new corporation, or any corporation intending to change its name, 13010
may submit to the secretary of state a written application, on a 13011
form prescribed by the secretary of state, for the exclusive right 13012
to use a specified name as the name of a corporation. If the 13013
secretary of state finds that, under this section, the specified 13014
name is available for such use, the secretary of state shall file 13015
such application, and, from the date of such filing, such 13016
applicant shall have the exclusive right for ~~sixty~~ one hundred 13017
eighty days to use the specified name as the name of a 13018
corporation, counting the date of such filing as the first of the 13019
~~sixty~~ one hundred eighty days. The right so obtained may be 13020
transferred by the applicant or other holder of the right by the 13021
filing in the office of the secretary of state of a written 13022
transfer, on a form prescribed by the secretary of state, stating 13023
the name and address of the transferee. 13024

~~(F) For filing under this section any application or other 13025
document, other than articles or a consent to the use of a name,
the secretary of state shall charge and collect a fee of five 13026
dollars. 13027
13028~~

Sec. 1702.06. (A) Every corporation shall have and maintain 13029
an agent, sometimes referred to as the "statutory agent," upon 13030
whom any process, notice, or demand required or permitted by 13031
statute to be served upon a corporation may be served. The agent 13032

may be a natural person who is a resident of this state, or may be 13033
a domestic or foreign business corporation holding a license as 13034
such under the laws of this state that is authorized by its 13035
articles of incorporation to act as such agent, and that has a 13036
business address in this state. 13037

(B) The secretary of state shall not accept original articles 13038
for filing unless there is filed with the articles a written 13039
appointment of an agent signed by the incorporators of the 13040
corporation or a majority of them and a written acceptance of the 13041
appointment signed by the agent. In all other cases, the 13042
corporation shall appoint the agent and shall file in the office 13043
of the secretary of state a written appointment of the agent that 13044
is signed by any authorized officer of the corporation and a 13045
written acceptance of the appointment that is either the original 13046
acceptance signed by the agent or a photocopy, facsimile, or 13047
similar reproduction of the original acceptance signed by the 13048
agent. 13049

(C) The written appointment of an agent shall set forth the 13050
name and address in this state of the agent, including the street 13051
and number or other particular description, and shall otherwise be 13052
in such form as the secretary of state prescribes. The secretary 13053
of state shall keep a record of the names of corporations and the 13054
names and addresses of their respective agents. 13055

(D) If any agent dies, removes from the state, or resigns, 13056
the corporation shall forthwith appoint another agent and file 13057
with the secretary of state, on a form prescribed by the secretary 13058
of state, a written appointment of that agent. 13059

(E) If the agent changes the agent's address from that 13060
appearing upon the record in the office of the secretary of state, 13061
the corporation or the agent shall forthwith file with the 13062
secretary of state, on a form prescribed by the secretary of 13063
state, a written statement setting forth the new address. 13064

(F) An agent may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a written notice to that effect that is signed by the agent and by sending a copy of the notice to the corporation at the current or last known address of its principal office on or prior to the date that notice is filed with the secretary of state. The notice shall set forth the name of the corporation, the name and current address of the agent, the current or last known address, including the street and number or other particular description, of the corporation's principal office, the resignation of the agent, and a statement that a copy of the notice has been sent to the corporation within the time and in the manner prescribed by this division. Upon the expiration of sixty days after such filing, the authority of the agent shall terminate.

(G) A corporation may revoke the appointment of an agent by filing with the secretary of state, on a form prescribed by the secretary of state, a written appointment of another agent and a statement that the appointment of the former agent is revoked.

(H) Any process, notice, or demand required or permitted by statute to be served upon a corporation may be served upon the corporation by delivering a copy of it to its agent, if a natural person, or by delivering a copy of it at the address of its agent in this state, as such address appears upon the record in the office of the secretary of state. If (1) the agent cannot be found, or (2) the agent no longer has that address, or (3) the corporation has failed to maintain an agent as required by this section, and if in any such case the party desiring that such process, notice, or demand be served, or the agent or representative of the party, shall have filed with the secretary of state an affidavit stating that one of the foregoing conditions exists and stating the most recent address of the corporation that the party after diligent search has been able to ascertain, then

service of process, notice, or demand upon the secretary of state, 13097
as the agent of the corporation, may be initiated by delivering to 13098
the secretary of state or at the secretary of state's office 13099
triplicate copies of such process, notice, or demand and by paying 13100
to the secretary of state a fee of five dollars. The secretary of 13101
state shall forthwith give notice of such delivery to the 13102
corporation at its principal office as shown upon the record in 13103
the secretary of state's office and also to the corporation at any 13104
different address set forth in the above mentioned affidavit, and 13105
shall forward to the corporation at each of those addresses, by 13106
certified mail, with request for return receipt, a copy of such 13107
process, notice, or demand; and thereupon service upon the 13108
corporation shall be deemed to have been made. 13109

(I) The secretary of state shall keep a record of each 13110
process, notice, and demand delivered to the secretary of state or 13111
at the secretary of state's office under this section or any other 13112
law of this state that authorizes service upon the secretary of 13113
state, and shall record the time of such delivery and the 13114
secretary of state's action thereafter with respect thereto. 13115

(J) This section does not limit or affect the right to serve 13116
any process, notice, or demand upon a corporation in any other 13117
manner permitted by law. 13118

(K) Except when an original appointment of an agent is filed 13119
with the original articles, a written appointment of an agent or a 13120
written statement filed by a corporation with the secretary of 13121
state shall be signed by any authorized officer of the corporation 13122
or by the incorporators of the corporation or a majority of them 13123
if no directors have been elected. 13124

(L) For filing a written appointment of an agent other than 13125
one filed with original articles, and for filing a statement of 13126
change of address of an agent, the secretary of state shall charge 13127
and collect a the fee specified in division (R) of ~~three dollars~~ 13128

section 111.16 of the Revised Code. 13129

(M) Upon the failure of any corporation to appoint another 13130
agent or to file a statement of change of address of an agent, the 13131
secretary of state shall give notice thereof by certified mail to 13132
the corporation at the address set forth in the notice of 13133
resignation or on the most recent statement of continued existence 13134
filed in this state by the corporation. Unless the failure is 13135
cured within thirty days after the mailing by the secretary of 13136
state of the notice or within any further period the secretary of 13137
state grants, upon the expiration of that period, the articles of 13138
the corporation shall be canceled without further notice or action 13139
by the secretary of state. The secretary of state shall make a 13140
notation of the cancellation on the secretary of state's records. 13141
A corporation whose articles have been canceled may be reinstated 13142
by filing, on a form prescribed by the secretary of state, an 13143
application for reinstatement and the required appointment of 13144
agent or required statement, and by paying a the filing fee 13145
specified in division (Q) of ~~ten dollars~~ section 111.16 of the 13146
Revised Code. The rights, privileges, and franchises of a 13147
corporation whose articles have been reinstated are subject to 13148
section 1702.60 of the Revised Code. The secretary of state shall 13149
furnish the tax commissioner a monthly list of all corporations 13150
canceled and reinstated under this division. 13151

(N) This section does not apply to banks, trust companies, 13152
insurance companies, or any corporation defined under the laws of 13153
this state as a public utility for taxation purposes. 13154

Sec. 1702.43. (A) Upon adoption by each constituent 13155
corporation of an agreement of merger or consolidation pursuant to 13156
section 1702.42 or 1702.45 of the Revised Code, a certificate of 13157
merger or consolidation, signed by any authorized representative 13158
of each constituent corporation, shall be filed with the secretary 13159
of state. The certificate shall be on a form prescribed by the 13160

secretary of state and shall set forth only the information	13161
required by this section.	13162
(1) The certificate of merger or consolidation shall set	13163
forth all of the following:	13164
(a) The name of each constituent entity and the state under	13165
whose laws each constituent entity exists;	13166
(b) A statement that each constituent entity has complied	13167
with all of the laws under which it exists and that the laws	13168
permit the merger or consolidation;	13169
(c) The name and mailing address of the person or entity that	13170
is to provide, in response to any written request made by a member	13171
or other person, a copy of the agreement of merger or	13172
consolidation;	13173
(d) The effective date of the merger or consolidation, which	13174
date may be on or after the date of the filing of the certificate;	13175
(e) The signature of each representative authorized to sign	13176
the certificate on behalf of each constituent entity and the	13177
office each representative authorized to sign holds or the	13178
capacity in which the representative is acting;	13179
(f) A statement that the agreement of merger or consolidation	13180
is authorized on behalf of each constituent entity and that each	13181
person who signed the certificate on behalf of each entity is	13182
authorized to do so;	13183
(g) In the case of a merger, a statement that one or more	13184
specified constituent entities will be merged into a specified	13185
surviving entity or, in the case of a consolidation, a statement	13186
that the constituent entities will be consolidated into a new	13187
entity;	13188
(h) In the case of a merger, if the surviving entity is a	13189
foreign entity not licensed to transact business in this state,	13190

the name and address of the statutory agent upon whom any process, notice, or demand may be served; 13191
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(i) In the case of a consolidation, the name and address of the statutory agent upon whom any process, notice, or demand against any constituent entity or the new entity may be served. 13193
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(2) In the case of a consolidation into a new domestic corporation, the certificate of consolidation shall be accompanied by a copy of the articles of incorporation of the new domestic corporation. 13196
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(3) In the case of a merger into a domestic corporation, the certificate of merger shall be accompanied by a copy of any amendments to the articles of incorporation of the surviving domestic corporation. 13200
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(4) If the surviving or new entity is a foreign entity that desires to transact business in this state as a foreign corporation, 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. 13204
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(5) If a domestic or foreign corporation licensed to transact business in this state is a constituent entity and the surviving or new entity resulting from the merger or consolidation is not a domestic or foreign corporation that is to be licensed to transact business in this state, the certificate of merger or consolidation shall be accompanied by the affidavits, receipts, certificates, or other evidence required by division (G) of section 1702.47 of the Revised Code, with respect to each domestic corporation, and by the affidavits, receipts, certificates, or other evidence required 13213
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by division (C) or (D) of section 1703.17 of the Revised Code, 13222
with respect to each foreign constituent corporation licensed to 13223
transact business in this state. 13224

(B) If any constituent entity in a merger or consolidation is 13225
organized or formed under the laws of a state other than this 13226
state or under any chapter of the Revised Code other than this 13227
chapter, there also shall be filed in the proper office all 13228
documents that are required to be filed in connection with the 13229
merger or consolidation by the laws of that state or by that 13230
chapter. 13231

(C) Upon the filing of a certificate of merger or 13232
consolidation and other filings as described in division (B) of 13233
this section, or at such later date as the certificate of merger 13234
or consolidation specifies, the merger or consolidation shall 13235
become effective. 13236

(D) The secretary of state shall furnish, upon request and 13237
payment of ~~a~~ the fee specified in division (D) of ten dollars 13238
section 111.16 of the Revised Code, a certificate setting forth 13239
the name of each constituent entity and the state under whose laws 13240
each constituent entity existed prior to the merger or 13241
consolidation, the name of the surviving or new entity and the 13242
state under whose laws the surviving entity exists or the new 13243
entity is to exist, the date of filing of the certificate of 13244
merger or consolidation with the secretary of state, and the 13245
effective date of the merger or consolidation. The certificate of 13246
the secretary of state or a copy of the merger or consolidation 13247
certified by the secretary of state may be filed for record in the 13248
office of the recorder of any county in this state and, if filed, 13249
shall be recorded in the records of deeds for that county. For 13250
that recording, the county recorder shall charge and collect the 13251
same fee as in the case of deeds. 13252

Sec. 1702.59. (A) Every nonprofit corporation, incorporated 13253
under the general corporation laws of this state, or previous 13254
laws, or under special provisions of the Revised Code, or created 13255
before September 1, 1851, which corporation has expressedly or 13256
impliedly elected to be governed by the laws passed since that 13257
date, and whose articles or other documents are filed with the 13258
secretary of state, shall file with the secretary of state a 13259
verified statement of continued existence, signed by a director, 13260
officer, or three members in good standing, setting forth the 13261
corporate name, the place where the principal office of the 13262
corporation is located, the date of incorporation, the fact that 13263
the corporation is still actively engaged in exercising its 13264
corporate privileges, and the name and address of its agent 13265
appointed pursuant to section 1702.06 of the Revised Code. 13266

(B) Each corporation required to file a statement of 13267
continued existence shall file it with the secretary of state 13268
within each five years after the date of incorporation or of the 13269
last corporate filing. ~~For filing such statements of continued 13270
existence, the secretary of state shall charge and collect a fee 13271
of five dollars.~~ 13272

(C) Corporations specifically exempted by division (N) of 13273
section 1702.06 of the Revised Code, or whose activities are 13274
regulated or supervised by another state official, agency, bureau, 13275
department, or commission are exempted from this section. 13276

(D) The secretary of state shall give notice in writing and 13277
provide a form for compliance with this section to each 13278
corporation required by this section to file the statement of 13279
continued existence, such notice and form to be mailed to the last 13280
known address of the corporation as it appears on the records of 13281
the secretary of state or which the secretary of state may 13282
ascertain upon a reasonable search. 13283

(E) ~~In the event~~ If any nonprofit corporation required by 13284
this section to file a statement of continued existence fails to 13285
file the statement required every fifth year, then the secretary 13286
of state shall cancel the articles of such corporation, make a 13287
notation of the cancellation on the records, and mail to the 13288
corporation a certificate of the action so taken. 13289

(F) A corporation whose articles have been canceled may be 13290
reinstated by filing an application for reinstatement and paying 13291
to the secretary of state ~~a~~ the fee specified in division (O) of 13292
~~ten dollars~~ section 111.16 of the Revised Code. The name of a 13293
corporation whose articles have been canceled shall be reserved 13294
for a period of one year after the date of cancellation. If the 13295
reinstatement is not made within one year from the date of the 13296
cancellation of its articles of incorporation and it appears that 13297
a corporate name, limited liability company name, limited 13298
liability partnership name, limited partnership name, or trade 13299
name has been filed, the name of which is not distinguishable upon 13300
the record as provided in section 1702.06 of the Revised Code, the 13301
applicant for reinstatement shall be required by the secretary of 13302
state, as a condition prerequisite to such reinstatement, to amend 13303
its articles by changing its name. A certificate of reinstatement 13304
may be filed in the recorder's office of any county in the state, 13305
for which the recorder shall charge and collect a fee of one 13306
dollar. The rights, privileges, and franchises of a corporation 13307
whose articles have been reinstated are subject to section 1702.60 13308
of the Revised Code. 13309

(G) The secretary of state shall furnish the tax commissioner 13310
a list of all corporations failing to file the required statement 13311
of continued existence. 13312

Sec. 1703.04. (A) To procure a license to transact business 13313
in this state, a foreign corporation for profit shall file with 13314

the secretary of state a certificate of good standing or 13315
subsistence, dated not earlier than ninety days prior to the 13316
filing of the application, under the seal of the secretary of 13317
state, or other proper official, of the state under the laws of 13318
which said corporation was incorporated, setting forth: 13319

(1) The exact corporate title; 13320

(2) The date of incorporation; 13321

(3) The fact that the corporation is in good standing or is a 13322
subsisting corporation. 13323

(B) To procure such a license, such corporation also shall 13324
file with the secretary of state an application in such form as 13325
the secretary of state prescribes, verified by the oath of any 13326
authorized officer of such corporation, setting forth, but not 13327
limited to: 13328

(1) The name of the corporation and, if its corporate name is 13329
not available, the trade name under which it will do business in 13330
this state; 13331

(2) The name of the state under the laws of which it was 13332
incorporated; 13333

(3) The location and complete address of its principal 13334
office; 13335

(4) The name of the county and the municipal corporation or 13336
township in which its principal office within this state, if any, 13337
is to be located; 13338

(5) The appointment of a designated agent and the complete 13339
address of such agent; 13340

(6) The irrevocable consent of such corporation to service of 13341
process on such agent so long as the authority of such agent 13342
continues and to service of process upon the secretary of state in 13343
the events provided for in section 1703.19 of the Revised Code; 13344

(7) A brief summary of the corporate purposes to be exercised within this state. 13345
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~~(C) Upon the filing by a foreign corporation for profit of an application for a license to transact business in this state, the corporation shall pay a filing fee of one hundred dollars to the secretary of state.~~ 13347
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~~(D)~~(1) No such application for a license shall be accepted for filing if it appears that the name of the foreign corporation is prohibited by law or is not distinguishable upon the records in the office of the secretary of state from the name of any other corporation, whether nonprofit or for profit and whether that of a domestic corporation or of a foreign corporation authorized to transact business in this state, the name of a limited liability company registered in the office of the secretary of state pursuant to Chapter 1705. of the Revised Code, whether domestic or foreign, the name of any limited liability partnership registered in the office of the secretary of state pursuant to Chapter 1775. of the Revised Code, whether domestic or foreign, the name of any limited partnership registered in the office of the secretary of state pursuant to Chapter 1782. of the Revised Code, whether domestic or foreign, or a trade name to which the exclusive right at the time in question is registered in the manner provided in Chapter 1329. of the Revised Code, unless there also is filed with the secretary of state, on a form prescribed by the secretary of state, the consent of the other entity or person to the use of the name, evidenced in a writing signed by any authorized officer of the other entity or authorized representative of the other person owning the exclusive right to the registered trade name. 13351
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(2) Notwithstanding division ~~(D)~~(C)(1) of this section, if an application for a license is not acceptable for filing solely because the name of the foreign corporation is not distinguishable from the name of another entity or registered trade name, the 13373
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foreign corporation may be authorized to transact business in this 13377
state by filing with the secretary of state, in addition to those 13378
items otherwise prescribed by this section, a statement signed by 13379
an authorized officer directing the foreign corporation to make 13380
application for a license to transact business in this state under 13381
an assumed business name or names that comply with the 13382
requirements of this division and stating that the foreign 13383
corporation will transact business in this state only under the 13384
assumed name or names. The application for a license shall be on a 13385
form prescribed by the secretary of state. 13386

Sec. 1703.041. (A) Every foreign corporation for profit that 13387
is licensed to transact business in this state, and every foreign 13388
nonprofit corporation that is licensed to exercise its corporate 13389
privileges in this state, shall have and maintain an agent, 13390
sometimes referred to as the "designated agent," upon whom process 13391
against the corporation may be served within this state. The agent 13392
may be a natural person who is a resident of this state, or may be 13393
a domestic corporation for profit or a foreign corporation for 13394
profit holding a license under the laws of this state that is 13395
authorized by its articles of incorporation to act as an agent and 13396
that has a business address in this state. 13397

(B) The written appointment of a designated agent shall set 13398
forth the name and address of the agent, including the street and 13399
number or other particular description, and shall otherwise be in 13400
such form as the secretary of state prescribes. The secretary of 13401
state shall keep a record of the names of such foreign 13402
corporations and the names and addresses of their respective 13403
agents. 13404

(C) If the designated agent dies, removes from the state, or 13405
resigns, the foreign corporation shall forthwith appoint another 13406
agent and file in the office of the secretary of state ~~an~~ 13407
~~amendment to the corporation's application for a foreign license~~ 13408

~~indicating the name and address, on a form prescribed by the~~ 13409
~~secretary of state, a written appointment of the new agent.~~ 13410

(D) If the designated agent changes the agent's address from 13411
that appearing upon the record in the office of the secretary of 13412
state, the foreign corporation or the designated agent in its 13413
behalf shall forthwith file with the secretary of state ~~an~~ 13414
~~amendment to the corporation's application for a foreign license~~ 13415
~~setting forth the new address unless the change is reported on the~~ 13416
~~annual report filed with the department of taxation, on a form~~ 13417
~~prescribed by the secretary of state, a written statement setting~~ 13418
~~forth the agent's new address.~~ 13419

(E) A designated agent may resign by filing with the 13420
secretary of state, on a form prescribed by the secretary of 13421
state, a signed statement to that effect. The secretary of state 13422
shall forthwith mail a copy of ~~such~~ the statement to the foreign 13423
corporation at its principal office as shown by the record in the 13424
secretary of state's office. Upon the expiration of sixty days 13425
after the filing, the authority of the agent shall terminate. 13426

(F) A foreign corporation may revoke the appointment of a 13427
designated agent by filing with the secretary of state ~~an~~ 13428
~~amendment to its application for a foreign license appointing~~ 13429
~~another agent that includes, on a form prescribed by the secretary~~ 13430
~~of state, a written appointment of another agent and a statement~~ 13431
~~that the appointment of the former agent is revoked.~~ 13432

(G) Process may be served upon a foreign corporation by 13433
delivering a copy of it to its designated agent, if a natural 13434
person, or by delivering a copy of it at the address of its agent 13435
in this state, as the address appears upon the record in the 13436
office of the secretary of state. 13437

(H) This section does not limit or affect the right to serve 13438
process upon a foreign corporation in any other manner permitted 13439
by law. 13440

(I) Every foreign corporation for profit shall state in each annual report filed by it with the department of taxation the name and address of its designated agent in this state.

Sec. 1703.15. No foreign corporation shall transact in this state any business that could not be lawfully transacted by a domestic corporation. Whenever the secretary of state finds that a foreign corporation licensed to transact business in this state is transacting in this state a business that a domestic corporation could not lawfully transact, is transacting business in this state in a corporate name that is not readily distinguishable from the name of every other corporation, limited liability company, limited liability partnership, or limited partnership, domestic or foreign, or every trade name, registered in the office of the secretary of state, theretofore authorized to transact business in this state, without the consent of the other corporation, limited liability company, limited liability partnership, limited partnership, or trade name registrant, evidenced in writing filed with the secretary of state pursuant to section 1703.04 of the Revised Code, or has failed, after the death or resignation of its designated agent or the designated agent's removal from this state, to designate another agent as required by section 1703.041 of the Revised Code, the secretary of state shall give notice thereof by certified mail to the corporation. Unless that failure is cured within thirty days after the mailing by the secretary of state of the notice or within such further period as the secretary of state grants, the secretary of state, upon the expiration of such period, shall cancel the license of the foreign corporation to transact business in this state, give notice of the cancellation to the corporation by mail, and make a notation of the cancellation on the secretary of state's records.

A foreign corporation whose license has been canceled may be

reinstated upon its filing with the secretary of state, on a form 13473
prescribed by the secretary of state, an application for 13474
reinstatement accompanied by ~~a~~ the fee specified in division (O) 13475
~~of ten dollars~~ section 111.16 of the Revised Code. If the 13476
application for reinstatement is submitted in a tax year or 13477
calendar year other than that in which the cancellation occurred, 13478
the application also shall be accompanied by a certificate of 13479
reinstatement issued by the department of taxation. The name of a 13480
corporation whose license has been canceled pursuant to this 13481
section shall be reserved for a period of one year after the date 13482
of cancellation. If the reinstatement is not made within one year 13483
after the date of cancellation of the foreign license and it 13484
appears that a corporate name, limited liability company name, 13485
limited liability partnership name, limited partnership name, or 13486
trade name has been filed, the name of which is not 13487
distinguishable upon the record as provided in division (D) of 13488
section 1703.04 of the Revised Code, the secretary of state shall 13489
require the applicant for the reinstatement, as a condition 13490
prerequisite to such reinstatement, to apply for authorization to 13491
transact business in this state under an assumed name. 13492

Sec. 1703.17. (A) A foreign corporation may surrender its 13493
license to transact business in this state in the manner provided 13494
in this section. 13495

(B) A certificate of surrender signed by any authorized 13496
officer, or by the receiver, trustee in bankruptcy, or other 13497
liquidator of such corporation, shall be filed with the secretary 13498
of state, on a form prescribed by the secretary of state, setting 13499
forth: 13500

(1) The name of the corporation and of the state under the 13501
laws of which it is incorporated; 13502

(2) That it surrenders its license; 13503

(3) The address to which the secretary of state may mail any process against such corporation that may be served upon the secretary of state, and may mail any other notices, certificates, or statements.

(C) A certificate of surrender, filed with the secretary of state, on a form prescribed by the secretary of state, shall be accompanied by:

(1) A receipt, certificate, or other evidence showing the payment of all franchise, sales, use, and highway use taxes accruing up to the date of such filing, or that such payment has been adequately guaranteed;

(2) A receipt, certificate, or other evidence showing the payment of all personal property taxes accruing up to the date of such filing;

(3) A receipt, certificate, or other evidence from the director of job and family services showing that all contributions due from the corporation as an employer have been paid, or that such payment has been adequately guaranteed, or that the corporation is not subject to such contributions;

(4) An affidavit of the officer, or other person permitted by law, executing the certificate of surrender, containing a statement of the counties, if any, in this state in which the corporation has personal property or a statement that the corporation is of a type required to pay personal property taxes to state authorities only.

(D) In lieu of the receipt, certificate, or other evidence described in divisions (C)(1), (2), and (3) of this section, a certificate of surrender may be accompanied by an affidavit of the person executing the certificate of surrender, or of an officer of the corporation, that contains a statement of the date upon which the particular department, agency, or authority was advised in

writing of the scheduled date of filing the certificate of
surrender and was advised in writing of the acknowledgement by the
corporation that the surrender of its license does not relieve it
of liability, if any, for payment of the taxes and contributions
described in divisions (C)(1), (2), and (3) of this section.

(E) In lieu of filing such certificate of surrender there may
be filed a certificate of the secretary of state, or other proper
official, of the state under the laws of which the corporation is
incorporated, certifying that said corporation has been dissolved
or its corporate existence otherwise terminated, or a certified
copy of an order of court terminating the existence of such
corporation; but such certificate or certified copy shall be
accompanied by the information required by division (B)(3) of this
section.

(F) ~~For~~ After the payment of the fee specified in division
(N)(2) of section 111.16 of the Revised Code and the filing of any
such certificate or certified copy under this section, ~~there shall~~
~~be paid to the secretary of state a filing fee of twenty-five~~
~~dollars.~~ The secretary of state shall ~~thereupon~~ cancel the
license of such corporation, make a notation of such cancellation
upon the secretary of state's records, and mail to the corporation
a certificate of the action so taken.

(G) The mere retirement from business of a foreign
corporation without filing a certificate of surrender shall not
exempt such corporation from the requirements of filing the
reports and paying the fees required by sections 1703.01 to
1703.31 of the Revised Code, or from making reports and paying
excise or franchise fees or taxes.

Sec. 1703.27. No foreign nonprofit corporation shall exercise
its corporate privileges in this state in a continual course of
transactions until it has first procured from the secretary of

state a certificate authorizing it to do so. 13566

Before issuing such certificate, the secretary of state shall 13567
require such foreign corporation to file in the secretary of 13568
state's office a certificate of good standing or subsistence, 13569
setting forth the exact corporate title, the date of 13570
incorporation, and the fact that the corporation is in good 13571
standing or is a subsisting corporation, certified by the 13572
secretary of state, or other proper official, of the state under 13573
the laws of which the corporation was incorporated, and a 13574
statement, on a form prescribed by the secretary of state, 13575
verified by the oath of one of its officers, setting forth, but 13576
not limited to, the following: 13577

(A) The name of the corporation; 13578

(B) The state under the laws of which it is incorporated; 13579

(C) The location of its principal office; 13580

(D) The corporate privileges it proposes to exercise in this 13581
state; 13582

(E) The location of its principal office in this state; 13583

(F) The appointment of a designated agent and the complete 13584
address of such agent; 13585

(G) Its irrevocable consent to service of process on such 13586
agent so long as the authority of the agent continues and to 13587
service of process upon the secretary of state in the events 13588
provided for in section 1703.19 of the Revised Code. 13589

For the filing of ~~such~~ that statement, the secretary of state 13590
shall charge and collect ~~a~~ the fee specified in division (I)(1) of 13591
~~thirty-five dollars~~ section 111.16 of the Revised Code. 13592

A foreign nonprofit corporation shall file an amendment with 13593
the secretary of state if there is a modification of any of the 13594
information required to be included in its statement, except for 13595

changes in information required by division (F) of this section, 13596
which shall be corrected in the same manner as described in 13597
section 1702.06 of the Revised Code. For the filing of ~~such~~ 13598
~~amendment~~ those amendments and corrections, the secretary of state 13599
shall charge and collect ~~a~~ the fee specified in division (B) or 13600
(R) of fifty dollars section 111.16 of the Revised Code. 13601

Sections 1703.01 to 1703.31 of the Revised Code, governing 13602
foreign corporations for profit in respect to exemption from 13603
attachment, change of location of principal office, change of its 13604
designated agent or of the designated agent's address, service on 13605
the secretary of state, license certificate as prima-facie 13606
evidence, proof of due incorporation, filing of amendments 13607
evidencing changes of corporate name, merger, or consolidation, 13608
filing of certificate of surrender, service on retired 13609
corporation, and penalties or forfeitures for transacting business 13610
without license, for false reports, and for failure to comply with 13611
other applicable provisions of such sections, shall also apply to 13612
foreign nonprofit corporations. 13613

The secretary of state may require further reports, 13614
certificates, or information from a foreign nonprofit corporation, 13615
including verification of the continued existence of the 13616
corporation. Upon the failure of any corporation to provide the 13617
information, the secretary of state shall give notice of the 13618
failure by certified mail and, if the report is not filed within 13619
thirty days after the mailing of the notice, the license of the 13620
corporation to exercise its corporate privileges in this state 13621
shall expire and the secretary of state shall make a notation to 13622
that effect on the secretary of state's records. 13623

Sec. 1703.31. (A) Any foreign corporation may register its 13624
corporate name, if its corporate name is available for use under 13625
division (D) of section 1703.04 of the Revised Code, by filing in 13626
the office of the secretary of state an application, on a form 13627

prescribed by the secretary of state, that contains the following 13628
information: 13629

(1) The exact corporate name to be registered; 13630

(2) The complete address of the principal office of the 13631
corporation; 13632

(3) The jurisdiction of its incorporation; 13633

(4) The date of its incorporation; 13634

(5) A statement that it is carrying on or doing business; 13635

(6) The general nature of the business in which it is 13636
engaged; 13637

(7) Any other information required by the secretary of state. 13638
13639

The application shall be signed and verified by an officer of 13640
the applicant. 13641

The application shall be accompanied by a certificate stating 13642
that the corporation is in good standing under the laws of the 13643
jurisdiction of its incorporation, which certificate shall be 13644
executed by the official of the jurisdiction having custody of the 13645
records pertaining to corporations and dated not earlier than 13646
sixty days prior to the filing of the application. 13647

A The filing fee specified in division (S)(1) of twenty-five 13648
dollars, payable to the secretary of state, section 111.16 of the 13649
Revised Code shall accompany the application. 13650

(B) Registration of a corporate name under this section is 13651
effective for a term of one year from the date of registration. 13652
Upon application, on a form prescribed by the secretary of state, 13653
filed with the secretary of state prior to the expiration of each 13654
one-year term, the registration may be renewed for an additional 13655
term. The renewal application shall set forth the facts required 13656
to be set forth in the original application for registration, 13657

together with a certificate of good standing as required for the 13658
initial registration. 13659

The secretary of state shall notify registrants within the 13660
three months before the expiration of one year from the date of 13661
registration of the necessity of renewal by writing to the 13662
principal office address of the registrants as shown upon the 13663
current registration in effect. 13664

A The renewal fee specified in division (S)(3) of ~~twenty-five~~ 13665
dollars section 111.16 of the Revised Code, payable to the 13666
secretary of state, shall accompany the application for renewal of 13667
the registration. 13668

Sec. 1705.05. (A) The name of a limited liability company 13669
shall include the words, "limited liability company," without 13670
abbreviation or shall include one of the following abbreviations: 13671
"LLC," "L.L.C.," "limited," "ltd.," or "ltd". 13672

(B)(1) Except as provided in this section and in sections 13673
1701.75, 1701.78, 1701.82, 1705.36, and 1705.37 of the Revised 13674
Code, the secretary of state shall not accept for filing in the 13675
secretary of state's office the articles of organization of a 13676
limited liability company if the company name set forth in the 13677
articles is not distinguishable on the records of the secretary of 13678
state from the name of any of the following: 13679

(a) Any other limited liability company, whether the name is 13680
of a domestic limited liability company or of a foreign limited 13681
liability company registered as a foreign limited liability 13682
company under this chapter; 13683

(b) Any corporation, whether the name is of a domestic 13684
corporation or of a foreign corporation holding a license as a 13685
foreign corporation under the laws of this state pursuant to 13686
Chapter 1701., 1702., or 1703. of the Revised Code; 13687

(c) Any limited liability partnership, whether the name is of a domestic limited liability partnership or a foreign limited liability partnership registered pursuant to Chapter 1775. of the Revised Code;

(d) Any limited partnership, whether the name is of a domestic limited partnership or a foreign limited partnership registered pursuant to Chapter 1782. of the Revised Code;

(e) Any trade name to which the exclusive right, at the time in question, is registered in the office of the secretary of state pursuant to Chapter 1329. of the Revised Code.

(2) The secretary of state may accept for filing in the secretary of state's office the articles of organization of a limited liability company whose name set forth in the articles is not distinguishable on the records of the secretary of state from any trade name or the name of another limited liability company, corporation, limited liability partnership, or limited partnership if there also is filed in the secretary of state's office the consent of the other entity or, in the case of a registered trade name, the person in whose name is registered the exclusive right to the use of the particular name.

(C) A consent given by an entity or person in whose name is registered the exclusive right to use a trade name, to the use of a name by a limited liability company, shall be in the form of an instrument, prescribed by the secretary of state, that is signed by an authorized officer or other authorized representative of the consenting entity or person in whose name the trade name is registered.

(D) If a judicial sale or a judicial transfer by sale, transfer of good will, or otherwise involves the right to use the 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 process on the company. The agent shall be an individual who is a

resident of this state, a domestic corporation, or a foreign 13750
corporation holding a license as a foreign corporation under the 13751
laws of this state. 13752

(B)(1) The secretary of state shall not accept original 13753
articles of organization of a limited liability company for filing 13754
unless the articles are accompanied by both of the following: 13755

(a) A written appointment of an agent as described in 13756
division (A) of this section that is signed by an authorized 13757
member, manager, or other representative of the limited liability 13758
company; 13759

(b) A written acceptance of the appointment that is signed by 13760
the designated agent on a form prescribed by the secretary of 13761
state. 13762

(2) In cases not covered by division (B)(1) of this section, 13763
the limited liability company shall appoint the agent described in 13764
division (A) of this section and shall file with the secretary of 13765
state, on a form prescribed by the secretary of state, a written 13766
appointment of that agent that is signed as described in division 13767
(K) of this section and a written acceptance of the appointment 13768
that is signed by the designated agent. 13769

(3) For purposes of divisions (B)(1) and (2) of this section, 13770
the filed written acceptance of an agent's appointment shall be a 13771
signed original document or a photocopy, facsimile, or similar 13772
reproduction of a signed original document. 13773

(C) The written appointment of an agent described in division 13774
(A) of this section shall set forth the name of the agent and the 13775
agent's address in this state, including the street and number or 13776
other particular description of that address. It otherwise shall 13777
be in the form that the secretary of state prescribes. The 13778
secretary of state shall keep a record of the names of limited 13779
liability companies and the names and addresses of their agents. 13780

13781

(D) If any agent described in division (A) of this section 13782
dies, resigns, or moves outside of this state, the limited 13783
liability company shall appoint forthwith another agent and file 13784
with the secretary of state, on a form prescribed by the secretary 13785
of state, a written appointment of the agent and acceptance of 13786
appointment as described in division (B)(2) of this section. 13787

(E) If the agent described in division (A) of this section 13788
changes the agent's address from the address stated in the records 13789
of the secretary of state, the agent or the limited liability 13790
company shall file forthwith with the secretary of state, on a 13791
form prescribed by the secretary of state, a written statement 13792
setting forth the new address. 13793

(F) An agent described in division (A) of this section may 13794
resign by filing with the secretary of state, on a form prescribed 13795
by the secretary of state, a written notice of resignation that is 13796
signed by the agent and by mailing a copy of that notice to the 13797
limited liability company at the current or last known address of 13798
its principal office. The notice shall be mailed to the company on 13799
or prior to the date that the notice is filed with the secretary 13800
of state and shall set forth the name of the company, the name and 13801
current address of the agent, the current or last known address, 13802
including the street and number or other particular description, 13803
of the company's principal office, a statement of the resignation 13804
of the agent, and a statement that a copy of the notice has been 13805
sent to the company within the time and in the manner specified in 13806
this division. The authority of the resigning agent terminates 13807
thirty days after the filing of the notice with the secretary of 13808
state. 13809

(G) A limited liability company may revoke the appointment of 13810
its agent described in division (A) of this section by filing with 13811
the secretary of state, on a form prescribed by the secretary of 13812

state, a written appointment of another agent and an acceptance of 13813
appointment in the manner described in division (B)(2) of this 13814
section and a statement indicating that the appointment of the 13815
former agent is revoked. 13816

(H)(1) Any legal process, notice, or demand required or 13817
permitted by law to be served upon a limited liability company may 13818
be served upon the company as follows: 13819

(a) If the agent described in division (A) of this section is 13820
an individual, by delivering a copy of the process, notice, or 13821
demand to the agent; 13822

(b) If the agent is a corporation, by delivering a copy of 13823
the process, notice, or demand to the address of the agent in this 13824
state as contained in the records of the secretary of state. 13825

(2) If the agent described in division (A) of this section 13826
cannot be found or no longer has the address that is stated in the 13827
records of the secretary of state or the limited liability company 13828
has failed to maintain an agent as required by this section and if 13829
the party or the agent or representative of the party that desires 13830
service of the process, notice, or demand files with the secretary 13831
of state an affidavit that states that one of those circumstances 13832
exists and states the most recent address of the company that the 13833
party who desires service has been able to ascertain after a 13834
diligent search, then the service of the process, notice, or 13835
demand upon the secretary of state as the agent of the company may 13836
be initiated by delivering to the secretary of state four copies 13837
of the process, notice, or demand accompanied by a fee of five 13838
dollars. The secretary of state shall give forthwith notice of 13839
that delivery to the company at either its principal office as 13840
shown upon the secretary of state's records or at any different 13841
address specified in the affidavit of the party desiring service 13842
and shall forward to the company at either address by certified 13843
mail, return receipt requested, a copy of the process, notice, or 13844

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. 13845
13846
13847

(I) The secretary of state shall keep a record of each 13848
process, notice, and demand that pertains to a limited liability 13849
company and that is delivered to the secretary of state's office 13850
under this section or another law of this state that authorizes 13851
service upon the secretary of state in connection with a limited 13852
liability company. In that record, the secretary of state shall 13853
record the time of each delivery of that type and the secretary of 13854
state's subsequent action with respect to the process, notice, or 13855
demand. 13856

(J) This section does not limit or affect the right to serve 13857
any process, notice, or demand upon a limited liability company in 13858
any other manner permitted by law. 13859

(K) The written appointment of an agent or a written 13860
statement filed by the company with the secretary of state shall 13861
be signed by an authorized member, manager, or other 13862
representative of the company. 13863

~~(L) For filing a written appointment of an agent described in 13864
division (A) of this section that is not filed with the original 13865
articles of organization of a limited liability company and for 13866
filing a statement of change of address of an agent, the secretary 13867
of state shall charge and collect a fee of three dollars. 13868
13869~~

Sec. 1705.38. (A) Upon the adoption by each constituent 13870
entity of an agreement of merger or consolidation pursuant to 13871
section 1705.36 or 1705.37 of the Revised Code, a certificate of 13872
merger or consolidation shall be filed with the secretary of state 13873
that is signed by a manager of each constituent limited liability 13874
company in which the management is not reserved to its members, by 13875

at least one member of each other constituent limited liability 13876
company, by at least one general partner of each constituent 13877
partnership, and by an authorized representative of each other 13878
constituent entity. The certificate shall be on a form prescribed 13879
by the secretary of state and shall set forth only the information 13880
required by this section. 13881

(B)(1) The certificate of merger or consolidation shall set 13882
forth all of the following: 13883

(a) The name and the form of entity of each constituent 13884
entity and the state under the laws of which each constituent 13885
entity exists; 13886

(b) A statement that each constituent entity has complied 13887
with all of the laws under which it exists and that the laws 13888
permit the merger or consolidation; 13889

(c) The name and mailing address of the person or entity that 13890
is to provide, in response to any written request made by a 13891
shareholder, partner, or other equity holder of a constituent 13892
entity, a copy of the agreement of merger or consolidation; 13893

(d) The effective date of the merger or consolidation, which 13894
date may be on or after the date of the filing of the certificate; 13895

(e) The signature of the representative or representatives 13896
authorized to sign the certificate on behalf of each constituent 13897
entity and the office held or the capacity in which the 13898
representative is acting; 13899

(f) A statement that the agreement of merger or consolidation 13900
is authorized on behalf of each constituent entity and that the 13901
persons who signed the certificate on behalf of each entity are 13902
authorized to do so; 13903

(g) In the case of a merger, a statement that one or more 13904
specified constituent entities will be merged into a specified 13905
surviving entity or, in the case of a consolidation, a statement 13906

that the constituent entities will be consolidated into a new
entity; 13907
13908

(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; 13909
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(i) In the case of a consolidation, the name and address of
the statutory agent upon whom any process, notice, or demand
against any constituent entity or the new entity may be served. 13913
13914
13915

(2) In the case of a consolidation into a new domestic
corporation, limited liability company, or limited partnership,
the articles of incorporation, the articles of organization, or
the certificate of limited partnership of the new domestic entity
shall be filed with the certificate of merger or consolidation. 13916
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(3) In the case of a merger into a domestic corporation,
limited liability company, or limited partnership, any amendments
to the articles of incorporation, articles of organization, or
certificate of limited partnership of the surviving domestic
entity shall be filed with the certificate of merger or
consolidation. 13921
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(4) If the surviving or new entity is a foreign entity that
desires to transact business in this state as a foreign
corporation, limited liability company, or limited partnership,
the certificate of merger or consolidation shall be accompanied by
the information required by division (B)(8), (9), or (10) of
section 1705.37 of the Revised Code. 13927
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(5) If a foreign or domestic corporation licensed to transact
business in this state is a constituent entity and the surviving
or new entity resulting from the merger or consolidation is not a
foreign or domestic corporation that is to be licensed to transact
business in this state, the certificate of merger or consolidation 13933
13934
13935
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shall be accompanied by the affidavits, receipts, certificates, or 13938
other evidence required by division (H) of section 1701.86 of the 13939
Revised Code, with respect to each domestic constituent 13940
corporation, and by the affidavits, receipts, certificates, or 13941
other evidence required by division (C) or (D) of section 1703.17 13942
of the Revised Code, with respect to each foreign constituent 13943
corporation licensed to transact business in this state. 13944
13945

(C) If any constituent entity in a merger or consolidation is 13946
organized or formed under the laws of a state other than this 13947
state or under any chapter of the Revised Code other than this 13948
chapter, there also shall be filed in the proper office all 13949
documents that are required to be filed in connection with the 13950
merger or consolidation by the laws of that state or by that 13951
chapter. 13952

(D) Upon the filing of a certificate of merger or 13953
consolidation and other filings as described in division (C) of 13954
this section or at any later date that the certificate of merger 13955
or consolidation specifies, the merger or consolidation is 13956
effective. 13957

(E)(1) Upon request and payment of ~~a~~ the fee specified in 13958
division (D) of ~~ten dollars~~ section 111.16 of the Revised Code, 13959
the secretary of state shall furnish the secretary of state's 13960
certificate setting forth all of the following: 13961

(a) The name and form of entity of each constituent entity 13962
and the states under the laws of which each constituent entity 13963
existed prior to a merger or consolidation; 13964

(b) The name and the form of entity of the surviving or new 13965
entity and the state under the laws of which the surviving entity 13966
exists or the new entity is to exist; 13967

(c) The date of the filing of the certificate of merger or 13968

consolidation in the secretary of state's office; 13969

(d) The effective date of the merger or consolidation. 13970

(2) The certificate of the secretary of state or a copy of a 13971
certificate of merger or consolidation that has been certified by 13972
the secretary of state may be filed for record in the office of 13973
the recorder of any county in this state and, if filed, shall be 13974
recorded in the record of deeds for that county. For that 13975
recording, the county recorder shall charge and collect the same 13976
fees as for recording a deed. 13977

Sec. 1705.55. (A) If any statement in an application for 13978
registration as a foreign limited liability company is materially 13979
false when made or if any facts described in the application have 13980
changed making it inaccurate in any material respect, the foreign 13981
limited liability company shall file promptly with the secretary 13982
of state a certificate correcting the application that shall be on 13983
a form that is prescribed by the secretary of state and be signed 13984
by an authorized representative of the company. If 13985

(B) If the application for registration or a subsequent 13986
certificate of correction becomes inaccurate because the 13987
designated agent resigns or changes the agent's address from that 13988
appearing in the registration application or any subsequent 13989
certificate of correction of the registration application, the 13990
foreign limited liability company, or the designated agent on its 13991
behalf, shall file a notice of that resignation or change promptly 13992
with the secretary of state ~~a new certificate of correction~~ 13993
~~setting forth the new address.~~ 13994

(C) A foreign limited liability company may revoke the 13995
appointment of its designated agent described in division (A) of 13996
section 1705.54 of the Revised Code by filing with the secretary 13997
of state, on a form prescribed by the secretary of state, a 13998
written appointment of another agent and an acceptance of 13999

<u>appointment in the manner described in division (B)(2) of section</u>	14000
<u>1705.06 of the Revised Code and a statement indicating that the</u>	14001
<u>appointment of the former agent is revoked.</u>	14002
<u>(D) The fee specified in division (R) of section 111.16 of</u>	14003
<u>the Revised Code shall accompany a filing under division (B) or</u>	14004
<u>(C) of this section.</u>	14005
Sec. 1746.04. (A) Except as set forth in section 1746.03 of	14006
the Revised Code, before transacting business in this state, a	14007
business trust shall file a report in the office of the secretary	14008
of state, on forms prescribed by the secretary of state, <u>a report</u>	14009
containing the following information:	14010
(1) A list of the names and addresses of its trustees;	14011
(2) The address of its principal office;	14012
(3) In the case of a foreign business trust, the address of	14013
its principal office within this state, if any;	14014
(4) The business names of the business trust, including any	14015
fictitious or assumed names;	14016
(5) The name and address within this state of a designated	14017
agent upon whom process against the business trust may be served;	14018
(6) The irrevocable consent of the business trust to service	14019
of process upon its designated agent and to service of process	14020
upon the secretary of state if, without the registration of	14021
another agent with the secretary of state, its designated agent	14022
has died, resigned, lost authority, dissolved, become	14023
disqualified, or has removed from this state, or if its designated	14024
agent cannot, with due diligence, be found.	14025
Such report shall have attached as an exhibit an executed	14026
copy of the trust instrument or a true and correct copy of it,	14027
certified to be such by a trustee before an official authorized to	14028

administer oaths or by a public official in another state in whose office an executed copy is on file. 14029
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(B) Not more than ninety days after the occurrence of any event causing any filing, including exhibits, made pursuant to division (A) of this section, or any previous filing made pursuant to this division, to be inaccurate or incomplete, there shall be filed in the office of the secretary of state all information necessary to maintain the accuracy and completeness of such filing. 14031
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(C) The secretary of state shall charge and collect ~~a fee~~ the fees specified in division (T) of ~~seventy-five dollars~~ section 111.16 of the Revised Code for each filing made under division (A) of this section and ~~fifteen dollars for each filing under division~~ or (B) of this section, except for filings under division (B) of this section pertaining solely to division (A)(5) of this section, for which the secretary of state shall charge and collect the fee specified in division (R) of section 111.16 of the Revised Code. 14038
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(D) The trust instrument and other information filed in the office of the secretary of state are matters of public record, and persons dealing with a business trust are charged with constructive notice of the contents of any such instrument or information by reason of such filing. 14046
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(E) A copy of a trust instrument or other information filed in the office of the secretary of state shall be accepted as prima-facie evidence of the existence of the instrument or other information and of its contents, and conclusive evidence of the existence of such record. 14051
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Sec. 1746.06. (A) No business trust that has made a filing pursuant to section 1746.04 of the Revised Code may use the words "Incorporated," "Corporation," "Inc.," "Co.," "Partnership," "Ltd.," or derivatives thereof in its name. 14056
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(B) No business trust formed after the effective date of this chapter that has made a filing pursuant to section 1746.04 of the Revised Code shall assume the name of any corporation established under the laws of this state, or of a corporation, firm, or association, or trust whether or not as defined in section 1746.01 of the Revised Code, or of an individual, carrying on business in this state at the time when the business trust is created, or assume a name so similar thereto as to be likely to be mistaken for it, except with the written consent of such existing corporation, firm, association, or trust, or of such individual, previously or concurrently filed with the secretary of state.

(C) The secretary of state shall refuse to receive for filing the trust instrument of a business trust if it appears to ~~him~~ the secretary of state to have violated any provision of this section. The courts of common pleas of this state shall have jurisdiction, upon the application of any person interested or affected, to enjoin a business trust from transacting business under any name in violation of any provision of this section, notwithstanding that the trust instrument of such business trust has been received for filing under section 1746.04 of the Revised Code.

(D) Any person who wishes to reserve a name for a proposed new business trust, or any business trust intending to change its name, may submit to the secretary of state a written application for the exclusive right to use a specified name as the name of a business trust. If the secretary of state finds that, under this section, the specified name is available for such use, ~~he~~ the secretary of state shall indorse ~~his~~ the secretary of state's approval upon and file such application and, from the date of such indorsement, such applicant shall have the exclusive right for ~~sixty one hundred eighty~~ sixty one hundred eighty days to use the specified name as the name of a business trust, counting the date of such indorsement as

the first of the ~~sixty~~ one hundred eighty days. The right so 14092
obtained may be transferred by the applicant or other holder 14093
thereof by the filing in the office of the secretary of state of a 14094
written transfer stating the name and address of the transferee. 14095
For filing any application for the exclusive right to use a 14096
specified name under this division, the secretary of state shall 14097
charge and collect ~~a~~ the fee specified in division (S)(1) of five 14098
~~dollars~~ section 111.16 of the Revised Code. For each filing of a 14099
transfer of the right to an exclusive name under this division, 14100
the secretary of state shall charge and collect the fee specified 14101
in division (S)(4) of section 111.16 of the Revised Code. 14102

(E) Any business trust that has not made the filings 14103
described under section 1746.04 of the Revised Code may submit to 14104
the secretary of state a written application for the exclusive 14105
right to use a specified name as the name of such business trust. 14106
If the secretary of state finds that, under this section, the 14107
specified name is available for such use, ~~he~~ the secretary of 14108
state shall indorse ~~his~~ the secretary of state's approval upon and 14109
file such application and, from the date of such indorsement, such 14110
applicant has the exclusive right to use the specified name for 14111
the period that it transacts business. The right so obtained may 14112
be transferred by the applicant or other holder thereof by the 14113
filing in the office of the secretary of state of a written 14114
transfer stating the name and address of the transferee. For 14115
filing ~~any~~ an application for the exclusive right to use a 14116
specified name under this division, the secretary of state shall 14117
charge and collect ~~a~~ the fee specified in division (S)(1) of five 14118
~~dollars~~ section 111.16 of the Revised Code. 14119

Sec. 1746.15. Any business trust that has made the filings 14120
described in section 1746.04 of the Revised Code may withdraw from 14121
this state at any time by filing in the office of the secretary of 14122
state a verified copy of a resolution duly adopted by its trustees 14123

declaring its intention to withdraw and surrender its authority, 14124
accompanied by ~~a the fee of fifteen dollars~~ specified in division 14125
(T) of section 111.16 of the Revised Code. 14126

Sec. 1747.03. (A) Before transacting real estate business in 14127
this state, a real estate investment trust shall file the 14128
following report in the office of the secretary of state, on forms 14129
prescribed by the secretary of state: 14130

(1) An executed copy of the trust instrument or a true and 14131
correct copy of it, certified to be such by a trustee before an 14132
official authorized to administer oaths or by a public official in 14133
another state in whose office an executed copy is on file; 14134

(2) A list of the names and addresses of its trustees; 14135

(3) The address of its principal office; 14136

(4) In the case of a foreign real estate investment trust, 14137
the address of its principal office within this state, if any; 14138

(5) The business name of the trust; 14139

(6) The name and address within this state of a designated 14140
agent upon whom process against the trust may be served; 14141

(7) The irrevocable consent of the trust to service of 14142
process on its designated agent and to service of process upon the 14143
secretary of state if, without the registration of another agent 14144
with the secretary of state, its designated agent has died, 14145
resigned, lost authority, dissolved, become disqualified, or has 14146
removed from this state, or if its designated agent cannot, with 14147
due diligence, be found; 14148

(8) Not more than ninety days after the occurrence of any 14149
event causing any filing made pursuant to divisions (A)(2) to (6) 14150
of this section, or any previous filing made pursuant to this 14151
division, to be inaccurate or incomplete, all information 14152
necessary to maintain the accuracy and completeness of such 14153

filing. 14154

(B) For ~~filing~~ filings under this section, the secretary of 14155
state shall charge and collect ~~a~~ the fee specified in division (T) 14156
~~of fifty dollars, except that for filing under division (A)(8) of~~ 14157
~~this section, the secretary of state shall charge and collect a~~ 14158
~~fee of ten dollars~~ section 111.16 of the Revised Code, except for 14159
filings under division (A)(8) of this section pertaining solely to 14160
division (A)(6) of this section, for which the secretary of state 14161
shall charge and collect the fee specified in division (R) of 14162
section 111.16 of the Revised Code. 14163

(C) All persons shall be given the opportunity to acquire 14164
knowledge of the contents of the trust instrument and other 14165
information filed in the office of the secretary of state, but no 14166
person dealing with a real estate investment trust shall be 14167
charged with constructive notice of the contents of any such 14168
instrument or information by reason of such filing. 14169

(D) A copy of a trust instrument or other information filed 14170
in the office of the secretary of state ~~shall be~~ is prima-facie 14171
evidence of the existence of the instrument or other information 14172
and of its contents, and ~~as~~ is conclusive evidence of the 14173
existence of such record. 14174

Sec. 1747.04. A trust instrument may be amended in the manner 14175
specified in it or in any manner that is valid under the common or 14176
statutory law applicable to the trust created ~~thereunder~~ under it. 14177
However, no amendment adopted subsequent to the initial filings 14178
required by section 1747.03 of the Revised Code is legally 14179
effective in this state until an executed or certified true and 14180
correct copy of the amendment has been filed in the office of the 14181
secretary of state accompanied by ~~a~~ the fee specified in division 14182
(T) of twenty-five dollars section 111.16 of the Revised Code. 14183

Sec. 1747.10. Any domestic or foreign real estate investment 14184
trust authorized to transact real estate business in this state 14185
may surrender its authority at any time by filing in the office of 14186
the secretary of state a verified copy of a resolution duly 14187
adopted by its trustees declaring its intention to withdraw, 14188
accompanied by ~~a~~ the fee specified in division (T) of ten dollars 14189
section 111.16 of the Revised Code. Such real estate investment 14190
trust then ceases and is without authority to transact real estate 14191
business in this state, except as necessary for ~~the concluding~~ 14192
thereof its conclusion. 14193

Sec. 1775.63. (A) A domestic limited liability partnership or 14194
foreign registered limited liability partnership shall, ~~annually~~ 14195
biennially during the month of July in odd-numbered years, file a 14196
report with the office of the secretary of state verifying and, if 14197
necessary, updating, as of the thirtieth day of June of that year, 14198
the information contained in the registration application required 14199
by division (A) of sections 1775.61 and 1775.64 of the Revised 14200
Code. The ~~annual~~ report shall be made on a form prescribed and 14201
furnished by the secretary of state and shall be signed by a 14202
majority in interest of the partners or by one or more partners 14203
authorized by the partnership to execute the report. 14204

(B) If a domestic limited liability partnership or foreign 14205
registered limited liability partnership fails to file the ~~annual~~ 14206
report in accordance with division (A) of this section, the 14207
secretary of state shall give notice of the failure by certified 14208
mail to the last known address of the partnership or its statutory 14209
agent. If the report is not filed within thirty days after the 14210
mailing of the notice, the secretary of state shall, upon the 14211
expiration of that period, cancel the registration of the 14212
partnership, give notice of the cancellation to the partnership by 14213
regular mail to the last known address of the partnership or its 14214

statutory agent, and make a notation of the cancellation on the 14215
secretary of state's records. 14216

(C) A domestic limited liability partnership or foreign 14217
registered limited liability partnership whose registration has 14218
been canceled pursuant to division (B) of this section may be 14219
reinstated by filing an application for reinstatement, together 14220
with the required ~~annual~~ report or reports, and by paying a the 14221
reinstatement fee specified in division (Q) of ~~ten dollars~~ section 14222
111.16 of the Revised Code. The secretary of state shall inform 14223
the tax commissioner of all cancellations and reinstatements under 14224
this section. 14225

Sec. 1775.64. (A) Before transacting business in this state, 14226
a foreign limited liability partnership shall file a registration 14227
application with the secretary of state. The application shall be 14228
on a form prescribed by the secretary of state and shall set forth 14229
only the following information: 14230

(1) The name of the partnership; 14231

(2) The jurisdiction pursuant to the laws of which it was 14232
organized as a limited liability partnership; 14233

(3) The address of its principal office or, if the 14234
partnership's principal office is not located in this state, the 14235
address of a registered office; 14236

(4) The name and address of its agent for service of process 14237
in this state; 14238

(5) A brief statement of the business in which the 14239
partnership engages. 14240

(B) A registration application shall be accompanied by the 14241
application fee specified in division (F) of section 111.16 of the 14242
Revised Code. 14243

(C) A foreign limited liability partnership transacting 14244

business in this state shall comply with the name, correction, and 14245
annual reporting requirements set forth in division (G) of section 14246
1775.61, divisions (B) and (C) of section 1775.62, and section 14247
1775.63 of the Revised Code and shall comply with any statutory or 14248
administrative registration or filing requirements governing the 14249
specific type of business in which the partnership engages. 14250

(D) The secretary of state shall register as a foreign 14251
limited liability partnership, any foreign limited liability 14252
partnership that submits a completed registration application with 14253
the required fee. 14254

(E) Registration as a foreign limited liability partnership 14255
ceases if ~~either of the following occurs:~~ 14256

~~(1) The registration is voluntarily withdrawn by filing with 14257
the secretary of state, on a form prescribed by the secretary of 14258
state, a written withdrawal notice signed by one or more partners 14259
authorized by the partnership to execute a withdrawal notice. 14260~~

~~(2) The registration is canceled by the secretary of state 14261
pursuant to section 1775.63 of the Revised Code. 14262~~

Sec. 1782.04. (A) Each limited partnership shall maintain 14263
continuously in this state an agent for service of process on the 14264
limited partnership. The agent shall be a natural person who is a 14265
resident of this state, a domestic corporation, or a foreign 14266
corporation holding a license as such under the laws of this 14267
state. 14268

(B) The secretary of state shall not accept a certificate of 14269
limited partnership for filing unless there is filed with the 14270
certificate a written appointment of an agent that is signed by 14271
the general partners of the limited partnership and a written 14272
acceptance of the appointment that is signed by the agent, or 14273
unless there is filed a written appointment of an agent that is 14274

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. 14275
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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. 14280
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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. 14284
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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. 14290
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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. 14294
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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 14299
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current address of the agent, the current or last known address, including the street and number or other particular description, of the limited partnership's principal office, the resignation of the agent, and a statement that a copy of the notice has been sent to the limited partnership within the time and in the manner prescribed by this division. Upon the expiration of thirty days after the filing, the authority of the agent shall terminate.

(G) A limited partnership may revoke the appointment of an agent by filing with the secretary of state, on a form prescribed by the secretary of state, a written appointment of another agent and a statement that the appointment of the former agent is revoked.

(H) Except when an original appointment of an agent is filed with the certificate of limited partnership, a written appointment of an agent or a written statement filed by a limited partnership with the secretary of state shall be signed by any authorized officer of the limited partnership, or the general partners of the limited partnership, or a majority of them.

Sec. 1782.08. (A) To form a limited partnership, a certificate of limited partnership shall be executed and filed with the secretary of state, as provided in section 1782.13 of the Revised Code. The certificate shall be on a form prescribed by the secretary of state and shall set forth all of the following:

(1) The name of the limited partnership;

(2) The address of the principal place of business of the limited partnership ~~and the name and address, including the street and number or other particular description, of the agent for service of process maintained pursuant to section 1782.04 of the Revised Code;~~

(3) The name and business or residence address of each

general partner;	14336
(4) Any other matters that the general partners determine to include in the certificate.	14337 14338
(B) <u>A written appointment of a statutory agent for the purpose set forth in section 1782.04 of the Revised Code shall be filed with the certificate of limited partnership.</u>	14339 14340 14341
(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 <u>divisions</u> (A) and (B) of this section.	14342 14343 14344 14345 14346 14347
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:	14348 14349 14350 14351 14352
(1) The name of the limited partnership and the file number assigned to it by the secretary of state;	14353 14354
(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;	14355 14356 14357 14358
(3) The amendment to the certificate of limited partnership.	14359
(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:	14360 14361 14362 14363
(1) A new general partner is admitted;	14364

(2) A general partner withdraws;	14365
(3) The business is continued pursuant to section 1782.44 of the Revised Code after an event of withdrawal of a general partner;	14366 14367 14368
(4) The address of the principal place of business of the limited partnership changes;	14369 14370
(5) The name or identity of the statutory agent changes;	14371
(6) The address of the statutory agent changes;	14372
(7) The name of the limited partnership is changes.	14373
(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.	14374 14375 14376 14377 14378
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.	14379 14380 14381 14382 14383 14384 14385
(D) A certificate of limited partnership may be amended at any time for any other proper purpose the general partners determine.	14386 14387 14388
(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.	14389 14390 14391 14392 14393
(F) A certificate of limited partnership may be restated at	14394

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 14425
authorized to do so; 14426

(g) In the case of a merger, a statement that one or more 14427
specified constituent entities will be merged into a specified 14428
surviving entity or, in the case of a consolidation, a statement 14429
that the constituent entities will be consolidated into a new 14430
entity; 14431

(h) In the case of a merger, if the surviving entity is a 14432
foreign entity not licensed to transact business in this state, 14433
the name and address of the statutory agent upon whom any process, 14434
notice, or demand may be served; 14435

(i) In the case of a consolidation, the name and address of 14436
the statutory agent upon whom any process, notice, or demand 14437
against any constituent entity or the new entity may be served. 14438

(2) In the case of a consolidation into a new domestic 14439
corporation, limited liability company, or limited partnership, 14440
the articles of incorporation, the articles of organization, or 14441
the certificate of limited partnership of the new domestic entity 14442
shall be filed with the certificate of merger or consolidation. 14443

(3) In the case of a merger into a domestic corporation, 14444
limited liability company, or limited partnership, any amendments 14445
to the articles of incorporation, articles of organization, or 14446
certificate of limited partnership of the surviving domestic 14447
entity shall be filed with the certificate of merger or 14448
consolidation. 14449

(4) If the surviving or new entity is a foreign entity that 14450
desires to transact business in this state as a foreign 14451
corporation, limited liability company, or limited partnership, 14452
the certificate of merger or consolidation shall be accompanied by 14453
the information required by division (B)(7), (8), or (9) of 14454
section 1782.432 of the Revised Code. 14455

(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 14488
the new entity is to exist; the date of filing of the certificate 14489
of merger or consolidation with the secretary of state; and the 14490
effective date of the merger or consolidation. The certificate of 14491
the secretary of state, or a copy of the certificate of merger or 14492
consolidation certified by the secretary of state, may be filed 14493
for record in the office of the recorder of any county in this 14494
state and, if filed, shall be recorded in the records of deeds for 14495
that county. For that recording, the county recorder shall charge 14496
and collect the same fee as in the case of deeds. 14497

Sec. 1785.06. A professional association, within thirty days 14498
after the thirtieth day of June in each year, shall furnish a 14499
statement to the secretary of state showing the names and 14500
post-office addresses of all of the shareholders in the 14501
association and certifying that all of the shareholders are duly 14502
licensed, certificated, or otherwise legally authorized to render 14503
within this state the same professional service for which the 14504
association was organized or, in the case of a combination of 14505
professional services described in division (B) of section 1785.01 14506
of the Revised Code, to render within this state any of the 14507
applicable types of professional services for which the 14508
association was organized. This statement shall be made on a form 14509
that the secretary of state shall prescribe, shall be signed by an 14510
officer of the association, and shall be filed in the office of 14511
the secretary of state. 14512

If any professional association fails to file the annual 14513
statement within the time required by this section, the secretary 14514
of state shall give notice of the failure by certified mail, 14515
return receipt requested, to the last known address of the 14516
association or its agent. If the annual statement is not filed 14517
within thirty days after the mailing of the notice, the secretary 14518
of state, upon the expiration of that period, shall cancel the 14519

association's articles of incorporation, give notice of the 14520
cancellation to the association by mail sent to the last known 14521
address of the association or its agent, and make a notation of 14522
the cancellation on the records of the secretary of state. 14523

A professional association whose articles have been canceled 14524
pursuant to this section may be reinstated by filing an 14525
application for reinstatement and the required annual statement or 14526
statements and by paying a the reinstatement fee specified in 14527
division (Q) of ~~ten dollars~~ section 111.16 of the Revised Code. 14528
The rights, privileges, and franchises of a professional 14529
association whose articles have been reinstated are subject to 14530
section 1701.922 of the Revised Code. The secretary of state shall 14531
inform the tax commissioner of all cancellations and 14532
reinstatements under this section. 14533

Sec. 1901.26. (A) Subject to division (E) of this section, 14534
costs in a municipal court shall be fixed and taxed as follows: 14535

(1) The municipal court shall require an advance deposit for 14536
the filing of any new civil action or proceeding when required by 14537
division (A)(9) of this section, and in all other cases, by rule, 14538
shall establish a schedule of fees and costs to be taxed in any 14539
civil or criminal action or proceeding. 14540

(2) The municipal court, by rule, may require an advance 14541
deposit for the filing of any civil action or proceeding and 14542
publication fees as provided in section 2701.09 of the Revised 14543
Code. The court may waive the requirement for advance deposit upon 14544
affidavit or other evidence that a party is unable to make the 14545
required deposit. 14546

(3) When a jury trial is demanded in any civil action or 14547
proceeding, the party making the demand may be required to make an 14548
advance deposit as fixed by rule of court, unless, upon affidavit 14549
or other evidence, the court concludes that the party is unable to 14550

make the required deposit. If a jury is called, the fees of a jury 14551
shall be taxed as costs. 14552

(4) In any civil or criminal action or proceeding, witnesses' 14553
fees shall be fixed in accordance with sections 2335.06 and 14554
2335.08 of the Revised Code. 14555

(5) A reasonable charge for driving, towing, carting, 14556
storing, keeping, and preserving motor vehicles and other personal 14557
property recovered or seized in any proceeding may be taxed as 14558
part of the costs in a trial of the cause, in an amount that shall 14559
be fixed by rule of court. 14560

(6) Chattel property seized under any writ or process issued 14561
by the court shall be preserved pending final disposition for the 14562
benefit of all persons interested and may be placed in storage 14563
when necessary or proper for that preservation. The custodian of 14564
any chattel property so stored shall not be required to part with 14565
the possession of the property until a reasonable charge, to be 14566
fixed by the court, is paid. 14567

(7) The municipal court, as it determines, may refund all 14568
deposits and advance payments of fees and costs, including those 14569
for jurors and summoning jurors, when they have been paid by the 14570
losing party. 14571

(8) Charges for the publication of legal notices required by 14572
statute or order of court may be taxed as part of the costs, as 14573
provided by section 7.13 of the Revised Code. 14574

(B)(1) The municipal court may determine that, for the 14575
efficient operation of the court, additional funds are necessary 14576
to acquire and pay for special projects of the court including, 14577
but not limited to, the acquisition of additional facilities or 14578
the rehabilitation of existing facilities, the acquisition of 14579
equipment, the hiring and training of staff, community service 14580
programs, mediation or dispute resolution services, the employment 14581

of magistrates, the training and education of judges, acting 14582
judges, and magistrates, and other related services. Upon that 14583
determination, the court by rule may charge a fee, in addition to 14584
all other court costs, on the filing of each criminal cause, civil 14585
action or proceeding, or judgment by confession. 14586

If the municipal court offers a special program or service in 14587
cases of a specific type, the municipal court by rule may assess 14588
an additional charge in a case of that type, over and above court 14589
costs, to cover the special program or service. The municipal 14590
court shall adjust the special assessment periodically, but not 14591
retroactively, so that the amount assessed in those cases does not 14592
exceed the actual cost of providing the service or program. 14593

All moneys collected under division (B) of this section shall 14594
be paid to the county treasurer if the court is a county-operated 14595
municipal court or to the city treasurer if the court is not a 14596
county-operated municipal court for deposit into either a general 14597
special projects fund or a fund established for a specific special 14598
project. Moneys from a fund of that nature shall be disbursed upon 14599
an order of the court in an amount no greater than the actual cost 14600
to the court of a project. If a specific fund is terminated 14601
because of the discontinuance of a program or service established 14602
under division (B) of this section, the municipal court may order 14603
that moneys remaining in the fund be transferred to an account 14604
established under this division for a similar purpose. 14605

(2) As used in division (B) of this section: 14606

(a) "Criminal cause" means a charge alleging the violation of 14607
a statute or ordinance, or subsection of a statute or ordinance, 14608
that requires a separate finding of fact or a separate plea before 14609
disposition and of which the defendant may be found guilty, 14610
whether filed as part of a multiple charge on a single summons, 14611
citation, or complaint or as a separate charge on a single 14612
summons, citation, or complaint. "Criminal cause" does not include 14613

separate violations of the same statute or ordinance, or 14614
subsection of the same statute or ordinance, unless each charge is 14615
filed on a separate summons, citation, or complaint. 14616

(b) "Civil action or proceeding" means any civil litigation 14617
that must be determined by judgment entry. 14618

~~(C) Prior to January 1, 1993, and on and after January 1,~~ 14619
~~2003, the municipal court shall collect the sum of four dollars as~~ 14620
~~additional filing fees in each new civil action or proceeding for~~ 14621
~~the charitable public purpose of providing financial assistance to~~ 14622
~~legal aid societies that operate within the state. From January 1,~~ 14623
~~1993, through December 31, 2002, the~~ The municipal court shall 14624
collect in all its divisions except the small claims division the 14625
sum of fifteen dollars as additional filing fees in each new civil 14626
action or proceeding for the charitable public purpose of 14627
providing financial assistance to legal aid societies that operate 14628
within the state. ~~From January 1, 1993, through December 31, 2002,~~ 14629
~~the~~ The municipal court shall collect in its small claims division 14630
the sum of seven dollars as additional filing fees in each new 14631
civil action or proceeding for the charitable public purpose of 14632
providing financial assistance to legal aid societies that operate 14633
within the state. This division does not apply to any execution on 14634
a judgment, proceeding in aid of execution, or other post-judgment 14635
proceeding arising out of a civil action. The filing fees required 14636
to be collected under this division shall be in addition to any 14637
other court costs imposed in the action or proceeding and shall be 14638
collected at the time of the filing of the action or proceeding. 14639
The court shall not waive the payment of the additional filing 14640
fees in a new civil action or proceeding unless the court waives 14641
the advanced payment of all filing fees in the action or 14642
proceeding. All such moneys shall be transmitted on the first 14643
business day of each month by the clerk of the court to the 14644
treasurer of state. The moneys then shall be deposited by the 14645

treasurer of state to the credit of the legal aid fund established 14646
under section 120.52 of the Revised Code. 14647

The court may retain up to one per cent of the moneys it 14648
collects under this division to cover administrative costs, 14649
including the hiring of any additional personnel necessary to 14650
implement this division. 14651

(D) In the Cleveland municipal court, reasonable charges for 14652
investigating titles of real estate to be sold or disposed of 14653
under any writ or process of the court may be taxed as part of the 14654
costs. 14655

(E) Under the circumstances described in sections 2969.21 to 14656
2969.27 of the Revised Code, the clerk of the municipal court 14657
shall charge the fees and perform the other duties specified in 14658
those sections. 14659

Sec. 1907.24. (A) Subject to division (C) of this section, a 14660
county court shall fix and tax fees and costs as follows: 14661

(1) The county court shall require an advance deposit for the 14662
filing of any new civil action or proceeding when required by 14663
division (C) of this section and, in all other cases, shall 14664
establish a schedule of fees and costs to be taxed in any civil or 14665
criminal action or proceeding. 14666

(2) The county court by rule may require an advance deposit 14667
for the filing of a civil action or proceeding and publication 14668
fees as provided in section 2701.09 of the Revised Code. The court 14669
may waive an advance deposit requirement upon the presentation of 14670
an affidavit or other evidence that establishes that a party is 14671
unable to make the requisite deposit. 14672

(3) When a party demands a jury trial in a civil action or 14673
proceeding, the county court may require the party to make an 14674
advance deposit as fixed by rule of court, unless the court 14675

concludes, on the basis of an affidavit or other evidence 14676
presented by the party, that the party is unable to make the 14677
requisite deposit. If a jury is called, the county court shall tax 14678
the fees of a jury as costs. 14679

(4) In a civil or criminal action or proceeding, the county 14680
court shall fix the fees of witnesses in accordance with sections 14681
2335.06 and 2335.08 of the Revised Code. 14682

(5) A county court may tax as part of the costs in a trial of 14683
the cause, in an amount fixed by rule of court, a reasonable 14684
charge for driving, towing, carting, storing, keeping, and 14685
preserving motor vehicles and other personal property recovered or 14686
seized in a proceeding. 14687

(6) The court shall preserve chattel property seized under a 14688
writ or process issued by the court pending final disposition for 14689
the benefit of all interested persons. The court may place the 14690
chattel property in storage when necessary or proper for its 14691
preservation. The custodian of chattel property so stored shall 14692
not be required to part with the possession of the property until 14693
a reasonable charge, to be fixed by the court, is paid. 14694

(7) The county court, as it determines, may refund all 14695
deposits and advance payments of fees and costs, including those 14696
for jurors and summoning jurors, when they have been paid by the 14697
losing party. 14698

(8) The court may tax as part of costs charges for the 14699
publication of legal notices required by statute or order of 14700
court, as provided by section 7.13 of the Revised Code. 14701

(B)(1) The county court may determine that, for the efficient 14702
operation of the court, additional funds are necessary to acquire 14703
and pay for special projects of the court including, but not 14704
limited to, the acquisition of additional facilities or the 14705
rehabilitation of existing facilities, the acquisition of 14706

equipment, the hiring and training of staff, community service 14707
programs, mediation or dispute resolution services, the employment 14708
of magistrates, the training and education of judges, acting 14709
judges, and magistrates, and other related services. Upon that 14710
determination, the court by rule may charge a fee, in addition to 14711
all other court costs, on the filing of each criminal cause, civil 14712
action or proceeding, or judgment by confession. 14713

If the county court offers a special program or service in 14714
cases of a specific type, the county court by rule may assess an 14715
additional charge in a case of that type, over and above court 14716
costs, to cover the special program or service. The county court 14717
shall adjust the special assessment periodically, but not 14718
retroactively, so that the amount assessed in those cases does not 14719
exceed the actual cost of providing the service or program. 14720

All moneys collected under division (B) of this section shall 14721
be paid to the county treasurer for deposit into either a general 14722
special projects fund or a fund established for a specific special 14723
project. Moneys from a fund of that nature shall be disbursed upon 14724
an order of the court in an amount no greater than the actual cost 14725
to the court of a project. If a specific fund is terminated 14726
because of the discontinuance of a program or service established 14727
under division (B) of this section, the county court may order 14728
that moneys remaining in the fund be transferred to an account 14729
established under this division for a similar purpose. 14730

(2) As used in division (B) of this section: 14731

(a) "Criminal cause" means a charge alleging the violation of 14732
a statute or ordinance, or subsection of a statute or ordinance, 14733
that requires a separate finding of fact or a separate plea before 14734
disposition and of which the defendant may be found guilty, 14735
whether filed as part of a multiple charge on a single summons, 14736
citation, or complaint or as a separate charge on a single 14737
summons, citation, or complaint. "Criminal cause" does not include 14738

separate violations of the same statute or ordinance, or 14739
subsection of the same statute or ordinance, unless each charge is 14740
filed on a separate summons, citation, or complaint. 14741

(b) "Civil action or proceeding" means any civil litigation 14742
that must be determined by judgment entry. 14743

(C) Subject to division (E) of this section, ~~prior to January~~ 14744
~~1, 1993, and on and after January 1, 2003, the county court shall~~ 14745
~~collect the sum of four dollars as additional filing fees in each~~ 14746
~~new civil action or proceeding for the charitable public purpose~~ 14747
~~of providing financial assistance to legal aid societies that~~ 14748
~~operate within the state. Subject to division (E) of this section,~~ 14749
~~from January 1, 1993, through December 31, 2002, the county court~~ 14750
shall collect in all its divisions except the small claims 14751
division the sum of fifteen dollars as additional filing fees in 14752
each new civil action or proceeding for the charitable public 14753
purpose of providing financial assistance to legal aid societies 14754
that operate within the state. Subject to division (E) of this 14755
section, ~~from January 1, 1993, through December 31, 2002, the~~ 14756
county court shall collect in its small claims division the sum of 14757
seven dollars as additional filing fees in each new civil action 14758
or proceeding for the charitable public purpose of providing 14759
financial assistance to legal aid societies that operate within 14760
the state. This division does not apply to any execution on a 14761
judgment, proceeding in aid of execution, or other post-judgment 14762
proceeding arising out of a civil action. The filing fees required 14763
to be collected under this division shall be in addition to any 14764
other court costs imposed in the action or proceeding and shall be 14765
collected at the time of the filing of the action or proceeding. 14766
The court shall not waive the payment of the additional filing 14767
fees in a new civil action or proceeding unless the court waives 14768
the advanced payment of all filing fees in the action or 14769
proceeding. All such moneys collected during a month shall be 14770

transmitted on or before the twentieth day of the following month 14771
by the clerk of the court to the treasurer of state. The moneys 14772
then shall be deposited by the treasurer of state to the credit of 14773
the legal aid fund established under section 120.52 of the Revised 14774
Code. 14775

The court may retain up to one per cent of the moneys it 14776
collects under this division to cover administrative costs, 14777
including the hiring of any additional personnel necessary to 14778
implement this division. 14779

(D) The county court shall establish by rule a schedule of 14780
fees for miscellaneous services performed by the county court or 14781
any of its judges in accordance with law. If judges of the court 14782
of common pleas perform similar services, the fees prescribed in 14783
the schedule shall not exceed the fees for those services 14784
prescribed by the court of common pleas. 14785

(E) Under the circumstances described in sections 2969.21 to 14786
2969.27 of the Revised Code, the clerk of the county court shall 14787
charge the fees and perform the other duties specified in those 14788
sections. 14789

Sec. 2303.201. (A)(1) The court of common pleas of any county 14790
may determine that for the efficient operation of the court 14791
additional funds are required to computerize the court, to make 14792
available computerized legal research services, or to do both. 14793
Upon making a determination that additional funds are required for 14794
either or both of those purposes, the court shall authorize and 14795
direct the clerk of the court of common pleas to charge one 14796
additional fee, not to exceed three dollars, on the filing of each 14797
cause of action or appeal under divisions (A), (Q), and (U) of 14798
section 2303.20 of the Revised Code. 14799

(2) All fees collected under division (A)(1) of this section 14800
shall be paid to the county treasurer. The treasurer shall place 14801

the funds from the fees in a separate fund to be disbursed, upon 14802
an order of the court, in an amount not greater than the actual 14803
cost to the court of procuring and maintaining computerization of 14804
the court, computerized legal research services, or both. 14805

(3) If the court determines that the funds in the fund 14806
described in division (A)(2) of this section are more than 14807
sufficient to satisfy the purpose for which the additional fee 14808
described in division (A)(1) of this section was imposed, the 14809
court may declare a surplus in the fund and expend those surplus 14810
funds for other appropriate technological expenses of the court. 14811

(B)(1) The court of common pleas of any county may determine 14812
that, for the efficient operation of the court, additional funds 14813
are required to computerize the office of the clerk of the court 14814
of common pleas and, upon that determination, authorize and direct 14815
the clerk of the court of common pleas to charge an additional 14816
fee, not to exceed ten dollars, on the filing of each cause of 14817
action or appeal, on the filing, docketing, and endorsing of each 14818
certificate of judgment, or on the docketing and indexing of each 14819
aid in execution or petition to vacate, revive, or modify a 14820
judgment under divisions (A), (P), (Q), (T), and (U) of section 14821
2303.20 of the Revised Code. Subject to division (B)(2) of this 14822
section, all moneys collected under division (B)(1) of this 14823
section shall be paid to the county treasurer to be disbursed, 14824
upon an order of the court of common pleas and subject to 14825
appropriation by the board of county commissioners, in an amount 14826
no greater than the actual cost to the court of procuring and 14827
maintaining computer systems for the office of the clerk of the 14828
court of common pleas. 14829

(2) If the court of common pleas of a county makes the 14830
determination described in division (B)(1) of this section, the 14831
board of county commissioners of that county may issue one or more 14832
general obligation bonds for the purpose of procuring and 14833

maintaining the computer systems for the office of the clerk of 14834
the court of common pleas. In addition to the purposes stated in 14835
division (B)(1) of this section for which the moneys collected 14836
under that division may be expended, the moneys additionally may 14837
be expended to pay debt charges on and financing costs related to 14838
any general obligation bonds issued pursuant to division (B)(2) of 14839
this section as they become due. General obligation bonds issued 14840
pursuant to division (B)(2) of this section are Chapter 133. 14841
securities. 14842

~~(C) Prior to January 1, 1993, and on and after January 1,~~ 14843
~~2003, the court of common pleas shall collect the sum of four~~ 14844
~~dollars as additional filing fees in each new civil action or~~ 14845
~~proceeding for the charitable public purpose of providing~~ 14846
~~financial assistance to legal aid societies that operate within~~ 14847
~~the state. From January 1, 1993, through December 31, 2002, the~~ 14848
The court of common pleas shall collect the sum of fifteen dollars 14849
as additional filing fees in each new civil action or proceeding 14850
for the charitable public purpose of providing financial 14851
assistance to legal aid societies that operate within the state. 14852
This division does not apply to proceedings concerning annulments, 14853
dissolutions of marriage, divorces, legal separation, spousal 14854
support, marital property or separate property distribution, 14855
support, or other domestic relations matters; to a juvenile 14856
division of a court of common pleas; to a probate division of a 14857
court of common pleas, except that the additional filing fees 14858
shall apply to name change, guardianship, and adoption 14859
proceedings; or to an execution on a judgment, proceeding in aid 14860
of execution, or other post-judgment proceeding arising out of a 14861
civil action. The filing fees required to be collected under this 14862
division shall be in addition to any other filing fees imposed in 14863
the action or proceeding and shall be collected at the time of the 14864
filing of the action or proceeding. The court shall not waive the 14865

payment of the additional filing fees in a new civil action or 14866
proceeding unless the court waives the advanced payment of all 14867
filing fees in the action or proceeding. All such moneys collected 14868
during a month shall be transmitted on or before the twentieth day 14869
of the following month by the clerk of the court to the treasurer 14870
of state. The moneys then shall be deposited by the treasurer of 14871
state to the credit of the legal aid fund established under 14872
section 120.52 of the Revised Code. 14873

The court may retain up to one per cent of the moneys it 14874
collects under this division to cover administrative costs, 14875
including the hiring of any additional personnel necessary to 14876
implement this division. 14877

(D) On and after the thirtieth day after December 9, 1994, 14878
the court of common pleas shall collect the sum of thirty-two 14879
dollars as additional filing fees in each new action or proceeding 14880
for annulment, divorce, or dissolution of marriage for the purpose 14881
of funding shelters for victims of domestic violence pursuant to 14882
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 14883
required to be collected under this division shall be in addition 14884
to any other filing fees imposed in the action or proceeding and 14885
shall be collected at the time of the filing of the action or 14886
proceeding. The court shall not waive the payment of the 14887
additional filing fees in a new action or proceeding for 14888
annulment, divorce, or dissolution of marriage unless the court 14889
waives the advanced payment of all filing fees in the action or 14890
proceeding. On or before the twentieth day of each month, all 14891
moneys collected during the immediately preceding month pursuant 14892
to this division shall be deposited by the clerk of the court into 14893
the county treasury in the special fund used for deposit of 14894
additional marriage license fees as described in section 3113.34 14895
of the Revised Code. Upon their deposit into the fund, the moneys 14896
shall be retained in the fund and expended only as described in 14897

section 3113.34 of the Revised Code. 14898

(E)(1) The court of common pleas may determine that, for the 14899
efficient operation of the court, additional funds are necessary 14900
to acquire and pay for special projects of the court, including, 14901
but not limited to, the acquisition of additional facilities or 14902
the rehabilitation of existing facilities, the acquisition of 14903
equipment, the hiring and training of staff, community service 14904
programs, mediation or dispute resolution services, the employment 14905
of magistrates, the training and education of judges, acting 14906
judges, and magistrates, and other related services. Upon that 14907
determination, the court by rule may charge a fee, in addition to 14908
all other court costs, on the filing of each criminal cause, civil 14909
action or proceeding, or judgment by confession. 14910

If the court of common pleas offers a special program or 14911
service in cases of a specific type, the court by rule may assess 14912
an additional charge in a case of that type, over and above court 14913
costs, to cover the special program or service. The court shall 14914
adjust the special assessment periodically, but not retroactively, 14915
so that the amount assessed in those cases does not exceed the 14916
actual cost of providing the service or program. 14917

All moneys collected under division (E) of this section shall 14918
be paid to the county treasurer for deposit into either a general 14919
special projects fund or a fund established for a specific special 14920
project. Moneys from a fund of that nature shall be disbursed upon 14921
an order of the court in an amount no greater than the actual cost 14922
to the court of a project. If a specific fund is terminated 14923
because of the discontinuance of a program or service established 14924
under division (E) of this section, the court may order that 14925
moneys remaining in the fund be transferred to an account 14926
established under this division for a similar purpose. 14927

(2) As used in division (E) of this section: 14928

(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty, whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.

Sec. 2317.02. The following persons shall not testify in certain respects:

(A) An attorney, concerning a communication made to the attorney by a client in that relation or the attorney's advice to a client, except that the attorney may testify by express consent of the client or, if the client is deceased, by the express consent of the surviving spouse or the executor or administrator of the estate of the deceased client and except that, if the client voluntarily testifies or is deemed by section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the attorney may be compelled to testify on the same subject;

(B)(1) A physician or a dentist concerning a communication made to the physician or dentist by a patient in that relation or the physician's or dentist's advice to a patient, except as otherwise provided in this division, division (B)(2), and division (B)(3) of this section, and except that, if the patient is deemed by section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the physician may be

compelled to testify on the same subject. 14960

The testimonial privilege established under this division 14961
does not apply, and a physician or dentist may testify or may be 14962
compelled to testify, in any of the following circumstances: 14963

(a) In any civil action, in accordance with the discovery 14964
provisions of the Rules of Civil Procedure in connection with a 14965
civil action, or in connection with a claim under Chapter 4123. of 14966
the Revised Code, under any of the following circumstances: 14967

(i) If the patient or the guardian or other legal 14968
representative of the patient gives express consent; 14969

(ii) If the patient is deceased, the spouse of the patient or 14970
the executor or administrator of the patient's estate gives 14971
express consent; 14972

(iii) If a medical claim, dental claim, chiropractic claim, 14973
or optometric claim, as defined in section 2305.11 of the Revised 14974
Code, an action for wrongful death, any other type of civil 14975
action, or a claim under Chapter 4123. of the Revised Code is 14976
filed by the patient, the personal representative of the estate of 14977
the patient if deceased, or the patient's guardian or other legal 14978
representative. 14979

(b) In any civil action concerning court-ordered treatment or 14980
services received by a patient, if the court-ordered treatment or 14981
services were ordered as part of a case plan journalized under 14982
section 2151.412 of the Revised Code or the court-ordered 14983
treatment or services are necessary or relevant to dependency, 14984
neglect, or abuse or temporary or permanent custody proceedings 14985
under Chapter 2151. of the Revised Code. 14986

(c) In any criminal action concerning any test or the results 14987
of any test that determines the presence or concentration of 14988
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 14989
patient's blood, breath, urine, or other bodily substance at any 14990

time relevant to the criminal offense in question. 14991

(d) In any criminal action against a physician or dentist. In 14992
such an action, the testimonial privilege established under this 14993
division does not prohibit the admission into evidence, in 14994
accordance with the Rules of Evidence, of a patient's medical or 14995
dental records or other communications between a patient and the 14996
physician or dentist that are related to the action and obtained 14997
by subpoena, search warrant, or other lawful means. A court that 14998
permits or compels a physician or dentist to testify in such an 14999
action or permits the introduction into evidence of patient 15000
records or other communications in such an action shall require 15001
that appropriate measures be taken to ensure that the 15002
confidentiality of any patient named or otherwise identified in 15003
the records is maintained. Measures to ensure confidentiality that 15004
may be taken by the court include sealing its records or deleting 15005
specific information from its records. 15006

(2)(a) If any law enforcement officer submits a written 15007
statement to a health care provider that states that an official 15008
criminal investigation has begun regarding a specified person or 15009
that a criminal action or proceeding has been commenced against a 15010
specified person, that requests the provider to supply to the 15011
officer copies of any records the provider possesses that pertain 15012
to any test or the results of any test administered to the 15013
specified person to determine the presence or concentration of 15014
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 15015
person's blood, breath, or urine at any time relevant to the 15016
criminal offense in question, and that conforms to section 15017
2317.022 of the Revised Code, the provider, except to the extent 15018
specifically prohibited by any law of this state or of the United 15019
States, shall supply to the officer a copy of any of the requested 15020
records the provider possesses. If the health care provider does 15021
not possess any of the requested records, the provider shall give 15022

the officer a written statement that indicates that the provider 15023
does not possess any of the requested records. 15024

(b) If a health care provider possesses any records of the 15025
type described in division (B)(2)(a) of this section regarding the 15026
person in question at any time relevant to the criminal offense in 15027
question, in lieu of personally testifying as to the results of 15028
the test in question, the custodian of the records may submit a 15029
certified copy of the records, and, upon its submission, the 15030
certified copy is qualified as authentic evidence and may be 15031
admitted as evidence in accordance with the Rules of Evidence. 15032
Division (A) of section 2317.422 of the Revised Code does not 15033
apply to any certified copy of records submitted in accordance 15034
with this division. Nothing in this division shall be construed to 15035
limit the right of any party to call as a witness the person who 15036
administered the test to which the records pertain, the person 15037
under whose supervision the test was administered, the custodian 15038
of the records, the person who made the records, or the person 15039
under whose supervision the records were made. 15040

(3)(a) If the testimonial privilege described in division 15041
(B)(1) of this section does not apply as provided in division 15042
(B)(1)(a)(iii) of this section, a physician or dentist may be 15043
compelled to testify or to submit to discovery under the Rules of 15044
Civil Procedure only as to a communication made to the physician 15045
or dentist by the patient in question in that relation, or the 15046
physician's or dentist's advice to the patient in question, that 15047
related causally or historically to physical or mental injuries 15048
that are relevant to issues in the medical claim, dental claim, 15049
chiropractic claim, or optometric claim, action for wrongful 15050
death, other civil action, or claim under Chapter 4123. of the 15051
Revised Code. 15052

(b) If the testimonial privilege described in division (B)(1) 15053
of this section does not apply to a physician or dentist as 15054

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
submitted in accordance with this division. Nothing in this
division shall be construed to limit the right of any party to
call as a witness the person who administered the test in
question, the person under whose supervision the test was
administered, the custodian of the results of the test, the person
who compiled the results, or the person under whose supervision
the results were compiled.

(4) The testimonial privilege described in division (B)(1) of
this section is not waived when a communication is made by a
physician to a pharmacist or when there is communication between a
patient and a pharmacist in furtherance of the physician-patient
relation.

(5)(a) As used in divisions (B)(1) to (4) of this section,
"communication" means acquiring, recording, or transmitting any
information, in any manner, concerning any facts, opinions, or
statements necessary to enable a physician or dentist to diagnose,
treat, prescribe, or act for a patient. A "communication" may
include, but is not limited to, any medical or dental, office, or
hospital communication such as a record, chart, letter,
memorandum, laboratory test and results, x-ray, photograph,
financial statement, diagnosis, or prognosis.

(b) As used in division (B)(2) of this section, "health care
provider" ~~has the same meaning as in section 3729.01 of the~~
~~Revised Code means a hospital, ambulatory care facility, long-term~~
~~care facility, pharmacy, emergency facility, or health care~~

<u>practitioner.</u>	15087
<u>(c) As used in division (B)(5)(b) of this section:</u>	15088
<u>(i) "Ambulatory care facility" means a facility that provides medical, diagnostic, or surgical treatment to patients who do not require hospitalization, including a dialysis center, ambulatory 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.</u>	15089 15090 15091 15092 15093 15094 15095 15096 15097 15098
<u>(ii) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.</u>	15099 15100 15101
<u>(iii) "Health care practitioner" has the same meaning as in section 4769.01 of the Revised Code.</u>	15102 15103
<u>(iv) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.</u>	15104 15105
<u>(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.</u>	15106 15107 15108 15109 15110 15111 15112 15113 15114
<u>(vi) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code.</u>	15115 15116
<u>(6) Divisions (B)(1), (2), (3), (4), and (5) of this section</u>	15117

apply to doctors of medicine, doctors of osteopathic medicine, 15118
doctors of podiatry, and dentists. 15119

(7) Nothing in divisions (B)(1) to (6) of this section 15120
affects, or shall be construed as affecting, the immunity from 15121
civil liability conferred by section 307.628 or 2305.33 of the 15122
Revised Code upon physicians who report an employee's use of a 15123
drug of abuse, or a condition of an employee other than one 15124
involving the use of a drug of abuse, to the employer of the 15125
employee in accordance with division (B) of that section. As used 15126
in division (B)(7) of this section, "employee," "employer," and 15127
"physician" have the same meanings as in section 2305.33 of the 15128
Revised Code. 15129

(C) A member of the clergy, rabbi, priest, or regularly 15130
ordained, accredited, or licensed minister of an established and 15131
legally cognizable church, denomination, or sect, when the member 15132
of the clergy, rabbi, priest, or minister remains accountable to 15133
the authority of that church, denomination, or sect, concerning a 15134
confession made, or any information confidentially communicated, 15135
to the member of the clergy, rabbi, priest, or minister for a 15136
religious counseling purpose in the member of the clergy's, 15137
rabbi's, priest's, or minister's professional character; however, 15138
the member of the clergy, rabbi, priest, or minister may testify 15139
by express consent of the person making the communication, except 15140
when the disclosure of the information is in violation of a sacred 15141
trust; 15142

(D) Husband or wife, concerning any communication made by one 15143
to the other, or an act done by either in the presence of the 15144
other, during coverture, unless the communication was made, or act 15145
done, in the known presence or hearing of a third person competent 15146
to be a witness; and such rule is the same if the marital relation 15147
has ceased to exist; 15148

(E) A person who assigns a claim or interest, concerning any 15149

matter in respect to which the person would not, if a party, be 15150
permitted to testify; 15151

(F) A person who, if a party, would be restricted under 15152
section 2317.03 of the Revised Code, when the property or thing is 15153
sold or transferred by an executor, administrator, guardian, 15154
trustee, heir, devisee, or legatee, shall be restricted in the 15155
same manner in any action or proceeding concerning the property or 15156
thing. 15157

(G)(1) A school guidance counselor who holds a valid educator 15158
license from the state board of education as provided for in 15159
section 3319.22 of the Revised Code, a person licensed under 15160
Chapter 4757. of the Revised Code as a professional clinical 15161
counselor, professional counselor, social worker, or independent 15162
social worker, or registered under Chapter 4757. of the Revised 15163
Code as a social work assistant concerning a confidential 15164
communication received from a client in that relation or the 15165
person's advice to a client unless any of the following applies: 15166

(a) The communication or advice indicates clear and present 15167
danger to the client or other persons. For the purposes of this 15168
division, cases in which there are indications of present or past 15169
child abuse or neglect of the client constitute a clear and 15170
present danger. 15171

(b) The client gives express consent to the testimony. 15172

(c) If the client is deceased, the surviving spouse or the 15173
executor or administrator of the estate of the deceased client 15174
gives express consent. 15175

(d) The client voluntarily testifies, in which case the 15176
school guidance counselor or person licensed or registered under 15177
Chapter 4757. of the Revised Code may be compelled to testify on 15178
the same subject. 15179

(e) The court in camera determines that the information 15180

communicated by the client is not germane to the counselor-client 15181
or social worker-client relationship. 15182

(f) A court, in an action brought against a school, its 15183
administration, or any of its personnel by the client, rules after 15184
an in-camera inspection that the testimony of the school guidance 15185
counselor is relevant to that action. 15186

(g) The testimony is sought in a civil action and concerns 15187
court-ordered treatment or services received by a patient as part 15188
of a case plan journalized under section 2151.412 of the Revised 15189
Code or the court-ordered treatment or services are necessary or 15190
relevant to dependency, neglect, or abuse or temporary or 15191
permanent custody proceedings under ~~chapter~~ Chapter 2151. of the 15192
Revised Code. 15193

(2) Nothing in division (G)(1) of this section shall relieve 15194
a school guidance counselor or a person licensed or registered 15195
under Chapter 4757. of the Revised Code from the requirement to 15196
report information concerning child abuse or neglect under section 15197
2151.421 of the Revised Code. 15198

(H) A mediator acting under a mediation order issued under 15199
division (A) of section 3109.052 of the Revised Code or otherwise 15200
issued in any proceeding for divorce, dissolution, legal 15201
separation, annulment, or the allocation of parental rights and 15202
responsibilities for the care of children, in any action or 15203
proceeding, other than a criminal, delinquency, child abuse, child 15204
neglect, or dependent child action or proceeding, that is brought 15205
by or against either parent who takes part in mediation in 15206
accordance with the order and that pertains to the mediation 15207
process, to any information discussed or presented in the 15208
mediation process, to the allocation of parental rights and 15209
responsibilities for the care of the parents' children, or to the 15210
awarding of parenting time rights in relation to their children; 15211

(I) A communications assistant, acting within the scope of 15212
the communication assistant's authority, when providing 15213
telecommunications relay service pursuant to section 4931.35 of 15214
the Revised Code or Title II of the "Communications Act of 1934," 15215
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 15216
made through a telecommunications relay service. Nothing in this 15217
section shall limit the obligation of a communications assistant 15218
to divulge information or testify when mandated by federal law or 15219
regulation or pursuant to subpoena in a criminal proceeding. 15220

Nothing in this section shall limit any immunity or privilege 15221
granted under federal law or regulation. 15222

(J)(1) A chiropractor in a civil proceeding concerning a 15223
communication made to the chiropractor by a patient in that 15224
relation or the chiropractor's advice to a patient, except as 15225
otherwise provided in this division. The testimonial privilege 15226
established under this division does not apply, and a chiropractor 15227
may testify or may be compelled to testify, in any civil action, 15228
in accordance with the discovery provisions of the Rules of Civil 15229
Procedure in connection with a civil action, or in connection with 15230
a claim under Chapter 4123. of the Revised Code, under any of the 15231
following circumstances: 15232

(a) If the patient or the guardian or other legal 15233
representative of the patient gives express consent. 15234

(b) If the patient is deceased, the spouse of the patient or 15235
the executor or administrator of the patient's estate gives 15236
express consent. 15237

(c) If a medical claim, dental claim, chiropractic claim, or 15238
optometric claim, as defined in section 2305.11 of the Revised 15239
Code, an action for wrongful death, any other type of civil 15240
action, or a claim under Chapter 4123. of the Revised Code is 15241
filed by the patient, the personal representative of the estate of 15242

the patient if deceased, or the patient's guardian or other legal representative. 15243
15244

(2) If the testimonial privilege described in division (J)(1) 15245
of this section does not apply as provided in division (J)(1)(c) 15246
of this section, a chiropractor may be compelled to testify or to 15247
submit to discovery under the Rules of Civil Procedure only as to 15248
a communication made to the chiropractor by the patient in 15249
question in that relation, or the chiropractor's advice to the 15250
patient in question, that related causally or historically to 15251
physical or mental injuries that are relevant to issues in the 15252
medical claim, dental claim, chiropractic claim, or optometric 15253
claim, action for wrongful death, other civil action, or claim 15254
under Chapter 4123. of the Revised Code. 15255

(3) The testimonial privilege established under this division 15256
does not apply, and a chiropractor may testify or be compelled to 15257
testify, in any criminal action or administrative proceeding. 15258

(4) As used in this division, "communication" means 15260
acquiring, recording, or transmitting any information, in any 15261
manner, concerning any facts, opinions, or statements necessary to 15262
enable a chiropractor to diagnosis, treat, or act for a patient. A 15263
communication may include, but is not limited to, any 15264
chiropractic, office, or hospital communication such as a record, 15265
chart, letter, memorandum, laboratory test and results, x-ray, 15266
photograph, financial statement, diagnosis, or prognosis. 15267

Sec. 2317.022. (A) As used in this section, "health care 15268
provider" has the same meaning as in section ~~3729.01~~ 2317.02 of 15269
the Revised Code. 15270

(B) If an official criminal investigation has begun regarding 15271
a person or if a criminal action or proceeding is commenced 15272
against a person, any law enforcement officer who wishes to obtain 15273

from any health care provider a copy of any records the provider 15274
possesses that pertain to any test or the result of any test 15275
administered to the person to determine the presence or 15276
concentration of alcohol, a drug of abuse, or alcohol and a drug 15277
of abuse in the person's blood, breath, or urine at any time 15278
relevant to the criminal offense in question shall submit to the 15279
health care facility a written statement in the following form: 15280

"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS 15281

To: (insert name of the health care 15282
provider in question). 15283

I hereby state that an official criminal investigation has 15284
begun regarding, or a criminal action or proceeding has been 15285
commenced against, (insert the name of the 15286
person in question), and that I believe that one or more tests has 15287
been administered to ~~him~~ that person by this health care provider 15288
to determine the presence or concentration of alcohol, a drug of 15289
abuse, or alcohol and a drug of abuse in ~~his~~ that person's blood, 15290
breath, or urine at a time relevant to the criminal offense in 15291
question. Therefore, I hereby request that, pursuant to division 15292
(B)(2) of section 2317.02 of the Revised Code, this health care 15293
provider supply me with copies of any records the provider 15294
possesses that pertain to any test or the results of any test 15295
administered to the person specified above to determine the 15296
presence or concentration of alcohol, a drug of abuse, or alcohol 15297
and a drug of abuse in ~~his~~ that person's blood, breath, or urine 15298
at any time relevant to the criminal offense in question. 15299

..... 15300

(Name of officer) 15301

..... 15302

(Officer's title) 15303

..... 15304

(Officer's employing agency)	15305
.....	15306
(Officer's telephone number)	15307
.....	15308
.....	15309
.....	15310
(Agency's address)	15311
.....	15312
(Date written statement submitted)"	15313
(C) A health care provider that receives a written statement	15314
of the type described in division (B) of this section shall comply	15315
with division (B)(2) of section 2317.02 of the Revised Code	15316
relative to the written statement.	15317
Sec. 2329.66. (A) Every person who is domiciled in this state	15318
may hold property exempt from execution, garnishment, attachment,	15319
or sale to satisfy a judgment or order, as follows:	15320
(1)(a) In the case of a judgment or order regarding money	15321
owed for health care services rendered or health care supplies	15322
provided to the person or a dependent of the person, one parcel or	15323
item of real or personal property that the person or a dependent	15324
of the person uses as a residence. Division (A)(1)(a) of this	15325
section does not preclude, affect, or invalidate the creation	15326
under this chapter of a judgment lien upon the exempted property	15327
but only delays the enforcement of the lien until the property is	15328
sold or otherwise transferred by the owner or in accordance with	15329
other applicable laws to a person or entity other than the	15330
surviving spouse or surviving minor children of the judgment	15331
debtor. Every person who is domiciled in this state may hold	15332
exempt from a judgment lien created pursuant to division (A)(1)(a)	15333

of this section the person's interest, not to exceed five thousand 15334
dollars, in the exempted property. 15335

(b) In the case of all other judgments and orders, the 15336
person's interest, not to exceed five thousand dollars, in one 15337
parcel or item of real or personal property that the person or a 15338
dependent of the person uses as a residence. 15339

(2) The person's interest, not to exceed one thousand 15340
dollars, in one motor vehicle; 15341

(3) The person's interest, not to exceed two hundred dollars 15342
in any particular item, in wearing apparel, beds, and bedding, and 15343
the person's interest, not to exceed three hundred dollars in each 15344
item, in one cooking unit and one refrigerator or other food 15345
preservation unit; 15346

(4)(a) The person's interest, not to exceed four hundred 15347
dollars, in cash on hand, money due and payable, money to become 15348
due within ninety days, tax refunds, and money on deposit with a 15349
bank, savings and loan association, credit union, public utility, 15350
landlord, or other person. Division (A)(4)(a) of this section 15351
applies only in bankruptcy proceedings. This exemption may include 15352
the portion of personal earnings that is not exempt under division 15353
(A)(13) of this section. 15354

(b) Subject to division (A)(4)(d) of this section, the 15355
person's interest, not to exceed two hundred dollars in any 15356
particular item, in household furnishings, household goods, 15357
appliances, books, animals, crops, musical instruments, firearms, 15358
and hunting and fishing equipment, that are held primarily for the 15359
personal, family, or household use of the person; 15360

(c) Subject to division (A)(4)(d) of this section, the 15361
person's interest in one or more items of jewelry, not to exceed 15362
four hundred dollars in one item of jewelry and not to exceed two 15363
hundred dollars in every other item of jewelry; 15364

(d) Divisions (A)(4)(b) and (c) of this section do not 15365
include items of personal property listed in division (A)(3) of 15366
this section. 15367

If the person does not claim an exemption under division 15368
(A)(1) of this section, the total exemption claimed under division 15369
(A)(4)(b) of this section shall be added to the total exemption 15370
claimed under division (A)(4)(c) of this section, and the total 15371
shall not exceed two thousand dollars. If the person claims an 15372
exemption under division (A)(1) of this section, the total 15373
exemption claimed under division (A)(4)(b) of this section shall 15374
be added to the total exemption claimed under division (A)(4)(c) 15375
of this section, and the total shall not exceed one thousand five 15376
hundred dollars. 15377

(5) The person's interest, not to exceed an aggregate of 15378
seven hundred fifty dollars, in all implements, professional 15379
books, or tools of the person's profession, trade, or business, 15380
including agriculture; 15381

(6)(a) The person's interest in a beneficiary fund set apart, 15382
appropriated, or paid by a benevolent association or society, as 15383
exempted by section 2329.63 of the Revised Code; 15384

(b) The person's interest in contracts of life or endowment 15385
insurance or annuities, as exempted by section 3911.10 of the 15386
Revised Code; 15387

(c) The person's interest in a policy of group insurance or 15388
the proceeds of a policy of group insurance, as exempted by 15389
section 3917.05 of the Revised Code; 15390

(d) The person's interest in money, benefits, charity, 15391
relief, or aid to be paid, provided, or rendered by a fraternal 15392
benefit society, as exempted by section 3921.18 of the Revised 15393
Code; 15394

(e) The person's interest in the portion of benefits under 15395

policies of sickness and accident insurance and in lump-sum <u>lump</u>	15396
<u>sum</u> payments for dismemberment and other losses insured under	15397
those policies, as exempted by section 3923.19 of the Revised	15398
Code.	15399
(7) The person's professionally prescribed or medically	15400
necessary health aids;	15401
(8) The person's interest in a burial lot, including, but not	15402
limited to, exemptions under section 517.09 or 1721.07 of the	15403
Revised Code;	15404
(9) The person's interest in the following:	15405
(a) Moneys paid or payable for living maintenance or rights,	15406
as exempted by section 3304.19 of the Revised Code;	15407
(b) Workers' compensation, as exempted by section 4123.67 of	15408
the Revised Code;	15409
(c) Unemployment compensation benefits, as exempted by	15410
section 4141.32 of the Revised Code;	15411
(d) Cash assistance payments under the Ohio works first	15412
program, as exempted by section 5107.75 of the Revised Code;	15413
(e) <u>Benefits and services under the prevention, retention,</u>	15414
<u>and contingency program, as exempted by section 5108.08 of the</u>	15415
<u>Revised Code;</u>	15416
(f) <u>Disability</u> assistance payments, as exempted by section	15417
5115.07 of the Revised Code.	15418
(10)(a) Except in cases in which the person was convicted of	15419
or pleaded guilty to a violation of section 2921.41 of the Revised	15420
Code and in which an order for the withholding of restitution from	15421
payments was issued under division (C)(2)(b) of that section or in	15422
cases in which an order for withholding was issued under section	15423
2907.15 of the Revised Code, and only to the extent provided in	15424
the order, and except as provided in sections 3105.171, 3105.63,	15425

3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's right to a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights, as exempted by section 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and the person's right to benefits from the Ohio public safety officers death benefit fund;

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to receive a payment under any pension, annuity, or similar plan or contract, not including a payment from a stock bonus or profit-sharing plan or a payment included in division (A)(6)(b) or (10)(a) of this section, on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for the support of the person and any of the person's dependents, except if all the following apply:

(i) The plan or contract was established by or under the auspices of an insider that employed the person at the time the person's rights under the plan or contract arose.

(ii) The payment is on account of age or length of service.

(iii) The plan or contract is not qualified under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(c) Except for any portion of the assets that were deposited for the purpose of evading the payment of any debt and except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right in the assets held in, or to receive any payment under, any individual retirement

account, individual retirement annuity, "Roth IRA," or education 15457
individual retirement account that provides benefits by reason of 15458
illness, disability, death, or age, to the extent that the assets, 15459
payments, or benefits described in division (A)(10)(c) of this 15460
section are attributable to any of the following: 15461

(i) Contributions of the person that were less than or equal 15462
to the applicable limits on deductible contributions to an 15463
individual retirement account or individual retirement annuity in 15464
the year that the contributions were made, whether or not the 15465
person was eligible to deduct the contributions on the person's 15466
federal tax return for the year in which the contributions were 15467
made; 15468

(ii) Contributions of the person that were less than or equal 15469
to the applicable limits on contributions to a Roth IRA or 15470
education individual retirement account in the year that the 15471
contributions were made; 15472

(iii) Contributions of the person that are within the 15473
applicable limits on rollover contributions under subsections 219, 15474
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 15475
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 15476
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 15477

(d) Except for any portion of the assets that were deposited 15478
for the purpose of evading the payment of any debt and except as 15479
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 15480
3123.06 of the Revised Code, the person's right in the assets held 15481
in, or to receive any payment under, any Keogh or "H.R. 10" plan 15482
that provides benefits by reason of illness, disability, death, or 15483
age, to the extent reasonably necessary for the support of the 15484
person and any of the person's dependents. 15485

(11) The person's right to receive spousal support, child 15486
support, an allowance, or other maintenance to the extent 15487

reasonably necessary for the support of the person and any of the person's dependents; 15488
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(12) The person's right to receive, or moneys received during the preceding twelve calendar months from, any of the following: 15490
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(a) An award of reparations under sections 2743.51 to 2743.72 of the Revised Code, to the extent exempted by division (D) of section 2743.66 of the Revised Code; 15493
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(b) A payment on account of the wrongful death of an individual of whom the person was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the person and any of the person's dependents; 15496
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(c) Except in cases in which the person who receives the payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed five thousand dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the person is a dependent; 15500
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(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a dependent, to the extent reasonably necessary for the support of the debtor and any of the debtor's dependents. 15509
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(13) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, personal earnings of the person owed to the person for services in an amount equal to the greater of the following amounts: 15513
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(a) If paid weekly, thirty times the current federal minimum hourly wage; if paid biweekly, sixty times the current federal 15517
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minimum hourly wage; if paid semimonthly, sixty-five times the
current federal minimum hourly wage; or if paid monthly, one
hundred thirty times the current federal minimum hourly wage that
is in effect at the time the earnings are payable, as prescribed
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29
U.S.C. 206(a)(1), as amended;

(b) Seventy-five per cent of the disposable earnings owed to
the person.

(14) The person's right in specific partnership property, as
exempted by division (B)(3) of section 1775.24 of the Revised
Code;

(15) A seal and official register of a notary public, as
exempted by section 147.04 of the Revised Code;

(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;

(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;

(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.

(B) As used in this section:

(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.

(2) "Insider" means:

(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;

(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. 15580
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(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. 15583
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(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; 15586
15587
15588
15589

(f) A managing agent of the person who claims an exemption. 15590

(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code. 15591
15592

(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code. 15593
15594

(C) For purposes of this section, "interest" shall be determined as follows: 15595
15596

(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; 15597
15598
15599

(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. 15600
15601
15602

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. 15603
15604
15605

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 15606
15607
15608

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:

"(Name and Address of Court)
e No.....

(Case Caption)

NOTICE

You are hereby notified that (name and address of plaintiff), the plaintiff in this proceeding, has applied to this court for the attachment of property in your possession. The basis for this application is indicated in the documents that are enclosed with this notice.

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;

~~(5)~~(6) Social security benefits;

~~(6)~~(7) Supplemental security income (S.S.I.);

~~(7)~~(8) Veteran's benefits;

~~(8)~~(9) Black lung benefits;

~~(9)~~(10) Certain pensions. 15638

Additionally, your wages never can be taken to pay a debt 15639
until a judgment has been obtained against you. There may be other 15640
benefits not included in this list that apply in your case. 15641

If you dispute the plaintiff's claim and believe that you are 15642
entitled to retain possession of the property because it is exempt 15643
or for any other reason, you may request a hearing before this 15644
court by disputing the claim in the request for hearing form 15645
appearing below, or in a substantially similar form, and 15646
delivering the request for the hearing to this court, at the 15647
office of the clerk of this court, not later than the end of the 15648
fifth business day after you receive this notice. You may state 15649
your reasons for disputing the claim in the space provided on the 15650
form, but you are not required to do so. If you do state your 15651
reasons for disputing the claim in the space provided on the form, 15652
you are not prohibited from stating any other reasons at the 15653
hearing, and if you do not state your reasons, it will not be held 15654
against you by the court and you can state your reasons at the 15655
hearing. 15656

If you request a hearing, it will be conducted in 15657
..... courtroom, (address of court), at 15658
.....m. on, 15659

You may avoid having a hearing but retain possession of the 15660
property until the entry of final judgment in the action by filing 15661
with the court, at the office of the clerk of this court, not 15662
later than the end of the fifth business day after you receive 15663
this notice, a bond executed by an acceptable surety in the amount 15664
of \$..... 15665

If you do not request a hearing or file a bond on or before 15666
the end of the fifth business day after you receive this notice, 15667
the court, without further notice to you, may order a law 15668

enforcement officer or bailiff to take possession of the property. 15669
Notice of the dates, times, places, and purposes of any subsequent 15670
hearings and of the date, time, and place of the trial of the 15671
action will be sent to you. 15672

..... 15673

Clerk of Court 15674

Date:....." 15675

(B) Along with the notice required by division (A) of this 15676
section, the clerk of the court also shall deliver to the 15677
defendant, in accordance with division (C) of this section, a 15678
request for hearing form together with a postage-paid, 15679
self-addressed envelope or a request for hearing form on a 15680
postage-paid, self-addressed postcard. The request for hearing 15681
shall be in substantially the following form: 15682

"(Name and Address of Court) 15683

Case Number Date 15684

REQUEST FOR HEARING 15685

I dispute the claim for the attachment of property in the 15686
above case and request that a hearing in this matter be held at 15687
the time and place set forth in the notice that I previously 15688
received. 15689

I dispute the claim for the following reasons: 15690

..... 15691

(Optional) 15692

..... 15693

..... 15694

..... 15695

(Name of Defendant) 15696

..... 15697

(Signature) 15698

..... 15699

(Date) 15700

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 15701
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 15702
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 15703
YOU WAIVE YOUR RIGHT TO A HEARING AT THIS TIME AND YOU MAY BE 15704
REQUIRED TO GIVE UP THE PROPERTY SOUGHT WITHOUT A HEARING." 15705

(C) The notice required by division (A) of this section shall 15706
be served on the defendant in duplicate not less than seven 15707
business days prior to the date on which the hearing is scheduled, 15708
together with a copy of the complaint and summons, if not 15709
previously served, and a copy of the motion for the attachment of 15710
property and the affidavit attached to the motion, in the same 15711
manner as provided in the Rules of Civil Procedure for the service 15712
of process. Service may be effected by publication as provided in 15713
the Rules of Civil Procedure except that the number of weeks for 15714
publication may be reduced by the court to the extent appropriate. 15715

Sec. 2715.045. (A) Upon the filing of a motion for 15716
attachment, a court may issue an order of attachment without 15717
issuing notice to the defendant against whom the motion was filed 15718
and without conducting a hearing if the court finds that there is 15719
probable cause to support the motion and that the plaintiff that 15720
filed the motion for attachment will suffer irreparable injury if 15721
the order is delayed until the defendant against whom the motion 15722
has been filed has been given the opportunity for a hearing. The 15723
court's findings shall be based upon the motion and affidavit 15724
filed pursuant to section 2715.03 of the Revised Code and any 15725
other relevant evidence that it may wish to consider. 15726

(B) A finding by the court that the plaintiff will suffer 15727
irreparable injury may be made only if the court finds the 15728
existence of either of the following circumstances: 15729

(1) There is present danger that the property will be 15730

immediately disposed of, concealed, or placed beyond the jurisdiction of the court. 15731
15732

(2) The value of the property will be impaired substantially if the issuance of an order of attachment is delayed. 15733
15734

(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: 15735
15736
15737
15738
15739
15740
15741
15742
15743
15744
15745
15746

"(Name and Address of the Court) 15747

(Case Caption) Case No. 15748

NOTICE 15749

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. 15750
15751
15752
15753
15754
15755

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: 15756
15757
15758
15759

(1) Workers' compensation benefits; 15760

(2) Unemployment compensation payments; 15761

(3) Cash assistance payments under the Ohio works first program;	15762 15763
(4) <u>Benefits and services under the prevention, retention, and contingency program;</u>	15764 15765
(5) Disability assistance administered by the Ohio department of job and family services;	15766 15767
+5 (6) Social security benefits;	15768
+6 (7) Supplemental security income (S.S.I.);	15769
+7 (8) Veteran's benefits;	15770
+8 (9) Black lung benefits;	15771
+9 (10) Certain pensions.	15772
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.	15773 15774 15775
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	15776 15777 15778 15779 15780 15781 15782 15783 15784 15785 15786 15787 15788 15789 15790 15791

hearing will be sent to you. 15792

You may avoid a hearing but recover and retain possession of 15793
the property until the entry of final judgment in the action by 15794
filing with the court, at the office of the clerk of this court, 15795
not later than the end of the fifth business day after you receive 15796
this notice, a bond executed by an acceptable surety in the amount 15797
of \$..... 15798

If you do not request a hearing or file a bond before the end 15799
of the fifth business day after you receive this notice, 15800
possession of the property will be withheld from you during the 15801
pendency of the action. Notice of the dates, times, places, and 15802
purposes of any subsequent hearings and of the date, time, and 15803
place of the trial of the action will be sent to you. 15804

..... 15805

Clerk of the Court 15806

..... 15807

Date" 15808

(2) Along with the notice required by division (C)(1) of this 15809
section, the clerk of the court also shall deliver to the 15810
defendant a request for hearing form together with a postage-paid, 15811
self-addressed envelope or a request for hearing form on a 15812
postage-paid, self-addressed postcard. The request for hearing 15813
shall be in substantially the following form: 15814

"(Name and Address of Court) 15815

Case Number Date 15816

REQUEST FOR HEARING 15817

I dispute the claim for possession of property in the above 15818
case and request that a hearing in this matter be held within 15819
three business days after delivery of this request to the court. 15820

I dispute the claim for the following reasons: 15821

..... 15822

bond. 15854

Sec. 2716.13. (A) Upon the filing of a proceeding in 15855
garnishment of property, other than personal earnings, under 15856
section 2716.11 of the Revised Code, the court shall cause the 15857
matter to be set for hearing within twelve days after that filing. 15858

(B) Upon the scheduling of a hearing relative to a proceeding 15859
in garnishment of property, other than personal earnings, under 15860
division (A) of this section, the clerk of the court immediately 15861
shall issue to the garnishee three copies of the order of 15862
garnishment of property, other than personal earnings, and of a 15863
written notice that the garnishee answer as provided in section 15864
2716.21 of the Revised Code and the garnishee's fee required by 15865
section 2716.12 of the Revised Code. The copies of the order and 15866
of the notice shall be served upon the garnishee in the same 15867
manner as a summons is served. The copies of the order and of the 15868
notice shall not be served later than seven days prior to the date 15869
on which the hearing is scheduled. The order shall bind the 15870
property, other than personal earnings, of the judgment debtor in 15871
the possession of the garnishee at the time of service. 15872

The order of garnishment of property, other than personal 15873
earnings, and notice to answer shall be in substantially the 15874
following form: 15875

"ORDER AND NOTICE OF GARNISHMENT 15876
OF PROPERTY OTHER THAN PERSONAL EARNINGS 15877
AND ANSWER OF GARNISHEE 15878

Docket No. 15879
Case No. 15880
In the Court 15881
....., Ohio 15882

The State of Ohio 15883

County of, ss 15884

....., Judgment Creditor	15885
vs.	15886
....., Judgment Debtor	15887
SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT	15888
To:, Garnishee	15889
The judgment creditor in the above case has filed an	15890
affidavit, satisfactory to the undersigned, in this Court stating	15891
that you have money, property, or credits, other than personal	15892
earnings, in your hands or under your control that belong to the	15893
judgment debtor, and that some of the money, property, or credits	15894
may not be exempt from garnishment under the laws of the State of	15895
Ohio or the laws of the United States.	15896
You are therefore ordered to complete the "ANSWER OF	15897
GARNISHEE" in section (B) of this form. Return one completed and	15898
signed copy of this form to the clerk of this court together with	15899
the amount determined in accordance with the "ANSWER OF GARNISHEE"	15900
by the following date on which a hearing is tentatively scheduled	15901
relative to this order of garnishment: Deliver one	15902
completed and signed copy of this form to the judgment debtor	15903
prior to that date. Keep the other completed and signed copy of	15904
this form for your files.	15905
The total probable amount now due on this judgment is	15906
\$..... The total probable amount now due includes the unpaid	15907
portion of the judgment in favor of the judgment creditor, which	15908
is \$.....; interest on that judgment and, if applicable,	15909
prejudgment interest relative to that judgment at the rate of	15910
.....% per annum payable until that judgment is satisfied in full;	15911
and court costs in the amount of \$.....	15912
You also are ordered to hold safely anything of value that	15913
belongs to the judgment debtor and that has to be paid to the	15914
court, as determined under the "ANSWER OF GARNISHEE" in section	15915

.....	15946
(Print Name of Garnishee)	15947
.....	15948
(Print Name and Title of	15949
Person Who Completed Form)	15950
Signed.....	15951
(Signature of Person Completing Form)	15952
Dated this day of,"	15953
Section A of the form described in this division shall be	15954
completed before service. Section B of the form shall be completed	15955
by the garnishee, and the garnishee shall file one completed and	15956
signed copy of the form with the clerk of the court as the	15957
garnishee's answer. The garnishee may keep one completed and	15958
signed copy of the form and shall deliver the other completed and	15959
signed copy of the form to the judgment debtor.	15960
If several affidavits seeking orders of garnishment of	15961
property, other than personal earnings, are filed against the same	15962
judgment debtor in accordance with section 2716.11 of the Revised	15963
Code, the court involved shall issue the requested orders in the	15964
same order in which the clerk received the associated affidavits.	15965
(C)(1) At the time of the filing of a proceeding in	15966
garnishment of property, other than personal earnings, under	15967
section 2716.11 of the Revised Code, the judgment creditor also	15968
shall file with the clerk of the court a praecipe instructing the	15969
clerk to issue to the judgment debtor a notice to the judgment	15970
debtor form and a request for hearing form. Upon receipt of the	15971
praecipe and the scheduling of a hearing relative to an action in	15972
garnishment of property, other than personal earnings, under	15973
division (A) of this section, the clerk of the court immediately	15974
shall serve upon the judgment debtor, in accordance with division	15975
(D) of this section, two copies of the notice to the judgment	15976
debtor form and of the request for hearing form. The copies of the	15977

notice to the judgment debtor form and of the request for hearing 15978
form shall not be served later than seven days prior to the date 15979
on which the hearing is scheduled. 15980

(a) The notice to the judgment debtor that must be served 15981
upon the judgment debtor shall be in substantially the following 15982
form: 15983

"(Name and Address of the Court) 15984

(Case Caption) Case No. 15985

NOTICE TO THE JUDGMENT DEBTOR 15986

You are hereby notified that this court has issued an order 15987
in the above case in favor of (name and address of judgment 15988
creditor), the judgment creditor in this proceeding, directing 15989
that some of your money, property, or credits, other than personal 15990
earnings, now in the possession of (name and address of 15991
garnishee), the garnishee in this proceeding, be used to satisfy 15992
your debt to the judgment creditor. This order was issued on the 15993
basis of the judgment creditor's judgment against you that was 15994
obtained in (name of court) in (case number) on (date). Upon your 15995
receipt of this notice, you are prohibited from removing or 15996
attempting to remove the money, property, or credits until 15997
expressly permitted by the court. Any violation of this 15998
prohibition subjects you to punishment for contempt of court. 15999

The law of Ohio and the United States provides that certain 16000
benefit payments cannot be taken from you to pay a debt. Typical 16001
among the benefits that cannot be attached or executed upon by a 16002
creditor are the following: 16003

(1) Workers' compensation benefits; 16004

(2) Unemployment compensation payments; 16005

(3) Cash assistance payments under the Ohio works first 16006
program; 16007

(4) <u>Benefits and services under the prevention, retention,</u>	16008
<u>and contingency program;</u>	16009
(5) Disability assistance administered by the Ohio department	16010
of job and family services;	16011
+5)+(6) Social security benefits;	16012
+6)+(7) Supplemental security income (S.S.I.);	16013
+7)+(8) Veteran's benefits;	16014
+8)+(9) Black lung benefits;	16015
+9)+(10) Certain pensions.	16016
There may be other benefits not included in the above list	16017
that apply in your case.	16018
If you dispute the judgment creditor's right to garnish your	16019
property and believe that the judgment creditor should not be	16020
given your money, property, or credits, other than personal	16021
earnings, now in the possession of the garnishee because they are	16022
exempt or if you feel that this order is improper for any other	16023
reason, you may request a hearing before this court by disputing	16024
the claim in the request for hearing form, appearing below, or in	16025
a substantially similar form, and delivering the request for	16026
hearing to this court at the above address, at the office of the	16027
clerk of this court no later than the end of the fifth business	16028
day after you receive this notice. You may state your reasons for	16029
disputing the judgment creditor's right to garnish your property	16030
in the space provided on the form; however, you are not required	16031
to do so. If you do state your reasons for disputing the judgment	16032
creditor's right, you are not prohibited from stating any other	16033
reason at the hearing. If you do not state your reasons, it will	16034
not be held against you by the court, and you can state your	16035
reasons at the hearing. NO OBJECTIONS TO THE JUDGMENT ITSELF WILL	16036
BE HEARD OR CONSIDERED AT THE HEARING. If you request a hearing,	16037

the hearing will be limited to a consideration of the amount of
your money, property, or credits, other than personal earnings, in
the possession or control of the garnishee, if any, that can be
used to satisfy all or part of the judgment you owe to the
judgment creditor.

If you request a hearing by delivering your request for
hearing no later than the end of the fifth business day after you
receive this notice, it will be conducted in courtroom
....., (address of court), at m. on,
..... You may request the court to conduct the hearing before
this date by indicating your request in the space provided on the
form; the court then will send you notice of any change in the
date, time, or place of the hearing. If you do not request a
hearing by delivering your request for a hearing no later than the
end of the fifth business day after you receive this notice, some
of your money, property, or credits, other than personal earnings,
will be paid to the judgment creditor.

If you have any questions concerning this matter, you may
contact the office of the clerk of this court. If you want legal
representation, you should contact your lawyer immediately. If you
need the name of a lawyer, contact the local bar association.

.....
Clerk of the Court
.....
Date"

(b) The request for hearing form that must be served upon the
judgment debtor shall have attached to it a postage-paid,
self-addressed envelope or shall be on a postage-paid
self-addressed postcard, and shall be in substantially the
following form:

"(Name and Address of Court)

Case Number Date

16070

REQUEST FOR HEARING

16071

I dispute the judgment creditor's right to garnish my money,
property, or credits, other than personal earnings, in the above
case and request that a hearing in this matter be held

16072

16073

16074

.....

16075

(Insert "on" or "earlier than")

16076

the date and time set forth in the document entitled "NOTICE TO
THE JUDGMENT DEBTOR" that I received with this request form.

16077

16078

I dispute the judgment creditor's right to garnish my
property for the following reasons:

16079

16080

.....

16081

(Optional)

16082

.....

16083

.....

16084

I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL
BE HEARD OR CONSIDERED AT THE HEARING.

16085

16086

.....

16087

(Name of Judgment Debtor)

16088

.....

16089

(Signature)

16090

.....

16091

(Date)

16092

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT,
YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY,
PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE
POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT
CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT

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CREDITOR'S NAME)." 16100

(2) The judgment debtor may receive a hearing in accordance 16101
with this division by delivering a written request for hearing to 16102
the court within five business days after receipt of the notice 16103
provided pursuant to division (C)(1) of this section. The request 16104
may set forth the judgment debtor's reasons for disputing the 16105
judgment creditor's right to garnish the money, property, or 16106
credits, other than personal earnings; however, neither the 16107
judgment debtor's inclusion of nor failure to include those 16108
reasons upon the request constitutes a waiver of any defense of 16109
the judgment debtor or affects the judgment debtor's right to 16110
produce evidence at the hearing. If the request is made by the 16111
judgment debtor within the prescribed time, the hearing shall be 16112
limited to a consideration of the amount of money, property, or 16113
credits, other than personal earnings, of the judgment debtor in 16114
the hands of the garnishee, if any, that can be used to satisfy 16115
all or part of the debt owed by the judgment debtor to the 16116
judgment creditor. If a request for a hearing is not received by 16117
the court within the prescribed time, the hearing scheduled 16118
pursuant to division (A) of this section shall be canceled unless 16119
the court grants the judgment debtor a continuance in accordance 16120
with division (C)(3) of this section. 16121

(3) If the judgment debtor does not request a hearing in the 16122
action within the prescribed time pursuant to division (C)(2) of 16123
this section, the court nevertheless may grant a continuance of 16124
the scheduled hearing if the judgment debtor, prior to the time at 16125
which the hearing was scheduled, as indicated on the notice to the 16126
judgment debtor required by division (C)(1) of this section, 16127
establishes a reasonable justification for failure to request the 16128
hearing within the prescribed time. If the court grants a 16129
continuance of the hearing, it shall cause the matter to be set 16130
for hearing as soon as practicable thereafter. The continued 16131

hearing shall be conducted in accordance with division (C)(2) of 16132
this section. 16133

(4) The court may conduct the hearing on the matter prior to 16134
the time at which the hearing was scheduled, as indicated on the 16135
notice to the judgment debtor required by division (C)(1) of this 16136
section, upon the request of the judgment debtor. The parties 16137
shall be sent notice, by the clerk of the court, by regular mail, 16138
of any change in the date, time, or place of the hearing. 16139

(5) If the scheduled hearing is canceled and no continuance 16140
is granted, the court shall issue an order to the garnishee to pay 16141
all or some of the money, property, or credits, other than 16142
personal earnings, of the judgment debtor in the possession of the 16143
garnishee at the time of service of the notice and order into 16144
court if they have not already been paid to the court. This order 16145
shall be based on the answer of the garnishee filed pursuant to 16146
this section. If the scheduled hearing is conducted or if it is 16147
continued and conducted, the court shall determine at the hearing 16148
the amount of the money, property, or credits, other than personal 16149
earnings, of the judgment debtor in the possession of the 16150
garnishee at the time of service of the notice and order, if any, 16151
that can be used to satisfy all or part of the debt owed by the 16152
judgment debtor to the judgment creditor, and issue an order, 16153
accordingly, to the garnishee to pay that amount into court if it 16154
has not already been paid to the court. 16155

(D) The notice to the judgment debtor form and the request 16156
for hearing form described in division (C) of this section shall 16157
be sent by the clerk by ordinary or regular mail service unless 16158
the judgment creditor requests that service be made in accordance 16159
with the Rules of Civil Procedure, in which case the forms shall 16160
be served in accordance with the Rules of Civil Procedure. Any 16161
court of common pleas that issues an order of garnishment of 16162
property, other than personal earnings, under this section has 16163

jurisdiction to serve process pursuant to this section upon a 16164
garnishee who does not reside within the jurisdiction of the 16165
court. Any county court or municipal court that issues an order of 16166
garnishment of property, other than personal earnings, under this 16167
section has jurisdiction to serve process pursuant to this section 16168
upon a garnishee who does not reside within the jurisdiction of 16169
the court. 16170

Sec. 2919.271. (A)(1)(a) If a defendant is charged with a 16171
violation of section 2919.27 of the Revised Code or of a municipal 16172
ordinance that is substantially similar to that section, the court 16173
may order an evaluation of the mental condition of the defendant 16174
if the court determines that either of the following criteria 16175
apply: 16176

(i) If the alleged violation is a violation of a protection 16177
order issued or consent agreement approved pursuant to section 16178
2919.26 or 3113.31 of the Revised Code, that the violation 16179
allegedly involves conduct by the defendant that caused physical 16180
harm to the person or property of a family or household member 16181
covered by the order or agreement, or conduct by the defendant 16182
that caused a family or household member to believe that the 16183
defendant would cause physical harm to that member or that 16184
member's property. 16185

(ii) If the alleged violation is a violation of a protection 16186
order issued pursuant to section 2903.213 or 2903.214 of the 16187
Revised Code or a protection order issued by a court of another 16188
state, that the violation allegedly involves conduct by the 16189
defendant that caused physical harm to the person or property of 16190
the person covered by the order, or conduct by the defendant that 16191
caused the person covered by the order to believe that the 16192
defendant would cause physical harm to that person or that 16193
person's property. 16194

(b) If a defendant is charged with a violation of section 2903.211 of the Revised Code or of a municipal ordinance that is substantially similar to that section, the court may order an evaluation of the mental condition of the defendant.

(2) An evaluation ordered under division (A)(1) of this section shall be completed no later than thirty days from the date the order is entered pursuant to that division. In that order, the court shall do either of the following:

(a) Order that the evaluation of the mental condition of the defendant be preceded by an examination conducted either by a forensic center that is designated by the department of mental health to conduct examinations and make evaluations of defendants charged with violations of section 2903.211 or 2919.27 of the Revised Code or of substantially similar municipal ordinances in the area in which the court is located, or by any other program or facility that is designated by the department of mental health or the department of mental retardation and developmental disabilities to conduct examinations and make evaluations of defendants charged with violations of section 2903.211 or 2919.27 of the Revised Code or of substantially similar municipal ordinances, and that is operated by either department or is certified by either department as being in compliance with the standards established under division ~~(F)~~(I) of section 5119.01 of the Revised Code or division (C) of section 5123.04 of the Revised Code.

(b) Designate a center, program, or facility other than one designated by the department of mental health or the department of mental retardation and developmental disabilities, as described in division (A)(2)(a) of this section, to conduct the evaluation and preceding examination of the mental condition of the defendant.

Whether the court acts pursuant to division (A)(2)(a) or (b) of this section, the court may designate examiners other than the

personnel of the center, program, facility, or department involved 16227
to make the evaluation and preceding examination of the mental 16228
condition of the defendant. 16229

(B) If the court considers that additional evaluations of the 16230
mental condition of a defendant are necessary following the 16231
evaluation authorized by division (A) of this section, the court 16232
may order up to two additional similar evaluations. These 16233
evaluations shall be completed no later than thirty days from the 16234
date the applicable court order is entered. If more than one 16235
evaluation of the mental condition of the defendant is ordered 16236
under this division, the prosecutor and the defendant may 16237
recommend to the court an examiner whom each prefers to perform 16238
one of the evaluations and preceding examinations. 16239

(C)(1) The court may order a defendant who has been released 16240
on bail to submit to an examination under division (A) or (B) of 16241
this section. The examination shall be conducted either at the 16242
detention facility in which the defendant would have been confined 16243
if the defendant had not been released on bail, or, if so 16244
specified by the center, program, facility, or examiners involved, 16245
at the premises of the center, program, or facility. Additionally, 16246
the examination shall be conducted at the times established by the 16247
examiners involved. If such a defendant refuses to submit to an 16248
examination or a complete examination as required by the court or 16249
the center, program, facility, or examiners involved, the court 16250
may amend the conditions of the bail of the defendant and order 16251
the sheriff to take the defendant into custody and deliver the 16252
defendant to the detention facility in which the defendant would 16253
have been confined if the defendant had not been released on bail, 16254
or, if so specified by the center, program, facility, or examiners 16255
involved, to the premises of the center, program, or facility, for 16256
purposes of the examination. 16257

(2) A defendant who has not been released on bail shall be 16258

examined at the detention facility in which the defendant is 16259
confined or, if so specified by the center, program, facility, or 16260
examiners involved, at the premises of the center, program, or 16261
facility. 16262

(D) The examiner of the mental condition of a defendant under 16263
division (A) or (B) of this section shall file a written report 16264
with the court within thirty days after the entry of an order for 16265
the evaluation of the mental condition of the defendant. The 16266
report shall contain the findings of the examiner; the facts in 16267
reasonable detail on which the findings are based; the opinion of 16268
the examiner as to the mental condition of the defendant; the 16269
opinion of the examiner as to whether the defendant represents a 16270
substantial risk of physical harm to other persons as manifested 16271
by evidence of recent homicidal or other violent behavior, 16272
evidence of recent threats that placed other persons in reasonable 16273
fear of violent behavior and serious physical harm, or evidence of 16274
present dangerousness; and the opinion of the examiner as to the 16275
types of treatment or counseling that the defendant needs. The 16276
court shall provide copies of the report to the prosecutor and 16277
defense counsel. 16278

(E) The costs of any evaluation and preceding examination of 16279
a defendant that is ordered pursuant to division (A) or (B) of 16280
this section shall be taxed as court costs in the criminal case. 16281

(F) If the examiner considers it necessary in order to make 16282
an accurate evaluation of the mental condition of a defendant, an 16283
examiner under division (A) or (B) of this section may request any 16284
family or household member of the defendant to provide the 16285
examiner with information. A family or household member may, but 16286
is not required to, provide information to the examiner upon 16287
receipt of the request. 16288

(G) As used in this section: 16289

- (1) "Bail" includes a recognizance. 16290
- (2) "Examiner" means a psychiatrist, a licensed independent 16291
social worker who is employed by a forensic center that is 16292
certified as being in compliance with the standards established 16293
under division ~~(J)~~(I) of section 5119.01 or division (C) of 16294
section 5123.04 of the Revised Code, a licensed professional 16295
clinical counselor who is employed at a forensic center that is 16296
certified as being in compliance with such standards, or a 16297
licensed clinical psychologist, except that in order to be an 16298
examiner, a licensed clinical psychologist shall meet the criteria 16299
of division (I)(1) of section 5122.01 of the Revised Code or be 16300
employed to conduct examinations by the department of mental 16301
health or by a forensic center certified as being in compliance 16302
with the standards established under division ~~(J)~~(I) of section 16303
5119.01 or division (C) of section 5123.04 of the Revised Code 16304
that is designated by the department of mental health. 16305
- (3) "Family or household member" has the same meaning as in 16306
section 2919.25 of the Revised Code. 16307
- (4) "Prosecutor" has the same meaning as in section 2935.01 16308
of the Revised Code. 16309
- (5) "Psychiatrist" and "licensed clinical psychologist" have 16310
the same meanings as in section 5122.01 of the Revised Code. 16311
- (6) "Protection order issued by a court of another state" has 16312
the same meaning as in section 2919.27 of the Revised Code. 16313
- Sec. 2921.13.** (A) No person shall knowingly make a false 16314
statement, or knowingly swear or affirm the truth of a false 16315
statement previously made, when any of the following applies: 16316
- (1) The statement is made in any official proceeding. 16317
- (2) The statement is made with purpose to incriminate 16318
another. 16319

- (3) The statement is made with purpose to mislead a public official in performing the public official's official function. 16320
16321
- (4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention, and contingency ~~assistance~~ benefits and services; disability assistance; retirement benefits; economic development assistance, as defined in section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury. 16322
16323
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16325
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16328
- (5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement. 16329
16330
16331
16332
- (6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths. 16333
16334
- (7) The statement is in writing on or in connection with a report or return that is required or authorized by law. 16335
16336
- (8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment. 16337
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- (9) The statement is made with purpose to commit or facilitate the commission of a theft offense. 16344
16345
- (10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint, or other pleading, or an inventory, account, or report. 16346
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(11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law. 16351
16352

(12) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity. 16353
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(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record. 16360
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(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity. 16364
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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. 16370
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(D) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false but only that one or the other was false. 16373
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(E)(1) Whoever violates division (A)(1), (2), (3), (4), (5), (6), (7), (8), (10), (11), or (13) of this section is guilty of falsification, a misdemeanor of the first degree. 16378
16379
16380

(2) Whoever violates division (A)(9) of this section is 16381

guilty of falsification in a theft offense. Except as otherwise
provided in this division, falsification in a theft offense is a
misdemeanor of the first degree. If the value of the property or
services stolen is five hundred dollars or more and is less than
five thousand dollars, falsification in a theft offense is a
felony of the fifth degree. If the value of the property or
services stolen is five thousand dollars or more and is less than
one hundred thousand dollars, falsification in a theft offense is
a felony of the fourth degree. If the value of the property or
services stolen is one hundred thousand dollars or more,
falsification in a theft offense is a felony of the third degree.

(3) Whoever violates division (A)(12) or (B) of this section
is guilty of falsification to purchase a firearm, a felony of the
fifth degree.

(F) A person who violates this section is liable in a civil
action to any person harmed by the violation for injury, death, or
loss to person or property incurred as a result of the commission
of the offense and for reasonable attorney's fees, court costs,
and other expenses incurred as a result of prosecuting the civil
action commenced under this division. A civil action under this
division is not the exclusive remedy of a person who incurs
injury, death, or loss to person or property as a result of a
violation of this section.

Sec. 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 16413
documentary evidence in support of the claim for relief. 16414

(2) A petition under division (A)(1) of this section shall be 16415
filed no later than one hundred eighty days after the date on 16416
which the trial transcript is filed in the court of appeals in the 16417
direct appeal of the judgment of conviction or adjudication or, if 16418
the direct appeal involves a sentence of death, the date on which 16419
the trial transcript is filed in the supreme court. If no appeal 16420
is taken, the petition shall be filed no later than one hundred 16421
eighty days after the expiration of the time for filing the 16422
appeal. 16423

(3) In a petition filed under division (A) of this section, a 16424
person upon whom a sentence of death has been imposed may ask the 16425
court to render void or voidable the judgment with respect to the 16426
conviction of aggravated murder or the specification of an 16427
aggravating circumstance. 16428

(4) A petitioner shall state in the original or amended 16429
petition filed under division (A) of this section all grounds for 16430
relief claimed by the petitioner. Except as provided in section 16431
2953.23 of the Revised Code, any ground for relief that is not so 16432
stated in the petition is waived. 16433

(5) If the petitioner in a petition filed under division (A) 16434
of this section was convicted of or pleaded guilty to a felony, 16435
the petition may include a claim that the petitioner was denied 16436
the equal protection of the laws in violation of the Ohio 16437
Constitution or the United States Constitution because the 16438
sentence imposed upon the petitioner for the felony was part of a 16439
consistent pattern of disparity in sentencing by the judge who 16440
imposed the sentence, with regard to the petitioner's race, 16441
gender, ethnic background, or religion. If the supreme court 16442
adopts a rule requiring a court of common pleas to maintain 16443
information with regard to an offender's race, gender, ethnic 16444

background, or religion, the supporting evidence for the petition 16445
shall include, but shall not be limited to, a copy of that type of 16446
information relative to the petitioner's sentence and copies of 16447
that type of information relative to sentences that the same judge 16448
imposed upon other persons. 16449

(B) The clerk of the court in which the petition is filed 16450
shall docket the petition and bring it promptly to the attention 16451
of the court. The petitioner need not serve a copy of the petition 16452
on the prosecuting attorney. The clerk of the court in which the 16453
petition is filed immediately shall forward a copy of the petition 16454
to the prosecuting attorney of that county. 16455

(C) The court shall consider a petition that is timely filed 16456
under division (A)(2) of this section even if a direct appeal of 16457
the judgment is pending. Before granting a hearing on a petition 16458
filed under division (A) of this section, the court shall 16459
determine whether there are substantive grounds for relief. In 16460
making such a determination, the court shall consider, in addition 16461
to the petition, the supporting affidavits, and the documentary 16462
evidence, all the files and records pertaining to the proceedings 16463
against the petitioner, including, but not limited to, the 16464
indictment, the court's journal entries, the journalized records 16465
of the clerk of the court, and the court reporter's transcript. 16466
The court reporter's transcript, if ordered and certified by the 16467
court, shall be taxed as court costs. If the court dismisses the 16468
petition, it shall make and file findings of fact and conclusions 16469
of law with respect to such dismissal. 16470

(D) Within ten days after the docketing of the petition, or 16471
within any further time that the court may fix for good cause 16472
shown, the prosecuting attorney shall respond by answer or motion. 16473
Within twenty days from the date the issues are made up, either 16474
party may move for summary judgment. The right to summary judgment 16475
shall appear on the face of the record. 16476

(E) Unless the petition and the files and records of the case 16477
show the petitioner is not entitled to relief, the court shall 16478
proceed to a prompt hearing on the issues even if a direct appeal 16479
of the case is pending. If the court notifies the parties that it 16480
has found grounds for granting relief, either party may request an 16481
appellate court in which a direct appeal of the judgment is 16482
pending to remand the pending case to the court. 16483

(F) At any time before the answer or motion is filed, the 16484
petitioner may amend the petition with or without leave or 16485
prejudice to the proceedings. The petitioner may amend the 16486
petition with leave of court at any time thereafter. 16487

(G) If the court does not find grounds for granting relief, 16488
it shall make and file findings of fact and conclusions of law and 16489
shall enter judgment denying relief on the petition. If no direct 16490
appeal of the case is pending and the court finds grounds for 16491
relief or if a pending direct appeal of the case has been remanded 16492
to the court pursuant to a request made pursuant to division (E) 16493
of this section and the court finds grounds for granting relief, 16494
it shall make and file findings of fact and conclusions of law and 16495
shall enter a judgment that vacates and sets aside the judgment in 16496
question, and, in the case of a petitioner who is a prisoner in 16497
custody, shall discharge or resentence the petitioner or grant a 16498
new trial as the court determines appropriate. The court also may 16499
make supplementary orders to the relief granted, concerning such 16500
matters as rearraignment, retrial, custody, and bail. If the trial 16501
court's order granting the petition is reversed on appeal and if 16502
the direct appeal of the case has been remanded from an appellate 16503
court pursuant to a request under division (E) of this section, 16504
the appellate court reversing the order granting the petition 16505
shall notify the appellate court in which the direct appeal of the 16506
case was pending at the time of the remand of the reversal and 16507
remand of the trial court's order. Upon the reversal and remand of 16508

the trial court's order granting the petition, regardless of 16509
whether notice is sent or received, the direct appeal of the case 16510
that was remanded is reinstated. 16511

(H) Upon the filing of a petition pursuant to division (A) of 16512
this section by a prisoner in a state correctional institution who 16513
has received the death penalty, the court may stay execution of 16514
the judgment challenged by the petition. 16515

(I)(1) If a person who has received the death penalty intends 16516
to file a petition under this section, the court shall appoint 16517
counsel to represent the person upon a finding that the person is 16518
indigent and that the person either accepts the appointment of 16519
counsel or is unable to make a competent decision whether to 16520
accept or reject the appointment of counsel. The court may decline 16521
to appoint counsel for the person only upon a finding, after a 16522
hearing if necessary, that the person rejects the appointment of 16523
counsel and understands the legal consequences of that decision or 16524
upon a finding that the person is not indigent. 16525

(2) The court shall not appoint as counsel under division 16526
(I)(1) of this section an attorney who represented the petitioner 16527
at trial in the case to which the petition relates unless the 16528
person and the attorney expressly request the appointment. The 16529
court shall appoint as counsel under division (I)(1) of this 16530
section only an attorney who is certified under Rule ~~65~~ 20 of the 16531
Rules of Superintendence for the Courts of ~~Common Pleas~~ Ohio to 16532
represent indigent defendants charged with or convicted of an 16533
offense for which the death penalty can be or has been imposed. 16534
The ineffectiveness or incompetence of counsel during proceedings 16535
under this section does not constitute grounds for relief in a 16536
proceeding under this section, in an appeal of any action under 16537
this section, or in an application to reopen a direct appeal. 16538

(3) Division (I) of this section does not preclude attorneys 16539
who represent the state of Ohio from invoking the provisions of 28 16540

U.S.C. 154 with respect to capital cases that were pending in 16541
federal habeas corpus proceedings prior to the effective date of 16542
this amendment insofar as the petitioners in those cases were 16543
represented in proceedings under this section by one or more 16544
counsel appointed by the court under this section or section 16545
120.06, 120.16, 120.26, or 120.33 of the Revised Code and those 16546
appointed counsel meet the requirements of division (I)(2) of this 16547
section. 16548

(J) Subject to the appeal of a sentence for a felony that is 16549
authorized by section 2953.08 of the Revised Code, the remedy set 16550
forth in this section is the exclusive remedy by which a person 16551
may bring a collateral challenge to the validity of a conviction 16552
or sentence in a criminal case or to the validity of an 16553
adjudication of a child as a delinquent child for the commission 16554
of an act that would be a criminal offense if committed by an 16555
adult or the validity of a related order of disposition. 16556

Sec. 3109.14. (A) As used in this section, "birth record" and 16557
"certification of birth" have the meanings given in section 16558
3705.01 of the Revised Code. 16559

(B)(1) The director of health, a person authorized by the 16560
director, a local commissioner of health, or a local registrar of 16561
vital statistics shall charge and collect a fee for each certified 16562
copy of a birth record ~~and~~, for each certification of birth ~~a fee~~ 16563
~~of two dollars~~, and for each copy of a death record ~~a fee of two~~ 16564
~~dollars~~, Until October 1, 2001, the fee shall be two dollars. On 16565
and after October 1, 2001, the fee shall be three dollars. The fee 16566
is in addition to the fee imposed by section 3705.24 or any other 16567
section of the Revised Code. A local commissioner of health or a 16568
local registrar of vital statistics may retain an amount of each 16569
additional fee collected, not to exceed three per cent of the 16570
amount of the additional fee, to be used for costs directly 16571

related to the collection of the fee and the forwarding of the fee 16572
to the treasurer of state. 16573

(2) Upon the filing for a divorce decree under section 16574
3105.10 or a decree of dissolution under section 3105.65 of the 16575
Revised Code, a court of common pleas shall charge and collect a 16576
fee of ten dollars. Until October 1, 2001, the fee shall be ten 16577
dollars. On and after October 1, 2001, the fee shall be eleven 16578
dollars. The fee is in addition to any other court costs or fees. 16579
The county clerk of courts may retain an amount of each additional 16580
fee collected, not to exceed three per cent of the amount of the 16581
additional fee, to be used for costs directly related to the 16582
collection of the fee and the forwarding of the fee to the 16583
treasurer of state. 16584

(C) The additional fees collected, but not retained, under 16585
this section during each month shall be forwarded not later than 16586
the tenth day of the immediately following month to the treasurer 16587
of state, who shall deposit the fees in the state treasury to the 16588
credit of the children's trust fund, which is hereby created. A 16589
person or government entity that fails to forward the fees in a 16590
timely manner, as determined by the treasurer of state, shall 16591
forward to the treasurer of state, in addition to the fees, a 16592
penalty equal to ten per cent of the fees. 16593

The treasurer of state shall invest the moneys in the fund, 16594
and all earnings resulting from investment of the fund shall be 16595
credited to the fund, except that actual administrative costs 16596
incurred by the treasurer of state in administering the fund may 16597
be deducted from the earnings resulting from investments. The 16598
amount that may be deducted shall not exceed three per cent of the 16599
total amount of fees credited to the fund in each fiscal year, 16600
except that the children's trust fund board may approve an amount 16601
for actual administrative costs exceeding three per cent but not 16602
exceeding four per cent of such amount. The balance of the 16603

investment earnings shall be credited to the fund. Moneys credited 16604
to the fund shall be used only for the purposes described in 16605
sections 3109.13 to 3109.18 of the Revised Code. 16606

Sec. 3119.022. When a court or child support enforcement 16607
agency calculates the amount of child support to be paid pursuant 16608
to a child support order in a proceeding in which one parent is 16609
the residential parent and legal custodian of all of the children 16610
who are the subject of the child support order or in which the 16611
court issues a shared parenting order, the court or agency shall 16612
use a worksheet identical in content and form to the following: 16613

CHILD SUPPORT COMPUTATION WORKSHEET 16614

SOLE RESIDENTIAL PARENT OR SHARED PARENTING ORDER 16615

Name of parties 16616

Case No. 16617

Number of minor children 16618

The following parent was designated as residential parent and 16619

legal custodian: mother father shared 16620

Column I Column II Column III 16621

Father Mother Combined 16622

INCOME 16623

1.a. Annual gross income from 16624

employment or, when 16625

determined appropriate 16626

by the court or agency, 16627

average annual gross income 16628

from employment over a 16629

reasonable period of years. 16630

(Exclude overtime, bonuses, 16631

self-employment income, or 16632

commissions)..... \$..... \$..... 16633

b. Amount of overtime, 16634

bonuses, and commissions	16635
(year 1 representing the	16636
most recent year)	16637
Father	16638
Mother	16639
Yr. 3 \$.....	16639
(Three years ago)	16640
Yr. 2 \$.....	16641
(Two years ago)	16642
Yr. 1 \$.....	16643
(Last calendar year)	16644
Average \$.....	16645
(Include in Col. I and/or	16646
Col. II the average of the	16647
three years or the year 1	16648
amount, whichever is less,	16649
if there exists a reasonable	16650
expectation that the total	16651
earnings from overtime and/or	16652
bonuses during the current	16653
calendar year will meet or	16654
exceed the amount that is	16655
the lower of the average	16656
of the three years or the	16657
year 1 amount. If, however,	16658
there exists a reasonable	16659
expectation that the total	16660
earnings from overtime/	16661
bonuses during the current	16662
calendar year will be less	16663
than the lower of the average	16664
of the 3 years or the year 1	16665
amount, include only the	16666
amount reasonably expected	16667

to be earned this year.)...	\$.....	\$.....	16668
			16669
2. For self-employment income:			16670
a. Gross receipts from			16671
business.....	\$.....	\$.....	16672
b. Ordinary and necessary			16673
business expenses.....	\$.....	\$.....	16674
c. 5.6% of adjusted gross			16675
income or the actual			16676
marginal difference between			16677
the actual rate paid by the			16678
self-employed individual			16679
and the F.I.C.A. rate	\$.....	\$.....	16680
d. Adjusted gross income from			16681
self-employment (subtract			16682
the sum of 2b and 2c from			16683
2a).....	\$.....	\$.....	16684
			16685
3. Annual income from interest			16686
and dividends (whether or			16687
not taxable).....	\$.....	\$.....	16688
			16689
4. Annual income from			16690
unemployment compensation...	\$.....	\$.....	16691
			16692
5. Annual income from workers'			16693
compensation, disability			16694
insurance benefits, or social			16695
security disability/			16696
retirement benefits.....	\$.....	\$.....	16697
			16698
6. Other annual income			16699
(identify).....	\$.....	\$.....	16700

			16701
7.	Total annual gross income		16702
	(add lines 1a, 1b, 2d, and		16703
	3-6).....	\$..... \$.....	16704
			16705
	ADJUSTMENTS TO INCOME		16706
8.	Adjustment for minor children		16707
	born to or adopted by either		16708
	parent and another parent who		16709
	are living with this parent;		16710
	adjustment does not apply		16711
	to stepchildren (number of		16712
	children times federal income		16713
	tax exemption less child		16714
	support received, not to		16715
	exceed the federal tax		16716
	exemption).....	\$..... \$.....	16717
			16718
9.	Annual court-ordered support		16719
	paid for other children....	\$..... \$.....	16720
			16721
10.	Annual court-ordered spousal		16722
	support paid to any spouse		16723
	or former spouse.....	\$..... \$.....	16724
			16725
11.	Amount of local income taxes		16726
	actually paid or estimated		16727
	to be paid.....	\$..... \$.....	16728
			16729
12.	Mandatory work-related		16730
	deductions such as union		16731
	dues, uniform fees, etc.		16732
	(not including taxes, social		16733

security, or retirement)...	\$.....	\$.....	16734
			16735
13. Total gross income			16736
adjustments (add lines			16737
8 through 12).....	\$.....	\$.....	16738
			16739
14. Adjusted annual gross			16740
income (subtract line 13			16741
from line 7).....	\$.....	\$.....	16742
			16743
15. Combined annual income that			16744
is basis for child support			16745
order (add line 14, Col. I			16746
and Col. II).....		\$.....	16747
			16748
16. Percentage of parent's			16749
income to total income			16750
a. Father (divide line 14,			16751
Col. I, by line 15, Col.			16752
III).....%			16753
b. Mother (divide line 14,			16754
Col. II, by line 15, Col.			16755
III).....%			16756
			16757
17. Basic combined child			16758
support obligation (refer			16759
to schedule, first column,			16760
locate the amount nearest			16761
to the amount on line 15,			16762
Col. III, then refer to			16763
column for number of			16764
children in this family.			16765
If the income of the			16766

parents is more than one			16767
sum but less than another,			16768
you may calculate the			16769
difference.).....		\$.....	16770
			16771
18. Annual support obligation per parent			16772
a. Father (multiply line 17,			16773
Col. III, by line 16a).....	\$.....		16774
b. Mother (multiply line 17,			16775
Col. III, by line 16b).....		\$.....	16776
			16777
19. Annual child care expenses			16778
for children who are the			16779
subject of this order that			16780
are work-, employment			16781
training-, or education-			16782
related, as approved by			16783
the court or agency			16784
(deduct tax credit from			16785
annual cost, whether or			16786
not claimed).....	\$.....	\$.....	16787
			16788
20. Marginal, out-of-pocket			16789
costs, necessary to provide			16790
for health insurance for			16791
the children who are the			16792
subject of this order.....	\$.....	\$.....	16793
			16794
21. ADJUSTMENTS TO CHILD SUPPORT			16795
Father (only if obligor	Mother (only if obligor		16796
or shared parenting)	or shared parenting)		16797
a. Additions: line 16a	b. Additions: line 16b		16798
times sum of amounts	times sum of amounts		16799

shown on line 19, Col. II	shown on line 19, Col. I	16800
and line 20, Col. II	and line 20, Col. I	16801
\$.....	\$.....	16802
c. Subtractions: line 16b	d. Subtractions: line 16a	16803
times sum of amounts	times sum of amounts	16804
shown on line 19, Col. I	shown on line 19, Col. II	16805
and line 20, Col. I	and line 20, Col. II	16806
\$.....	\$.....	16807
		16808
22. OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT:		16809
a. Father: line 18a plus <u>or minus</u>		16810
<u>the difference between</u> line		
21a minus line 21c (if the		16811
amount on line 21c is		16812
greater than or equal to		16813
the amount on line 21a or		16814
if 21a and 21c are not		16815
applicable--enter the		16816
number on line 18a in		16817
Col. I).....	\$.....	16818
b. Mother: line 18b plus <u>or minus</u>		16819
<u>the difference between</u> line		
21b minus line 21d (if the		16820
amount on line 21d is		16821
greater than or equal to		16822
the amount on line 21b or		16823
if 21b and 21d are not		16824
applicable--enter the		16825
number on line 18b in		16826
Col. II).....	\$.....	16827
		16828
23. ACTUAL ANNUAL OBLIGATION:		16829
a. (Line 22a or <u>22b</u> , whichever		16830

line corresponds to the	16831
parent who is the obligor). \$.....	16832
b. Any non-means-tested	16833
benefits, including social	16834
security and veterans'	16835
benefits, paid to and	16836
received by a child or a	16837
person on behalf of the	16838
child due to death,	16839
disability, or retirement	16840
of the parent..... \$.....	16841
c. Actual annual obligation	16842
(subtract line 23b from	16843
line 23a)..... \$.....	16844
	16845
24.a. Deviation from sole residential parent support amount shown	16846
on line 23c if amount would be unjust or inappropriate: (see	16847
section 3119.23 of the Revised Code.) (Specific facts and	16848
monetary value must be stated.)	16849
.....	16850
.....	16851
.....	16852
.....	16853
b. Deviation from shared parenting order: (see sections 3119.23	16854
and 3119.24 of the Revised Code.) (Specific facts including	16855
amount of time children spend with each parent, ability of	16856
each parent to maintain adequate housing for children, and	16857
each parent's expenses for children must be stated to justify	16858
deviation.)	16859
.....	16860
.....	16861
.....	16862
.....	16863

	16864
25. FINAL FIGURE (This amount	16865
reflects final annual child	16866
support obligation; line	16867
23c plus or minus any	16868
amounts indicated in line	16869
24a or 24b \$..... Father/Mother,	16870
OBLIGOR	
	16871
26. FOR DECREE: Child support	16872
per month (divide obligor's	16873
annual share, line 25, by	16874
12) plus any processing	16875
charge..... \$.....	16876
Prepared by:	16877
Counsel: Pro se:	16878
For mother/father)	16879
CSEA: Other:	16880
Worksheet Has Been Reviewed and Agreed To:	16881
.....	16882
Mother Date	16883
.....	16884
Father Date	16885
<u>Sec. 3125.18. A child support enforcement agency shall</u>	16886
<u>administer a Title IV-A program identified under division</u>	16887
<u>(A)(3)(c) or (d) of section 5101.80 of the Revised Code that the</u>	16888
<u>department of job and family services provides for the agency to</u>	16889
<u>administer under the department's supervision pursuant to section</u>	16890
<u>5101.801 of the Revised Code.</u>	16891
Sec. 3301.075. The state board of education shall adopt rules	16892
governing the purchasing and leasing of data processing services	16893
and equipment for all local, exempted village, city, and joint	16894

vocational school districts and all educational service centers. 16895
Such rules shall include provisions for the establishment of an 16896
Ohio education computer network under procedures, guidelines, and 16897
specifications of the department of education. 16898

16899

The department shall administer funds appropriated for the 16900
Ohio education computer network to ensure its efficient and 16901
economical operation and shall approve no more than twenty-seven 16902
data acquisition sites to operate concurrently. Such sites shall 16903
be approved for funding in accordance with rules of the state 16904
board adopted under this section that shall provide for the 16905
superintendent of public instruction to require the membership of 16906
each data acquisition site to be composed of combinations of 16907
school districts and educational service centers ~~from contiguous~~ 16908
~~counties~~ having sufficient students to support an efficient, 16909
economical comprehensive program of computer services to member 16910
districts and educational service centers. Each data acquisition 16911
site, ~~other than sites organized under Chapter 167. of the Revised~~ 16912
~~Code prior to the effective date of this section,~~ shall be 16913
organized in accordance with section 3313.92 or Chapter 167. of 16914
the Revised Code. 16915

The department of education may contract with an independent 16916
for profit or nonprofit entity to provide current and historical 16917
information on Ohio government through the Ohio education computer 16918
network to school district libraries operating in accordance with 16919
section 3375.14 of the Revised Code in order to assist school 16920
teachers in social studies course instruction and support student 16921
research projects. Any such contract shall be awarded in 16922
accordance with Chapter 125. of the Revised Code. 16923

Sec. 3301.70. (A) The state board of education is the 16924
designated state agency responsible for the coordination and 16925
administration of sections 110 to 118 of the "National and 16926

Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C. 16927
12401 to 12431, ~~and amendments thereto as amended~~. With the 16928
assistance of the ~~state Ohio~~ community service ~~advisory committee~~ 16929
council created in section 121.40 of the Revised Code, the state 16930
board shall coordinate with other state agencies to apply for 16931
funding under the act when appropriate. 16932

(B) With the assistance of the ~~state Ohio~~ community service 16933
~~advisory committee~~ council, the state board of education shall 16934
develop a plan to assist school districts in the implementation of 16935
section 3313.605 of the Revised Code and other community service 16936
activities of school districts. The state board shall encourage 16937
the development of school district programs meeting the 16938
requirements for funding under the "National and Community Service 16939
Act of 1990." The plan shall include the investigation of funding 16940
from all available sources for school community service education 16941
programs, including funds available under the "National and 16942
Community Service Act of 1990," and the provision of technical 16943
assistance to school districts for the implementation of community 16944
service education programs. The plan shall also provide for 16945
technical assistance to be given to school boards to assist in 16946
obtaining funds for community service education programs from any 16947
source. 16948

(C) With the assistance of the ~~state Ohio~~ community service 16949
~~advisory committee~~ council, the state board of education shall do 16950
all of the following: 16951

(1) Disseminate information about school district community 16952
service education programs to other school districts and to 16953
statewide organizations involved with or promoting volunteerism; 16954

(2) Recruit additional school districts to develop community 16955
service education programs; 16956

(3) Identify or develop model community service programs, 16957
teacher training courses, and community service curricula and 16958

teaching materials for possible use by school districts in their programs. 16959
16960

Sec. 3301.80. (A) There is hereby created the Ohio SchoolNet 16961
commission as an independent agency. The commission shall 16962
administer programs to provide financial and other assistance to 16963
school districts and other educational institutions for the 16964
acquisition and utilization of educational technology. 16965

The commission is a body corporate and politic, an agency of 16966
the state performing essential governmental functions of the 16967
state. 16968

(B)(1) The commission shall consist of eleven members, seven 16969
of whom are voting members. Of the voting members, one shall be 16970
appointed by the speaker of the house of representatives and one 16971
shall be appointed by the president of the senate. The members 16972
appointed by the speaker of the house and the president of the 16973
senate shall not be members of the general assembly. The state 16974
superintendent of public instruction or a designee of the 16975
superintendent, the director of budget and management or a 16976
designee of the director, the director of administrative services 16977
or a designee of the director, the chairperson of the public 16978
utilities commission or a designee of the chairperson, and the 16979
director of the Ohio educational telecommunications network 16980
commission or a designee of the director shall serve on the 16981
commission as ex officio voting members. Of the nonvoting members, 16982
two shall be members of the house of representatives appointed by 16983
the speaker of the house and two shall be members of the senate 16984
appointed by the president of the senate. The members appointed 16985
from each house shall not be members of the same political party. 16986
The commission shall appoint officers from among its members. 16987

(2) The members shall serve without compensation. The voting 16988
16989

members appointed by the speaker of the house of representatives 16990
and the president of the senate shall be reimbursed, pursuant to 16991
office of budget and management guidelines, for necessary expenses 16992
incurred in the performance of official duties. 16993
16994

(3) The terms of office for the members appointed by the 16995
speaker of the house and the president of the senate shall be for 16996
two years, with each term ending on the same day of the same month 16997
as did the term that it succeeds. The members appointed by the 16998
speaker of the house and the president of the senate may be 16999
reappointed. Any member appointed from the house of 17000
representatives or senate who ceases to be a member of the 17001
legislative house from which the member was appointed shall cease 17002
to be a member of the commission. Vacancies among appointed 17003
members shall be filled in the manner provided for original 17004
appointments. Any member appointed to fill a vacancy occurring 17005
prior to the expiration date of the term for which a predecessor 17006
was appointed shall hold office as a member for the remainder of 17007
that term. The members appointed by the speaker of the house and 17008
the president of the senate shall continue in office subsequent to 17009
the expiration date of that member's term until a successor takes 17010
office or until a period of sixty days has elapsed, whichever 17011
occurs first. 17012

(C)(1) The commission shall be under the supervision of an 17013
executive director who shall be appointed by the commission. The 17014
executive director shall serve at the pleasure of the commission 17015
and shall direct commission employees in the administration of all 17016
programs for the provision of financial and other assistance to 17017
school districts and other educational institutions for the 17018
acquisition and utilization of educational technology. 17019

(2) The employees of the Ohio SchoolNet commission shall be 17020
placed in the unclassified service. The commission shall fix the 17021

compensation of the executive director. The executive director 17022
shall employ and fix the compensation for such employees as 17023
necessary to facilitate the activities and purposes of the 17024
commission. The employees shall serve at the pleasure of the 17025
executive director. 17026

(3) The employees of the Ohio SchoolNet commission shall be 17027
exempt from Chapter 4117. of the Revised Code and shall not be 17028
public employees as defined in section 4117.01 of the Revised 17029
Code. 17030

(D) The Ohio SchoolNet commission shall do all of the 17031
following: 17032

(1) Make grants to institutions and other organizations as 17033
prescribed by the general assembly for the provision of technical 17034
assistance, professional development, and other support services 17035
to enable school districts, community schools established under 17036
Chapter 3314. of the Revised Code, and other educational 17037
institutions to utilize educational technology; 17038

(2) Contract with the department of education, state 17039
institutions of higher education, private nonprofit institutions 17040
of higher education holding certificates of authorization under 17041
section 1713.02 of the Revised Code, and such other public or 17042
private entities as the executive director deems necessary for the 17043
administration and implementation of the programs under the 17044
commission's jurisdiction; 17045

(3) Establish a reporting system to which school districts, 17046
community schools established under Chapter 3314. of the Revised 17047
Code, and other educational institutions receiving financial 17048
assistance pursuant to this section for the acquisition of 17049
educational technology report information as to the manner in 17050
which such assistance was expended, the manner in which the 17051
equipment or services purchased with the assistance is being 17052

utilized, the results or outcome of this utilization, and other
information as may be required by the commission; 17053
17054

(4) Establish necessary guidelines governing purchasing and
procurement by participants in programs administered by the 17055
commission that facilitate the timely and effective implementation 17056
of such programs; 17057
17058

(5) Take into consideration the efficiency and cost savings 17059
of statewide procurement prior to allocating and releasing funds 17060
for any programs under its administration. 17061

(E)(1) The executive director shall implement policies and 17062
directives issued by the Ohio SchoolNet commission. 17063

(2) The Ohio SchoolNet commission may establish a systems 17064
support network to facilitate the timely implementation of the 17065
programs, projects, or activities for which it provides 17066
assistance. 17067

(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. 17068
17069
17070
17071

Sec. 3301.85. (A) The OhioReads office is hereby established 17072
within the department of education. The office shall be under the 17073
supervision of an executive ~~director~~ administrator, who shall be 17074
appointed by the superintendent of public instruction, with the 17075
advice and consent of the OhioReads council. The executive 17076
~~director~~ administrator shall serve at the pleasure of and report 17077
to the superintendent, but shall discharge the position according 17078
to guidelines issued by the council and shall perform any task 17079
designated by the council. The executive ~~director~~ administrator 17080
shall devote full time to the duties of that position and shall 17081
hold no other position within the department. The superintendent 17082

may hire additional staff for the office and shall fix the 17083
compensation of such employees as necessary to facilitate the 17084
activities and purposes of the office. All such employee positions 17085
shall be administrative staff positions, and all persons employed 17086
in those positions shall serve at the pleasure of the 17087
superintendent and shall not be subject to the provisions of 17088
Chapter 4117. of the Revised Code. The department shall provide 17089
the executive ~~director~~ administrator and any additional staff 17090
hired by the superintendent with offices within the department's 17091
office space. 17092

(B) Any employee of the OhioReads office who is a member of a 17093
bargaining unit on the effective date of this amendment shall 17094
retain that status. However, when any position encumbered by such 17095
employee is vacated for any reason, the position shall cease to be 17096
subject to any provision of Chapter 4117. of the Revised Code, and 17097
any person hired to fill such position after the effective date of 17098
this amendment shall be hired in accordance with division (A) of 17099
this section as that division exists after the effective date of 17100
this amendment. 17101

Sec. 3302.041. (A) Each school district that in 1999 was 17102
declared to be in a state of academic emergency, under an academic 17103
watch, or in need of continuous improvement under section 3302.03 17104
of the Revised Code and that is projected to receive any parity 17105
aid payments under section 3317.0217 of the Revised Code for 17106
either of the two fiscal years beginning July 1, 2001, or July 1, 17107
2002, shall amend its continuous improvement plan required under 17108
section 3302.04 of the Revised Code to include a budget for 17109
expending the parity aid for either of those two fiscal years that 17110
the district is projected to receive such aid. For each year 17111
included in the budget, the district shall allocate the full 17112
amount of projected parity aid among one or more of the following: 17113

(1) Upgrading, or purchasing additional classroom equipment, 17114

<u>materials, textbooks, or technology;</u>	17115
<u>(2) Lowering the teacher/student ratios in additional classrooms;</u>	17116
<u>(3) Providing additional advanced curriculum opportunities;</u>	17117
<u>(4) Providing additional electives or required courses for graduation;</u>	17118
<u>(5) Increasing the number of days of professional development;</u>	17119
<u>(6) Providing all-day kindergarten to more students;</u>	17120
<u>(7) Providing preschool to more students;</u>	17121
<u>(8) Providing additional programming and services for special student populations such as gifted, disadvantaged, or disabled students;</u>	17122
<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>	17123
<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>	17124
<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>	17125
<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>	17126
	17127
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	17143

education under rules adopted pursuant to section 3302.04 of the 17144
Revised Code. 17145

(C) A copy of each amended continuous improvement plan 17146
required to contain a budget under this section shall be submitted 17147
to the department by September 1, 2001. The department, beginning 17148
July 1, 2002, shall assess a random sampling of the districts in 17149
each of fiscal years 2003 and 2004 to determine whether the 17150
district did in fact make the expenditures included in its 17151
proposed parity aid budget during the preceding fiscal year. 17152

(D) If in either year, the department finds that a district 17153
did not spend its preceding year's parity aid funds in the manner 17154
specified in the budget for that year, it shall notify the state 17155
board of education of its findings and shall subtract the amount 17156
of any parity aid funds not spent in the manner specified in the 17157
budget from any parity aid otherwise due to the district under 17158
section 3317.0217 of the Revised Code in the current fiscal year. 17159
If payments are reduced to any district under this division, the 17160
department shall continue to assess the expenditures of such 17161
district in each ensuing year and shall continue to make 17162
deductions in accordance with this section until such year as the 17163
district is found to be in compliance with this section. 17164

(E) Whenever the department reexamines the status of school 17165
districts under division (A) of section 3302.03 of the Revised 17166
Code, it shall require all districts expected to receive parity 17167
aid payments and determined either to need continuous improvement, 17168
be under an academic watch, or be in a state of academic emergency 17169
to submit their three-year continuous improvement plans to the 17170
department and to include as an integral part of such plans, 17171
budgets meeting the requirements of divisions (A) and (B) of this 17172
section. The department shall annually assess a random sampling of 17173
all such districts and withhold parity aid payments from 17174
noncomplying districts in the same manner as required under 17175

divisions (C) and (D) of this section. 17176

(F) At any time, for good cause and with the approval of the 17177
department, a school district may amend a budget adopted under 17178
this section. Any such amendment, however, shall provide that any 17179
parity aid payments the district proposes not to spend on one of 17180
the items listed in division (A) of this section are instead 17181
reallocated to other items listed in such division. 17182

(G) The superintendent of public instruction may authorize a 17183
school district to spend parity aid payments for a purpose not 17184
listed in division (A) of this section upon request of the 17185
district if the superintendent finds either: 17186

(1) That the proposed alternative use of parity aid would 17187
contribute to the accomplishment of one or more of the goals of 17188
the district's continuous improvement plan; 17189

(2) That the alternative use of parity aid is necessary to 17190
eliminate a risk to the health and safety of the district's 17191
students. 17192

Sec. 3303.01. Except when utilized in Chapter 3311. of the 17193
Revised Code, whenever the term vocational education occurs 17194
anywhere in the Revised Code, it shall be deemed to refer to 17195
career-technical education, except that joint vocational school 17196
districts shall continue to be styled as and shall maintain their 17197
legal existence as either joint vocational school districts or 17198
vocational school districts pursuant to section 3311.01. 17199

Sec. 3305.061. Notwithstanding section 171.07 and division 17200
(D) of section 3305.06 of the Revised Code, the percentage of an 17201
electing employee's compensation contributed by a public 17202
institution of higher education under division (D) of section 17203
3305.06 of the Revised Code shall not exceed the percentage of 17204
compensation transferred under section 145.87, 3307.84, or 3309.88 17205

of the Revised Code, as appropriate, by the state retirement 17206
system that otherwise applies to the electing employee's position. 17207
A change in the percentage of compensation contributed under 17208
division (D) of section 3305.06 of the Revised Code, as required 17209
by this section, shall take effect on the same day a change in the 17210
percentage of compensation takes effect under section 145.87, 17211
3307.84, or 3309.88 of the Revised Code, as appropriate. 17212

Sec. 3307.05. The state teachers retirement board shall 17213
consist of the following nine members: 17214

(A) The superintendent of public instruction; 17215

(B) The auditor of state; 17216

(C) The attorney general; 17217

(D) Five members, known as teacher members, who shall be 17218
members of the state teachers retirement system; 17219

(E) A former member of the system, known as the retired 17220
teacher member, who shall be a superannuate and who is not 17221
otherwise employed in a position requiring the retired teacher 17222
member to make contributions to the system. 17223

Sec. 3311.057. (A) Any educational service center that is 17224
formed by merging two or more educational service centers or 17225
former county school districts after July 1, 1995, but prior to 17226
July 1, ~~1999~~ 2003, may determine the number of members of its 17227
governing board of ~~education~~ and whether the members are to be 17228
elected at large or by subdistrict, provided each board shall have 17229
an odd number of members. 17230

(B) If an educational service center described in division 17231

(A) of this section is formed on or after the effective date of 17232
this section, the governing board of ~~education~~ of each service 17233

center that is merging to form the new service center shall 17234
include identical provisions for electing the new service center's 17235
governing board in its resolution adopted pursuant to division (A) 17236
of section 3311.053 of the Revised Code. If there is any 17237
transition period between the effective date of the merger of the 17238
service centers and the assumption of control of the new service 17239
center by the new board, the resolutions shall include provisions 17240
for an interim governing board which shall be appointed to govern 17241
the service center until the time the new board is elected and 17242
assumes control of the service center. 17243

(C) If an educational service center described in division 17244
(A) of this section was formed prior to the effective date of this 17245
section, the governing board of the service center may adopt at 17246
any time prior to July 1, ~~1999~~ 2003, a resolution setting forth 17247
provisions for changing the number of members and the manner of 17248
electing its board and provisions for any transitional period 17249
between the abolition of the existing board and the assumption of 17250
control by the new board. 17251

(D) Any provisions for electing a governing board adopted 17252
pursuant to division (B) or (C) of this section may provide for 17253
the election of members at large, may provide for the 17254
establishment of subdistricts within the district, or may require 17255
some members to be elected at large and some to be elected from 17256
subdistricts. If subdistricts are included, the resolutions shall 17257
specify the manner in which their boundaries are to be drawn. The 17258
provisions shall attempt to ensure that each elected member of the 17259
board represents an equal number of residents of the service 17260
center. To accomplish this, any subdistrict containing a multiple 17261
of the number of electors in another subdistrict, may elect 17262
at-large within that subdistrict, a number of board members equal 17263
to the multiple that its population is of the population of the 17264
other subdistrict. 17265

(E) The provisions for selecting board members set forth in 17266
the latest resolution adopted pursuant to division (B) or (C) of 17267
this section prior to July 1, ~~1999~~ 2003, shall remain the method 17268
of electing ~~school~~ board members within that educational service 17269
center. 17270

Sec. 3311.058. Notwithstanding anything to the contrary in 17271
Section 45.32 of Am. Sub. H.B. 117 of the 121st General Assembly, 17272
146 Ohio Laws 900, 1805, as subsequently amended, or in Chapter 17273
3311. of the Revised Code, no educational service center shall be 17274
required to merge in order to achieve any prescribed minimum 17275
average daily membership if such a merger will cause the territory 17276
of the resultant joint educational service center to comprise more 17277
than eight hundred square miles. 17278

Sec. 3311.062. Notwithstanding anything prohibiting the 17279
existence of school districts with noncontiguous territory in 17280
section 3311.06 or 3311.37 of the Revised Code or in any other 17281
section of this chapter, a new school district may be formed under 17282
this chapter after the effective date of this section from the 17283
territory of noncontiguous school districts, provided that the 17284
board of education of any school district containing territory 17285
lying between the noncontiguous portions of such a new school 17286
district adopts a resolution approving the establishment of the 17287
new district. 17288

Sec. 3313.201. (A) The board of education of each school 17289
district shall procure a policy or policies of insurance insuring 17290
officers, employees, and pupils of the school district against 17291
liability on account of damage or injury to persons and property, 17292
including insurance on vehicles operated under a course in drivers 17293
education certified by the state department of education and 17294
including liability on account of death or accident by wrongful 17295

act, occasioned by the operation of a motor vehicle, motor 17296
vehicles with auxiliary equipment, or all self-propelling 17297
equipment or trailers owned or operated by the school district. 17298
Each board of education may supplement ~~said~~ the policy or policies 17299
of insurance with collision, medical payments, comprehensive, and 17300
uninsured motorists insurance. Before procuring such insurance 17301
each board of education shall adopt a resolution setting forth the 17302
amount of insurance to be purchased, the necessity ~~thereof~~ of the 17303
insurance, together with a statement of ~~the~~ its estimated premium 17304
cost ~~thereon~~. Insurance procured pursuant to this section shall be 17305
from one or more recognized insurance companies authorized to do 17306
business in this state. 17307

(B) This section shall not be construed to affect the ability 17308
of any school district to establish and maintain self-insurance 17309
programs under the authority conferred by any other section of the 17310
Revised Code. Such programs may be established and maintained in 17311
combination with, or as an alternative to, any policy or policies 17312
of insurance procured under division (A) of this section. 17313
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Sec. 3313.37. (A)(1) The board of education of any city, 17315
local, or exempted village school district may build, enlarge, 17316
repair, and furnish the necessary schoolhouses, purchase or lease 17317
sites therefor, or rights-of-way thereto, or purchase or lease 17318
real estate to be used as playgrounds for children or rent 17319
suitable schoolrooms, either within or without the district, and 17320
provide the necessary apparatus and make all other necessary 17321
provisions for the schools under its control. ~~The governing board 17322~~
~~of any educational service center may build, enlarge, repair, and 17323~~
~~furnish the necessary facilities for conducting special education 17324~~
~~programs and driver education courses, purchase or lease sites 17325~~
~~therefor, or rights-of-way thereto, or purchase or lease real 17326~~
~~estate or rent suitable facilities to be used for such purposes 17327~~

~~and provide the necessary apparatus and make all other necessary provisions for such facilities as are under its control.~~ 17328
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(2) A governing board of an educational service center may acquire, lease, or enter into a contract to purchase, lease, or sell real and personal property and may construct, enlarge, repair, renovate, furnish, or equip facilities, buildings, or structures for the educational service center's purposes. The board may enter into loan agreements, including mortgages, for the acquisition of such property. If a governing board exercises any of these powers to acquire office or classroom space, the board of county commissioners has no obligation to provide and equip offices and to provide heat, light, water, and janitorial services for the use of the service center pursuant to section 3319.19 of the Revised Code, unless there is a contract as provided by division (D) of that section. 17330
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(3) A board of county commissioners may issue securities of the county pursuant to Chapter 133. of the Revised Code for the acquisition of real and personal property or for the construction, enlargement, repair, or renovation of facilities, buildings, or structures by an educational service center, but only if the county has a contract under division (D) of section 3319.19 of the Revised Code with the educational service center whereby the educational service center agrees to pay the county an amount equal to the debt charges on the issued securities on or before the date those charges fall due. For the purposes of this section, "debt charges" and "securities" have the same meanings as in section 133.01 of the Revised Code. 17343
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(B)(1) Boards of education of city, local, and exempted village school districts may acquire land by gift or devise, by purchase, or by appropriation. Lands purchased may be purchased for cash, by installment payments, with or without a mortgage, by entering into lease-purchase agreements, or by lease with an 17355
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option to purchase, provided that if the purchase price is to be 17360
paid over a period of time, such payments shall not extend for a 17361
period of more than five years. A special tax levy may be 17362
authorized by the voters of the school district in accordance with 17363
section 5705.21 of the Revised Code to provide a special fund to 17364
meet the future time payments. 17365

(2) For the purposes of section 5705.21 of the Revised Code, 17366
acquisition of land under the provisions of this division shall be 17367
considered a necessary requirement of the school district. 17368

(3) Boards of education of city, local, and exempted village 17369
school districts may acquire federal land at a discount by a 17370
lease-purchase agreement for use as a site for the construction of 17371
educational facilities or for other related purposes. External 17372
administrative and other costs pertaining to the acquisition of 17373
federal land at a discount may be paid from funds available to the 17374
school district for operating purposes. Such boards of education 17375
may also acquire federal land by lease-purchase agreements, by 17376
negotiation, or otherwise. 17377

(4) As used in this division: 17378

(a) "Office equipment" includes but is not limited to 17379
typewriters, copying and duplicating equipment, and computer and 17380
data processing equipment. 17381

(b) "Software for instructional purposes" includes computer 17382
programs usable for computer assisted instruction, computer 17383
managed instruction, drill and practice, and problem simulations. 17384

A board of education or governing board of an educational 17385
service center may acquire the necessary office equipment, and 17386
computer hardware and software for instructional purposes, for the 17387
schools under its control by purchase, by lease, by installment 17388
payments, by entering into lease-purchase agreements, or by lease 17389
with an option to purchase. In the case of a city, exempted 17390

village, or local school district, if the purchase price is to be 17391
paid over a period of time, the contract setting forth the terms 17392
of such purchase shall be considered a continuing contract 17393
pursuant to section 5705.41 of the Revised Code. Payments shall 17394
not extend for a period of more than five years. Costs relating to 17395
the acquisition of necessary apparatus may be paid from funds 17396
available to the school district or educational service center for 17397
operating purposes. 17398

(5) A board of education or governing board of an educational 17399
service center may acquire the necessary equipment for the 17400
maintenance or physical upkeep of facilities and land under its 17401
control by entering into lease-purchase agreements. If payments 17402
under the lease-purchase agreement are to be made over a period of 17403
time, the agreement shall be considered a continuing contract 17404
pursuant to section 5705.41 of the Revised Code, and such payments 17405
shall not extend for a period of more than five years. 17406

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 17407
~~and~~ (F), and (G) of this section, when a board of education 17408
decides to dispose of real or personal property that it owns in 17409
its corporate capacity, and that exceeds in value ten thousand 17410
dollars, it shall sell the property at public auction, after 17411
giving at least thirty days' notice of the auction by publication 17412
in a newspaper of general circulation or by posting notices in 17413
five of the most public places in the school district in which the 17414
property, if it is real property, is situated, or, if it is 17415
personal property, in the school district of the board of 17416
education that owns the property. The board may offer real 17417
property for sale as an entire tract or in parcels. 17418

(B) When the board of education has offered real or personal 17419
property for sale at public auction at least once pursuant to 17420
division (A) of this section, and the property has not been sold, 17421

the board may sell it at a private sale. Regardless of how it was 17422
offered at public auction, at a private sale, the board shall, as 17423
it considers best, sell real property as an entire tract or in 17424
parcels, and personal property in a single lot or in several lots. 17425

(C) If a board of education decides to dispose of real or 17426
personal property that it owns in its corporate capacity and that 17427
exceeds in value ten thousand dollars, it may sell the property to 17428
the adjutant general; to any subdivision or taxing authority as 17429
respectively defined in divisions (A) and (C) of section 5705.01 17430
of the Revised Code, township park district, board of park 17431
commissioners established under Chapter 755. of the Revised Code, 17432
or park district established under Chapter 1545. of the Revised 17433
Code; to a wholly or partially tax-supported university, 17434
university branch, or college; or to the board of trustees of a 17435
school district library, upon such terms as are agreed upon. The 17436
sale of real or personal property to the board of trustees of a 17437
school district library is limited, in the case of real property, 17438
to a school district library within whose boundaries the real 17439
property is situated, or, in the case of personal property, to a 17440
school district library whose boundaries lie in whole or in part 17441
within the school district of the selling board of education. 17442

(D) When a board of education decides to trade as a part or 17443
an entire consideration, an item of personal property on the 17444
purchase price of an item of similar personal property, it may 17445
trade the same upon such terms as are agreed upon by the parties 17446
to the trade. 17447

(E) The president and the treasurer of the board of education 17448
shall execute and deliver deeds or other necessary instruments of 17449
conveyance to complete any sale or trade under this section. 17450

(F) When a board of education has identified a parcel of real 17452
property that it determines is needed for school purposes, the 17453

board may, upon a majority vote of the members of the board, 17454
acquire that property by exchanging real property that the board 17455
owns in its corporate capacity for the identified real property or 17456
by using real property that the board owns in its corporate 17457
capacity as part or an entire consideration for the purchase price 17458
of the identified real property. Any exchange or acquisition made 17459
pursuant to this division shall be made by a conveyance executed 17460
by the president and the treasurer of the board. 17461

(G) When a school district board of education decides to 17462
dispose of real property suitable for use as classroom space, 17463
prior to disposing of such property under division (A) through (F) 17464
of this section, it shall first offer that property for sale to 17465
the governing authorities of the start-up community schools, 17466
established under Chapter 3314. of the Revised Code and located 17467
within the territory of the school district, at a price that is 17468
not higher than the appraised fair market value of that property. 17469
If more than one community school governing authority accepts the 17470
offer made by the school district board, the board shall sell the 17471
property to the governing authority that accepted the offer first 17472
in time. If no community school governing authority accepts the 17473
offer within sixty days after the offer is made by the school 17474
district board, the board may dispose of the property in the 17475
applicable manner prescribed under divisions (A) to (F) of this 17476
section. 17477

Sec. 3313.603. (A) As used in this section: 17478

(1) "One unit" means a minimum of one hundred twenty hours of 17479
course instruction, except that for a laboratory course, "one 17480
unit" means a minimum of one hundred fifty hours of course 17481
instruction. 17482

(2) "One-half unit" means a minimum of sixty hours of course 17483
instruction, except that for physical education courses, "one-half 17484

unit" means a minimum of one hundred twenty hours of course instruction. 17485
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(B) Beginning September 15, 2001, the requirements for graduation from every high school shall include ~~twenty-one~~ twenty units earned in grades nine through twelve and shall be distributed as follows: 17487
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(1) English language arts, four units; 17491

(2) Health, one-half unit; 17492

(3) Mathematics, three units; 17493

(4) Physical education, one-half unit; 17494

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following: 17495
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(a) Biological sciences, one unit; 17498

(b) Physical sciences, one unit. 17499

(6) Social studies, three units, which shall include both of the following: 17500
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(a) American history, one-half unit; 17502

(b) American government, one-half unit. 17503

(7) Elective units, ~~eight~~ seven units until September 15, 2003, and ~~seven~~ six units thereafter. 17504
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Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language. 17506
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(C) Every high school may permit students below the ninth grade to take advanced work for credit. A high school shall count such advanced work toward the graduation requirements of division (B) of this section if the advanced work was both: 17509
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(1) Taught by a person who possesses a license or certificate
issued under section 3301.071, 3319.22, or 3319.222 of the Revised
Code that is valid for teaching high school;

(2) Designated by the board of education of the city, local,
or exempted village school district, the board of the cooperative
education school district, or the governing authority of the
chartered nonpublic school as meeting the high school curriculum
requirements.

(D) Units earned in English language arts, mathematics,
science, and social studies that are delivered through integrated
academic and technical instruction are eligible to meet the
graduation requirements of division (B) of this section.

Sec. 3313.64. (A) As used in this section and in section
3313.65 of the Revised Code:

(1) "Parent" means either parent, unless the parents are
separated or divorced or their marriage has been dissolved or
annulled, in which case "parent" means the parent who is the
residential parent and legal custodian of the child. When a child
is in the legal custody of a government agency or a person other
than the child's natural or adoptive parent, "parent" means the
parent with residual parental rights, privileges, and
responsibilities. When a child is in the permanent custody of a
government agency or a person other than the child's natural or
adoptive parent, "parent" means the parent who was divested of
parental rights and responsibilities for the care of the child and
the right to have the child live with the parent and be the legal
custodian of the child and all residual parental rights,
privileges, and responsibilities.

(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.

- (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.
- (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:
- (a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.
- (b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.
- (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.
- (d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.
- (5) "Agency" means all of the following:
- (a) A public children services agency;
- (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, agreement, or surrender, and places children in family homes for the purpose of adoption;
- (c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39, or sections 5103.20 to 5103.28 of the Revised Code.
- (6) A child is placed for adoption if either of the following

occurs: 17574

(a) An agency to which the child has been permanently 17575
committed or surrendered enters into an agreement with a person 17576
pursuant to section 5103.16 of the Revised Code for the care and 17577
adoption of the child. 17578

(b) The child's natural parent places the child pursuant to 17579
section 5103.16 of the Revised Code with a person who will care 17580
for and adopt the child. 17581

(7) "Handicapped preschool child" means a handicapped child, 17582
as defined by division (A) of section 3323.01 of the Revised Code, 17583
who is at least three years of age but is not of compulsory school 17584
age, as defined in section 3321.01 of the Revised Code, and who is 17585
not currently enrolled in kindergarten. 17586

(8) "Child," unless otherwise indicated, includes handicapped 17587
preschool children. 17588

(B) Except as otherwise provided in section 3321.01 of the 17589
Revised Code for admittance to kindergarten and first grade, a 17590
child who is at least five but under twenty-two years of age and 17591
any handicapped preschool child shall be admitted to school as 17592
provided in this division. 17593

(1) A child shall be admitted to the schools of the school 17594
district in which the child's parent resides. 17595

(2) A child who does not reside in the district where the 17596
child's parent resides shall be admitted to the schools of the 17597
district in which the child resides if any of the following 17598
applies: 17599

(a) The child is in the legal or permanent custody of a 17600
government agency or a person other than the child's natural or 17601
adoptive parent. 17602

(b) The child resides in a home. 17603

(c) The child requires special education.	17604
(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:	17605 17606 17607 17608 17609 17610
(a) The placement for adoption has been terminated.	17611
(b) Another school district is required to admit the child under division (B)(1) of this section.	17612 17613
Division (B) of this section does not prohibit the board of education of a school district from placing a handicapped child who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.	17614 17615 17616 17617 17618
(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as follows:	17619 17620 17621 17622 17623
(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, tuition shall be paid in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.	17624 17625 17626 17627 17628
(2) Except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:	17629 17630 17631 17632
(a) The district in which the child's parent resided at the	17633

time the court removed the child from home or at the time the
court vested legal or permanent custody of the child in the person
or government agency, whichever occurred first;

(b) If the parent's residence at the time the court removed
the child from home or placed the child in the legal or permanent
custody of the person or government agency is unknown, tuition
shall be paid by the district in which the child resided at the
time the child was removed from home or placed in legal or
permanent custody, whichever occurred first;

(c) If a school district cannot be established under division
(C)(2)(a) or (b) of this section, tuition shall be paid by the
district determined as required by section 2151.357 of the Revised
Code by the court at the time it vests custody of the child in the
person or government agency;

(d) If at the time the court removed the child from home or
vested legal or permanent custody of the child in the person or
government agency, whichever occurred first, one parent was in a
residential or correctional facility or a juvenile residential
placement and the other parent, if living and not in such a
facility or placement, was not known to reside in this state,
tuition shall be paid by the district determined under division
(D) of section 3313.65 of the Revised Code as the district
required to pay any tuition while the parent was in such facility
or placement.

(3) If the child is not in the permanent or legal custody of
a government agency or person other than the child's parent and
the child resides in a home, tuition shall be paid by one of the
following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state,
the home in which the child resides.

(D) Tuition required to be paid under divisions (C)(2) and 17665
(3)(a) of this section shall be computed in accordance with 17666
section 3317.08 of the Revised Code. Tuition required to be paid 17667
under division (C)(3)(b) of this section shall be computed in 17668
accordance with section 3317.081 of the Revised Code. If a home 17669
fails to pay the tuition required by division (C)(3)(b) of this 17670
section, the board of education providing the education may 17671
recover in a civil action the tuition and the expenses incurred in 17672
prosecuting the action, including court costs and reasonable 17673
attorney's fees. If the prosecuting attorney or city director of 17674
law represents the board in such action, costs and reasonable 17675
attorney's fees awarded by the court, based upon the prosecuting 17676
attorney's, director's, or one of their designee's time spent 17677
preparing and presenting the case, shall be deposited in the 17678
county or city general fund. 17679

(E) A board of education may enroll a child free of any 17680
tuition obligation for a period not to exceed sixty days, on the 17681
sworn statement of an adult resident of the district that the 17682
resident has initiated legal proceedings for custody of the child. 17683

(F) In the case of any individual entitled to attend school 17684
under this division, no tuition shall be charged by the school 17685
district of attendance and no other school district shall be 17686
required to pay tuition for the individual's attendance. 17687
Notwithstanding division (B), (C), or (E) of this section: 17688

(1) All persons at least eighteen but under twenty-two years 17689
of age who live apart from their parents, support themselves by 17690
their own labor, and have not successfully completed the high 17691
school curriculum or the individualized education program 17692
developed for the person by the high school pursuant to section 17693
3323.08 of the Revised Code, are entitled to attend school in the 17694
district in which they reside. 17695

(2) Any child under eighteen years of age who is married is 17696

entitled to attend school in the child's district of residence. 17697

(3) A child is entitled to attend school in the district in 17698
which either of the child's parents is employed if the child has a 17699
medical condition that may require emergency medical attention. 17700
The parent of a child entitled to attend school under division 17701
(F)(3) of this section shall submit to the board of education of 17702
the district in which the parent is employed a statement from the 17703
child's physician certifying that the child's medical condition 17704
may require emergency medical attention. The statement shall be 17705
supported by such other evidence as the board may require. 17706

(4) Any child residing with a person other than the child's 17707
parent is entitled, for a period not to exceed twelve months, to 17708
attend school in the district in which that person resides if the 17709
child's parent files an affidavit with the superintendent of the 17710
district in which the person with whom the child is living resides 17711
stating all of the following: 17712

(a) That the parent is serving outside of the state in the 17713
armed services of the United States; 17714

(b) That the parent intends to reside in the district upon 17715
returning to this state; 17716

(c) The name and address of the person with whom the child is 17717
living while the parent is outside the state. 17718

(5) Any child under the age of twenty-two years who, after 17719
the death of a parent, resides in a school district other than the 17720
district in which the child attended school at the time of the 17721
parent's death is entitled to continue to attend school in the 17722
district in which the child attended school at the time of the 17723
parent's death for the remainder of the school year, subject to 17724
approval of that district board. 17725

(6) A child under the age of twenty-two years who resides 17726
with a parent who is having a new house built in a school district 17727

outside the district where the parent is residing is entitled to 17728
attend school for a period of time in the district where the new 17729
house is being built. In order to be entitled to such attendance, 17730
the parent shall provide the district superintendent with the 17731
following: 17732

(a) A sworn statement explaining the situation, revealing the 17733
location of the house being built, and stating the parent's 17734
intention to reside there upon its completion; 17735

(b) A statement from the builder confirming that a new house 17736
is being built for the parent and that the house is at the 17737
location indicated in the parent's statement. 17738

(7) A child under the age of twenty-two years residing with a 17739
parent who has a contract to purchase a house in a school district 17740
outside the district where the parent is residing and who is 17741
waiting upon the date of closing of the mortgage loan for the 17742
purchase of such house is entitled to attend school for a period 17743
of time in the district where the house is being purchased. In 17744
order to be entitled to such attendance, the parent shall provide 17745
the district superintendent with the following: 17746

(a) A sworn statement explaining the situation, revealing the 17747
location of the house being purchased, and stating the parent's 17748
intent to reside there; 17749

(b) A statement from a real estate broker or bank officer 17750
confirming that the parent has a contract to purchase the house, 17751
that the parent is waiting upon the date of closing of the 17752
mortgage loan, and that the house is at the location indicated in 17753
the parent's statement. 17754

The district superintendent shall establish a period of time 17755
not to exceed ninety days during which the child entitled to 17756
attend school under division (F)(6) or (7) of this section may 17757
attend without tuition obligation. A student attending a school 17758

under division (F)(6) or (7) of this section shall be eligible to 17759
participate in interscholastic athletics under the auspices of 17760
that school, provided the board of education of the school 17761
district where the student's parent resides, by a formal action, 17762
releases the student to participate in interscholastic athletics 17763
at the school where the student is attending, and provided the 17764
student receives any authorization required by a public agency or 17765
private organization of which the school district is a member 17766
exercising authority over interscholastic sports. 17767

(8) A child whose parent is a full-time employee of a city, 17768
local, or exempted village school district, or of an educational 17769
service center, may be admitted to the schools of the district 17770
where the child's parent is employed, or in the case of a child 17771
whose parent is employed by an educational service center, in the 17772
district that serves the location where the parent's job is 17773
primarily located, provided the district board of education 17774
establishes such an admission policy by resolution adopted by a 17775
majority of its members. Any such policy shall take effect on the 17776
first day of the school year and the effective date of any 17777
amendment or repeal may not be prior to the first day of the 17778
subsequent school year. The policy shall be uniformly applied to 17779
all such children and shall provide for the admission of any such 17780
child upon request of the parent. No child may be admitted under 17781
this policy after the first day of classes of any school year. 17782

(9) A child who is with the child's parent under the care of 17783
a shelter for victims of domestic violence, as defined in section 17784
3113.33 of the Revised Code, is entitled to attend school free in 17785
the district in which the child is with the child's parent, and no 17786
other school district shall be required to pay tuition for the 17787
child's attendance in that school district. 17788

The enrollment of a child in a school district under this 17789
division shall not be denied due to a delay in the school 17790

district's receipt of any records required under section 3313.672 17791
of the Revised Code or any other records required for enrollment. 17792
Any days of attendance and any credits earned by a child while 17793
enrolled in a school district under this division shall be 17794
transferred to and accepted by any school district in which the 17795
child subsequently enrolls. The state board of education shall 17796
adopt rules to ensure compliance with this division. 17797

(10) Any child under the age of twenty-two years whose parent 17798
has moved out of the school district after the commencement of 17799
classes in the child's senior year of high school is entitled, 17800
subject to the approval of that district board, to attend school 17801
in the district in which the child attended school at the time of 17802
the parental move for the remainder of the school year and for one 17803
additional semester or equivalent term. A district board may also 17804
adopt a policy specifying extenuating circumstances under which a 17805
student may continue to attend school under division (F)(10) of 17806
this section for an additional period of time in order to 17807
successfully complete the high school curriculum for the 17808
individualized education program developed for the student by the 17809
high school pursuant to section 3323.08 of the Revised Code. 17810

(11) As used in this division, "grandparent" means a parent 17811
of a parent of a child. A child under the age of twenty-two years 17812
who is in the custody of the child's parent, resides with a 17813
grandparent, and does not require special education is entitled to 17814
attend the schools of the district in which the child's 17815
grandparent resides, provided that, prior to such attendance in 17816
any school year, the board of education of the school district in 17817
which the child's grandparent resides and the board of education 17818
of the school district in which the child's parent resides enter 17819
into a written agreement specifying that good cause exists for 17820
such attendance, describing the nature of this good cause, and 17821
consenting to such attendance. 17822

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F)(11) of this section to complete any consent form required by the district, including any authorization required by sections 3313.712, 3313.713, and 3313.716 of the Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

Division (F)(11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.

(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is entitled to attend school under division (B), (C), or (E) of this section contacts the superintendent of another district for purposes of this division;

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.

(13) All school districts shall comply with the "McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for the education of homeless children. Each city, local, and exempted village school district shall comply with the requirements of that act governing the provision of a free, appropriate public education, including public preschool, to each homeless child.

When a child loses permanent housing and becomes a homeless person, as defined in 42 U.S.C.A. 11481(5), or when a child who is such a homeless person changes temporary living arrangements, the child's parent or guardian shall have the option of enrolling the child in either of the following:

(a) The child's school of origin, as defined in 42 U.S.C.A. 11432(g)(3)(C);

(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.

(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: 17886

(1) Residents or domiciliaries of a foreign nation who 17887
request admission as foreign exchange students; 17888

(2) Residents or domiciliaries of the United States but not 17889
of Ohio who request admission as participants in an exchange 17890
program operated by a student exchange organization. 17891

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 17892
3327.04, and 3327.06 of the Revised Code, a child may attend 17893
school or participate in a special education program in a school 17894
district other than in the district where the child is entitled to 17895
attend school under division (B) of this section. 17896

(I) This division does not apply to a child receiving special 17897
education. 17898

A school district required to pay tuition pursuant to 17899
division (C)(2) or (3) of this section or section 3313.65 of the 17900
Revised Code shall have an amount deducted under division (F) of 17901
section 3317.023 of the Revised Code equal to its own tuition rate 17902
for the same period of attendance. A school district entitled to 17903
receive tuition pursuant to division (C)(2) or (3) of this section 17904
or section 3313.65 of the Revised Code shall have an amount 17905
credited under division (F) of section 3317.023 of the Revised 17906
Code equal to its own tuition rate for the same period of 17907
attendance. If the tuition rate credited to the district of 17908
attendance exceeds the rate deducted from the district required to 17909
pay tuition, the department of education shall pay the district of 17910
attendance the difference from amounts deducted from all 17911
districts' payments under division (F) of section 3317.023 of the 17912
Revised Code but not credited to other school districts under such 17913
division and from appropriations made for such purpose. The 17914
treasurer of each school district shall, by the fifteenth day of 17915
January and July, furnish the superintendent of public instruction 17916

a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (F) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(J) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(K) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code.

Sec. 3314.07. (A) The expiration of the contract for a community school between a sponsor and a school shall be the date provided in the contract. A successor contract may be entered into unless the contract is terminated or not renewed pursuant to this section.

(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:

(a) Failure to meet student performance requirements stated

in the contract;	17947
(b) Failure to meet generally accepted standards of fiscal management;	17948 17949
(c) Violation of any provision of the contract or applicable state or federal law;	17950 17951
(d) Other good cause.	17952
A termination shall be effective only at the conclusion of a school year.	17953 17954
<u>(2) A sponsor may choose to terminate a contract prior to its expiration if the sponsor has suspended the operation of the contract under section 3314.072 of the Revised Code.</u>	17955 17956 17957
<u>(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.</u>	17958 17959 17960 17961 17962 17963 17964 17965 17966 17967 17968 17969
(3) <u>(4) A decision by the sponsor to terminate a contract may be appealed to the state board of education. The decision by the state board pertaining to an appeal under this division is final. If the sponsor is the state board, its decision to terminate a contract under division (B)(4) of this section shall be final.</u>	17970 17971 17972 17973 17974
<u>(5) The termination of a contract under this section shall be effective upon the occurrence of the later of the following</u>	17975 17976

<u>events:</u>	17977
<u>(a) Ninety days following the date the sponsor notifies the school of its decision to terminate the contract as prescribed in division (B)(3) of this section;</u>	17978 17979 17980
<u>(b) If an informal hearing is requested under division (B)(3) of this section and as a result of that hearing the sponsor affirms its decision to terminate the contract, the effective date of the termination specified in the notice issued under division (B)(3) of this section, or if that decision is appealed to the state board under division (B)(4) of this section and the state board affirms that decision, the date established in the resolution of the state board affirming the sponsor's decision.</u>	17981 17982 17983 17984 17985 17986 17987 17988
(C) A child attending a community school whose contract has been terminated or , <u>nonrenewed, or suspended</u> or that closes for any reason shall be admitted to the schools of the district in which the child is entitled to attend under section 3313.64 or 3313.65 of the Revised Code. Any deadlines established for the purpose of admitting students under section 3313.97 or 3313.98 shall be waived for students to whom this division pertains.	17989 17990 17991 17992 17993 17994 17995
(D) A sponsor of a community school and the officers, directors, or employees of such a sponsor are not liable in damages in a tort or other civil action for harm allegedly arising from either of the following:	17996 17997 17998 17999
(1) A failure of the community school or any of its officers, directors, or employees to perform any statutory or common law duty or responsibility or any other legal obligation;	18000 18001 18002
(2) An action or omission of the community school or any of its officers, directors, or employees that results in harm.	18003 18004
(E) As used in this section:	18005
(1) "Harm" means injury, death, or loss to person or	18006

property.

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(2) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons.

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Sec. 3314.072. The provisions of this section are enacted to promote the public health, safety, and welfare by establishing procedures under which the governing authorities of community schools established under this chapter will be held accountable for their compliance with the terms of the contracts they enter into with their school's sponsors and the law relating to the school's operation. Suspension of the operation of a school imposed under this section is intended to encourage the governing authority's compliance with the terms of the school's contract and the law and is not intended to be an alteration of the terms of that contract.

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(A) If a sponsor of a community school established under this chapter suspends the operation of that school pursuant to procedures set forth in this section, the governing authority shall not operate that school while the suspension is in effect. Any such suspension shall remain in effect until the sponsor notifies the governing authority that it is no longer in effect. The contract of a school of which operation is suspended under this section also may be subject to termination or nonrenewal under section 3314.07 of the Revised Code.

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(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.

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(C)(1) For any of the reasons prescribed in division 18038
(B)(1)(a) to (d) of section 3314.07 of the Revised Code, the 18039
sponsor of a community school established under this chapter may 18040
suspend the operation of the school only if it first issues to the 18041
governing authority notice of the sponsor's intent to suspend the 18042
operation of the contract. Such notice shall explain the reasons 18043
for the sponsor's intent to suspend operation of the contract and 18044
shall provide the school's governing authority with five business 18045
days to submit to the sponsor a proposal to remedy the conditions 18046
cited as reasons for the suspension. 18047

(2) The sponsor shall promptly review any proposed remedy 18048
timely submitted by the governing authority and either approve or 18049
disapprove the remedy. If the sponsor disapproves the remedy 18050
proposed by the governing authority, if the governing authority 18051
fails to submit a proposed remedy in the manner prescribed by the 18052
sponsor, or if the governing authority fails to implement the 18053
remedy as approved by the sponsor, the sponsor may suspend 18054
operation of the school pursuant to procedures set forth in 18055
division (D) of this section. 18056

(D)(1) If division (B) of this section applies or if the 18057
sponsor of a community school established under this chapter 18058
decides to suspend the operation of a school as permitted in 18059
division (C)(2) of this section, the sponsor shall promptly send 18060
written notice to the governing authority stating that the 18061
operation of the school is immediately suspended, and explaining 18062
the specific reasons for the suspension. The notice shall state 18063
that the governing authority has five business days to submit a 18064
proposed remedy to the conditions cited as reasons for the 18065
suspension or face potential contract termination. 18066

(2) Upon receipt of the notice of suspension prescribed under 18067
division (D)(1) of this section, the governing authority shall 18068
immediately notify the employees of the school and the parents of 18069

the students enrolled in the school of the suspension and the 18070
reasons therefore, and shall cease all school operations on the 18071
next business day. 18072

Sec. 3314.08. (A) As used in this section: 18073

(1) "Base formula amount" means the amount specified as such 18074
in a community school's financial plan for a school year pursuant 18075
to division (A)(15) of section 3314.03 of the Revised Code. 18076

(2) "Cost-of-doing-business factor" has the same meaning as 18077
in section 3317.02 of the Revised Code. 18078

(3) "IEP" means an individualized education program as 18079
defined in section 3323.01 of the Revised Code. 18080

(4) "Applicable special education weight" means: 18081

~~(a) For a student receiving special education and related 18082
services pursuant to an IEP for a handicap described in division 18083
(A) of section 3317.013 of the Revised Code, the multiple 18084
specified in that division;~~ 18085

~~(b) For a student receiving special education and related 18086
services pursuant to an IEP for a handicap described in division 18087
(B) of section 3317.013 or division (F)(3) of section 3317.02 of 18088
the Revised Code, the multiple specified in division (B) of for a 18089
handicap described in that section 3317.013 of the Revised Code. 18090~~

(5) ~~"Total special education weight" means the sum of the 18091
following:~~ 18092

~~(a) The number of students reported under division (B)(2)(c) 18093
of this section who are entitled to attend school in the district, 18094
are enrolled in grades one through twelve in a community school, 18095
and are receiving from their community school special education 18096
and related services pursuant to an IEP for a handicap described 18097
in division (A) of section 3317.013 of the Revised Code, 18098~~

~~multiplied by the multiple specified in division (A) of section 3317.013 of the Revised Code;~~ 18099
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~~(b) One-half the number of students reported under division (B)(2)(c) of this section who are entitled to attend school in the district, are enrolled in kindergarten in a community school, and are receiving from their community school special education and related services pursuant to an IEP for a handicap described in division (A) of section 3317.013 of the Revised Code, multiplied by the multiple specified in division (A) of section 3317.013 of the Revised Code;~~ 18101
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~~(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;~~ 18109
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~~(d) One-half the number of students reported under division (B)(2)(c) of this section who are entitled to attend school in the district, are enrolled in kindergarten in a community school, and are receiving from their community school special education and related services pursuant to an IEP for a handicap described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, multiplied by the multiple specified in division (B) of section 3317.013 of the Revised Code~~ 18117
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"Applicable vocational education weight" means: 18125

(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; 18126
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(b) For a student enrolled in vocational education programs 18129

<u>or classes described in division (B) of section 3317.014 of the</u>	18130
<u>Revised Code, the multiple specified in that division.</u>	18131
(6) "Entitled to attend school" means entitled to attend	18132
school in a district under section 3313.64 or 3313.65 of the	18133
Revised Code.	18134
(7) <u>A community school student is "included in the DPIA</u>	18135
<u>student count" of a school district if the student is entitled to</u>	18136
<u>attend school in the district and:</u>	18137
(a) <u>For school years prior to fiscal year 2004, the student's</u>	18138
<u>family receives assistance under the Ohio works first program.</u>	18139
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(b) <u>For school years in and after fiscal year 2004, the</u>	18141
<u>student's family income does not exceed the federal poverty</u>	18142
<u>guidelines, as defined in section 5101.46 of the Revised Code, and</u>	18143
<u>the student's family receives family assistance, as defined in</u>	18144
<u>section 3317.029 of the Revised Code.</u>	18145
(8) "DPIA reduction factor" means the percentage figure, if	18146
any, for reducing the per pupil amount of disadvantaged pupil	18147
impact aid a community school is entitled to receive pursuant to	18148
divisions (D) (4) (5) and (5) (6) of this section in any year, as	18149
specified in the school's financial plan for the year pursuant to	18150
division (A)(15) of section 3314.03 of the Revised Code.	18151
(8) (9) "All-day kindergarten" has the same meaning as in	18152
section 3317.029 of the Revised Code.	18153
(B) The state board of education shall adopt rules requiring	18154
both of the following:	18155
(1) The board of education of each city, exempted village,	18156
and local school district to annually report the number of	18157
students entitled to attend school in the district who are	18158
enrolled in grades one through twelve in a community school	18159

established under this chapter, the number of students entitled to attend school in the district who are enrolled in kindergarten in a community school, the number of those kindergartners who are enrolled in all-day kindergarten in their community school, and for each child, the community school in which the child is enrolled.

(2) The governing authority of each community school established under this chapter to annually report all of the following:

(a) The number of students enrolled in grades one through twelve and the number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(b) The number of enrolled students in grades one through twelve and the number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;

(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a handicap described in each of divisions (A) ~~and (B)~~ to (F) of section 3317.013 ~~and division (F)(3) of section 3317.02~~ of the Revised Code;

(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in vocational education programs or classes described in each of divisions (A) and (B) of section 3317.014 of the Revised Code that are provided by the community school;

(e) The number of enrolled preschool handicapped students receiving special education services in a state-funded unit;

~~(e)~~(f) The community school's base formula amount;

~~(f)~~(g) For each student, the city, exempted village, or local school district in which the student is entitled to attend school; 18190
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~~(g)~~(h) Any DPIA reduction factor that applies to a school year. 18193
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(C) From the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code and, if necessary, sections 321.14 and 323.156 of the Revised Code, the department of education shall annually subtract all of the following: 18195
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(1) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in grades one through twelve, and one-half the number of students reported under those divisions who are enrolled in kindergarten, in that community school is multiplied by the base formula amount of that community school as adjusted by the school district's cost-of-doing-business factor. 18200
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~~(2) The product of the number of district students reported under division (B)(2)(c) of this section as enrolled in grades one through twelve, and one-half of the number of district students reported under that division as enrolled in kindergarten, who are receiving special education and related services pursuant to an IEP in their respective community schools for a handicap described in division (A) or (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, multiplied by the total special education weight times the community school's base formula amount;~~ sum of the amounts calculated under divisions (C)(2)(a) and (b) of this section: 18209
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(a) For each of the district's students reported under 18220

division (B)(2)(c) of this section as enrolled in a community school in grades one through twelve and receiving special education and related services pursuant to an IEP for a handicap described in section 3317.013 of the Revised Code, the product of the applicable special education weight times the community school's base formula amount; 18221
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(b) For each of the district's students reported under division (B)(2)(c) of this section as enrolled in kindergarten in a community school and receiving special education and related services pursuant to an IEP for a handicap described in section 3317.013 of the Revised Code, one-half of the amount calculated as prescribed in division (C)(2)(a) of this section. 18227
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(3) For each of the district's students reported under division (B)(2)(d) of this section for whom payment is made under division (D)(4) of this section, the amount of that payment; 18233
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(4) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students enrolled in that community school and residing in the district in a family participating in Ohio works first under Chapter 5107. of the Revised Code who are included in the district's DPIA student count is multiplied by the per pupil amount of disadvantaged pupil impact aid the school district receives that year pursuant to division (B) or (C) of section 3317.029 of the Revised Code, as adjusted by any DPIA reduction factor of that community school. If the district receives disadvantaged pupil impact aid under division (B) of that section, the per pupil amount of that aid is the quotient of the amount the district received under that division divided by the number of children ages five through seventeen residing in the district and living in a family participating in Ohio works first, as most recently reported under section 3317.10 of the Revised Code district's DPIA student count, 18236
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as defined in that section. If the district receives disadvantaged pupil impact aid under division (C) of section 3317.029 of the Revised Code, the per pupil amount of that aid is the per pupil dollar amount prescribed for the district in division (C)(1) or (2) of that section.

~~(4)~~(5) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount of aid received under division (E) of section 3317.029 of the Revised Code, as adjusted by any DPIA reduction factor of the community school, is multiplied by the sum of the following:

(a) The number of the district's students reported under division (B)(2)(a) of this section who are enrolled in grades one to three in that community school and who are not receiving special education and related services pursuant to an IEP;

(b) One-half of the district's students who are enrolled in all-day or any other kindergarten class in that community school and who are not receiving special education and related services pursuant to an IEP;

(c) One-half of the district's students who are enrolled in all-day kindergarten in that community school and who are not receiving special education and related services pursuant to an IEP.

The district's per pupil amount of aid under division (E) of section 3317.029 of the Revised Code is the quotient of the amount the district received under that division divided by the district's kindergarten through third grade ADM, as defined in that section.

(D) The department shall annually pay to a community school established under this chapter all of the following:

(1) An amount equal to the sum of the amounts obtained when

the number of students enrolled in grades one through twelve, plus 18284
one-half of the kindergarten students in the school, reported 18285
under divisions (B)(2)(a) and (b) of this section who are not 18286
receiving special education and related services pursuant to an 18287
IEP for a handicap described in ~~division (A) or (B) of section~~ 18288
~~3317.013 or division (F)(3) of section 3317.02~~ of the Revised Code 18289
is multiplied by the community school's base formula amount, as 18290
adjusted by the cost-of-doing-business factor of the school 18291
district in which the student is entitled to attend school; 18292

(2) The greater of the following: 18293

(a) The aggregate amount that the department paid to the 18294
community school in fiscal year 1999 for students receiving 18295
special education and related services pursuant to IEPs, excluding 18296
federal funds and state disadvantaged pupil impact aid funds; 18297

(b) The sum of the amounts calculated under divisions 18298
(D)(2)(b)(i) and (ii) of this section: 18299

(i) For each student reported under division (B)(2)(c) of 18300
this section as enrolled in the school in grades one through 18301
twelve and receiving special education and related services 18302
pursuant to an IEP for a handicap described in ~~division (A) or (B)~~ 18303
~~of section 3317.013 or division (F)(3) of section 3317.02~~ of the 18304
Revised Code, the following amount: 18305

(the community school's base formula amount X the 18306
cost-of-doing-business factor of the district where the student 18307
is entitled to attend school) + (the applicable special education 18308
weight 18309
X the community school's base formula amount); 18310

(ii) For each student reported under division (B)(2)(c) of 18311
this section as enrolled in kindergarten and receiving special 18312
education and related services pursuant to an IEP for a handicap 18313
described in ~~division (A) or (B) of section 3317.013 or division~~ 18314

~~(F)(3)~~ of section 3317.02 of the Revised Code, one-half of the 18315
amount calculated under the formula prescribed in division 18316
(D)(2)(b)(i) of this section. 18317

(3) An amount received from federal funds to provide special 18318
education and related services to students in the community 18319
school, as determined by the superintendent of public instruction. 18320

(4) For each student reported under division (B)(2)(d) of 18321
this section as enrolled in vocational education programs or 18322
classes that are described in section 3317.014 of the Revised 18323
Code, are provided by the community school, and are comparable as 18324
determined by the superintendent of public instruction to school 18325
district vocational education programs and classes eligible for 18326
state weighted funding under section 3317.014 of the Revised Code, 18327
an amount equal to the applicable vocational education weight 18328
times the community school's base formula amount times the 18329
percentage of time the student spends in the vocational education 18330
programs or classes. 18331

(5) An amount equal to the sum of the amounts obtained when, 18332
for each school district where the community school's students are 18333
entitled to attend school, the number of that district's students 18334
enrolled in the community school ~~and participating in Ohio works~~ 18335
~~first~~ who are included in the district's DPIA student count is 18336
multiplied by the per pupil amount of disadvantaged pupil impact 18337
aid that school district receives that year pursuant to division 18338
(B) or (C) of section 3317.029 of the Revised Code, as adjusted by 18339
any DPIA reduction factor of the community school. The per pupil 18340
amount of aid shall be determined as described in division 18341
~~(C)(3)(4)~~ of this section. 18342

~~(5)(6)~~ An amount equal to the sum of the amounts obtained 18343
when, for each school district where the community school's 18344
students are entitled to attend school, the district's per pupil 18345
amount of aid received under division (E) of section 3317.029 of 18346

the Revised Code, as adjusted by any DPIA reduction factor of the 18347
community school, is multiplied by the sum of the following: 18348

(a) The number of the district's students reported under 18349
division (B)(2)(a) of this section who are enrolled in grades one 18350
to three in that community school and who are not receiving 18351
special education and related services pursuant to an IEP; 18352

(b) One-half of the district's students who are enrolled in 18353
all-day or any other kindergarten class in that community school 18354
and who are not receiving special education and related services 18355
pursuant to an IEP; 18356

(c) One-half of the district's students who are enrolled in 18357
all-day kindergarten in that community school and who are not 18358
receiving special education and related services pursuant to an 18359
IEP. 18360

The district's per pupil amount of aid under division (E) of 18361
section 3317.029 of the Revised Code shall be determined as 18362
described in division (C)~~(4)~~(5) of this section. 18363

(E)(1) If a community school's costs for a fiscal year for a 18364
student receiving special education and related services pursuant 18365
to an IEP for a handicap described in ~~division~~ divisions (B) to 18366
(F)(3) of section ~~3317.02~~ 3317.013 of the Revised Code ~~are~~ 18367
~~twenty-five thousand dollars or more~~ exceed the threshold 18368
catastrophic cost for serving the student as specified in division 18369
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 18370
submit to the superintendent of public instruction documentation, 18371
as prescribed by the superintendent, of all its costs for that 18372
student. Upon submission of documentation for a student of the 18373
type and in the manner prescribed, the department shall pay to the 18374
community school an amount equal to the school's costs for the 18375
student in excess of ~~twenty-five thousand dollars~~ the threshold 18376
catastrophic costs. 18377

(2) The community school shall only report under division 18378
(E)(1) of this section, and the department shall only pay for, the 18379
costs of educational expenses and the related services provided to 18380
the student in accordance with the student's individualized 18381
education program. Any legal fees, court costs, or other costs 18382
associated with any cause of action relating to the student may 18383
not be included in the amount. 18384

(F) A community school may apply to the department of 18385
education for preschool handicapped or gifted unit funding the 18386
school would receive if it were a school district. Upon request of 18387
its governing authority, a community school that received unit 18388
funding as a school district-operated school before it became a 18389
community school shall retain any units awarded to it as a school 18390
district-operated school provided the school continues to meet 18391
eligibility standards for the unit. 18392

A community school shall be considered a school district and 18393
its governing authority shall be considered a board of education 18394
for the purpose of applying to any state or federal agency for 18395
grants that a school district may receive under federal or state 18396
law or any appropriations act of the general assembly. The 18397
governing authority of a community school may apply to any private 18398
entity for additional funds. 18399

(G) A board of education sponsoring a community school may 18400
utilize local funds to make enhancement grants to the school or 18401
may agree, either as part of the contract or separately, to 18402
provide any specific services to the community school at no cost 18403
to the school. 18404

(H) A community school may not levy taxes or issue bonds 18405
secured by tax revenues. 18406

(I) No community school shall charge tuition for the 18407
enrollment of any student. 18408

(J)(1) A community school may borrow money to pay any 18409
necessary and actual expenses of the school in anticipation of the 18410
receipt of any portion of the payments to be received by the 18411
school pursuant to division (D) of this section. The school may 18412
issue notes to evidence such borrowing to mature no later than the 18413
end of the fiscal year in which such money was borrowed. The 18414
proceeds of the notes shall be used only for the purposes for 18415
which the anticipated receipts may be lawfully expended by the 18416
school. 18417

(2) A school may also borrow money for a term not to exceed 18418
fifteen years for the purpose of acquiring facilities, as 18419
described in division (B) of section 3318.50 of the Revised Code. 18420

(K) For purposes of determining the number of students for 18421
which divisions (D)~~(4)~~(5) and ~~(5)~~(6) of this section applies in 18422
any school year, a community school may submit to the department 18423
of job and family services, no later than the first day of March, 18424
a list of the students enrolled in the school. For each student on 18425
the list, the community school shall indicate the student's name, 18426
address, and date of birth and the school district where the 18427
student is entitled to attend school. Upon receipt of a list under 18428
this division, the department of job and family services shall 18429
determine, for each school district where one or more students on 18430
the list is entitled to attend school, the number of students 18431
residing in that school district who were included in the 18432
department's report under section 3317.10 of the Revised Code. The 18433
department shall make this determination on the basis of 18434
information readily available to it. Upon making this 18435
determination and no later than ninety days after submission of 18436
the list by the community school, the department shall report to 18437
the state department of education the number of students on the 18438
list who reside in each school district who were included in the 18439
department's report under section 3317.10 of the Revised Code. In 18440

complying with this division, the department of job and family 18441
services shall not report to the state department of education any 18442
personally identifiable information on any student. 18443

(L) The department of education shall adjust the amounts 18444
subtracted and paid under divisions (C) and (D) of this section to 18445
reflect any enrollment of students in community schools for less 18446
than the equivalent of a full school year. For purposes of this 18447
section, a student shall be considered enrolled in the community 18448
school for any portion of the school year the student is 18449
participating at a college under Chapter 3365. of the Revised 18450
Code. 18451

(M) The department of education shall reduce the amounts paid 18452
under division (D) of this section to reflect payments made to 18453
colleges under division (B) of section 3365.07 of the Revised 18454
Code. 18455

(N) Beginning with the school year that starts on July 1, 18456
2001, in accordance with policies adopted jointly by the 18457
superintendent of public instruction, the auditor of state, and 18458
the sponsor of the applicable internet-based community school, the 18459
department shall reduce the amounts otherwise payable under 18460
division (D) of this section to any internet or computer-based 18461
community school that includes in its program the provision of 18462
computer hardware and software materials to each student, if such 18463
hardware and software materials have not been delivered, 18464
installed, and activated for all students in a timely manner or 18465
other educational materials or services have not been provided 18466
according to the contract between the individual community school 18467
and its sponsor. 18468

The superintendent of public instruction, the auditor of 18469
state, and the individual community school's sponsor shall jointly 18470
establish a method for auditing any community school to which this 18471
division pertains to ensure compliance with this section. 18472

The superintendent, auditor of state, sponsors of 18473
internet-based community schools, and the governor shall jointly 18474
make recommendations to the general assembly for legislative 18475
changes that may be required to assure fiscal and academic 18476
accountability for such internet or computer-based schools. 18477

Sec. 3314.09. (A) As used in this section and section 18478
3314.091 of the Revised Code, "native student" means a student 18479
entitled to attend school in the school district under section 18480
3313.64 or 3313.65 of the Revised Code. 18481

The (B) Except as provided in section 3314.091 of the Revised 18482
Code, the board of education of each city, local, and exempted 18483
village school district shall provide transportation to and from 18484
school for its district's native students enrolled in a community 18485
school located in that district or another district on the same 18486
basis that it provides transportation for its native students 18487
enrolled in schools to which they are assigned by the board of 18488
education at the same grade level and who live the same distance 18489
from school except when, in the judgment of the board, confirmed 18490
by the state board of education, the transportation is unnecessary 18491
or unreasonable. A board shall not be required to transport 18492
nonhandicapped students to and from a community school located in 18493
another school district if the transportation would require more 18494
than thirty minutes of direct travel time as measured by school 18495
bus from the collection point designated by the district's 18496
coordinator of school transportation. 18497

(C) Where it is impractical to transport a pupil to and from 18498
a community school by school conveyance, a board may, in lieu of 18499
providing the transportation, pay a parent, guardian, or other 18500
person in charge of the child. The amount paid per pupil shall in 18501
no event exceed the average transportation cost per pupil, which 18502
shall be based on the cost of transportation of children by all 18503

boards of education in this state during the next preceding year. 18504

(D) The daily and annual instructional schedules of a 18505
community school are the sole responsibility of the community 18506
school's governing authority, and are subject only to the 18507
requirements of this chapter and the governing authority's 18508
contract with its sponsor. Each school district board of education 18509
that is required to provide transportation for community school 18510
students under this section shall provide the transportation in 18511
accordance with those schedules so that students may be present on 18512
time and at all times that the community school is open for 18513
instruction. 18514

Sec. 3314.091. (A) A school district is not required to 18515
provide transportation for any native student enrolled in a 18516
community school if the district board of education has entered 18517
into an agreement with the community school's governing authority 18518
that designates the community school as responsible for providing 18519
or arranging for the transportation of the district's native 18520
students to and from the community school. For any such agreement 18521
to be effective, it must be certified by the superintendent of 18522
public instruction as having met both of the following 18523
requirements: 18524

(1) It is submitted to the department of education by a 18525
deadline which shall be established by the department. 18526

(2) It specifies qualifications, such as residing a minimum 18527
distance from the school, for students to have their 18528
transportation provided or arranged. 18529

(B)(1) A community school governing board that enters into an 18530
agreement to provide transportation under this section shall 18531
provide or arrange transportation free of any charge for each of 18532
its enrolled students in grades kindergarten through eight who 18533
live more than two miles from the school, except that the 18534

governing board may make a payment in lieu of providing 18535
transportation to the parent, guardian, or person in charge of the 18536
student at the same rate as specified for a school district board 18537
in division (C) of section 3314.09 of the Revised Code if the 18538
drive time measured by the vehicle specified by the school for 18539
transporting the students from the student's residence to the 18540
school is more than thirty minutes. The governing board may 18541
provide or arrange transportation for any other enrolled student 18542
and may charge a fee for such service. The governing board may 18543
request the payment specified under division (C) of this section 18544
for any student it transports, for whom it arranges 18545
transportation, or for whom it makes a payment in lieu of 18546
providing transportation if the student lives more than one mile 18547
from the community school or is disabled and the individual 18548
education program requires transportation. 18549

(2) Notwithstanding anything to the contrary in division 18550
(B)(1) of this section, a community school governing board shall 18551
provide or arrange transportation free of any charge for any 18552
disabled student enrolled in the school for whom the student's 18553
individualized education program developed under Chapter 3323. of 18554
the Revised Code specifies transportation. 18555

(C)(1) If a school district board and a community school 18556
governing authority elect to enter into an agreement under this 18557
section, the department of education annually shall pay the 18558
community school the amount specified in division (C)(2) of this 18559
section for each of the enrolled students for whom the school's 18560
governing authority provides or arranges transportation to and 18561
from school. The department shall deduct the payment from the 18562
state payment under Chapter 3317. and, if necessary, sections 18563
321.14 and 323.156 of the Revised Code that is otherwise paid to 18564
the school district in which the student enrolled in the community 18565
school resides. The department shall include the number of the 18566

district's native students for whom payment is made to a community school under this division in the calculation of the district's transportation payment under division (D) of section 3317.022 of the Revised Code. 18567
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A community school shall be paid under this division only for students who live more than one mile from the school or who are disabled and whose individualized education program requires transportation and whose transportation to and from school is actually provided or arranged or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department. 18571
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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 or who are disabled and whose individualized education program requires transportation, which may include payments to a parent, guardian, or other person in charge of a child in lieu of transportation. 18583
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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: 18590
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(a) In fiscal year 2002, four-hundred fifty dollars per student; 18597
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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.

(D) Except when arranged through payment to a parent, guardian, or person in charge of a child, transportation provided or arranged for by a community school pursuant to an agreement under this section is subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to the construction, design, equipment, and operation of school buses and other vehicles transporting students to and from school. The drivers and mechanics of the vehicles are subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to drivers and mechanics of such vehicles. The community school also shall comply with sections 3313.201, 3327.09, and 3327.10 and division (B) of section 3327.16 of the Revised Code as if it were a school district. For purposes of complying with section 3327.10 of the Revised Code, the educational service center that serves the county in which the community school is located shall be the certifying agency, unless the agreement designates the school district as the certifying agency.

Sec. 3316.20. (A)(1) The school district solvency assistance fund is hereby created in the state treasury, to consist of such amounts designated for the purposes of the fund by the general assembly. The fund shall be used to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that they

are unable to pay from existing resources. 18631

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(2) There is hereby created within the fund an account known 18633
as the school district shared resource account, which shall 18634
consist of money appropriated to it by the general assembly. The 18635
money in the account shall be used solely for solvency assistance 18636
to school districts that have been declared under division (B)~~(1)~~ 18637
~~or (5)~~ of section 3316.03 of the Revised Code to be in a state of 18638
fiscal emergency ~~because of a certified operating deficit~~ 18639
~~exceeding ten per cent.~~ 18640

(3) There is hereby created within the fund an account known 18641
as the catastrophic expenditures account, which shall consist of 18642
money appropriated to the account by the general assembly plus all 18643
investment earnings of the fund. Money in the account shall be 18644
used solely for the following: 18645

(a) Solvency assistance to school districts that have been 18646
declared under division (B)~~(1)~~ ~~or (5)~~ of section 3316.03 of the 18647
Revised Code to be in a state of fiscal emergency ~~because of a~~ 18648
~~certified operating deficit exceeding ten per cent~~, in the event 18649
that all money in the shared resource account is utilized for 18650
solvency assistance; 18651

(b) Grants to school districts under division (C) of this 18652
section. 18653

(B) Solvency assistance payments under division (A)(2) or 18654
(3)(a) of this section shall be made from the fund by the 18655
superintendent of public instruction in accordance with rules 18656
adopted by the director of budget and management, after consulting 18657
with the superintendent, specifying approval criteria and 18658
procedures necessary for administering the fund. 18659

The fund shall be reimbursed for any solvency assistance 18660
amounts paid under division (A)(2) or (3)(a) of this section not 18661

later than the end of the second fiscal year following the fiscal 18662
year in which the solvency assistance payment was made. If not 18663
made directly by the school district, such reimbursement shall be 18664
made by the director of budget and management from the amounts the 18665
school district would otherwise receive pursuant to sections 18666
3317.022 to 3317.025 of the Revised Code, or from any other funds 18667
appropriated for the district by the general assembly. 18668
Reimbursements shall be credited to the respective account from 18669
which the solvency assistance paid to the district was deducted. 18670

(C) The superintendent of public instruction may make 18671
recommendations, and the controlling board may grant money from 18672
the catastrophic expenditures account to any school district that 18673
suffers an unforeseen catastrophic event that severely depletes 18674
the district's financial resources. The superintendent shall make 18675
recommendations for the grants in accordance with rules adopted by 18676
the director of budget and management after consulting with the 18677
superintendent. A school district shall not be required to repay 18678
any grant awarded to the district under this division unless the 18679
district receives money from a third party, including an agency of 18680
the government of the United States, specifically for the purpose 18681
of compensating the district for expenses incurred as a result of 18682
the unforeseen catastrophic event. 18683

Sec. 3317.01. As used in this section and section 3317.011 of 18684
the Revised Code, "school district," unless otherwise specified, 18685
means any city, local, exempted village, joint vocational, or 18686
cooperative education school district and any educational service 18687
center. 18688

This chapter shall be administered by the state board of 18689
education. The superintendent of public instruction shall 18690
calculate the amounts payable to each school district and shall 18691
certify the amounts payable to each eligible district to the 18692

treasurer of the district as provided by this chapter. No moneys
shall be distributed pursuant to this chapter without the approval
of the controlling board.

The state board of education shall, in accordance with
appropriations made by the general assembly, meet the financial
obligations of this chapter.

Annually, the department of education shall calculate and
report to each school district the district's total state and
local funds for providing an adequate basic education to the
district's nonhandicapped students, utilizing the determination in
section 3317.012 of the Revised Code. In addition, the department
shall calculate and report separately for each school district the
district's total state and local funds for providing an adequate
education for its handicapped students, utilizing the
determinations in both sections 3317.012 and 3317.013 of the
Revised Code.

Not later than the thirty-first day of August of each fiscal
year, the department of education shall provide to each school
district and county MR/DD board a preliminary estimate of the
amount of funding that the department calculates the district will
receive under each of divisions (C)(1) and ~~(5)~~(4) of section
3317.022 of the Revised Code. No later than the first day of
December of each fiscal year, the department shall update that
preliminary estimate.

Moneys distributed pursuant to this chapter shall be
calculated and paid on a fiscal year basis, beginning with the
first day of July and extending through the thirtieth day of June.
The moneys appropriated for each fiscal year shall be distributed
at least monthly to each school district unless otherwise provided
for. The state board shall submit a yearly distribution plan to
the controlling board at its first meeting in July. The state
board shall submit any proposed midyear revision of the plan to

the controlling board in January. Any year-end revision of the
plan shall be submitted to the controlling board in June. If
moneys appropriated for each fiscal year are distributed other
than monthly, such distribution shall be on the same basis for
each school district.

The total amounts paid each month shall constitute, as nearly
as possible, one-twelfth of the total amount payable for the
entire year. Payments made during the first six months of the
fiscal year may be based on an estimate of the amounts payable for
the entire year. Payments made in the last six months shall be
based on the final calculation of the amounts payable to each
school district for that fiscal year. Payments made in the last
six months may be adjusted, if necessary, to correct the amounts
distributed in the first six months, and to reflect enrollment
increases when such are at least three per cent. Except as
otherwise provided, payments under this chapter shall be made only
to those school districts in which:

(A) The school district, except for any educational service
center and any joint vocational or cooperative education school
district, levies for current operating expenses at least twenty
mills. Levies for joint vocational or cooperative education school
districts or county school financing districts, limited to or to
the extent apportioned to current expenses, shall be included in
this qualification requirement. School district income tax levies
under Chapter 5748. of the Revised Code, limited to or to the
extent apportioned to current operating expenses, shall be
included in this qualification requirement to the extent
determined by the tax commissioner under division (D) of section
3317.021 of the Revised Code.

(B) The school year next preceding the fiscal year for which
such payments are authorized meets the requirement of section
3313.48 or 3313.481 of the Revised Code, with regard to the

minimum number of days or hours school must be open for 18757
instruction with pupils in attendance, for individualized 18758
parent-teacher conference and reporting periods, and for 18759
professional meetings of teachers. This requirement shall be 18760
waived by the superintendent of public instruction if it had been 18761
necessary for a school to be closed because of disease epidemic, 18762
hazardous weather conditions, inoperability of school buses or 18763
other equipment necessary to the school's operation, damage to a 18764
school building, or other temporary circumstances due to utility 18765
failure rendering the school building unfit for school use, 18766
provided that for those school districts operating pursuant to 18767
section 3313.48 of the Revised Code the number of days the school 18768
was actually open for instruction with pupils in attendance and 18769
for individualized parent-teacher conference and reporting periods 18770
is not less than one hundred seventy-five, or for those school 18771
districts operating on a trimester plan the number of days the 18772
school was actually open for instruction with pupils in attendance 18773
not less than seventy-nine days in any trimester, for those school 18774
districts operating on a quarterly plan the number of days the 18775
school was actually open for instruction with pupils in attendance 18776
not less than fifty-nine days in any quarter, or for those school 18777
districts operating on a pentamester plan the number of days the 18778
school was actually open for instruction with pupils in attendance 18779
not less than forty-four days in any pentamester. 18780

A school district shall not be considered to have failed to 18781
comply with this division or section 3313.481 of the Revised Code 18782
because schools were open for instruction but either twelfth grade 18783
students were excused from attendance for up to three days or only 18784
a portion of the kindergarten students were in attendance for up 18785
to three days in order to allow for the gradual orientation to 18786
school of such students. 18787

The superintendent of public instruction shall waive the 18788

requirements of this section with reference to the minimum number 18789
of days or hours school must be in session with pupils in 18790
attendance for the school year succeeding the school year in which 18791
a board of education initiates a plan of operation pursuant to 18792
section 3313.481 of the Revised Code. The minimum requirements of 18793
this section shall again be applicable to such a district 18794
beginning with the school year commencing the second July 18795
succeeding the initiation of one such plan, and for each school 18796
year thereafter. 18797

A school district shall not be considered to have failed to 18798
comply with this division or section 3313.48 or 3313.481 of the 18799
Revised Code because schools were open for instruction but the 18800
length of the regularly scheduled school day, for any number of 18801
days during the school year, was reduced by not more than two 18802
hours due to hazardous weather conditions. 18803

(C) The school district has on file, and is paying in 18804
accordance with, a teachers' salary schedule which complies with 18805
section 3317.13 of the Revised Code. 18806

A board of education or governing board of an educational 18807
service center which has not conformed with other law and the 18808
rules pursuant thereto, shall not participate in the distribution 18809
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 18810
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 18811
and sufficient reason established to the satisfaction of the state 18812
board of education and the state controlling board. 18813

All funds allocated to school districts under this chapter, 18814
except those specifically allocated for other purposes, shall be 18815
used to pay current operating expenses only. 18816

Sec. 3317.012. (A) (1) The general assembly, having analyzed 18817
school district expenditure and cost data for fiscal year ~~1996~~ 18818
1999, performed the calculation described in division (B) of this 18819

section, ~~and~~ adjusted the results for inflation, and added the 18820
amounts described in division (A)(2) of this section, hereby 18821
determines that the base cost of an adequate education per pupil 18822
for the fiscal year beginning July 1, ~~1998~~ 2001, is ~~\$4,063~~ \$4,814. 18823
For the five following fiscal years, the base cost per pupil for 18824
each of those years, reflecting an annual rate of inflation of two 18825
and eight-tenths per cent, is ~~\$4,177~~ \$4,949 for fiscal year ~~2000~~ 18826
2003, ~~\$4,294~~ \$5,088 for fiscal year ~~2001~~ 2004, ~~\$4,414~~ \$5,230 for 18827
fiscal year ~~2002~~ 2005, ~~\$4,538~~ \$5,376 for fiscal year ~~2003~~ 2006, 18828
and ~~\$4,665~~ \$5,527 for fiscal year ~~2004~~ 2007. 18829

(2) The base cost per pupil amounts specified in division 18830
(A)(1) of this section include amounts to reflect the cost to 18831
school districts of increasing the minimum number of high school 18832
academic units required for graduation beginning September 15, 18833
2001, under section 3313.603 of the Revised Code. Analysis of 18834
fiscal year 1999 data revealed that the school districts meeting 18835
the requirements of division (B) of this section on average 18836
required high school students to complete a minimum of nineteen 18837
and eight-tenths units to graduate. The general assembly 18838
determines that the cost of funding the additional two-tenths unit 18839
required by section 3313.603 of the Revised Code is \$12 per pupil 18840
in fiscal year 2002. This amount was added after the calculation 18841
described in division (B) of this section and the adjustment for 18842
inflation from fiscal year 1999 to fiscal year 2002. It is this 18843
total amount, the calculated base cost plus the supplement to pay 18844
for the additional partial unit, that constitutes the base cost 18845
amount specified in division (A)(1) of this section for fiscal 18846
year 2002 and that is inflated to produce the base cost amounts 18847
for fiscal years 2003 through 2007. 18848

(B) In determining the base cost stated in division (A) of 18849
this section, capital and debt costs, costs paid for by federal 18850
funds, and costs covered by funds provided ~~pursuant to sections~~ 18851

~~3317.023 and 3317.024 of the Revised Code as they existed prior to~~ 18852
~~July 1, 1998,~~ for disadvantaged pupil impact aid and 18853
transportation were excluded, as were the effects on the 18854
districts' state funds of the application of the 18855
cost-of-doing-business factors, assuming ~~an eighteen~~ a seven and 18856
one-half per cent variance. 18857

The base cost for fiscal year ~~1996~~ 1999 was calculated as the 18858
unweighted average cost per student, on a school district basis, 18859
of educating students who were not receiving vocational education 18860
or services pursuant to Chapter 3323. of the Revised Code and who 18861
were enrolled in a city, exempted village, or local school 18862
district that in fiscal year ~~1994~~ 1999 met all of the following 18863
criteria: 18864

(1) The district met at least ~~all but one~~ twenty of the 18865
following twenty-seven performance standards: 18866

(a) A ~~three~~ ninety per cent or ~~lower dropout~~ higher 18867
graduation rate; 18868

(b) At least seventy-five per cent of fourth graders 18869
proficient on the mathematics test prescribed under division 18870
(A)(1) of section 3301.0710 of the Revised Code; 18871

(c) At least seventy-five per cent of fourth graders 18872
proficient on the reading test prescribed under division (A)(1) of 18873
section 3301.0710 of the Revised Code; 18874

(d) At least seventy-five per cent of fourth graders 18875
proficient on the writing test prescribed under division (A)(1) of 18876
section 3301.0710 of the Revised Code; 18877

(e) At least seventy-five per cent of fourth graders 18878
proficient on the citizenship test prescribed under division 18879
(A)(1) of section 3301.0710 of the Revised Code; 18880

(f) At least seventy-five per cent of fourth graders 18881
proficient on the science test prescribed under division (A)(1) of 18882

<u>section 3301.0710 of the Revised Code;</u>	18883
<u>(g) At least seventy-five per cent of sixth graders</u>	18884
<u>proficient on the mathematics test prescribed under division</u>	18885
<u>(A)(2) of section 3301.0710 of the Revised Code;</u>	18886
<u>(h) At least seventy-five per cent of sixth graders</u>	18887
<u>proficient on the reading test prescribed under division (A)(2) of</u>	18888
<u>section 3301.0710 of the Revised Code;</u>	18889
<u>(i) At least seventy-five per cent of sixth graders</u>	18890
<u>proficient on the writing test prescribed under division (A)(2) of</u>	18891
<u>section 3301.0710 of the Revised Code;</u>	18892
<u>(j) At least seventy-five per cent of sixth graders</u>	18893
<u>proficient on the citizenship test prescribed under division</u>	18894
<u>(A)(2) of section 3301.0710 of the Revised Code;</u>	18895
<u>(k) At least seventy-five per cent of sixth graders</u>	18896
<u>proficient on the science test prescribed under division (A)(2) of</u>	18897
<u>section 3301.0710 of the Revised Code;</u>	18898
<u>(l) At least seventy-five per cent of ninth graders</u>	18899
<u>proficient on the mathematics test prescribed under former</u>	18900
<u>division (B) of section 3301.0710 of the Revised Code Section 4 of</u>	18901
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	18902
<u>(g)(m) At least seventy-five per cent of ninth graders</u>	18903
<u>proficient on the reading test prescribed under former division</u>	18904
<u>(B) of section 3301.0710 of the Revised Code Section 4 of Am. Sub.</u>	18905
<u>S.B. 55 of the 122nd general assembly;</u>	18906
<u>(h)(n) At least seventy-five per cent of ninth graders</u>	18907
<u>proficient on the writing test prescribed under former division</u>	18908
<u>(B) of section 3301.0710 of the Revised Code Section 4 of Am. Sub.</u>	18909
<u>S.B. 55 of the 122nd general assembly;</u>	18910
<u>(i)(o) At least seventy-five per cent of ninth graders</u>	18911
<u>proficient on the citizenship test prescribed under former</u>	18912

division (B) of section 3301.0710 of the Revised Code <u>Section 4 of</u>	18913
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	18914
(j) <u>(p) At least seventy-five per cent of ninth graders</u>	18915
<u>proficient on the science test prescribed under Section 4 of Am.</u>	18916
<u>Sub. S.B. 55 of the 122nd general assembly;</u>	18917
<u>(q) At least eighty-five per cent of tenth graders proficient</u>	18918
<u>on the mathematics test prescribed under</u> former division (B) of	18919
section 3301.0710 of the Revised Code <u>Section 4 of Am. Sub. S.B.</u>	18920
<u>55 of the 122nd general assembly;</u>	18921
(k) <u>(r) At least eighty-five per cent of tenth graders</u>	18922
<u>proficient on the reading test prescribed under</u> former division	18923
(B) of section 3301.0710 of the Revised Code <u>Section 4 of Am. Sub.</u>	18924
<u>S.B. 55 of the 122nd general assembly;</u>	18925
(l) <u>(s) At least eighty-five per cent of tenth graders</u>	18926
<u>proficient on the writing test prescribed under</u> former division	18927
(B) of section 3301.0710 of the Revised Code <u>Section 4 of Am. Sub.</u>	18928
<u>S.B. 55 of the 122nd general assembly;</u>	18929
(m) <u>(t) At least eighty-five per cent of tenth graders</u>	18930
<u>proficient on the citizenship test prescribed under</u> former	18931
division (B) of section 3301.0710 of the Revised Code <u>Section 4 of</u>	18932
<u>Am. Sub. S.B. 55 of the 122nd general assembly;</u>	18933
(n) <u>(u) At least eighty-five per cent of tenth graders</u>	18934
<u>proficient on the science test prescribed under Section 4 of Am.</u>	18935
<u>Sub. S.B. 55 of the 122nd general assembly;</u>	18936
<u>(v) At least sixty per cent of twelfth graders proficient on</u>	18937
<u>the mathematics test prescribed under division (A)(3) of section</u>	18938
<u>3301.0710 of the Revised Code;</u>	18939
(o) <u>(w) At least sixty per cent of twelfth graders proficient</u>	18940
<u>on the reading test prescribed under division (A)(3) of section</u>	18941
<u>3301.0710 of the Revised Code;</u>	18942

~~(p)~~(x) At least sixty per cent of twelfth graders proficient 18943
on the writing test prescribed under division (A)(3) of section 18944
3301.0710 of the Revised Code; 18945

~~(q)~~(y) At least sixty per cent of twelfth graders proficient 18946
on the citizenship test prescribed under division (A)(3) of 18947
section 3301.0710 of the Revised Code; 18948

~~(r)~~(z) At least sixty per cent of twelfth graders proficient 18949
on the science test prescribed under division (A)(3) of section 18950
3301.0710 of the Revised Code; 18951

(aa) An attendance rate for the year of at least ninety-three 18952
per cent as defined in section 3302.01 of the Revised Code. 18953
18954

In determining whether a school district met any of the 18955
performance standards specified in divisions (B)(1)(a) to (aa) of 18956
this section, the general assembly used a rounding procedure 18957
previously recommended by the department of education. It is the 18958
same rounding procedure the general assembly used in 1998 to 18959
determine whether a district had met the standards of former 18960
divisions (B)(1)(a) to (r) of this section for purposes of 18961
constructing the previous model based on fiscal year 1996 data. 18962

(2) The district was not among the ~~ten~~ five per cent of all 18963
districts with the highest income factors, ~~as defined in section~~ 18964
~~3317.02 of the Revised Code~~, nor among the ~~ten~~ five per cent of 18965
all districts with the lowest income factors. 18966

(3) The district was not among the five per cent of all 18967
districts with the highest valuation per pupil in ~~ADM, as reported~~ 18968
~~under division (A) of section 3317.03 of the Revised Code as it~~ 18969
~~existed prior to July 1, 1998~~, nor among the five per cent of all 18970
districts with the lowest valuation per pupil. 18971

This model for calculating the base cost of an adequate 18972
education is expenditure-based. The general assembly recognizes 18973

that increases in state funding to school districts since fiscal 18974
year 1996, the fiscal year upon which the general assembly based 18975
its model for calculating state funding to school districts for 18976
fiscal years 1999 through 2001, has increased school district base 18977
cost expenditures for fiscal year 1999, the fiscal year upon which 18978
the general assembly based its model for calculating state funding 18979
for fiscal years 2002 through 2007. In the case of school 18980
districts included in the fiscal year 1999 model that also had met 18981
the fiscal year 1996 performance criteria of former division 18982
(B)(1) of this section, the increased state funding may have 18983
driven the districts' expenditures beyond the expenditures that 18984
were actually needed to maintain their educational programs at the 18985
level necessary to maintain their ability to meet the fiscal year 18986
1999 performance criteria of current division (B)(1) of this 18987
section. The general assembly has determined to control for this 18988
effect by stipulating in the later model that the fiscal year 1999 18989
base cost expenditures of the districts that also met the 18990
performance criteria of former division (B)(1) of this section 18991
equals their base cost expenditures per pupil for fiscal year 18992
1996, inflated to fiscal year 1999 using an annual rate of 18993
inflation of two and eight-tenths per cent. However, if this 18994
inflated amount exceeded the district's actual fiscal year 1999 18995
base cost expenditures per pupil, the district's actual fiscal 18996
year 1999 base cost expenditures per pupil were used in the 18997
calculation. For districts in the 1999 model that did not also 18998
meet the performance criteria of former division (B)(1) of this 18999
section, the actual 1999 base cost per pupil expenditures were 19000
used in the calculation of the average district per pupil costs of 19001
the model districts. 19002

(C) In July of ~~2000~~ 2005, and in July of every six years 19003
thereafter, the speaker of the house of representatives and the 19004
president of the senate shall each appoint three members to a 19005

committee to reexamine the cost of an adequate education. No more 19006
than two members from any political party shall represent each 19007
house. The director of budget and management and the 19008
superintendent of public instruction shall serve as nonvoting ex 19009
officio members of the committee. 19010

The committee shall select a rational methodology for 19011
calculating the costs of an adequate education system for the 19012
ensuing six-year period, and shall report the methodology and the 19013
resulting costs to the general assembly. In performing its 19014
function, the committee is not bound by any method used by 19015
previous general assemblies to examine and calculate costs and 19016
instead may utilize any rational method it deems suitable and 19017
reasonable given the educational needs and requirements of the 19018
state at that time. 19019

The methodology for determining the cost of an adequate 19020
education system shall take into account the basic educational 19021
costs that all districts incur in educating regular students, the 19022
unique needs of special categories of students, and significant 19023
special conditions encountered by certain classifications of 19024
school districts. 19025

The committee also shall redetermine, for purposes of 19026
updating the parity aid calculation under section 3317.0217 of the 19027
Revised Code, the average number of effective operating mills that 19028
school districts in the seventieth to ninetieth percentiles of 19029
valuations per pupil collect above the revenues required to 19030
finance their attributed local shares of the calculated cost of an 19031
adequate education. 19032

Any committee appointed pursuant to this section shall make 19033
its report to the office of budget and management and the general 19034
assembly within ~~six months~~ one year of its appointment so that the 19035
information is available for use by the office and the general 19036
assembly in preparing the next biennial appropriations act. 19037

(D)(1) For purposes of this division, an "update year" is the first fiscal year for which the per pupil base cost of an adequate education is in effect after being recalculated by the general assembly. The first update year is fiscal year 2002. The second update year is fiscal year 2008.

(2) The general assembly shall recalculate the per pupil base cost of an adequate education every six years after considering the recommendations of the committee appointed under division (C) of this section. At the time of the recalculation, for each of the five fiscal years following the update year, the general assembly shall adjust the base cost recalculated for the update year using an annual rate of inflation that the general assembly determines appropriate.

(3) The general assembly shall include, in the act appropriating state funds for education programs for a fiscal biennium that begins with an update year, a statement of its determination of the total state share percentage of base cost and parity aid funding for the update year.

(4) During its biennial budget deliberations, the general assembly shall determine the total state share percentage of base cost and parity aid funding for each fiscal year of the upcoming biennium. This determination shall be based on the latest projections and data provided by the department of education under division (D)(6) of this section prior to the enactment of education appropriations for the upcoming biennium. If, based on those latest projections and data, the general assembly determines that the total state share percentage for either or both nonupdate fiscal years varies more than two and one-half percentage points more or less than the total state share percentage for the most recent update year, as previously stated by the general assembly under division (D)(3) of this section, the general assembly shall determine and enact a method that it considers appropriate to

restrict the estimated variance for each year to within two and 19070
one-half percentage points. The general assembly's methods may 19071
include, but are not required to include and need not be limited 19072
to, reexamining the rate of millage charged off as the local share 19073
of base cost funding under divisions (A)(1) and (2) of section 19074
3317.022 of the Revised Code. Regardless of any changes in 19075
charge-off millage rates in years between update years, however, 19076
the charge-off millage rate for update years shall be twenty-three 19077
mills, unless the general assembly determines that a different 19078
millage rate is more appropriate to share the total calculated 19079
base cost between the state and school districts. 19080

(5) The total state share percentage of base cost and parity 19081
aid funding for any fiscal year is calculated as follows: 19082

[(Total state base cost + total state parity aid funding) - 19083
statewide charge-off amount] / (Total state base cost + total 19084
state parity aid funding) 19085

Where: 19086

(a) The total state base cost equals the sum of the base 19087
costs for all school districts for the fiscal year. 19088

(b) The base cost for each school district equals: 19089

formula amount X cost-of-doing-business factor X 19090
the greater of formula ADM or 19091
three-year average formula ADM 19092

(c) The total state parity aid funding equals the sum of the 19093
amounts paid to all school districts for the fiscal year under 19094
section 3317.0217 of the Revised Code. 19095

(d) The statewide charge-off amount equals the sum of the 19096
charge-off amounts for all school districts. 19097

(e) The charge-off amount for each school district is the 19098
amount calculated as its local share of base cost funding and 19099
deducted from the total calculated base cost to determine the 19100

amount of its state payment under divisions (A)(1) and (2) of section 3317.022 of the Revised Code. The charge-off amount for each school district in fiscal year 2002 is the product of twenty-three mills multiplied by the district's recognized valuation as adjusted, if applicable, under division (A)(2) of section 3317.022 of the Revised Code. If however, in any fiscal year, including fiscal year 2002, a school district's calculated charge-off amount exceeds its base cost calculated as described in division (D)(5)(b) of this section, the district's charge-off amount shall be deemed to equal its calculated base cost.

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(6) Whenever requested by the chairperson of the standing committee of the house or representatives or the senate having primary jurisdiction over appropriations, the legislative budget officer, or the director of budget and management, the department of education shall report its latest projections for total base cost, total parity aid funding, and the statewide charge-off amount, as those terms are defined in division (D)(5) of this section, for each year of the upcoming fiscal biennium, and all data it used to make the projections.

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Sec. 3317.013. This section does not apply to handicapped preschool students.

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Analysis of special education cost data has resulted in a finding that the average special education additional cost per pupil, including the costs of related services, can be expressed as a multiple of the base cost per pupil calculated under section 3317.012 of the Revised Code. The multiples for the following categories of special education programs, as these programs are defined for purposes of Chapter 3323. of the Revised Code, and adjusted as provided in this section, are as follows:

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(A) A multiple of 0.2892 for students whose primary or only identified handicap is a speech and language handicap, as this

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term is defined pursuant to Chapter 3323. of the Revised Code; 19132

(B) A multiple of ~~0.22~~ 0.3691 for students identified as 19133
specific learning disabled, ~~other health handicapped,~~ or 19134
developmentally handicapped, as these terms are defined pursuant 19135
to Chapter 3323. of the Revised Code, ~~or other health~~ 19136
~~handicapped-minor;~~ 19137

~~(B)~~(C) A multiple of ~~3.01~~ 1.7695 for students identified as 19138
hearing handicapped, ~~orthopedically handicapped,~~ vision impaired, 19139
multihandicapped, ~~and~~ or severe behavior handicapped, as these 19140
terms are defined pursuant to Chapter 3323. of the Revised Code; 19141

(D) A multiple of 2.3646 for students identified as 19142
orthopedically handicapped, as this term is defined pursuant to 19143
Chapter 3323. of the Revised Code or other health handicapped - 19144
major; 19145

(E) A multiple of 3.1129 for students identified as 19146
multihandicapped, as this term is defined pursuant to Chapter 19147
3323. of the Revised Code; 19148

(F) A multiple of 4.7342 for students identified as autistic, 19149
having traumatic brain injuries, or as both visually and hearing 19150
disabled, as these terms are defined pursuant to Chapter 3323. of 19151
the Revised Code. 19152

~~Further analysis indicates that approximately one eighth of~~ 19153
~~the total costs of serving special education students consists of~~ 19154
~~the furnishing of the related services specified in division~~ 19155
~~(B)(3) of section 3317.022 of the Revised Code.~~ 19156

In fiscal year 2002, the multiples specified in divisions (A) 19157
to (F) of this section shall be adjusted by multiplying them by 19158
0.825. In fiscal year 2003, the multiples specified in those 19159
divisions shall be adjusted by multiplying them by 0.875. 19160

Sec. 3317.014. The average vocational education additional 19161

cost per pupil can be expressed as a multiple of the base cost per 19162
pupil calculated under section 3317.012 of the Revised Code. the 19163
multiples for the following categories of vocational education 19164
programs are as follows: 19165

(A) A multiple of ~~0.60~~ 0.57 for students enrolled in 19166
vocational education job-training and workforce development 19167
programs approved by the department of education in accordance 19168
with rules adopted under section 3313.90 of the Revised Code. 19169

(B) A multiple of ~~0.30~~ 0.28 for students enrolled in 19170
vocational education classes other than job-training and workforce 19171
development programs. 19172

Vocational education associated services costs can be 19173
expressed as a multiple of 0.05 of the base cost per pupil 19174
calculated under section 3317.012 of the Revised Code. 19175

The general assembly has adjusted the multiples specified in 19176
this section for calculating payments beginning in fiscal year 19177
2002 in recognition that its policy change regarding the 19178
application of the cost-of-doing-business factor produces a higher 19179
base cost amount than would exist if no change were made to its 19180
application. The adjustment maintains the same weighted costs as 19181
would exist if no change were made to the application of the 19182
cost-of-doing-business factor. 19183

Sec. 3317.02. As used in this chapter: 19184

(A) Unless otherwise specified, "school district" means city, 19185
local, and exempted village school districts. 19186

(B) "Formula amount" means the base cost for the fiscal year 19187
specified in section 3317.012 of the Revised Code, ~~except that to 19188
allow for the orderly phase-in of the increased funding specified 19189
in that section, the formula amount for fiscal year 1999 shall be 19190
\$3,851, and the formula amount for fiscal year 2000 shall be 19191~~

~~\$4,052. Thereafter, the formula amount shall be as specified in that section.~~ 19192
19193

(C) "FTE basis" means a count of students based on full-time 19194
equivalency, in accordance with rules adopted by the department of 19195
education pursuant to section 3317.03 of the Revised Code. In 19196
adopting its rules under this division, the department shall 19197
provide for counting any student in category one, two, ~~or three,~~ 19198
four, five, or six special education ADM or in category one or two 19199
vocational education ADM in the same proportion the student is 19200
counted in formula ADM. 19201

(D)(1) "Formula ADM" means, for a city, local, or exempted 19202
village school district, the number reported pursuant to division 19203
(A) of section 3317.03 of the Revised Code, and for a joint 19204
vocational school district, the number reported pursuant to 19205
division (D) of that section. 19206

(2) "Three-year average formula ADM" means the average of 19207
formula ADMs for the current and preceding two fiscal years. 19208
However, as applicable in fiscal years 1999 and 2000, the 19209
three-year average for city, local, and exempted village school 19210
districts shall be determined utilizing the FY 1997 ADM or FY 1998 19211
ADM in lieu of formula ADM for fiscal year 1997 or 1998. In fiscal 19212
years 2000 and 2001, the three-year average for joint vocational 19213
school districts shall be determined utilizing the average daily 19214
membership reported in fiscal years 1998 and 1999 under division 19215
(D) of section 3317.03 of the Revised Code in lieu of formula ADM 19216
for fiscal years 1998 and 1999. 19217

(E) "FY 1997 ADM" or "FY 1998 ADM" means the school 19218
district's average daily membership reported for the applicable 19219
fiscal year under the version of division (A) of section 3317.03 19220
of the Revised Code in effect during that fiscal year, adjusted as 19221
follows: 19222

(1) Minus the average daily membership of handicapped 19223

preschool children;	19224
(2) Minus one-half of the average daily membership attending kindergarten;	19225 19226
(3) Minus three-fourths of the average daily membership attending a joint vocational school district;	19227 19228
(4) Plus the average daily membership entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in the district but receiving educational services in approved units from an educational service center or another school district under a compact or a cooperative education agreement, as determined by the department;	19229 19230 19231 19232 19233 19234
(5) Minus the average daily membership receiving educational services from the district in approved units but entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in another school district, as determined by the department.	19235 19236 19237 19238
(F)(1) "Category one special education ADM" means the average daily membership of handicapped children receiving special education services for those handicaps <u>the handicap</u> specified in division (A) of section 3317.013 of the Revised Code and reported under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code.	19239 19240 19241 19242 19243 19244
(2) "Category two special education ADM" means the average daily membership of handicapped children receiving special education services for those handicaps specified in division (B) of section 3317.013 of the Revised Code and reported under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code.	19245 19246 19247 19248 19249 19250
(3) "Category three special education ADM" means the average daily membership of students receiving special education services for students identified as autistic, having traumatic brain injuries, or as both visually and hearing disabled as these terms	19251 19252 19253 19254

~~are defined pursuant to Chapter 3323. those handicaps specified in~~ 19255
~~division (C) of section 3317.013 of the Revised Code, and reported~~ 19256
~~under division (B)(7) or (D)(2)(d) of section 3317.03 of the~~ 19257
~~Revised Code.~~ 19258

(4) "Category four special education ADM" means the average 19259
daily membership of students receiving special education services 19260
for those handicaps specified in division (D) of section 3317.013 19261
of the Revised Code and reported under division (B)(8) or 19262
(D)(2)(e) of section 3317.03 of the Revised Code. 19263

(5) "Category five special education ADM" means the average 19264
daily membership of students receiving special education services 19265
for the handicap specified in division (E) of section 3317.013 of 19266
the Revised Code and reported under division (B)(9) or (D)(2)(f) 19267
of section 3317.03 of the Revised Code. 19268

(6) "Category six special education ADM" means the average 19269
daily membership of students receiving special education services 19270
for the handicap specified in division (F) of section 3317.013 of 19271
the Revised Code and reported under division (B)(10) or (D)(2)(g) 19272
of section 3317.03 of the Revised Code. 19273

(7) "Category one vocational education ADM" means the average 19274
daily membership of students receiving vocational education 19275
services described in division (A) of section 3317.014 of the 19276
Revised Code and reported under division (B)(~~8~~)(11) or 19277
(D)(2)(~~e~~)(h) of section 3317.03 of the Revised Code. 19278

~~(5)~~(8) "Category two vocational education ADM" means the 19279
average daily membership of students receiving vocational 19280
education services described in division (B) of section 3317.014 19281
of the Revised Code and reported under division (B)(~~9~~)(12) or 19282
(D)(2)(~~f~~)(i) of section 3317.03 of the Revised Code. 19283

(G) "Handicapped preschool child" means a handicapped child, 19284
as defined in section 3323.01 of the Revised Code, who is at least 19285

age three but is not of compulsory school age, as defined in 19286
section 3321.01 of the Revised Code, and who is not currently 19287
enrolled in kindergarten. 19288

(H) "County MR/DD board" means a county board of mental 19289
retardation and developmental disabilities. 19290

(I) "Recognized valuation" means the amount calculated for a 19291
school district pursuant to section 3317.015 of the Revised Code. 19292

(J) "Transportation ADM" means the number of children 19293
reported under division (B)~~(10)~~(13) of section 3317.03 of the 19294
Revised Code. 19295

(K) "Average efficient transportation use cost per student" 19296
means a statistical representation of transportation costs as 19297
calculated under division (D)(2) of section 3317.022 of the 19298
Revised Code. 19299

(L) "Taxes charged and payable" means the taxes charged and 19300
payable against real and public utility property after making the 19301
reduction required by section 319.301 of the Revised Code, plus 19302
the taxes levied against tangible personal property. 19303

(M) "Total taxable value" means the sum of the amounts 19304
certified for a city, local, exempted village, or joint vocational 19305
school district under divisions (A)(1) and (2) of section 3317.021 19306
of the Revised Code. 19307

(N)~~(1)~~ "Cost-of-doing-business factor" means the amount 19308
indicated in this division for the county in which a city, local, 19309
exempted village, or joint vocational school district is located, 19310
~~adjusted in accordance with division (N)(2) of this section.~~ If a 19311
city, local, or exempted village school district is located in 19312
more than one county, the factor is the amount indicated for the 19313
county to which the district is assigned by the state department 19314
of education. If a joint vocational school district is located in 19315
more than one county, the factor is the amount indicated for the 19316

county in which the joint vocational school with the greatest		19317
formula ADM operated by the district is located.		19318
	COST-OF-DOING-BUSINESS	19319
COUNTY	FACTOR AMOUNT	19320
Adams	1.0074 <u>1.0061</u>	19321
Allen	1.0217 <u>1.0236</u>	19322
Ashland	1.0322 <u>1.0331</u>	19323
Ashtabula	1.0480 <u>1.0431</u>	19324
Athens	1.0046 <u>1.0038</u>	19325
Auglaize	1.0255 <u>1.0272</u>	19326
Belmont	1.0078 <u>1.0043</u>	19327
Brown	1.0194 <u>1.0207</u>	19328
Butler	1.0650 <u>1.0663</u>	19329
Carroll	1.0166 <u>1.0148</u>	19330
Champaign	1.0292 <u>1.0413</u>	19331
Clark	1.0462 <u>1.0443</u>	19332
Clermont	1.0510 <u>1.0532</u>	19333
Clinton	1.0293 <u>1.0296</u>	19334
Columbiana	1.0300 <u>1.0262</u>	19335
Coshocton	1.0205 <u>1.0200</u>	19336
Crawford	1.0152 <u>1.0140</u>	19337
Cuyahoga	1.0697 <u>1.0672</u>	19338
Darke	1.0340 <u>1.0343</u>	19339
Defiance	1.0177 <u>1.0165</u>	19340
Delaware	1.0339 <u>1.0479</u>	19341
Erie	1.0391 <u>1.0372</u>	19342
Fairfield	1.0358 <u>1.0354</u>	19343
Fayette	1.0266 <u>1.0258</u>	19344
Franklin	1.0389 <u>1.0519</u>	19345
Fulton	1.0355 <u>1.0361</u>	19346
Gallia	1.0000	19347
Geauga	1.0568 <u>1.0528</u>	19348
Greene	1.0406 <u>1.0407</u>	19349

Guernsey	1.0072 <u>1.0064</u>	19350
Hamilton	1.0750	19351
Hancock	1.0224 <u>1.0215</u>	19352
Hardin	1.0219 <u>1.0348</u>	19353
Harrison	1.0098 <u>1.0081</u>	19354
Henry	1.0347 <u>1.0338</u>	19355
Highland	1.0139 <u>1.0129</u>	19356
Hocking	1.0149 <u>1.0151</u>	19357
Holmes	1.0237 <u>1.0238</u>	19358
Huron	1.0317 <u>1.0305</u>	19359
Jackson	1.0132 <u>1.0118</u>	19360
Jefferson	1.0084 <u>1.0067</u>	19361
Knox	1.0251 <u>1.0258</u>	19362
Lake	1.0596 <u>1.0556</u>	19363
Lawrence	1.0128 <u>1.0122</u>	19364
Licking	1.0381 <u>1.0375</u>	19365
Logan	1.0188 <u>1.0362</u>	19366
Lorain	1.0535 <u>1.0521</u>	19367
Lucas	1.0413 <u>1.0406</u>	19368
Madison	1.0342 <u>1.0437</u>	19369
Mahoning	1.0426 <u>1.0384</u>	19370
Marion	1.0121 <u>1.0263</u>	19371
Medina	1.0608 <u>1.0595</u>	19372
Meigs	1.0031 <u>1.0018</u>	19373
Mercer	1.0177 <u>1.0199</u>	19374
Miami	1.0425 <u>1.0415</u>	19375
Monroe	1.0118 <u>1.0097</u>	19376
Montgomery	1.0482 <u>1.0476</u>	19377
Morgan	1.0140 <u>1.0128</u>	19378
Morrow	1.0268 <u>1.0276</u>	19379
Muskingum	1.0167 <u>1.0145</u>	19380
Noble	1.0129 <u>1.0103</u>	19381
Ottawa	1.0510 <u>1.0468</u>	19382

Paulding	1.0156 <u>1.0140</u>	19383
Perry	1.0175 <u>1.0154</u>	19384
Pickaway	1.0338 <u>1.0326</u>	19385
Pike	1.0103 <u>1.0094</u>	19386
Portage	1.0556 <u>1.0516</u>	19387
Preble	1.0486 <u>1.0476</u>	19388
Putnam	1.0253 <u>1.0243</u>	19389
Richland	1.0205 <u>1.0213</u>	19390
Ross	1.0089 <u>1.0085</u>	19391
Sandusky	1.0336 <u>1.0307</u>	19392
Scioto	1.0044 <u>1.0029</u>	19393
Seneca	1.0240 <u>1.0223</u>	19394
Shelby	1.0257 <u>1.0263</u>	19395
Stark	1.0313 <u>1.0300</u>	19396
Summit	1.0616 <u>1.0598</u>	19397
Trumbull	1.0425 <u>1.0381</u>	19398
Tuscarawas	1.0099 <u>1.0097</u>	19399
Union	1.0330 <u>1.0446</u>	19400
Van Wert	1.0126 <u>1.0133</u>	19401
Vinton	1.0068 <u>1.0070</u>	19402
Warren	1.0651 <u>1.0659</u>	19403
Washington	1.0110 <u>1.0075</u>	19404
Wayne	1.0406 <u>1.0404</u>	19405
Williams	1.0268 <u>1.0284</u>	19406
Wood	1.0405 <u>1.0382</u>	19407
Wyandot	1.0191 <u>1.0188</u>	19408

~~(2) As used in this division, "multiplier" means the number for the corresponding fiscal year as follows:~~

FISCAL YEAR OF THE		19411
COMPUTATION	MULTIPLIER	19412
1998	9.6/7.5	19413
1999	11.0/7.5	19414
2000	12.4/7.5	19415

2001	13.8/7.5	19416
2002	15.2/7.5	19417
2003	16.6/7.5	19418
2004 and thereafter	18.0/7.5	19419
Beginning in fiscal year 1998, the department shall annually		19420
adjust the cost of doing business factor for each county in		19421
accordance with the following formula:		19422
{(The cost of doing business factor specified under		19423
division (N)(1) of this section - 1) X (the multiplier		19424
for the fiscal year of the calculation)} + 1		19425
The result of such formula shall be the adjusted		19426
cost of doing business factor for that fiscal year.		19427
(O) "Tax exempt value" of a school district means the amount		19428
certified for a school district under division (A)(4) of section		19429
3317.021 of the Revised Code.		19430
(P) "Potential value" of a school district means the <u>adjusted</u>		19431
<u>total taxable value</u> <u>recognized valuation</u> of a school district plus		19432
the tax exempt value of the district.		19433
(Q) "District median income" means the median Ohio adjusted		19434
gross income certified for a school district. On or before the		19435
first day of July of each year, the tax commissioner shall certify		19436
to the department of education for each city, exempted village,		19437
and local school district the median Ohio adjusted gross income of		19438
the residents of the school district determined on the basis of		19439
tax returns filed for the second preceding tax year by the		19440
residents of the district.		19441
(R) "Statewide median income" means the median district		19442
median income of all city, exempted village, and local school		19443
districts in the state.		19444
(S) "Income factor" for a city, exempted village, or local		19445
school district means the quotient obtained by dividing that		19446

district's median income by the statewide median income. 19447

~~(T) Except as provided in division (B)(3) of section 3317.012 of the Revised Code, "valuation per pupil" for a city, exempted village, or local school district means the district's recognized valuation divided by the greater of the district's formula ADM or three-year average formula ADM.~~ 19448
19449
19450
19451
19452

~~(U) Except as provided in section 3317.0213 of the Revised Code, "adjusted valuation per pupil" means the amount calculated in accordance with the following formula:~~ 19453
19454
19455

~~District valuation per pupil = [\$60,000 X
(1 - district income factor)]~~ 19456
19457

~~If the result of such formula is negative, the adjusted valuation per pupil shall be zero.~~ 19458
19459

~~(V) "Income adjusted valuation" means the product obtained by multiplying the school district's adjusted valuation per pupil by the greater of the district's formula ADM or three-year average formula ADM.~~ 19460
19461
19462
19463

~~(W) Except as provided in division (A)(2) of section 3317.022 of the Revised Code, "adjusted total taxable value" means one of the following:~~ 19464
19465
19466

~~(1) In any fiscal year that a school district's income factor is less than or equal to one, the amount calculated under the following formula:~~ 19467
19468
19469

~~(Income adjusted valuation X multiple) +
[recognized valuation X (1 - multiple)]~~ 19470
19471

~~Where "multiple" means the number for the corresponding fiscal year as follows:~~ 19472
19473

FISCAL YEAR OF THE COMPUTATION	MULTIPLE	
2000	1/5	19474 19475
2001 and thereafter	4/15	19476 19477

~~(2) In fiscal year 1999, if a school district's income factor is greater than one, the amount calculated under the following formula:~~ 19478
19479
19480

~~(Income adjusted valuation X 1/15)~~ 19481

~~+ (recognized valuation X 14/15)~~ 19482

~~Thereafter, the adjusted total taxable value of a district with an income factor greater than one shall be its recognized valuation~~ 19483
~~"Medically fragile child" means a child to whom all of the following apply:~~ 19484
19485
19486

~~(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.~~ 19487
19488
19489

~~(2) The child requires the services of a registered nurse on a daily basis.~~ 19490
19491

~~(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for the mentally retarded.~~ 19492
19493
19494

~~(U) A child may be identified as "other health handicapped-major" if the child's condition meets the definition of "other health impaired" established in rules adopted by the state board of education prior to the effective date of this amendment and if either of the following apply:~~ 19495
19496
19497
19498
19499

~~(1) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child." The superintendent of public instruction shall issue an initial list no later than September 1, 2001.~~ 19500
19501
19502
19503
19504
19505

~~(2) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public~~ 19506
19507
19508

instruction for a determination that a child is a medically 19509
fragile child. 19510

(V) A child may be identified as "other health 19511
handicapped-minor" if the child's condition meets the definition 19512
of "other health impaired" established in rules adopted by the 19513
state board of education prior to the effective date of this 19514
amendment but the child's condition does not meet either of the 19515
conditions specified in division (U)(1) or (2) of this section. 19516

Sec. 3317.021. (A) On or before the first day of June of each 19517
year, the tax commissioner shall certify to the department of 19518
education the following information for each city, exempted 19519
village, and local school district, and the information required 19520
by divisions (A)(1) and (2) of this section for each joint 19521
vocational school district, and it shall be used, along with the 19522
information certified under division (B) of this section, in 19523
making the computations for the district under ~~section~~ sections 19524
3317.022 and 3317.0217 or section 3317.16 of the Revised Code: 19525

(1) The taxable value of real and public utility real 19526
property in the school district subject to taxation in the 19527
preceding tax year, by class and by county of location; 19528

(2) The taxable value of tangible personal property, 19529
including public utility personal property, subject to taxation by 19530
the district for the preceding tax year; 19531

(3)(a) The total property tax rate and total taxes charged 19532
and payable for the current expenses for the preceding tax year 19533
and the total property tax rate and the total taxes charged and 19534
payable to a joint vocational district for the preceding tax year 19535
that are limited to or to the extent apportioned to current 19536
expenses; 19537

(b) The portion of the amount of taxes charged and payable 19538

reported for each city, local, and exempted village school 19539
district under division (A)(3)(a) of this section attributable to 19540
a joint vocational school district. 19541

(4) The value of all real and public utility real property in 19542
the school district exempted from taxation minus both of the 19543
following: 19544

(a) The value of real and public utility real property in the 19545
district owned by the United States government and used 19546
exclusively for a public purpose; 19547

(b) The value of real and public utility real property in the 19548
district exempted from taxation under Chapter 725. or 1728. or 19549
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 19550
5709.73, or 5709.78 of the Revised Code. 19551

(5) The total ~~effective operating tax rate for the district~~ 19552
~~in the tax year for which the most recent data are available~~ 19553
federal adjusted gross income of the residents of the school 19554
district, based on tax returns filed by the residents of the 19555
district, for the most recent year for which this information is 19556
available. 19557

(B) On or before the first day of May each year, the tax 19558
commissioner shall certify to the department of education the 19559
total taxable real property value of railroads and, separately, 19560
the total taxable tangible personal property value of all public 19561
utilities for the preceding tax year, by school district and by 19562
county of location. 19563

(C) If a public utility has properly and timely filed a 19564
petition for reassessment under section 5727.47 of the Revised 19565
Code with respect to an assessment issued under section 5727.23 of 19566
the Revised Code affecting taxable property apportioned by the tax 19567
commissioner to a school district, the taxable value of public 19568
utility tangible personal property included in the certification 19569

under divisions (A)(2) and (B) of this section for the school 19570
district shall include only the amount of taxable value on the 19571
basis of which the public utility paid tax for the preceding year 19572
as provided in division (B)(1) or (2) of section 5727.47 of the 19573
Revised Code. 19574

(D) If on the basis of the information certified under 19575
division (A) of this section, the department determines that any 19576
district fails in any year to meet the qualification requirement 19577
specified in division (A) of section 3317.01 of the Revised Code, 19578
the department shall immediately request the tax commissioner to 19579
determine the extent to which any school district income tax 19580
levied by the district under Chapter 5748. of the Revised Code 19581
shall be included in meeting that requirement. Within five days of 19582
receiving such a request from the department, the tax commissioner 19583
shall make the determination required by this division and report 19584
the quotient obtained under division (D)(3) of this section to the 19585
department. This quotient represents the number of mills that the 19586
department shall include in determining whether the district meets 19587
the qualification requirement of division (A) of section 3317.01 19588
of the Revised Code. 19589

The tax commissioner shall make the determination required by 19590
this division as follows: 19591

(1) Multiply one mill times the total taxable value of the 19592
district as determined in divisions (A)(1) and (2) of this 19593
section; 19594

(2) Estimate the total amount of tax liability for the 19595
current tax year under taxes levied by Chapter 5748. of the 19596
Revised Code that are apportioned to current operating expenses of 19597
the district; 19598

(3) Divide the amount estimated under division (D)(2) of this 19599
section by the product obtained under division (D)(1) of this 19600

section. 19601

~~(E) As used in this section:~~ 19602

~~(1) "Class I taxes charged and payable for current expenses" means taxes charged and payable for current expenses on land and improvements classified as residential/agricultural real property under section 5713.041 of the Revised Code.~~ 19603
19604
19605
19606

~~(2) "Class I taxable value" means the taxable value of land and improvements classified as residential/agricultural real property under section 5713.041 of the Revised Code.~~ 19607
19608
19609

~~(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.~~ 19610
19611
19612
19613

~~(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.~~ 19614
19615
19616
19617
19618
19619

~~(5) "Total effective operating tax rate" means the sum of the Class I effective operating tax rate and the income tax equivalent tax rate.~~ 19620
19621
19622

Sec. 3317.022. (A)(1) The department of education shall 19623
compute and distribute state base cost funding to each school 19624
district for the fiscal year in accordance with the following 19625
formula, ~~using adjusted total taxable value as defined in section~~ 19626
~~3317.02 of the Revised Code or making any adjustment required by~~ 19627
division (A)(2) of this section and using the information obtained 19628
under section 3317.021 of the Revised Code in the calendar year in 19629
which the fiscal year begins. 19630

Compute the following for each eligible district: 19631
 [cost-of-doing-business factor X 19632
 the formula amount X (the greater of formula ADM 19633
 or three-year average formula ADM)] - 19634
(.023 X ~~adjusted total taxable value~~ recognized valuation) 19635

If the difference obtained is a negative number, the 19636
district's computation shall be zero. 19637

(2)(a) For each school district for which the tax exempt 19638
value of the district equals or exceeds twenty-five per cent of 19639
the potential value of the district, the department of education 19640
shall calculate the difference between the district's tax exempt 19641
value and twenty-five per cent of the district's potential value. 19642

(b) For each school district to which division (A)(2)(a) of 19643
this section applies, the ~~adjusted total taxable value~~ department 19644
shall adjust the recognized valuation used in the calculation 19645
under division (A)(1) of this section ~~shall be the adjusted total~~ 19646
~~taxable value modified~~ by subtracting from it the amount 19647
calculated under division (A)(2)(a) of this section. 19648

(B) As used in this section: 19649

(1) The "total special education weight" for a district means 19650
the sum of the following amounts: 19651

(a) The district's category one special education ADM 19652
multiplied by the multiple specified ~~under~~ in division (A) of 19653
section 3317.013 of the Revised Code; 19654

(b) The ~~sum of the~~ district's category two ~~and category three~~ 19655
special education ~~ADMs~~ ADM multiplied by the multiple specified 19656
~~under~~ in division (B) of section 3317.013 of the Revised Code; 19657
19658

(c) The district's category three special education ADM 19659
multiplied by the multiple specified in division (C) of section 19660

<u>3317.013 of the Revised Code;</u>	19661
<u>(d) The district's category four special education ADM</u>	19662
<u>multiplied by the multiple specified in division (D) of section</u>	19663
<u>3317.013 of the Revised Code;</u>	19664
<u>(e) The district's category five special education ADM</u>	19665
<u>multiplied by the multiple specified in division (E) of section</u>	19666
<u>3317.013 of the Revised Code;</u>	19667
<u>(f) The district's category six special education ADM</u>	19668
<u>multiplied by the multiple specified in division (F) of section</u>	19669
<u>3317.013 of the Revised Code.</u>	19670
(2) "State share percentage" means the percentage calculated	19671
for a district as follows:	19672
(a) Calculate the state base cost funding amount for the	19673
district for the fiscal year under division (A) of this section.	19674
If the district would not receive any state base cost funding for	19675
that year under that division, the district's state share	19676
percentage is zero.	19677
(b) If the district would receive state base cost funding	19678
under that division, divide that amount by an amount equal to the	19679
following:	19680
Cost-of-doing-business factor X	19681
the formula amount X (the greater of formula	19682
ADM or three-year average formula ADM)	19683
The resultant number is the district's state share	19684
percentage.	19685
(3) "Related services" includes:	19686
(a) Child study, special education supervisors and	19687
coordinators, speech and hearing services, adaptive physical	19688
development services, occupational or physical therapy, teacher	19689
assistants for handicapped children whose handicaps are described	19690

in division (B) of section 3317.013 or division (F)(3) of section	19691
3317.02 of the Revised Code, behavioral intervention, interpreter	19692
services, work study, nursing services, and specialized	19693
integrative services as those terms are defined by the department;	19694
(b) Speech and language services provided to any student with	19695
a handicap, including any student whose primary or only handicap	19696
is a speech and language handicap;	19697
(c) Any related service not specifically covered by other	19698
state funds but specified in federal law, including but not	19699
limited to, audiology and school psychological services;	19700
(d) Any service included in units funded under former	19701
division (O)(1) of section 3317.023 of the Revised Code;	19702
(e) Any other related service needed by handicapped children	19703
in accordance with their individualized education plans.	19704
(4) The "total vocational education weight" for a district	19705
means the sum of the following amounts:	19706
(a) The district's category one vocational education ADM	19707
multiplied by the multiple specified in division (A) of section	19708
3317.014 of the Revised Code;	19709
(b) The district's category two vocational education ADM	19710
multiplied by the multiple specified in division (B) of section	19711
3317.014 of the Revised Code.	19712
(C)(1) The department shall compute and distribute state	19713
special education and related services additional weighted costs	19714
funds to each school district in accordance with the following	19715
formula:	19716
The district's state share percentage	19717
X the formula amount for the year	19718
for which the aid is calculated	19719
X the district's total special education weight	19720

~~(2) In any fiscal year, a school district receiving funds under division (C)(1) of this section shall spend on related services the lesser of the following:~~

~~(a) The amount the district spent on related services in the preceding fiscal year;~~

~~(b) $1/8 \times \{[\text{cost of doing business factor} \times \text{the formula amount} \times (\text{the category one special education ADM} + \text{category two special education ADM} + \text{category three special education ADM})] + \text{the amount calculated for the fiscal year under division (C)(1) of this section} + \text{the local share of special education and related services additional weighted costs}\}$;~~

~~(3) The attributed local share of special education and related services additional weighted costs equals:~~

~~(1 - the district's state share percentage) X~~

~~the district's total special education weight X~~

~~the formula amount~~

~~(4)(3)(a) The department shall compute and pay in accordance with this division additional state aid to school districts for students in category three categories two through six special education ADM. If a district's costs for the fiscal year for a student in its category three categories two through six special education ADM are twenty-five thousand dollars or more exceed the threshold catastrophic cost for serving the student, 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:~~

~~(i) One-half of the district's costs for the student in excess of the threshold catastrophic cost;~~

(ii) The product of one-half of the district's costs for the student in excess of ~~twenty-five thousand dollars~~ the threshold catastrophic cost multiplied by the district's state share percentage. 19752
19753
19754
19755

(b) For purposes of division (C)(3)(a) of this section, the threshold catastrophic cost for serving a student equals: 19756
19757

(i) For a student in the school district's category two, three, four, or five special education ADM, twenty-five thousand dollars in fiscal year 2002 and twenty-five thousand seven hundred dollars in fiscal year 2003; 19758
19759
19760
19761

(ii) For a student in the district's category six special education ADM, thirty thousand dollars in fiscal year 2002 and thirty thousand eight hundred forty dollars in fiscal year 2003. 19762
19763
19764

The threshold catastrophic costs for fiscal year 2003 represent a two and eight-tenths per cent inflationary increase over fiscal year 2002. 19765
19766
19767

(c) The district shall only report under division (C)(3)(a) 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. 19768
19769
19770
19771
19772
19773
19774

(5)(a) As used in this division, the "personnel allowance" means ~~twenty-five thousand dollars in fiscal year 2000~~ and thirty thousand dollars in fiscal ~~year 2001~~ years 2002 and 2003. 19775
19776
19777

(b) For the provision of speech services to students, including students who do not have individualized education programs prepared for them under Chapter 3323. of the Revised Code, and for no other purpose, the department of education shall pay each school district an amount calculated under the following 19778
19779
19780
19781
19782

formula: 19783

(formula ADM divided by 2000) X 19784

the personnel allowance X the state share percentage 19785

~~(6)(5)~~ In any fiscal year, a school district ~~receiving funds~~ 19786
~~under division (C)(1) of this section shall spend those funds only~~ 19787
~~for the purposes that the department designates as approved for~~ 19788
~~special education and related services expenses at least the~~ 19789
~~amount calculated as follows:~~ 19790

~~(cost-of-doing-business factor X~~ 19791
~~formula amount X the sum of categories~~ 19792
~~one through six special education ADM) +~~ 19793
~~(total special education weight X formula amount)~~ 19794

The purposes approved by the department for special education 19795
expenses shall include, but shall not be limited to, 19796
identification of handicapped children, compliance with state 19797
rules governing the education of handicapped children and 19798
prescribing the continuum of program options for handicapped 19799
children, and the portion of the school district's overall 19800
administrative and overhead costs that are attributable to the 19801
district's special education student population. 19802

The department shall require school districts to report data 19803
annually to allow for monitoring compliance with division (C)(5) 19804
of this section. The department shall annually report to the 19805
governor and the general assembly the amount of money spent by 19806
each school district for special education and related services. 19807

(D)(1) As used in this division: 19808

(a) "Daily bus miles per student" equals the number of bus 19809
miles traveled per day, divided by transportation base. 19810

(b) "Transportation base" equals total student count as 19811
defined in section 3301.011 of the Revised Code, minus the number 19812
of students enrolled in preschool handicapped units, plus the 19813

number of nonpublic school students included in transportation 19814
ADM. 19815

(c) "Transported student percentage" equals transportation 19816
ADM divided by transportation base. 19817

(d) "Transportation cost per student" equals total operating 19818
costs for board-owned or contractor-operated school buses divided 19819
by transportation base. 19820

(2) Analysis of student transportation cost data has resulted 19821
in a finding that an average efficient transportation use cost per 19822
student can be calculated by means of a regression formula that 19823
has as its two independent variables the number of daily bus miles 19824
per student and the transported student percentage. For fiscal 19825
year 1998 transportation cost data, the average efficient 19826
transportation use cost per student is expressed as follows: 19827
19828

$$51.79027 + (139.62626 \times \text{daily bus miles per student}) + 19829$$
$$(116.25573 \times \text{transported student percentage}) 19830$$

The department of education shall annually determine the 19831
average efficient transportation use cost per student in 19832
accordance with the principles stated in division (D)(2) of this 19833
section, updating the intercept and regression coefficients of the 19834
regression formula modeled in this division, based on an annual 19835
statewide analysis of each school district's daily bus miles per 19836
student, transported student percentage, and transportation cost 19837
per student data. The department shall conduct the annual update 19838
using data, including daily bus miles per student, transported 19839
student percentage, and transportation cost per student data, from 19840
the prior fiscal year. The department shall notify the office of 19841
budget and management of such update by the fifteenth day of 19842
February of each year. 19843

(3) In addition to funds paid under divisions (A), (C), and 19844

(E) of this section, each district with a transported student percentage greater than zero shall receive a payment equal to a percentage of the product of the district's transportation base from the prior fiscal year times the annually updated average efficient transportation use cost per student, times an inflation factor of two and eight tenths per cent to account for the one-year difference between the data used in updating the formula and calculating the payment and the year in which the payment is made. The percentage shall be the following percentage of that product specified for the corresponding fiscal year:

FISCAL YEAR	PERCENTAGE	
2000	52.5%	
2001	55%	
2002	57.5%	
2003 and thereafter	<u>The greater of 60% or the district's state share percentage</u>	

The payments made under division (D)(3) of this section each year shall be calculated based on all of the same prior year's data used to update the formula.

(4) In addition to funds paid under divisions (D)(2) and (3) of this section, a school district shall receive a rough road subsidy if both of the following apply:

(a) Its county rough road percentage is higher than the statewide rough road percentage, as those terms are defined in division (D)(5) of this section;

(b) Its district student density is lower than the statewide student density, as those terms are defined in that division.

(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:

(per rough mile subsidy X total rough road miles) X 19874
density multiplier 19875

where: 19876

(a) "Per rough mile subsidy" equals the amount calculated in 19877
accordance with the following formula: 19878

0.75 - {0.75 X [(maximum rough road percentage - 19879
county rough road percentage)/(maximum rough road percentage - 19880
statewide rough road percentage)]} 19881
19882

(i) "Maximum rough road percentage" means the highest county 19883
rough road percentage in the state. 19884

(ii) "County rough road percentage" equals the percentage of 19885
the mileage of state, municipal, county, and township roads that 19886
is rated by the department of transportation as type A, B, C, E2, 19887
or F in the county in which the school district is located or, if 19888
the district is located in more than one county, the county to 19889
which it is assigned for purposes of determining its 19890
cost-of-doing-business factor. 19891

(iii) "Statewide rough road percentage" means the percentage 19892
of the statewide total mileage of state, municipal, county, and 19893
township roads that is rated as type A, B, C, E2, or F by the 19894
department of transportation. 19895

(b) "Total rough road miles" means a school district's total 19896
bus miles traveled in one year times its county rough road 19897
percentage. 19898

(c) "Density multiplier" means a figure calculated in 19899
accordance with the following formula: 19900

1 - [(minimum student density - district student 19901
density)/(minimum student density - 19902
statewide student density)] 19903

(i) "Minimum student density" means the lowest district 19904

student density in the state. 19905

(ii) "District student density" means a school district's 19906
transportation base divided by the number of square miles in the 19907
district. 19908

(iii) "Statewide student density" means the sum of the 19909
transportation bases for all school districts divided by the sum 19910
of the square miles in all school districts. 19911

(6) In addition to funds paid under divisions (D)(2) to (5) 19912
of this section, each district shall receive in accordance with 19913
rules adopted by the state board of education a payment for 19914
students transported by means other than board-owned or 19915
contractor-operated buses and whose transportation is not funded 19916
under division (J) of section 3317.024 of the Revised Code. The 19917
rules shall include provisions for school district reporting of 19918
such students. 19919

~~(7) Notwithstanding divisions (D)(1) to (6) of this section,~~ 19920
~~in fiscal year 2000 only, each school district shall receive the~~ 19921
~~greater of the total amount calculated for it under those~~ 19922
~~divisions and division (J) of section 3317.024 of the Revised Code~~ 19923
~~or the total amount calculated for it for types one through six~~ 19924
~~student transportation operating funds in fiscal year 1999. For~~ 19925
~~purposes of division (D)(7) of this section, the fiscal year 1999~~ 19926
~~guaranteed total amount does not include subsidies for school bus~~ 19927
~~purchases.~~ 19928

(E)(1) The department shall compute and distribute state 19929
vocational education additional weighted costs funds to each 19930
school district in accordance with the following formula: 19931

state share percentage X 19932

the formula amount X 19933

total vocational education weight 19934

In any fiscal year, a school district receiving funds under 19935

division (E)(1) of this section shall spend those funds only for 19936
the purposes that the department designates as approved for 19937
vocational education expenses. 19938

(2) The department shall compute for each school district 19939
state funds for vocational education associated services in 19940
accordance with the following formula: 19941

state share percentage X .05 X 19942

the formula amount X the sum of categories one and two 19943

vocational education ADM 19944

In any fiscal year, a school district receiving funds under 19945
division (E)(2) of this section, or through a transfer of funds 19946
pursuant to division (L) of section 3317.023 of the Revised Code, 19947
shall spend those funds only for the purposes that the department 19948
designates as approved for vocational education associated 19949
services expenses, which may include such purposes as 19950
apprenticeship coordinators, coordinators for other vocational 19951
education services, vocational evaluation, and other purposes 19952
designated by the department. The department may deny payment 19953
under division (E)(2) of this section to any district that the 19954
department determines is not operating those services or is using 19955
funds paid under division (E)(2) of this section, or through a 19956
transfer of funds pursuant to division (L) of section 3317.023 of 19957
the Revised Code, for other purposes. 19958

~~In fiscal years 2000 and 2001, each school district shall 19959
continue to offer the same number of the vocational education 19960
programs that the district offered in fiscal year 1999, unless the 19961
department of education expressly agrees that the district may 19962
offer fewer programs in either fiscal year 2000 or 2001 or both. 19963~~

(F) Beginning in fiscal year 2003, the actual local share in 19964
any fiscal year for the combination of special education and 19965
related services additional weighted costs funding calculated 19966
under division (C)(1) of this section, transportation funding 19967

calculated under divisions (D)(2) and (3) of this section, and 19968
vocational education and associated services additional weighted 19969
costs funding calculated under divisions (E)(1) and (2) of this 19970
section shall not exceed for any school district the product of 19971
three mills times the district's recognized valuation. Beginning 19972
in fiscal year 2003, the department annually shall pay each school 19973
district as an excess cost supplement any amount by which the sum 19974
of the district's attributed local shares for that funding exceeds 19975
that product. For purposes of calculating the excess cost 19976
supplement: 19977

(1) The attributed local share for special education and 19978
related services additional weighted costs funding is the amount 19979
specified in division (C)(2) of this section. 19980

(2) The attributed local share of transportation funding 19981
equals the difference of the total amount calculated for the 19982
district using the formula developed under division (D)(2) of this 19983
section minus the actual amount paid to the district after 19984
applying the percentage specified in division (D)(3) of this 19985
section. 19986

(3) The attributed local share of vocational education and 19987
associated services additional weighted costs funding is the 19988
amount determined as follows: 19989

(1 - state share percentage) X 19990
[(total vocational education weight X the formula amount) + 19991
the payment under division (E)(2) of this section] 19992

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 19993
Revised Code, the amounts required to be paid to a district under 19994
this chapter shall be adjusted by the amount of the computations 19995
made under divisions (B) to ~~(K)~~(L) of this section. 19996

As used in this section: 19997

(1) "Classroom teacher" means a licensed employee who provides direct instruction to pupils, excluding teachers funded from money paid to the district from federal sources; educational service personnel; and vocational and special education teachers.

(2) "Educational service personnel" shall not include such specialists funded from money paid to the district from federal sources or assigned full-time to vocational or special education students and classes and may only include those persons employed in the eight specialist areas in a pattern approved by the department of education under guidelines established by the state board of education.

(3) "Annual salary" means the annual base salary stated in the state minimum salary schedule for the performance of the teacher's regular teaching duties that the teacher earns for services rendered for the first full week of October of the fiscal year for which the adjustment is made under division (C) of this section. It shall not include any salary payments for supplemental teachers contracts.

(4) "Regular student population" means the formula ADM plus the number of students reported as enrolled in the district pursuant to division (A)(1) of section 3313.981 of the Revised Code; minus the number of students reported under division (A)(2) of section 3317.03 of the Revised Code; minus the FTE of students reported under division (B)(5), (6), (7), (8), ~~or~~ (9), (10), (11), or (12) of that section who are enrolled in a vocational education class or receiving special education; and minus one-fourth of the students enrolled concurrently in a joint vocational school district.

(5) "State share percentage" has the same meaning as in section 3317.022 of the Revised Code.

(6) "VEPD" means a school district or group of school

districts designated by the department of education as being 20029
responsible for the planning for and provision of vocational 20030
education services to students within the district or group. 20031

(7) "Lead district" means a school district, including a 20032
joint vocational school district, designated by the department as 20033
a VEPD, or designated to provide primary vocational education 20034
leadership within a VEPD composed of a group of districts. 20035

(B) If the district employs less than one full-time 20036
equivalent classroom teacher for each twenty-five pupils in the 20037
regular student population in any school district, deduct the sum 20038
of the amounts obtained from the following computations: 20039

(1) Divide the number of the district's full-time equivalent 20040
classroom teachers employed by one twenty-fifth; 20041

(2) Subtract the quotient in (1) from the district's regular 20042
student population; 20043

(3) Multiply the difference in (2) by seven hundred fifty-two 20044
dollars. 20045

(C) If a positive amount, add one-half of the amount obtained 20046
by multiplying the number of full-time equivalent classroom 20047
teachers by: 20048

(1) The mean annual salary of all full-time equivalent 20049
classroom teachers employed by the district at their respective 20050
training and experience levels minus; 20051

(2) The mean annual salary of all such teachers at their 20052
respective levels in all school districts receiving payments under 20053
this section. 20054

The number of full-time equivalent classroom teachers used in 20055
this computation shall not exceed one twenty-fifth of the 20056
district's regular student population. In calculating the 20057
district's mean salary under this division, those full-time 20058

equivalent classroom teachers with the highest training level 20059
shall be counted first, those with the next highest training level 20060
second, and so on, in descending order. Within the respective 20061
training levels, teachers with the highest years of service shall 20062
be counted first, the next highest years of service second, and so 20063
on, in descending order. 20064

(D) This division does not apply to a school district that 20065
has entered into an agreement under division (A) of section 20066
3313.42 of the Revised Code. Deduct the amount obtained from the 20067
following computations if the district employs fewer than five 20068
full-time equivalent educational service personnel, including 20069
elementary school art, music, and physical education teachers, 20070
counselors, librarians, visiting teachers, school social workers, 20071
and school nurses for each one thousand pupils in the regular 20072
student population: 20073

(1) Divide the number of full-time equivalent educational 20074
service personnel employed by the district by five 20075
one-thousandths; 20076

(2) Subtract the quotient in (1) from the district's regular 20077
student population; 20078

(3) Multiply the difference in (2) by ninety-four dollars. 20079

(E) If a local school district, or a city or exempted village 20080
school district to which a governing board of an educational 20081
service center provides services pursuant to section 3313.843 of 20082
the Revised Code, deduct the amount of the payment required for 20083
the reimbursement of the governing board under section 3317.11 of 20084
the Revised Code. 20085

(F)(1) If the district is required to pay to or entitled to 20086
receive tuition from another school district under division (C)(2) 20087
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 20088
or if the superintendent of public instruction is required to 20089

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
such payments.

(J) If the district is required to pay an amount of funds to
a cooperative education district pursuant to a provision described

by division (B)(4) of section 3311.52 or division (B)(8) of 20121
section 3311.521 of the Revised Code, deduct such amounts as 20122
provided under that provision and credit those amounts to the 20123
cooperative education district for payment to the district under 20124
division (B)(1) of section 3317.19 of the Revised Code. 20125

(K)(1) If a district is educating a student entitled to 20126
attend school in another district pursuant to a shared education 20127
contract, compact, or cooperative education agreement other than 20128
an agreement entered into pursuant to section 3313.842 of the 20129
Revised Code, credit to that educating district on an FTE basis 20130
both of the following: 20131

(a) An amount equal to the formula amount times the cost of 20132
doing business factor of the school district where the student is 20133
entitled to attend school pursuant to section 3313.64 or 3313.65 20134
of the Revised Code; 20135

(b) An amount equal to the formula amount times the state 20136
share percentage times any multiple applicable to the student 20137
pursuant to section 3317.013 or 3317.014 of the Revised Code. 20138

(2) Deduct any amount credited pursuant to division (K)(1) of 20139
this section from amounts paid to the school district in which the 20140
student is entitled to attend school pursuant to section 3313.64 20141
or 3313.65 of the Revised Code. 20142

(3) If the district is required by a shared education 20143
contract, compact, or cooperative education agreement to make 20144
payments to an educational service center, deduct the amounts from 20145
payments to the district and add them to the amounts paid to the 20146
service center pursuant to section 3317.11 of the Revised Code. 20147

(L)(1) If a district, including a joint vocational school 20148
district, is a lead district of a VEPD, credit to that district 20149
the amounts calculated for all the school districts within that 20150
VEPD pursuant to division (E)(2) of section 3317.022 of the 20151

Revised Code.	20152
(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.	20153 20154 20155
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:	20156 20157 20158 20159 20160 20161 20162 20163 20164 20165 20166 20167 20168 20169 20170 20171 20172 20173
(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.	20174 20175 20176
(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 capital improvements for such schools. Such amounts shall be determined on the basis of standards adopted by the state board of education.	20177 20178 20179 20180 20181 20182

(C) An amount for each school district operating classes for children of migrant workers who are unable to be in attendance in an Ohio school during the entire regular school year. The amounts shall be determined on the basis of standards adopted by the state board of education, except that payment shall be made only for subjects regularly offered by the school district providing the classes.

(D) An amount for each school district with guidance, testing, and counseling programs approved by the state board of education. The amount shall be determined on the basis of standards adopted by the state board of education.

(E) An amount for the emergency purchase of school buses as provided for in section 3317.07 of the Revised Code;

(F) An amount for each school district required to pay tuition for a child in an institution maintained by the department of youth services pursuant to section 3317.082 of the Revised Code, provided the child was not included in the calculation of the district's average daily membership for the preceding school year.

(G) In fiscal year 2000 only, an amount to each school district for supplemental salary allowances for each licensed employee except those licensees serving as superintendents, assistant superintendents, principals, or assistant principals, whose term of service in any year is extended beyond the term of service of regular classroom teachers, as described in section 3301.0725 of the Revised Code;

(H) An amount for adult basic literacy education for each district participating in programs approved by the state board of education. The amount shall be determined on the basis of standards adopted by the state board of education.

(I) Notwithstanding section 3317.01 of the Revised Code, but

only until June 30, 1999, to each city, local, and exempted 20214
village school district, an amount for conducting driver education 20215
courses at high schools for which the state board of education 20216
prescribes minimum standards and to joint vocational and 20217
cooperative education school districts and educational service 20218
centers, an amount for conducting driver education courses to 20219
pupils enrolled in a high school for which the state board 20220
prescribes minimum standards. No payments shall be made under this 20221
division after June 30, 1999. 20222

(J) An amount for the approved cost of transporting 20223
developmentally handicapped pupils whom it is impossible or 20224
impractical to transport by regular school bus in the course of 20225
regular route transportation provided by the district or service 20226
center. No district or service center is eligible to receive a 20227
payment under this division for the cost of transporting any pupil 20228
whom it transports by regular school bus and who is included in 20229
the district's transportation ADM. The state board of education 20230
shall establish standards and guidelines for use by the department 20231
of education in determining the approved cost of such 20232
transportation for each district or service center. 20233

(K) An amount to each school district, including each 20234
cooperative education school district, pursuant to section 3313.81 20235
of the Revised Code to assist in providing free lunches to needy 20236
children and an amount to assist needy school districts in 20237
purchasing necessary equipment for food preparation. The amounts 20238
shall be determined on the basis of rules adopted by the state 20239
board of education. 20240

(L) An amount to each school district, for each pupil 20241
attending a chartered nonpublic elementary or high school within 20242
the district. The amount shall equal the amount appropriated for 20243
the implementation of section 3317.06 of the Revised Code divided 20244
by the average daily membership in grades kindergarten through 20245

twelve in nonpublic elementary and high schools within the state 20246
as determined during the first full week in October of each school 20247
year. 20248

(M) An amount for each county MR/DD board, distributed on the 20249
basis of standards adopted by the state board of education, for 20250
the approved cost of transportation required for children 20251
attending special education programs operated by the county MR/DD 20252
board under section 3323.09 of the Revised Code; 20253

(N) An amount for each county MR/DD board, distributed on the 20254
basis of standards adopted by the state board of education, for 20255
supportive home services for preschool children; 20256

(O) An amount for each school district that establishes a 20257
mentor teacher program that complies with rules of the state board 20258
of education. No school district shall be required to establish or 20259
maintain such a program in any year unless sufficient funds are 20260
appropriated to cover the district's total costs for the program. 20261

(P) An amount to each school district or educational service 20262
center for the total number of gifted units approved pursuant to 20263
section 3317.05 of the Revised Code. The amount for each such unit 20264
shall be the sum of the minimum salary for the teacher of the 20265
unit, calculated on the basis of the teacher's training level and 20266
years of experience pursuant to the salary schedule prescribed in 20267
the version of section 3317.13 of the Revised Code in effect prior 20268
to the effective date of this amendment, plus fifteen per cent of 20269
that minimum salary amount, plus two thousand six hundred 20270
seventy-eight dollars. 20271

(Q) An amount to each institution defined under section 20272
3317.082 of the Revised Code providing elementary or secondary 20273
education to children other than children receiving special 20274
education under section 3323.091 of the Revised Code. This amount 20275
for any institution in any fiscal year shall equal the total of 20276

all tuition amounts required to be paid to the institution under 20277
division (A)(1) of section 3317.082 of the Revised Code. 20278

(R) A grant to each school district and joint vocational 20279
school district that operates a "graduation, reality, and 20280
dual-role skills" (GRADS) program for pregnant and parenting 20281
students that is approved by the department. The amount of the 20282
payment shall be the district's state share percentage, as defined 20283
in section 3317.022 or 3317.16 of the Revised Code, times the 20284
GRADS personnel allowance times the full-time-equivalent number of 20285
GRADS teachers approved by the department. The GRADS personnel 20286
allowance is ~~\$45,000 in fiscal year 2000 and \$46,260 in fiscal~~ 20287
~~year 2001~~ years 2002 and 2003. 20288

The state board of education or any other board of education 20289
or governing board may provide for any resident of a district or 20290
educational service center territory any educational service for 20291
which funds are made available to the board by the United States 20292
under the authority of public law, whether such funds come 20293
directly or indirectly from the United States or any agency or 20294
department thereof or through the state or any agency, department, 20295
or political subdivision thereof. 20296

Sec. 3317.029. (A) As used in this section: 20297

(1) "DPIA percentage" means: 20298

(a) In fiscal years prior to fiscal year 2004, the quotient 20299
obtained by dividing the five-year average number of children ages 20300
five to seventeen residing in the school district and living in a 20301
family receiving ~~family~~ assistance under the Ohio works first 20302
program or an antecedent program known as TANF or ADC, as 20303
certified or adjusted under section 3317.10 of the Revised Code, 20304
by the district's three-year average formula ADM. 20305

(b) Beginning in fiscal year 2004, the five-year average, 20306

unduplicated number of children ages five to seventeen residing in 20307
the school district and living in a family that has family income 20308
not exceeding the federal poverty guidelines and that receives 20309
family assistance, as certified or adjusted under section 3317.10 20310
of the Revised Code, divided by the district's three-year average 20311
formula ADM. 20312

(2) "Family assistance" means assistance received under one 20313
of the following: 20314

(a) The Ohio works first program or, for the purpose of 20315
determining the five-year average number of recipients of family 20316
assistance in fiscal years 1999 through 2002, assistance received 20317
under an antecedent program known as TANF or ADC; 20318

(b) The food stamp program; 20319

(c) The medical assistance program, including the healthy 20320
start program, established under Chapter 5111. of the Revised 20321
Code; 20322

(d) The children's health insurance program part I 20323
established under section 5101.50 of the Revised Code or, prior to 20324
fiscal year 2000, an executive order issued under section 107.17 20325
of the Revised Code; 20326

(e) The disability assistance program established under 20327
Chapter 5115. of the Revised Code. 20328

(3) "Statewide DPIA percentage" means: 20329

(a) In fiscal years prior to fiscal year 2004, the five-year 20330
average of the total number of children ages five to seventeen 20331
years residing in the state and receiving family assistance under 20332
the Ohio works first program or an antecedent program known as 20333
TANF or ADC, divided by the sum of the three-year average formula 20334
ADMs for all school districts in the state. 20335

(b) Beginning in fiscal year 2004, the five-year average of 20336

the total, unduplicated number of children ages five to seventeen residing in the state and living in a family that has family income not exceeding the federal poverty guidelines and that receives family assistance, divided by the sum of the three-year average formula ADMs for all school districts in the state. 20337
20338
20339
20340
20341

(4) "DPIA index" means the quotient obtained by dividing the school district's DPIA percentage by the statewide DPIA percentage. 20342
20343
20344

(5) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code. 20345
20346

(6) "DPIA student count" means: 20347

(a) In fiscal years prior to fiscal year 2004, the five-year average number of children ages five to seventeen residing in the school district and living in a family receiving assistance under the Ohio works first program or an antecedent program known as TANF or ADC, as certified under section 3317.10 of the Revised Code; 20348
20349
20350
20351
20352
20353

(b) Beginning in fiscal year 2004, the five-year average, unduplicated number of children ages five to seventeen residing in the school district and living in a family that has family income not exceeding the federal poverty guidelines and that receives family assistance, as certified or adjusted under section 3317.10 of the Revised Code. 20354
20355
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(7) "Kindergarten ADM" means the number of students reported under section 3317.03 of the Revised Code as enrolled in kindergarten. 20360
20361
20362

~~(6)~~(8) "Kindergarten through third grade ADM" means the amount calculated as follows: 20363
20364

(a) Multiply the kindergarten ADM by the sum of one plus the all-day kindergarten percentage; 20365
20366

(b) Add the number of students in grades one through three; 20367

(c) Subtract from the sum calculated under division (A)(6)(b) 20368
of this section the number of special education students in grades 20369
kindergarten through three. 20370

~~(7)(9)~~ "Statewide average teacher salary" means ~~forty~~ 20371
forty-two thousand ~~one~~ four hundred ~~eighty-seven~~ sixty-nine 20372
dollars in fiscal year ~~2000~~ 2002, and ~~forty-one~~ forty-three 20373
thousand ~~three~~ six hundred ~~twelve~~ fifty-eight dollars in fiscal 20374
year ~~2001~~ 2003, which includes an amount for the value of fringe 20375
benefits. 20376

~~(8)(10)~~ "All-day kindergarten" means a kindergarten class 20377
that is in session five days per week for not less than the same 20378
number of clock hours each day as for pupils in grades one through 20379
six. 20380

~~(9)(11)~~ "All-day kindergarten percentage" means the 20381
percentage of a district's actual total number of students 20382
enrolled in kindergarten who are enrolled in all-day kindergarten. 20383

~~(10)(12)~~ "Buildings with the highest concentration of need" 20384
means: 20385

(a) In fiscal years prior to fiscal year 2004, the school 20386
buildings in a district with percentages of students ~~receiving~~ 20387
~~family assistance~~ in grades kindergarten through three receiving 20388
assistance under Ohio works first at least as high as the 20389
district-wide percentage of students receiving ~~family~~ such 20390
assistance. ~~If, however~~ 20391

(b) Beginning in fiscal year 2004, the school buildings in a 20392
district with percentages of students in grades kindergarten 20393
through three receiving family assistance at least as high as the 20394
district-wide percentage of students receiving family assistance. 20395

(c) If, in any fiscal year, the information provided by the 20396

department of job and family services under section 3317.10 of the Revised Code is insufficient to determine the Ohio works first or family assistance percentage in each building, "buildings with the highest concentration of need" has the meaning given in rules that the department of education shall adopt. The rules shall base the definition of "buildings with the highest concentration of need" on family income of students in grades kindergarten through three in a manner that, to the extent possible with available data, approximates the intent of this division and division (G) of this section to designate buildings where the Ohio works first or family assistance percentage in those grades equals or exceeds the district-wide Ohio works first or family assistance percentage.

(B) In addition to the amounts required to be paid to a school district under section 3317.022 of the Revised Code, a school district shall receive the greater of the amount the district received in fiscal year 1998 pursuant to division (B) of section 3317.023 of the Revised Code as it existed at that time or the sum of the computations made under divisions (C) to (E) of this section.

(C) A supplemental payment that may be utilized for measures related to safety and security and for remediation or similar programs, calculated as follows:

(1) If the DPIA index of the school district is greater than or equal to thirty-five-hundredths, but less than one, an amount obtained by multiplying the ~~five-year average number of pupils in a district receiving family assistance~~ district's DPIA student count by two hundred thirty dollars;

(2) If the DPIA index of the school district is greater than or equal to one, an amount obtained by multiplying the DPIA index by two hundred thirty dollars and multiplying that product by the ~~five-year average number of pupils in a district receiving family assistance~~ district's DPIA student count.

Except as otherwise provided in division (F) of this section, 20429
beginning with the school year that starts July 1, 2002, each 20430
school district annually shall use at least twenty per cent of the 20431
funds calculated for the district under this division for 20432
intervention services required by section 3313.608 of the Revised 20433
Code. 20434

(D) A payment for all-day kindergarten if the DPIA index of 20435
the school district is greater than or equal to one or if the 20436
district's three-year average formula ADM exceeded seventeen 20437
thousand five hundred, calculated by multiplying the all-day 20438
kindergarten percentage by the kindergarten ADM and multiplying 20439
that product by the formula amount. 20440

(E) A class-size reduction payment based on calculating the 20441
number of new teachers necessary to achieve a lower 20442
student-teacher ratio, as follows: 20443

(1) Determine or calculate a formula number of teachers per 20444
one thousand students based on the DPIA index of the school 20445
district as follows: 20446

(a) If the DPIA index of the school district is less than 20447
six-tenths, the formula number of teachers is 43.478, which is the 20448
number of teachers per one thousand students at a student-teacher 20449
ratio of twenty-three to one; 20450

(b) If the DPIA index of the school district is greater than 20451
or equal to six-tenths, but less than two and one-half, the 20452
formula number of teachers is calculated as follows: 20453

$$43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\}$$
 20454

Where 43.478 is the number of teachers per one thousand 20455
students at a student-teacher ratio of twenty-three to one; 1.9 is 20456
the interval from a DPIA index of six-tenths to a DPIA index of 20457
two and one-half; and 23.188 is the difference in the number of 20458
teachers per one thousand students at a student-teacher ratio of 20459

fifteen to one and the number of teachers per one thousand
students at a student-teacher ratio of twenty-three to one. 20460
20461

(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 20462
66.667, which is the number of teachers per one thousand students 20463
at a student-teacher ratio of fifteen to one. 20464
20465

(2) Multiply the formula number of teachers determined or
calculated in division (E)(1) of this section by the kindergarten 20466
through third grade ADM for the district and divide that product 20467
by one thousand; 20468
20469

(3) Calculate the number of new teachers as follows: 20470

(a) Multiply the kindergarten through third grade ADM by
43.478, which is the number of teachers per one thousand students 20471
at a student-teacher ratio of twenty-three to one, and divide that 20472
product by one thousand; 20473
20474

(b) Subtract the quotient obtained in division (E)(3)(a) of
this section from the product in division (E)(2) of this section. 20475
20476

(4) Multiply the greater of the difference obtained under
division (E)(3) of this section or zero by the statewide average 20477
teachers salary. 20478
20479

(F) This division applies only to school districts whose DPIA
index is one or greater. 20480
20481

(1) Each school district subject to this division shall first
utilize funds received under this section so that, when combined 20482
with other funds of the district, sufficient funds exist to 20483
provide all-day kindergarten to at least the number of children in 20484
the district's all-day kindergarten percentage. 20485
20486

(2) Up to an amount equal to the district's DPIA index
multiplied by ~~the five-year average number of pupils in a district~~ 20487
~~receiving family assistance~~ its DPIA student count multiplied by 20488
20489

two hundred thirty dollars of the money distributed under this 20490
section may be utilized for one or both of the following: 20491

(a) Programs designed to ensure that schools are free of 20492
drugs and violence and have a disciplined environment conducive to 20493
learning; 20494

(b) Remediation for students who have failed or are in danger 20495
of failing any of the proficiency tests administered pursuant to 20496
section 3301.0710 of the Revised Code. 20497

Beginning with the school year that starts on July 1, 2002, 20498
each school district shall use at least twenty per cent of the 20499
funds set aside for the purposes of divisions (F)(2)(a) and (b) of 20500
this section to provide intervention services required by section 20501
3313.608 of the Revised Code. 20502

(3) Except as otherwise required by division (G) or permitted 20503
under division (K) of this section, all other funds distributed 20504
under this section to districts subject to this division shall be 20505
utilized for the purpose of the third grade guarantee. The third 20506
grade guarantee consists of increasing the amount of instructional 20507
attention received per pupil in kindergarten through third grade, 20508
either by reducing the ratio of students to instructional 20509
personnel or by increasing the amount of instruction and 20510
curriculum-related activities by extending the length of the 20511
school day or the school year. 20512

School districts may implement a reduction of the ratio of 20513
students to instructional personnel through any or all of the 20514
following methods: 20515

(a) Reducing the number of students in a classroom taught by 20516
a single teacher; 20517

(b) Employing full-time educational aides or educational 20518
paraprofessionals issued a permit or license under section 20519
3319.088 of the Revised Code; 20520

(c) Instituting a team-teaching method that will result in a 20521
lower student-teacher ratio in a classroom. 20522

Districts may extend the school day either by increasing the 20523
amount of time allocated for each class, increasing the number of 20524
classes provided per day, offering optional academic-related 20525
after-school programs, providing curriculum-related extra 20526
curricular activities, or establishing tutoring or remedial 20527
services for students who have demonstrated an educational need. 20528
In accordance with section 3319.089 of the Revised Code, a 20529
district extending the school day pursuant to this division may 20530
utilize a participant of the work experience program who has a 20531
child enrolled in a public school in that district and who is 20532
fulfilling the work requirements of that program by volunteering 20533
or working in that public school. If the work experience program 20534
participant is compensated, the school district may use the funds 20535
distributed under this section for all or part of the 20536
compensation. 20537

Districts may extend the school year either through adding 20538
regular days of instruction to the school calendar or by providing 20539
summer programs. 20540

(G) Each district subject to division (F) of this section 20541
shall not expend any funds received under division (E) of this 20542
section in any school buildings that are not buildings with the 20543
highest concentration of need, unless there is a ratio of 20544
instructional personnel to students of no more than fifteen to one 20545
in each kindergarten and first grade class in all buildings with 20546
the highest concentration of need. This division does not require 20547
that the funds used in buildings with the highest concentration of 20548
need be spent solely to reduce the ratio of instructional 20549
personnel to students in kindergarten and first grade. A school 20550
district may spend the funds in those buildings in any manner 20551
permitted by division (F)(3) of this section, but may not spend 20552

the money in other buildings unless the fifteen-to-one ratio 20553
required by this division is attained. 20554

(H)(1) By the first day of August of each fiscal year, each 20555
school district wishing to receive any funds under division (D) of 20556
this section shall submit to the department of education an 20557
estimate of its all-day kindergarten percentage. Each district 20558
shall update its estimate throughout the fiscal year in the form 20559
and manner required by the department, and the department shall 20560
adjust payments under this section to reflect the updates. 20561

(2) Annually by the end of December, the department of 20562
education, utilizing data from the information system established 20563
under section 3301.0714 of the Revised Code and after consultation 20564
with the legislative office of education oversight, shall 20565
determine for each school district subject to division (F) of this 20566
section whether in the preceding fiscal year the district's ratio 20567
of instructional personnel to students and its number of 20568
kindergarten students receiving all-day kindergarten appear 20569
reasonable, given the amounts of money the district received for 20570
that fiscal year pursuant to divisions (D) and (E) of this 20571
section. If the department is unable to verify from the data 20572
available that students are receiving reasonable amounts of 20573
instructional attention and all-day kindergarten, given the funds 20574
the district has received under this section and that class-size 20575
reduction funds are being used in school buildings with the 20576
highest concentration of need as required by division (G) of this 20577
section, the department shall conduct a more intensive 20578
investigation to ensure that funds have been expended as required 20579
by this section. The department shall file an annual report of its 20580
findings under this division with the chairpersons of the 20581
committees in each house of the general assembly dealing with 20582
finance and education. 20583

(I) Any school district with a DPIA index less than one and a 20584

three-year average formula ADM exceeding seventeen thousand five 20585
hundred shall first utilize funds received under this section so 20586
that, when combined with other funds of the district, sufficient 20587
funds exist to provide all-day kindergarten to at least the number 20588
of children in the district's all-day kindergarten percentage. 20589
Such a district shall expend at least seventy per cent of the 20590
remaining funds received under this section, and any other 20591
district with a DPIA index less than one shall expend at least 20592
seventy per cent of all funds received under this section, for any 20593
of the following purposes: 20594

- (1) The purchase of technology for instructional purposes; 20595
- (2) All-day kindergarten; 20596
- (3) Reduction of class sizes; 20597
- (4) Summer school remediation; 20598
- (5) Dropout prevention programs; 20599
- (6) Guaranteeing that all third graders are ready to progress 20600
to more advanced work; 20601
- (7) Summer education and work programs; 20602
- (8) Adolescent pregnancy programs; 20603
- (9) Head start or preschool programs; 20604
- (10) Reading improvement programs described by the department 20605
of education; 20606
- (11) Programs designed to ensure that schools are free of 20607
drugs and violence and have a disciplined environment conducive to 20608
learning; 20609
- (12) Furnishing, free of charge, materials used in courses of 20610
instruction, except for the necessary textbooks or electronic 20611
textbooks required to be furnished without charge pursuant to 20612
section 3329.06 of the Revised Code, to pupils living in families 20613

participating in Ohio works first in accordance with section 20614
3313.642 of the Revised Code; 20615

(13) School breakfasts provided pursuant to section 3313.813 20616
of the Revised Code. 20617

Each district shall submit to the department, in such format 20618
and at such time as the department shall specify, a report on the 20619
programs for which it expended funds under this division. 20620

(J) If at any time the superintendent of public instruction 20621
determines that a school district receiving funds under division 20622
(D) of this section has enrolled less than the all-day 20623
kindergarten percentage reported for that fiscal year, the 20624
superintendent shall withhold from the funds otherwise due the 20625
district under this section a proportional amount as determined by 20626
the difference in the certified all-day kindergarten percentage 20627
and the percentage actually enrolled in all-day kindergarten. 20628

The superintendent shall also withhold an appropriate amount 20629
of funds otherwise due a district for any other misuse of funds 20630
not in accordance with this section. 20631

(K)(1) A district may use a portion of the funds calculated 20632
for it under division (D) of this section to modify or purchase 20633
classroom space to provide all-day kindergarten, if both of the 20634
following conditions are met: 20635

(a) The district certifies to the department, in a manner 20636
acceptable to the department, that it has a shortage of space for 20637
providing all-day kindergarten. 20638

(b) The district provides all-day kindergarten to the number 20639
of children in the all-day kindergarten percentage it certified 20640
under this section. 20641

(2) A district may use a portion of the funds described in 20642
division (F)(3) of this section to modify or purchase classroom 20643

space to enable it to further reduce class size in grades 20644
kindergarten through two with a goal of attaining class sizes of 20645
fifteen students per licensed teacher. To do so, the district must 20646
certify its need for additional space to the department, in a 20647
manner satisfactory to the department. 20648

Sec. 3317.0210. (A) As used in this section: 20649

(1) "Bankruptcy Reform Act" means the "Bankruptcy Reform Act 20650
of 1978," 92 Stat. 2558, 11 U.S.C. 301, as amended. 20651

(2) "Chapter 11 corporation" means a corporation, company, or 20652
other business organization that has filed a petition for 20653
reorganization under Chapter 11 of the "Bankruptcy Reform Act," 92 20654
Stat. 2626, 11 U.S.C. 1101, as amended. 20655

(3) "Real property" includes public utility real property and 20656
"personal property" includes public utility personal property. 20657

(4) "Uncollectable taxes" means property taxes owed by a 20658
Chapter 11 corporation on its property for a tax year that a 20659
school district is precluded from collecting by virtue of 20660
proceedings under the Bankruptcy Reform Act. 20661

(5) "Basic state aid" means the state aid calculated for a 20662
school district under section 3317.022 of the Revised Code. 20663

(6) "Effective value" means the sum of the 20664
residential/agricultural real property value, the effective 20665
nonresidential/agricultural real property value, and the effective 20666
personal value. 20667

(7) "Effective nonresidential/agricultural real property 20668
value" means, for a tax year, the amount obtained by multiplying 20669
the value for that year of nonresidential/agricultural real 20670
property subject to taxation in the district by a fraction, the 20671
numerator of which is the total taxes charged and payable for that 20672
year against the nonresidential/agricultural real property subject 20673

to taxation in the district, exclusive of the uncollectable taxes 20674
for that year on all real property subject to taxation in the 20675
district, and the denominator of which is the total taxes charged 20676
and payable for that year against the nonresidential/agricultural 20677
real property subject to taxation in the district. 20678

(8) "Effective personal value" means, for a tax year, the 20679
amount obtained by multiplying the value for that year certified 20680
under division (A)(2) of section 3317.021 of the Revised Code by a 20681
fraction, the numerator of which is the total taxes charged and 20682
payable for that year against personal property subject to 20683
taxation in the district, exclusive of the uncollectable taxes for 20684
that year on that property, and the denominator of which is the 20685
total taxes charged and payable for that year against personal 20686
property subject to taxation in the district. 20687

(9) "Nonresidential/agricultural real property value" means, 20688
for a tax year, the sum of the values certified for a school 20689
district for that year under division (B)(2)(a) of this section, 20690
and "residential/agricultural real property value" means, for a 20691
tax year, the sum of the values certified for a school district 20692
under division (B)(2)(b) of this section. 20693

(10) "Taxes charged and payable against real property" means 20694
the taxes charged and payable against that property after making 20695
the reduction required by section 319.301 of the Revised Code. 20696

(11) "Total taxes charged and payable" has the same meaning 20697
given "taxes charged and payable" in section 3317.02 of the 20698
Revised Code. 20699

(B)(1) ~~By~~ Between the first day of ~~August~~ January and the 20700
first day of February of any ~~calendar~~ year, a school district 20701
shall notify the department of education if it has uncollectable 20702
taxes from one Chapter 11 corporation for the ~~second~~ preceding tax 20703
year whose total taxes charged and payable represent at least 20704

one-half of one per cent of the district's total taxes charged and payable for that tax year. 20705
20706

(2) The department shall verify whether the district has such uncollectable taxes from such a corporation ~~by the first day of September~~, and if the district does, shall immediately request the ~~county auditor of each county in which the school district has territory~~ tax commissioner to certify the following information concerning the district's property values and taxes for the ~~second~~ preceding tax year, and ~~each such auditor~~ the tax commissioner shall certify that information to the department within thirty days ~~of~~ after receiving the request: 20707
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(a) The value of the property subject to taxation in the district that was classified as nonresidential/agricultural real property pursuant to section 5713.041 of the Revised Code, and the taxes charged and payable on that property; and 20716
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(b) The value of the property subject to taxation in the district that was classified as residential/agricultural real property under section 5713.041 of the Revised Code. 20720
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(C) ~~By the fifteenth day of November~~ Upon receiving the certification from the tax commissioner, the department shall compute the district's effective nonresidential/agricultural real property value, residential/agricultural real property value, effective personal value, and effective value, and shall determine whether the school district's effective value for the ~~second~~ preceding tax year is at least one per cent less than its total taxable value for ~~that~~ the second preceding tax year as certified under divisions (A)(1) and (2) of section 3317.021 of the Revised Code. If it is, the department shall recompute the basic state aid payable to the district for the ~~immediately preceding~~ current fiscal year using the effective value in lieu of the ~~amounts~~ previously certified under section 3317.021 of the Revised Code total taxable value used to compute the basic state aid for the 20723
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current fiscal year. The difference between the ~~original~~ basic state aid amount originally computed for the district for the ~~preceding~~ current fiscal year and the recomputed amount shall be paid to the district from the lottery profits education fund before the end of the current fiscal year.

(D) Not later than August 1, 2001, a school district shall notify the department of education if it has uncollectable taxes from one Chapter 11 corporation for tax year 1999 or, separately, tax year 2000, whose total taxes charged and payable for the tax year represent at least one-half of one per cent of the district's total taxes charged and payable for that tax year. The department shall verify whether the district has such uncollectable taxes from such a corporation and, if it does, shall immediately request the tax commissioner to certify the information enumerated in divisions (B)(2)(a) and (b) of this section for the tax year. The tax commissioner shall certify that information to the department within thirty days after receiving the request.

Upon receiving the certification from the tax commissioner, the department shall compute the district's effective value for the tax year for which the certification was made and shall determine whether the effective value for the tax year is at least one per cent less than its total taxable value for that tax year. If it is, the department shall recompute the basic state aid payable to the district as follows:

(1) For such uncollectable taxes for tax year 1999, recompute the basic state aid for fiscal year 2001 using the effective value for tax year 1999 in lieu of the total taxable value for that tax year as certified under divisions (A)(1) and (2) of section 3317.021 of the Revised Code;

(2) For such uncollectable taxes for tax year 2000, recompute the basic state aid for fiscal year 2002 using the effective value for tax year 2000 in lieu of the total taxable value for that tax

<u>year certified under those divisions.</u>	20769
<u>The difference between the basic state aid amount originally</u>	20770
<u>computed for the district for fiscal year 2001 or fiscal year 2002</u>	20771
<u>and the amount recomputed for that year under division (C)(1) or</u>	20772
<u>(2) of this section shall be paid to the district from the lottery</u>	20773
<u>profits education fund before the end of fiscal year 2002.</u>	20774
<u>(E)</u> Amounts received by a school district under division (C)	20775
<u>and (D)</u> of this section shall be repaid to the department of	20776
education in any future year to the extent the district receives	20777
payments of uncollectable taxes in such future year. The	20778
department shall notify a district of any amount owed under this	20779
division.	20780
Sec. 3317.0212. Divisions <u>Division</u> (B) and (C) of this	20781
section do <u>does</u> not apply to a school district with a formula ADM	20782
of one hundred fifty or less.	20783
(A) As used in this section:	20784
(1) "Fundamental FY 1997 state aid" or "fundamental FY 1998	20785
state aid" for a district means the total amount of state money	20786
received by the district for the applicable fiscal year as	20787
reported on the department of education's form "SF-12," adjusted	20788
as follows:	20789
(a) Minus the amount for transportation;	20790
(b) Minus any amounts for approved preschool handicapped	20791
units;	20792
(c) Minus any additional amount attributable to the	20793
reappraisal guarantee of division (C) of section 3317.04 of the	20794
Revised Code;	20795
(d) Plus the amount deducted for payments to an educational	20796
service center;	20797

(e) Plus an estimated portion of the state money distributed	20798
in the applicable fiscal year to other school districts or	20799
educational service centers for approved units, other than	20800
preschool handicapped or gifted education units, attributable to	20801
the costs of providing services in those units to students	20802
entitled to attend school in the district;	20803
(f) Minus an estimated portion of the state money distributed	20804
to the school district in the applicable fiscal year for approved	20805
units, other than preschool handicapped units or gifted education	20806
units, attributable to the costs of providing services in those	20807
units to students entitled to attend school in another school	20808
district;	20809
(g) Plus any additional amount paid in the applicable fiscal	20810
year pursuant to the vocational education recomputation required	20811
by Section 45.12 of Amended Substitute House Bill No. 117 of the	20812
121st general assembly or former Section 50.22 of Amended	20813
Substitute House Bill No. 215 of the 122nd general assembly;	20814
(h) Plus any additional amount paid in the applicable fiscal	20815
year pursuant to the special education recomputation required by	20816
former division (I) of section 3317.023 of the Revised Code;	20817
(i) Plus any amount paid for equity aid in the applicable	20818
fiscal year under section 3317.0213 of the Revised Code;	20819
(j) Plus any amount received for the applicable fiscal year	20820
pursuant to section 3317.027 of the Revised Code;	20821
(k) Plus any amount received for the applicable fiscal year	20822
resulting from a recomputation made under division (B) of section	20823
3317.022 of the Revised Code, as that section existed in the	20824
applicable fiscal year.	20825
(2) "State basic aid" for a district for any fiscal year	20826
after fiscal year 1999 means the sum of the following:	20827

(a) The amount computed for the district for base cost 20828
funding, special education funding, and vocational education 20829
funding under divisions (A), (C)(1) and ~~(5)~~ (4), and (E) of 20830
section 3317.022 and sections 3317.025 and 3317.027 of the Revised 20831
Code and DPIA aid under section 3317.029 of the Revised Code in 20832
the current fiscal year before any deduction or credit required by 20833
division (B), (D), (E), (F), (G), (H), (I), (J), (K), or (L) of 20834
section 3317.023 or division (J) of section 3317.029 of the 20835
Revised Code; 20836

(b) Any amounts for which the district is eligible pursuant 20837
to division (C) of section 3317.023, divisions (G), (P), and (R) 20838
of section 3317.024, and the supplemental unit allowance paid for 20839
gifted units under division (B) of section ~~3317.162~~ 3317.053 of 20840
the Revised Code; 20841

(c) Any equity aid for which the district is eligible under 20842
section 3317.0213 of the Revised Code. 20843

~~(3) "Adjusted FY 1999 actual aid" has the same meaning as in 20844
Section 18 of Am. Sub. H.B. 650 of the 122nd general assembly, as 20845
amended. 20846~~

~~(4) "Vocational education set-aside" means the up to 20847
\$24,193,118 earmarked for additional school district vocational 20848
education grants under appropriation item 200-545, vocational 20849
education enhancements, in Am. Sub. H.B. 770 of the 122nd general 20850
assembly. 20851~~

(B) Upon request of the department of education, the 20852
treasurer of any school district or educational service center 20853
shall furnish data needed to calculate the amounts specified in 20854
divisions (A)(1)(e) and (f) of this section. The department shall 20855
compute and pay the state basic aid guarantee for each school 20856
district for the fiscal year as follows: 20857

(1) Subtract the amount of state basic aid from the amount of 20858

fundamental FY 1998 state aid. If a negative number, this 20859
computation shall be deemed to be zero. 20860

(2) Pay the district any positive amount calculated under 20861
division (B)(1) of this section. 20862

~~(C) In fiscal year 2000, the department shall calculate for 20863
each district the sum of the district's state basic aid for that 20864
fiscal year, plus any amount calculated under division (B)(1) of 20865
this section, plus the transportation portion of state aid 20866
computed for the district for that fiscal year under division (D) 20867
of the version of section 3317.022 of the Revised Code in effect 20868
that fiscal year. If a district's adjusted FY 1999 actual aid is 20869
greater than that sum, then the department shall pay the district 20870
in that fiscal year one hundred per cent of the difference. 20871~~

~~(D)~~(1) The state basic aid guarantee in any fiscal year for a 20872
school district with a formula ADM of one hundred fifty or less 20873
shall be the greatest of the following amounts: 20874

(a) The district's state basic aid for the fiscal year; 20875

(b) The district's fundamental FY 1998 state aid; 20876

(c) The district's fundamental FY 1997 state aid. 20877

(2) If in any fiscal year the state basic aid for a school 20878
district with a formula ADM of one hundred fifty or less is less 20879
than the guarantee amount determined for the district under 20880
division ~~(D)~~(C)(1) of this section, the department of education 20881
shall pay the district the amount of the difference. 20882

Sec. 3317.0213. No money shall be distributed under this 20883
section after fiscal year ~~2002~~ 2005. 20884

(A) As used in this section: 20885

(1) "ADM" for any school district means: 20886

(a) In fiscal year 1999, the FY 1998 ADM; 20887

(b) In fiscal years 2000 through 2002 <u>2005</u> , the formula ADM reported for the previous fiscal year.	20888 20889
(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.	20890 20891 20892 20893
(3) "Valuation per pupil" for a district means:	20894
(a) In fiscal year 1999, the district's average taxable value, divided by the district's FY 1998 ADM;	20895 20896
(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.	20897 20898 20899
(4) "Threshold valuation" means:	20900
(a) In fiscal year 1999, the adjusted valuation per pupil of the school district with the two hundred twenty-ninth lowest adjusted valuation per pupil in the state, according to data available at the time of the computation under division (B) of this section;	20901 20902 20903 20904 20905
(b) In fiscal year 2000, the adjusted valuation per pupil of the district with the one hundred ninety-sixth lowest such valuation in the state;	20906 20907 20908
(c) In fiscal year 2001, the adjusted valuation per pupil of the district with the one hundred sixty-third lowest such valuation in the state;	20909 20910 20911
(d) In fiscal year <u>years</u> 2002 <u>through</u> <u>2005</u> , the adjusted valuation per pupil of the district with the one-hundred-eighteenth lowest such valuation in the state.	20912 20913 20914
(5) "Adjusted valuation per pupil" for a district means an amount calculated in accordance with the following formula:	20915 20916
The district's valuation per pupil -	20917

(\$30,000 X (one minus the
district's income factor))

(6) "Millage rate" means .012 in fiscal year 1999, .011 in
fiscal year 2000, .010 in fiscal year 2001, and .009 in fiscal
year years 2002 through 2005.

(7) "Payment percentage" equals 100% prior to fiscal year
2003, 75% in fiscal year 2003, 50% in fiscal year 2004, 25% in
fiscal year 2005, and zero after fiscal year 2005.

(B) Beginning in fiscal year 1993, during August of each
fiscal year, the department of education shall distribute to each
school district meeting the requirements of section 3317.01 of the
Revised Code whose adjusted valuation per pupil is less than the
threshold valuation, an amount calculated in accordance with the
following formula:

(The threshold valuation -
the district's adjusted valuation per pupil) X
millage rate X ADM X the payment percentage

Sec. 3317.0216. (A) As used in this section:

(1) "Total taxes charged and payable for current expenses"
means the sum of the taxes charged and payable as certified under
division (A)(3)(a) of section 3317.021 of the Revised Code less
any amounts reported under division (A)(3)(b) of that section, and
the tax distribution for the preceding year under any school
district income tax levied by the district pursuant to Chapter
5748. of the Revised Code to the extent the revenue from the
income tax is allocated or apportioned to current expenses.

~~(2) "State equalization enhancement payments" means any
payment made to a school district pursuant to section 3317.0215 of
the Revised Code for the preceding fiscal year.~~

~~(3) "Charge-off amount" means the product obtained by~~

multiplying two and three-tenths per cent by ~~adjusted total~~ 20948
~~taxable value~~ recognized valuation. 20949

~~(4) "Total receipts available for current expenses" of a~~ 20950
~~school district means the sum of total taxes charged and payable~~ 20951
~~for current expenses and the district's state equalization~~ 20952
~~enhancement payments.~~ 20953

~~(5) "Local share of special education and related services~~ 20954
~~additional weighted costs" has the same meaning as in division~~ 20955
~~(C)(3) of section 3317.022 of the Revised Code.~~ 20956

~~(6) "Local share of vocational education and associated~~ 20957
~~services additional weighted costs" for each school district means~~ 20958
~~the amount determined as follows:~~ 20959

~~(1 - state share percentage as defined in section~~ 20960
~~3317.022 of the Revised Code) X [(total vocational~~ 20961
~~education weight as defined in that section X~~ 20962
~~the formula amount) + the district's payment under division (E)(2)~~ 20963
~~of section 3317.022 of the Revised Code]~~ 20964

(3) Until fiscal year 2003, the "actual local share of 20965
special education, transportation, and vocational education 20966
funding" for any school district means the sum of the district's 20967
attributed local shares described in divisions (F)(1) to (3) of 20968
section 3317.022 of the Revised Code. Beginning in fiscal year 20969
2003, the "actual local share of special education, 20970
transportation, and vocational education funding" means that sum 20971
minus the amount of any excess cost supplement payment calculated 20972
for the district under division (F) of section 3317.022 of the 20973
Revised Code. 20974

(B) Upon receiving the certifications under section 3317.021 20975
of the Revised Code, the department of education shall determine 20976
for each city, local, and exempted village school district whether 20977
the district's charge-off amount is greater than the district's 20978
total receipts available taxes charged and payable for current 20979

expenses, and if it is, shall pay the district the amount of the 20980
difference. A payment shall not be made to any school district for 20981
which the computation under division (A) of section 3317.022 of 20982
the Revised Code equals zero. 20983

(C)(1) If a district's charge-off amount is equal to or 20984
greater than its total ~~receipts available~~ taxes charged and 20985
payable for current expenses, the department shall, in addition to 20986
the payment required under division (B) of this section, pay the 20987
district the amount of ~~the~~ its actual local share of special 20988
education ~~and related services additional weighted costs,~~ 20989
transportation, and ~~the amount of the local share of~~ vocational 20990
education ~~and associated services additional weighted costs~~ 20991
funding. 20992

(2) If a district's charge-off amount is less than its total 20993
~~receipts available~~ taxes charged and payable for current expenses, 20994
the department shall pay the district any amount by which ~~the sum~~ 20995
of its actual local share of special education ~~and related~~ 20996
~~services additional weighted costs plus its local share of,~~ 20997
transportation, and vocational education ~~and associated services~~ 20998
~~additional weighted costs~~ funding exceeds its total ~~receipts~~ 20999
~~available~~ taxes charged and payable for current expenses minus its 21000
charge-off amount. 21001

Sec. 3317.0217. The department of education shall annually 21002
compute and pay state parity aid to school districts, as follows: 21003

(A) Calculate the local wealth per pupil of each school 21004
district, which equals the following sum: 21005

(1) Two-thirds times the quotient of (a) the district's 21006
recognized valuation divided by (b) its formula ADM; plus 21007

(2) One-third times the quotient of (a) the average of the 21008
total federal adjusted gross income of the school district's 21009
residents for the three years most recently reported under section 21010

3317.021 of the Revised Code divided by (b) its formula ADM. 21011

(B) Rank all school districts in order of local wealth per pupil, from the district with the lowest local wealth per pupil to the district with the highest local wealth per pupil. 21012
21013
21014

(C) Compute the per pupil state parity aid funding for each school district in accordance with the following formula: 21015
21016

Payment percentage X (threshold local wealth per pupil - the district's local wealth per pupil) X 0.0095 21017
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21019

Where: 21020

(1) "Payment percentage," for purposes of division (C) of this section, equals 20% in fiscal year 2002, 40% in fiscal year 2003, 60% in fiscal year 2004, 80% in fiscal year 2005, and 100% after fiscal year 2005. 21021
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(2) Nine and one-half mills (0.0095) is the general assembly's determination of the average number of effective operating mills that districts in the seventieth to ninetieth percentiles of valuations per pupil collected in fiscal year 2001 above the revenues required to finance their attributed local shares of the calculated cost of an adequate education. This was determined by (a) adding the district revenues from operating property tax levies and income tax levies, (b) subtracting from that total the sum of (i) twenty-three mills times adjusted recognized valuation plus (ii) the attributed local shares of special education, transportation, and vocational education funding as described in divisions (F)(1) to (3) of section 3317.022 of the Revised Code, and (c) converting the result to an effective operating property tax rate. 21025
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(3) The "threshold local wealth per pupil" is the local wealth per pupil of the school district with the four-hundred-ninetieth lowest local wealth per pupil. 21039
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If the result of the calculation for a school district under 21042
division (C) of this section is less than zero, the district's per 21043
pupil parity aid shall be zero. 21044

(D) Compute the per pupil alternative parity aid for each 21045
school district that has a combination of an income factor of 1.0 21046
or less, a DPIA index of 1.0 or greater, and a 21047
cost-of-doing-business factor of 1.0375 or greater, in accordance 21048
with the following formula: 21049

Payment percentage X \$60,000 X 21050

(1 - income factor) X 4/15 X 0.023 21051

Where: 21052

(1) "DPIA index" has the same meaning as in section 3317.029 21053
of the Revised Code. 21054

(2) "Payment percentage," for purposes of division (D) of 21055
this section, equals 50% in fiscal year 2002 and 100% after fiscal 21056
year 2002. 21057

(E) Pay each district that has a combination of an income 21058
factor 1.0 or less, a DPIA index of 1.0 or greater, and a 21059
cost-of-doing-business factor of 1.0375 or greater, the greater of 21060
the following: 21061

(1) The product of the district's per pupil parity aid 21062
calculated under division (C) of this section times its formula 21063
ADM; 21064

(2) The product of its per pupil alternative parity aid 21065
calculated under division (D) of this section times its formula 21066
ADM. 21067

(F) Pay every other district the product of its per pupil 21068
parity aid calculated under division (C) of this section times its 21069
formula ADM. 21070

Every six years, the general assembly shall redetermine, 21071

after considering the report of the committee appointed under 21072
section 3317.012 of the Revised Code, the average number of 21073
effective operating mills that districts in the seventieth to 21074
ninetieth percentiles of valuations per pupil collect above the 21075
revenues required to finance their attributed local shares of the 21076
cost of an adequate education. 21077

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 21078
(C) of this section, any student enrolled in kindergarten more 21079
than half time shall be reported as one-half student under this 21080
section. 21081

(A) The superintendent of each city and exempted village 21082
school district and of each educational service center shall, for 21083
the schools under the superintendent's supervision, certify to the 21084
state board of education on or before the fifteenth day of October 21085
in each year for the first full school week in October the formula 21086
ADM, which shall consist of the average daily membership during 21087
such week of the sum of the following: 21088

(1) On an FTE basis, the number of students in grades 21089
kindergarten through twelve receiving any educational services 21090
from the district, except that the following categories of 21091
students shall not be included in the determination: 21092

(a) Students enrolled in adult education classes; 21093

(b) Adjacent or other district students enrolled in the 21094
district under an open enrollment policy pursuant to section 21095
3313.98 of the Revised Code; 21096

(c) Students receiving services in the district pursuant to a 21097
compact, cooperative education agreement, or a contract, but who 21098
are entitled to attend school in another district pursuant to 21099
section 3313.64 or 3313.65 of the Revised Code; 21100

(d) Students for whom tuition is payable pursuant to sections 21101

3317.081 and 3323.141 of the Revised Code.	21102
(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:	21103 21104 21105 21106 21107
(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	21108 21109 21110 21111
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	21112 21113 21114
(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code;	21115 21116 21117 21118
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	21119 21120 21121
(e) An educational service center or cooperative education district;	21122 21123
(f) Another school district under a cooperative education agreement, compact, or contract.	21124 21125
(3) One-fourth of the number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and	21126 21127 21128 21129 21130 21131

then enroll in a joint vocational school district or under a vocational education compact; 21132
21133

(4) The number of handicapped children, other than handicapped preschool children, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed with a county MR/DD board, minus the number of such children placed with a county MR/DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero. 21134
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(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the following student counts: 21141
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(1) The total average daily membership in regular day classes included in the report under division (A)(1) or (2) of this section for kindergarten, and each of grades one through twelve in schools under the superintendent's supervision; 21145
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(2) The number of all handicapped preschool children enrolled as of the first day of December in classes in the district that are eligible for approval by the state board of education under division (B) of section 3317.05 of the Revised Code and the number of those classes, which shall be reported not later than the fifteenth day of December, in accordance with rules adopted under that section; 21149
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(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section, are enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also 21156
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enrolled in a community school pursuant to Chapter 3314. of the
Revised Code, are enrolled in an adjacent or other school district
under section 3313.98 of the Revised Code, are enrolled in a
community school established under Chapter 3314. of the Revised
Code, including any participation in a college pursuant to Chapter
3365. of the Revised Code while enrolled in such community school,
or are participating in a program operated by a county MR/DD board
or a state institution;

(4) The number of pupils enrolled in joint vocational
schools;

(5) The average daily membership of handicapped children
reported under division (A)(1) or (2) of this section receiving
~~category one~~ special education services, for the category one
handicap described in division (A) of section 3317.013 of the
Revised Code;

(6) The average daily membership of handicapped children
reported under division (A)(1) or (2) of this section receiving
~~category two~~ special education services, for category two
handicaps described in division (B) of section 3317.013 of the
Revised Code;

(7) The average daily membership of handicapped children
reported under division (A)(1) or (2) of this section ~~identified~~
~~as having any of the~~ receiving special education services for
category three handicaps ~~specified~~ described in division ~~(F)(3)(C)~~
of section ~~3317.02~~ 3317.013 of the Revised Code;

(8) The average daily membership of handicapped children
reported under division (A)(1) or (2) of this section receiving
special education services for category four handicaps described
in division (D) of section 3317.013 of the Revised Code;

(9) The average daily membership of handicapped children
reported under division (A)(1) or (2) of this section receiving

<u>special education services for the category five handicap</u>	21194
<u>described in division (E) of section 3317.013 of the Revised Code;</u>	21195
<u>(10) The average daily membership of handicapped children</u>	21196
<u>reported under division (A)(1) or (2) of this section receiving</u>	21197
<u>special education services for category six handicaps described in</u>	21198
<u>division (F) of section 3317.013 of the Revised Code;</u>	21199
<u>(11) The average daily membership of pupils reported under</u>	21200
<u>division (A)(1) or (2) of this section enrolled in category one</u>	21201
<u>vocational education programs or classes, described in division</u>	21202
<u>(A) of section 3317.014 of the Revised Code, operated by the</u>	21203
<u>school district or by another district, other than a joint</u>	21204
<u>vocational school district, or by an educational service center;</u>	21205
(9) <u>(12) The average daily membership of pupils reported under</u>	21206
<u>division (A)(1) or (2) of this section enrolled in category two</u>	21207
<u>vocational education programs or services, described in division</u>	21208
<u>(B) of section 3317.014 of the Revised Code, operated by the</u>	21209
<u>school district or another school district, other than a joint</u>	21210
<u>vocational school district, or by an educational service center;</u>	21211
(10) <u>(13) The average number of children transported by the</u>	21212
<u>school district on board-owned or contractor-owned and -operated</u>	21213
<u>buses, reported in accordance with rules adopted by the department</u>	21214
<u>of education;</u>	21215
(11) <u>(14)(a) The number of children, other than handicapped</u>	21216
<u>preschool children, the district placed with a county MR/DD board</u>	21217
<u>in fiscal year 1998;</u>	21218
<u>(b) The number of handicapped children, other than</u>	21219
<u>handicapped preschool children, placed with a county MR/DD board</u>	21220
<u>in the current fiscal year to receive category one special</u>	21221
<u>education services, for the category one handicap described in</u>	21222
<u>division (A) of section 3317.013 of the Revised Code;</u>	21223
<u>(c) The number of handicapped children, other than</u>	21224

handicapped preschool children, placed with a county MR/DD board 21225
in the current fiscal year to receive ~~category two~~ special 21226
education services, for category two handicaps described in 21227
division (B) of section 3317.013 of the Revised Code; 21228

(d) The number of handicapped children, other than 21229
handicapped preschool children, placed with a county MR/DD board 21230
in the current fiscal year to receive ~~category three~~ special 21231
education services, for category three handicaps described in 21232
division ~~(F)(3)~~(C) of section ~~3317.02~~ 3317.013 of the Revised 21233
Code; 21234

(e) The number of handicapped children, other than 21235
handicapped preschool children, placed with a county MR/DD board 21236
in the current fiscal year to receive special education services 21237
for category four handicaps described in division (D) of section 21238
3317.013 of the Revised Code; 21239

(f) The number of handicapped children, other than 21240
handicapped preschool children, placed with a county MR/DD board 21241
in the current fiscal year to receive special education services 21242
for the category five handicap described in division (E) of 21243
section 3317.013 of the Revised Code; 21244

(g) The number of handicapped children, other than 21245
handicapped preschool children, placed with a county MR/DD board 21246
in the current fiscal year to receive special education services 21247
for category six handicaps described in division (F) of section 21248
3317.013 of the Revised Code. 21249

(C) Except as otherwise provided in this section for 21250
kindergarten students, the average daily membership in divisions 21251
(B)(1) to ~~(9)~~(12) of this section shall be based upon the number 21252
of full-time equivalent students. The state board of education 21253
shall adopt rules defining full-time equivalent students and for 21254
determining the average daily membership therefrom for the 21255

purposes of divisions (A), (B), and (D) of this section. No child 21256
shall be counted as more than a total of one child in the sum of 21257
the average daily memberships of a school district under division 21258
(A), divisions (B)(1) to ~~(9)~~(12), or division (D) of this section, 21259
except as follows: 21260

(1) A child with a handicap described in section 3317.013 ~~or~~ 21261
~~division (F)(3) of section 3317.02~~ of the Revised Code may be 21262
counted both in formula ADM and in category one, two, ~~or~~ three, 21263
four, five, or six special education ADM and, if applicable, in 21264
category one or two vocational education ADM. As provided in 21265
division (C) of section 3317.02 of the Revised Code, such a child 21266
shall be counted in category one, two, ~~or~~ three, four, five, or 21267
six special education ADM in the same proportion that the child is 21268
counted in formula ADM. 21269

(2) A child enrolled in vocational education programs or 21270
classes described in section 3314.014 of the Revised Code may be 21271
counted both in formula ADM and category one or two vocational 21272
education ADM and, if applicable, in category one, two, ~~or~~ three, 21273
four, five, or six special education ADM. Such a child shall be 21274
counted in category one or two vocational education ADM in the 21275
same proportion as the percentage of time that the child spends in 21276
the vocational education programs or classes. 21277

Based on the information reported under this section, the 21278
department of education shall determine the total student count, 21279
as defined in section 3301.011 of the Revised Code, for each 21280
school district. 21281

(D)(1) The superintendent of each joint vocational school 21282
district shall certify to the superintendent of public instruction 21283
on or before the fifteenth day of October in each year for the 21284
first full school week in October the formula ADM, which shall 21285
consist of the average daily membership during such week, on an 21286
FTE basis, of the number of students receiving any educational 21287

services from the district, except that the following categories	21288
of students shall not be included in the determination:	21289
(a) Students enrolled in adult education classes;	21290
(b) Adjacent or other district joint vocational students	21291
enrolled in the district under an open enrollment policy pursuant	21292
to section 3313.98 of the Revised Code;	21293
(c) Students receiving services in the district pursuant to a	21294
compact, cooperative education agreement, or a contract, but who	21295
are entitled to attend school in a city, local, or exempted	21296
village school district whose territory is not part of the	21297
territory of the joint vocational district;	21298
(d) Students for whom tuition is payable pursuant to sections	21299
3317.081 and 3323.141 of the Revised Code.	21300
(2) To enable the department of education to obtain the data	21301
needed to complete the calculation of payments pursuant to this	21302
chapter, in addition to the formula ADM, each superintendent shall	21303
report separately the average daily membership included in the	21304
report under division (D)(1) of this section for each of the	21305
following categories of students:	21306
(a) Students enrolled in each grade included in the joint	21307
vocational district schools;	21308
(b) Handicapped children receiving category one special	21309
education services, <u>for the category one handicap</u> described in	21310
division (A) of section 3317.013 of the Revised Code;	21311
(c) Handicapped children receiving category two special	21312
education services, <u>for the category two handicaps</u> described in	21313
division (B) of section 3317.013 of the Revised Code;	21314
(d) Handicapped children identified as having any of the	21315
<u>receiving special education services for category three</u> handicaps	21316
<u>specified described</u> in division (F)(3)(C) of section 3317.02	21317

<u>3317.013</u> of the Revised Code;	21318
(e) <u>Handicapped children receiving special education services</u>	21319
<u>for category four handicaps described in division (D) of section</u>	21320
<u>3317.013 of the Revised Code;</u>	21321
(f) <u>Handicapped children receiving special education services</u>	21322
<u>for the category five handicap described in division (E) of</u>	21323
<u>section 3317.013 of the Revised Code;</u>	21324
(g) <u>Handicapped children receiving special education services</u>	21325
<u>for category six handicaps described in division (F) of section</u>	21326
<u>3317.013 of the Revised Code;</u>	21327
(h) <u>Students receiving category one vocational education</u>	21328
<u>services, described in division (A) of section 3317.014 of the</u>	21329
<u>Revised Code;</u>	21330
(f) (i) <u>Students receiving category two vocational education</u>	21331
<u>services, described in division (B) of section 3317.014 of the</u>	21332
<u>Revised Code.</u>	21333
The superintendent of each joint vocational school district	21334
shall also indicate the city, local, or exempted village school	21335
district in which each joint vocational district pupil is entitled	21336
to attend school pursuant to section 3313.64 or 3313.65 of the	21337
Revised Code.	21338
(E) In each school of each city, local, exempted village,	21339
joint vocational, and cooperative education school district there	21340
shall be maintained a record of school membership, which record	21341
shall accurately show, for each day the school is in session, the	21342
actual membership enrolled in regular day classes. For the purpose	21343
of determining average daily membership, the membership figure of	21344
any school shall not include any pupils except those pupils	21345
described by division (A) of this section. The record of	21346
membership for each school shall be maintained in such manner that	21347
no pupil shall be counted as in membership prior to the actual	21348

date of entry in the school and also in such manner that where for 21349
any cause a pupil permanently withdraws from the school that pupil 21350
shall not be counted as in membership from and after the date of 21351
such withdrawal. There shall not be included in the membership of 21352
any school any of the following: 21353

(1) Any pupil who has graduated from the twelfth grade of a 21354
public high school; 21355

(2) Any pupil who is not a resident of the state; 21356

(3) Any pupil who was enrolled in the schools of the district 21357
during the previous school year when tests were administered under 21358
section 3301.0711 of the Revised Code but did not take one or more 21359
of the tests required by that section and was not excused pursuant 21360
to division (C)(1) of that section; 21361

(4) Any pupil who has attained the age of twenty-two years, 21362
except for veterans of the armed services whose attendance was 21363
interrupted before completing the recognized twelve-year course of 21364
the public schools by reason of induction or enlistment in the 21365
armed forces and who apply for reenrollment in the public school 21366
system of their residence not later than four years after 21367
termination of war or their honorable discharge. 21368

If, however, any veteran described by division (E)(4)(~~b~~) of 21369
this section elects to enroll in special courses organized for 21370
veterans for whom tuition is paid under the provisions of federal 21371
laws, or otherwise, that veteran shall not be included in average 21372
daily membership. 21373

Notwithstanding division (E)(3) of this section, the 21374
membership of any school may include a pupil who did not take a 21375
test required by section 3301.0711 of the Revised Code if the 21376
superintendent of public instruction grants a waiver from the 21377
requirement to take the test to the specific pupil. The 21378
superintendent may grant such a waiver only for good cause in 21379

accordance with rules adopted by the state board of education. 21380

Except as provided in division (B)(2) of this section, the 21381
average daily membership figure of any local, city, exempted 21382
village, or joint vocational school district shall be determined 21383
by dividing the figure representing the sum of the number of 21384
pupils enrolled during each day the school of attendance is 21385
actually open for instruction during the first full school week in 21386
October by the total number of days the school was actually open 21387
for instruction during that week. For purposes of state funding, 21388
"enrolled" persons are only those pupils who are attending school, 21389
those who have attended school during the current school year and 21390
are absent for authorized reasons, and those handicapped children 21391
currently receiving home instruction. 21392

The average daily membership figure of any cooperative 21393
education school district shall be determined in accordance with 21394
rules adopted by the state board of education. 21395

(F)(1) If the formula ADM for the first full school week in 21396
February is at least three per cent greater than that certified 21397
for the first full school week in the preceding October, the 21398
superintendent of schools of any city, exempted village, or joint 21399
vocational school district or educational service center shall 21400
certify such increase to the superintendent of public instruction. 21401
Such certification shall be submitted no later than the fifteenth 21402
day of February. For the balance of the fiscal year, beginning 21403
with the February payments, the superintendent of public 21404
instruction shall use the increased formula ADM in calculating or 21405
recalculating the amounts to be allocated in accordance with 21406
section 3317.022 or 3317.16 of the Revised Code. In no event shall 21407
the superintendent use an increased membership certified to the 21408
superintendent after the fifteenth day of February. 21409

(2) If on the first school day of April the total number of 21410
classes or units for handicapped preschool children that are 21411

eligible for approval under division (B) of section 3317.05 of the Revised Code exceeds the number of units that have been approved for the year under that division, the superintendent of schools of any city, exempted village, or cooperative education school district or educational service center shall make the certifications required by this section for that day. If the state board of education determines additional units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of such units, the board shall approve additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department of education shall pay an amount computed in the manner prescribed in section ~~3317.161~~ 3317.052 or 3317.19 and section ~~3317.162~~ 3317.053 of the Revised Code.

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education the average daily membership of all handicapped children in classes or programs approved annually by the state board of education, in the manner prescribed by the superintendent of public instruction.

(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall, for the units under the superintendent's 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 21444
the board, the average daily membership in classes ~~and units~~ 21445
~~approved under division (D)(1) of~~ under section 3317.05 3317.20 of 21446
the Revised Code for each school district that has placed children 21447
in the classes ~~or units~~; 21448

(b) Certify to the state board, in the manner prescribed by 21449
the board, the number of all handicapped preschool children 21450
enrolled as of the first day of December in classes eligible for 21451
approval under division (B) of section 3317.05 of the Revised 21452
Code, and the number of those classes. 21453

~~(3)(a) If during the first full school week in February the~~ 21454
~~average daily membership of the classes or units maintained by the~~ 21455
~~county MR/DD board that are eligible for approval under division~~ 21456
~~(D)(1) of section 3317.05 of the Revised Code is greater than the~~ 21457
~~average daily membership for the preceding October, the~~ 21458
~~superintendent of the board shall make the certifications required~~ 21459
~~by this section for such week.~~ 21460

~~(b)~~ If on the first school day of April the number of classes 21461
or units maintained for handicapped preschool children by the 21462
county MR/DD board that are eligible for approval under division 21463
(B) of section 3317.05 of the Revised Code is greater than the 21464
number of units approved for the year under that division, the 21465
superintendent shall make the certification required by this 21466
section for that day. 21467

~~(e)~~(b) If the state board determines that additional classes 21468
or units can be approved for the fiscal year within any 21469
limitations set forth in the acts appropriating moneys for the 21470
funding of the classes and units described in division (G)(3)(a) 21471
~~or (b)~~ of this section, the board shall approve and fund 21472
additional units for the fiscal year on the basis of such average 21473
daily membership. For each unit so approved, the department of 21474
education shall pay an amount computed in the manner prescribed in 21475

sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the Revised Code. 21476
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(H) Except as provided in division (I) of this section, when 21478
any city, local, or exempted village school district provides 21479
instruction for a nonresident pupil whose attendance is 21480
unauthorized attendance as defined in section 3327.06 of the 21481
Revised Code, that pupil's membership shall not be included in 21482
that district's membership figure used in the calculation of that 21483
district's formula ADM or included in the determination of any 21484
unit approved for the district under section 3317.05 of the 21485
Revised Code. The reporting official shall report separately the 21486
average daily membership of all pupils whose attendance in the 21487
district is unauthorized attendance, and the membership of each 21488
such pupil shall be credited to the school district in which the 21489
pupil is entitled to attend school under division (B) of section 21490
3313.64 or section 3313.65 of the Revised Code as determined by 21491
the department of education. 21492

(I)(1) A city, local, exempted village, or joint vocational 21493
school district admitting a scholarship student of a pilot project 21494
district pursuant to division (C) of section 3313.976 of the 21495
Revised Code may count such student in its average daily 21496
membership. 21497

(2) In any year for which funds are appropriated for pilot 21498
project scholarship programs, a school district implementing a 21499
state-sponsored pilot project scholarship program that year 21500
pursuant to sections 3313.974 through 3313.979 of the Revised Code 21501
may count in average daily membership: 21502

(a) All children residing in the district and utilizing a 21503
scholarship to attend kindergarten in any alternative school, as 21504
defined in section 3313.974 of the Revised Code; 21505

(b) All children who were enrolled in the district in the 21506
preceding year who are utilizing a scholarship to attend any such 21507

alternative school.

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(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

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Sec. 3317.05. (A) For the purpose of calculating payments under sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the Revised Code, the state board of education shall determine for each institution, by the last day of January of each year and based on information certified under section 3317.03 of the Revised Code, the number of vocational education units or fractions of units approved by the state board on the basis of standards and rules adopted by the state board. As used in this division, "institution" means an institution operated by a department specified in section 3323.091 of the Revised Code and that provides vocational education programs under the supervision of the division of vocational education of the department of education that meet the standards and rules for these programs, including licensure of professional staff involved in the programs, as established by the state board of education.

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(B) For the purpose of calculating payments under sections 3317.052, 3317.053, 3317.11, ~~3317.161~~, ~~3317.162~~, and 3317.19 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 educational service center, for each school district, including each cooperative education school district, for each institution

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eligible for payment under section 3323.091 of the Revised Code, 21539
and for each county MR/DD board: the number of classes operated by 21540
the school district, service center, institution, or county MR/DD 21541
board for handicapped preschool children, or fraction thereof, 21542
including in the case of a district or service center that is a 21543
funding agent, classes taught by a licensed teacher employed by 21544
that district or service center under section 3313.841 of the 21545
Revised Code, approved annually by the state board on the basis of 21546
standards and rules adopted by the state board. 21547

(C) For the purpose of calculating payments under sections 21548
3317.052, 3317.053, 3317.11, ~~3317.161, 3317.162~~, and 3317.19 of 21549
the Revised Code, the state board shall determine, based on 21550
information certified under section 3317.03 of the Revised Code, 21551
the following by the last day of January of each year for each 21552
school district, including each cooperative education school 21553
district, for each institution eligible for payment under section 21554
3323.091 of the Revised Code, and for each county MR/DD board: the 21555
number of preschool handicapped related services units for child 21556
study, occupational, physical, or speech and hearing therapy, 21557
special education supervisors, and special education coordinators 21558
approved annually by the state board on the basis of standards and 21559
rules adopted by the state board. 21560

(D) For the purpose of calculating payments under sections 21561
~~3317.161~~ 3317.052 and ~~3317.162~~ 3317.053 of the Revised Code, the 21562
state board shall determine, based on information certified under 21563
section 3317.03 of the Revised Code, the following by the last day 21564
of January of each year for each institution eligible for payment 21565
under section 3323.091 of the Revised Code, ~~and for each county~~ 21566
~~MR/DD board:~~ 21567

(1) The number of classes operated by an institution ~~or~~ 21568
~~county MR/DD board~~ for handicapped children other than handicapped 21569
preschool children, or fraction thereof, approved annually by the 21570

state board on the basis of standards and rules adopted by the 21571
state board; 21572

(2) The number of related services units for children other 21573
than handicapped preschool children for child study, occupational, 21574
physical, or speech and hearing therapy, special education 21575
supervisors, and special education coordinators approved annually 21576
by the state board on the basis of standards and rules adopted by 21577
the state board. 21578

(E) All of the arithmetical calculations made under this 21579
section shall be carried to the second decimal place. The total 21580
number of units for school districts, service centers, and 21581
institutions approved annually by the state board under this 21582
section shall not exceed the number of units included in the state 21583
board's estimate of cost for these units and appropriations made 21584
for them by the general assembly. 21585

In the case of units described in division (D)(1) of this 21586
section operated by ~~county MR/DD boards and~~ institutions eligible 21587
for payment under section 3323.091 of the Revised Code, the state 21588
board shall approve only units for persons who are under age 21589
twenty-two on the first day of the academic year, but not less 21590
than six years of age on the thirtieth day of September of that 21591
year, except that such a unit may include one or more children who 21592
are under six years of age on the thirtieth day of September if 21593
such children have been admitted to the unit pursuant to rules of 21594
the state board. In the case of handicapped preschool units 21595
described in division (B) of this section operated by county MR/DD 21596
boards and institutions eligible for payment under section 21597
3323.091 of the Revised Code, the state board shall approve only 21598
preschool units for children who are under age six but not less 21599
than age three on the thirtieth day of September of the academic 21600
year, except that such a unit may include one or more children who 21601
are under age three or are age six or over on the thirtieth day of 21602

September if such children have been admitted to the unit pursuant 21603
to rules of the state board of education. The number of units for 21604
county MR/DD boards and institutions eligible for payment under 21605
section 3323.091 of the Revised Code approved by the state board 21606
under this section shall not exceed the number that can be funded 21607
with appropriations made for such purposes by the general 21608
assembly. 21609

No unit shall be approved under divisions (B) to (D) of this 21610
section unless a plan has been submitted and approved under 21611
Chapter 3323. of the Revised Code. 21612

(F) The department shall approve units or fractions thereof 21613
for gifted children on the basis of standards and rules adopted by 21614
the board. 21615

Sec. 3317.051. (A)(1) Notwithstanding sections 3317.05 and 21616
3317.11 of the Revised Code, a unit funded pursuant to division 21617
(P) of section 3317.024 or division (A)(2) of section ~~3317.161~~ 21618
3317.052 of the Revised Code shall not be approved for state 21619
funding in one school district, including any cooperative 21620
education school district or any educational service center, to 21621
the extent that such unit provides programs in or services to 21622
another district which receives payment pursuant to section 21623
3317.04 of the Revised Code. 21624

(2) Any city, local, exempted village, or cooperative 21625
education school district or any educational service center may 21626
combine partial unit eligibility for handicapped preschool 21627
programs pursuant to section 3317.05 of the Revised Code, and such 21628
combined partial units may be approved for state funding in one 21629
school district or service center. 21630

(B) After units have been initially approved for any fiscal 21631
year under section 3317.05 of the Revised Code, no unit shall be 21632
subsequently transferred from a school district or educational 21633

service center to another city, exempted village, local, or 21634
cooperative education school district or educational service 21635
center or to an institution or county MR/DD board solely for the 21636
purpose of reducing the financial obligations of the school 21637
district in a fiscal year it receives payment pursuant to section 21638
3317.04 of the Revised Code. 21639

Sec. ~~3317.161~~ 3317.052. As used in this section, 21640
"institution" means an institution operated by a department 21641
specified in section 3323.091 of the Revised Code. 21642

(A)(1) The department of education shall pay each school 21643
district, educational service center, institution eligible for 21644
payment under section 3323.091 of the Revised Code, or county 21645
MR/DD board an amount for the total of all classroom units for 21646
handicapped preschool children approved under division (B) of 21647
section 3317.05 of the Revised Code. For each unit, the amount 21648
shall be the sum of the minimum salary for the teacher of the 21649
unit, calculated on the basis of the teacher's training level and 21650
years of experience pursuant to the salary schedule prescribed in 21651
the version of section 3317.13 of the Revised Code in effect prior 21652
to the effective date of this amendment, plus fifteen per cent of 21653
that minimum salary amount, and eight thousand twenty-three 21654
dollars. 21655

(2) The department shall pay each school district, 21656
educational service center, institution eligible for payment under 21657
section 3323.091 of the Revised Code, or county MR/DD board an 21658
amount for the total of all related services units for handicapped 21659
preschool children approved under division (C) of section 3317.05 21660
of the Revised Code. For each such unit, the amount shall be the 21661
sum of the minimum salary for the teacher of the unit calculated 21662
on the basis of the teacher's training level and years of 21663
experience pursuant to the salary schedule prescribed in the 21664

version of section 3317.13 of the Revised Code in effect prior to 21665
the effective date of this amendment, fifteen per cent of that 21666
minimum salary amount, and two thousand one hundred thirty-two 21667
dollars. 21668

(B) If a school district ~~or~~, educational service center ~~has~~ 21669
~~had additional handicapped preschool units approved for the year~~ 21670
~~under division (F)(2) of section 3317.03 of the Revised Code~~, or 21671
~~if a~~ county MR/DD board has had additional handicapped preschool 21672
units approved for the year under division (F)(2) or (G)(3) of 21673
section 3317.03 of the Revised Code, the district, educational 21674
service center, or board shall receive an additional amount during 21675
the last half of the fiscal year. For each district, center, or 21676
board, the additional amount for each unit shall equal fifty per 21677
cent of the amounts computed for the unit in the manner prescribed 21678
by division (A) of this section and division (C) of section 21679
~~3317.162~~ 3317.053 of the Revised Code. 21680

(C)(1) The department shall pay each institution eligible for 21681
payment under section 3323.091 of the Revised Code or county MR/DD 21682
board an amount for the total of all special education units 21683
approved under division (D)(1) of section 3317.05 of the Revised 21684
Code. The amount for each unit shall be the sum of the minimum 21685
salary for the teacher of the unit, calculated on the basis of the 21686
teacher's training level and years of experience pursuant to the 21687
salary schedule prescribed in the version of section 3317.13 of 21688
the Revised Code in effect prior to the effective date of this 21689
amendment, plus fifteen per cent of that minimum salary amount, 21690
and eight thousand twenty-three dollars. 21691

(2) The department shall pay each institution eligible for 21692
payment under section 3323.091 of the Revised Code ~~or county MR/DD~~ 21693
~~board~~ an amount for the total of all related services units 21694
approved under division (D)(2) of section 3317.05 of the Revised 21695
Code. The amount for each unit shall be the sum of the minimum 21696

salary for the teacher of the unit, calculated on the basis of the 21697
teacher's training level and years of experience pursuant to the 21698
salary schedule prescribed in the version of section 3317.13 of 21699
the Revised Code in effect prior to the effective date of this 21700
amendment, plus fifteen per cent of that minimum salary amount, 21701
and two thousand one hundred thirty-two dollars. 21702

~~(3) If a county MR/DD board has had additional units for 21703
handicapped children other than handicapped preschool children 21704
approved under division (G)(3) of section 3317.03 of the Revised 21705
Code, the board shall receive an additional amount during the last 21706
half of the fiscal year. For each board, the additional amount for 21707
each unit shall equal fifty per cent of the amount computed for 21708
the unit in the manner prescribed by division (C)(1) of this 21709
section and division (C) of section 3317.162 of the Revised Code. 21710~~

(D) The department shall pay each institution approved for 21711
vocational education units under division (A) of section 3317.05 21712
of the Revised Code an amount for the total of all the units 21713
approved under that division. The amount for each unit shall be 21714
the sum of the minimum salary for the teacher of the unit, 21715
calculated on the basis of the teacher's training level and years 21716
of experience pursuant to the salary schedule prescribed in the 21717
version of section 3317.13 of the Revised Code in effect prior to 21718
the effective date of this amendment, plus fifteen per cent of 21719
that minimum salary amount, and nine thousand five hundred ten 21720
dollars. 21721

Sec. ~~3317.162~~ 3317.053. (A) As used in this section: 21722

(1) "State share percentage" has the same meaning as in 21723
section 3317.022 of the Revised Code. 21724

(2) "Dollar amount" means the amount shown in the following 21725
table for the corresponding type of unit ~~and the appropriate~~ 21726
~~fiscal year~~: 21727

	DOLLAR AMOUNT		
	FY-2000	FY-2001	
TYPE OF UNIT			21728
Division (B) of section 3317.05 of the Revised Code	\$8,334	\$8,334	21729
Division (C) of that section	\$3,234	\$3,234	21730
Division (F) of that section	\$4,550	\$5,550	21731

(3) "Average unit amount" means the amount shown in the following table for the corresponding type of unit:

	AVERAGE UNIT AMOUNT		
	FY-2000	FY-2001	
TYPE OF UNIT			21734
Division (B) of section 3317.05 of the Revised Code	\$7,799	\$7,799	21735
Division (C) of that section	\$2,966	\$2,966	21736
Division (F) of that section	\$4,251	\$5,251	21737

(B) In the case of each unit described in division (B), (C), or (F) of section 3317.05 of the Revised Code and allocated to a city, local, or exempted village school district, the department of education, in addition to the amounts specified in division (P) of section 3317.024 and sections ~~3317.161~~ 3317.052 and 3317.19 of the Revised Code, shall pay a supplemental unit allowance equal to the sum of the following amounts:

(1) An amount equal to 50% of the average unit amount for the unit;

(2) An amount equal to the percentage of the dollar amount for the unit that equals the district's state share percentage.

If, prior to the fifteenth day of May of a fiscal year, a school district's aid computed under section 3317.022 of the Revised Code is recomputed pursuant to section 3317.027 or 3317.028 of the Revised Code, the department shall also recompute the district's entitlement to payment under this section utilizing

a new state share percentage. Such new state share percentage shall be determined using the district's recomputed basic aid amount pursuant to section 3317.027 or 3317.028 of the Revised Code. During the last six months of the fiscal year, the department shall pay the district a sum equal to one-half of the recomputed payment in lieu of one-half the payment otherwise calculated under this section.

(C)(1) In the case of each unit allocated to an institution pursuant to division (A) of section 3317.05 of the Revised Code, the department, in addition to the amount specified in section ~~3317.161~~ 3317.052 of the Revised Code, shall pay a supplemental unit allowance of \$7,227.

(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.

(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 section ~~3317.161~~ 3317.052 of the Revised Code, shall pay a supplemental unit allowance of \$2,966.

(4) In the case of each unit described in division (F) of section 3317.05 of the Revised Code and allocated to an educational service center, the department, in addition to the amounts specified in division (P) of section 3317.024 of the Revised Code, shall pay a supplemental unit allowance of ~~\$4,251 in fiscal year 2000 and \$5,251 in fiscal year 2001.~~

Sec. 3317.06. Moneys paid to school districts under division

(L) of section 3317.024 of the Revised Code shall be used for the 21789
following independent and fully severable purposes: 21790

(A) To purchase such secular textbooks or electronic 21791
textbooks as have been approved by the superintendent of public 21792
instruction for use in public schools in the state and to loan 21793
such textbooks or electronic textbooks to pupils attending 21794
nonpublic schools within the district or to their parents and to 21795
hire clerical personnel to administer such lending program. Such 21796
loans shall be based upon individual requests submitted by such 21797
nonpublic school pupils or parents. Such requests shall be 21798
submitted to the school district in which the nonpublic school is 21799
located. Such individual requests for the loan of textbooks or 21800
electronic textbooks shall, for administrative convenience, be 21801
submitted by the nonpublic school pupil or the pupil's parent to 21802
the nonpublic school, which shall prepare and submit collective 21803
summaries of the individual requests to the school district. As 21804
used in this section: 21805

(1) "Textbook" means any book or book substitute that a pupil 21806
uses as a consumable or nonconsumable text, text substitute, or 21807
text supplement in a particular class or program in the school the 21808
pupil regularly attends. 21809

(2) "Electronic textbook" means computer software, 21810
interactive videodisc, magnetic media, CD-ROM, computer 21811
courseware, local and remote computer assisted instruction, 21812
on-line service, electronic medium, or other means of conveying 21813
information to the student or otherwise contributing to the 21814
learning process through electronic means. 21815

(B) To provide speech and hearing diagnostic services to 21816
pupils attending nonpublic schools within the district. Such 21817
service shall be provided in the nonpublic school attended by the 21818
pupil receiving the service. 21819

(C) To provide physician, nursing, dental, and optometric services to pupils attending nonpublic schools within the district. Such services shall be provided in the school attended by the nonpublic school pupil receiving the service.

(D) To provide diagnostic psychological services to pupils attending nonpublic schools within the district. Such services shall be provided in the school attended by the pupil receiving the service.

(E) To provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(F) To provide guidance and counseling services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(G) To provide remedial services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(H) To supply for use by pupils attending nonpublic schools 21852
within the district such standardized tests and scoring services 21853
as are in use in the public schools of the state; 21854

(I) To provide programs for children who attend nonpublic 21855
schools within the district and are handicapped children as 21856
defined in division (A) of section 3323.01 of the Revised Code or 21857
gifted children. Such programs shall be provided in the public 21858
school, in nonpublic schools, in public centers, or in mobile 21859
units located on or off of the nonpublic premises. If such 21860
programs are provided in the public school or in public centers, 21861
transportation to and from such facilities shall be provided by 21862
the school district in which the nonpublic school is located. 21863

(J) To hire clerical personnel to assist in the 21864
administration of programs pursuant to divisions (B), (C), (D), 21865
(E), (F), (G), and (I) of this section and to hire supervisory 21866
personnel to supervise the providing of services and textbooks 21867
pursuant to this section. 21868

(K) To purchase or lease any secular, neutral, and 21869
nonideological computer software (including site-licensing), 21870
prerecorded video laserdiscs, digital video on demand (DVD), 21871
compact discs, and video cassette cartridges, wide area 21872
connectivity and related technology as it relates to internet 21873
access, mathematics or science equipment and materials, 21874
instructional materials, and school library materials that are in 21875
general use in the public schools of the state and loan such items 21876
to pupils attending nonpublic schools within the district or to 21877
their parents, and to hire clerical personnel to administer the 21878
lending program. Only such items that are incapable of diversion 21879
to religious use and that are susceptible of loan to individual 21880
pupils and are furnished for the use of individual pupils shall be 21881
purchased and loaned under this division. As used in this section, 21882
"instructional materials" means prepared learning materials that 21883

are secular, neutral, and nonideological in character and are of 21884
benefit to the instruction of school children, and may include 21885
educational resources and services developed by the Ohio schoolnet 21886
commission. 21887

(L) To purchase or lease instructional equipment, including 21888
computer hardware and related equipment in general use in the 21889
public schools of the state, for use by pupils attending nonpublic 21890
schools within the district and to loan such items to pupils 21891
attending nonpublic schools within the district or to their 21892
parents, and to hire clerical personnel to administer the lending 21893
program. 21894

(M) To purchase mobile units to be used for the provision of 21895
services pursuant to divisions (E), (F), (G), and (I) of this 21896
section and to pay for necessary repairs and operating costs 21897
associated with these units. 21898

Clerical and supervisory personnel hired pursuant to division 21899
(J) of this section shall perform their services in the public 21900
schools, in nonpublic schools, public centers, or mobile units 21901
where the services are provided to the nonpublic school pupil, 21902
except that such personnel may accompany pupils to and from the 21903
service sites when necessary to ensure the safety of the children 21904
receiving the services. 21905

All services provided pursuant to this section may be 21906
provided under contract with educational service centers, the 21907
department of health, city or general health districts, or private 21908
agencies whose personnel are properly licensed by an appropriate 21909
state board or agency. 21910

Transportation of pupils provided pursuant to divisions (E), 21911
(F), (G), and (I) of this section shall be provided by the school 21912
district from its general funds and not from moneys paid to it 21913
under division (L) of section 3317.024 of the Revised Code unless 21914
a special transportation request is submitted by the parent of the 21915

child receiving service pursuant to such divisions. If such an
application is presented to the school district, it may pay for
the transportation from moneys paid to it under division (L) of
section 3317.024 of the Revised Code.

No school district shall provide health or remedial services
to nonpublic school pupils as authorized by this section unless
such services are available to pupils attending the public schools
within the district.

Materials, equipment, computer hardware or software,
textbooks, electronic textbooks, and health and remedial services
provided for the benefit of nonpublic school pupils pursuant to
this section and the admission of pupils to such nonpublic schools
shall be provided without distinction as to race, creed, color, or
national origin of such pupils or of their teachers.

No school district shall provide services, materials, or
equipment that contain religious content for use in religious
courses, devotional exercises, religious training, or any other
religious activity.

As used in this section, "parent" includes a person standing
in loco parentis to a child.

Notwithstanding section 3317.01 of the Revised Code, payments
shall be made under this section to any city, local, or exempted
village school district within which is located one or more
nonpublic elementary or high schools and any payments made to
school districts under division (L) of section 3317.024 of the
Revised Code for purposes of this section may be disbursed without
submission to and approval of the controlling board.

The allocation of payments for materials, equipment,
textbooks, electronic textbooks, health services, and remedial
services to city, local, and exempted village school districts
shall be on the basis of the state board of education's estimated

annual average daily membership in nonpublic elementary and high 21947
schools located in the district. 21948

Payments made to city, local, and exempted village school 21949
districts under this section shall be equal to specific 21950
appropriations made for the purpose. All interest earned by a 21951
school district on such payments shall be used by the district for 21952
the same purposes and in the same manner as the payments may be 21953
used. 21954

The department of education shall adopt guidelines and 21955
procedures under which such programs and services shall be 21956
provided, under which districts shall be reimbursed for 21957
administrative costs incurred in providing such programs and 21958
services, and under which any unexpended balance of the amounts 21959
appropriated by the general assembly to implement this section may 21960
be transferred to the auxiliary services personnel unemployment 21961
compensation fund established pursuant to section 4141.47 of the 21962
Revised Code. The department shall also adopt guidelines and 21963
procedures limiting the purchase and loan of the items described 21964
in division (K) of this section to items that are in general use 21965
in the public schools of the state, that are incapable of 21966
diversion to religious use, and that are susceptible to individual 21967
use rather than classroom use. Within thirty days after the end of 21968
each biennium, each board of education shall remit to the 21969
department all moneys paid to it under division (L) of section 21970
3317.024 of the Revised Code and any interest earned on those 21971
moneys that are not required to pay expenses incurred under this 21972
section during the biennium for which the money was appropriated 21973
and during which the interest was earned. If a board of education 21974
subsequently determines that the remittal of moneys leaves the 21975
board with insufficient money to pay all valid expenses incurred 21976
under this section during the biennium for which the remitted 21977
money was appropriated, the board may apply to the department of 21978

education for a refund of money, not to exceed the amount of the 21979
insufficiency. If the department determines the expenses were 21980
lawfully incurred and would have been lawful expenditures of the 21981
refunded money, it shall certify its determination and the amount 21982
of the refund to be made to the director of job and family 21983
services who shall make a refund as provided in section 4141.47 of 21984
the Revised Code. 21985

Sec. 3317.064. (A) There is hereby established in the state 21986
treasury the auxiliary services mobile unit replacement and repair 21987
fund. By the thirtieth day of January of each odd-numbered year, 21988
the director of job and family services and the superintendent of 21989
public instruction shall determine the amount of any excess moneys 21990
in the auxiliary services personnel unemployment compensation fund 21991
not reasonably necessary for the purposes of section 4141.47 of 21992
the Revised Code, and shall certify such amount to the director of 21993
budget and management for transfer to the auxiliary services 21994
mobile unit replacement and repair fund. If the director of ~~jobs~~ 21995
job and family services and the superintendent disagree on such 21996
amount, the director of budget and management shall determine the 21997
amount to be transferred. 21998

(B) Moneys in the auxiliary services mobile unit replacement 21999
and repair fund shall be used for the relocation or for the 22000
replacement and repair of mobile units used to provide the 22001
services specified in division (E), (F), (G), or (I) of section 22002
3317.06 of the Revised Code ~~and for no other purposes~~. The state 22003
board of education shall adopt guidelines and procedures for 22004
replacement, repair, and relocation of mobile units and the 22005
procedures under which a school district may apply to receive 22006
moneys with which to repair or replace or relocate such units. 22007

(C) School districts may apply to the department for moneys 22008
from the auxiliary services mobile unit replacement and repair 22009

fund for payment of incentives for early retirement and severance 22010
for school district personnel assigned to provide services 22011
authorized by section 3317.06 of the Revised Code at chartered 22012
nonpublic schools. The portion of the cost of any early retirement 22013
or severance incentive for any employee that is paid using money 22014
from the auxiliary services mobile unit replacement and repair 22015
fund shall not exceed the percentage of such employee's total 22016
service credit that the employee spent providing services to 22017
chartered nonpublic school students under section 3317.06 of the 22018
Revised Code. 22019

Sec. 3317.10. (A) On or before the first day of March of each 22020
year, the department of job and family services shall certify to 22021
the state board of education the unduplicated number of children 22022
ages five through seventeen residing in each school district and 22023
living in a family that ~~participated in Ohio works first under~~ 22024
~~Chapter 5107. of the Revised Code,~~ during the preceding October, 22025
had family income not exceeding the federal poverty guidelines as 22026
defined in section 5101.46 of the Revised Code and participated in 22027
one of the following: 22028

(1) Ohio works first; 22029

(2) The food stamp program; 22030

(3) The medical assistance program, including the healthy 22031
start program, established under Chapter 5111. of the Revised 22032
Code; 22033

(4) The children's health insurance program part I 22034
established under section 5101.50 of the Revised Code; 22035

(5) The disability assistance program established under 22036
Chapter 5115. of the Revised Code. 22037

The department of job and family services shall certify this 22038
information according to the school district of residence for each 22039

child. Except as provided under division (B) of this section, the 22040
number of children so certified in any year shall be used by the 22041
department of education in calculating the distribution of moneys 22042
for the ensuing fiscal year as provided in section 3317.029 of the 22043
Revised Code. 22044

(B) Upon the transfer of part of the territory of one school 22045
district to the territory of one or more other school districts, 22046
the department of education may adjust the number of children 22047
certified under division (A) of this section for any district 22048
gaining or losing territory in such a transfer in order to take 22049
into account the effect of the transfer on the number of such 22050
~~children ages five through seventeen~~ who reside in the district 22051
~~and live in a family that participates in Ohio works first~~. Within 22052
sixty days of receipt of a request for information from the 22053
department of education, the department of job and family services 22054
shall provide any information the department of education 22055
determines is necessary to make such adjustments. The department 22056
of education may use the adjusted number for any district for the 22057
applicable fiscal year, in lieu of the number certified for the 22058
district for that fiscal year under division (A) of this section, 22059
in the calculation of the distribution of moneys provided in 22060
section 3317.029 of the Revised Code. 22061

Sec. 3317.11. (A) Annually, on or before a date designated by 22062
the state board of education, each educational service center 22063
governing board shall prepare a budget of operating expenses for 22064
the ensuing year for the service center on forms prepared and 22065
furnished by the state board of education and shall certify the 22066
budget to the state board of education, together with such other 22067
information as the board may require. Such budget shall consist of 22068
two parts. Part (A) shall include the cost of the salaries, 22069
employers retirement contributions, and travel expenses of 22070
supervisory teachers approved by the state board of education. The 22071

amount derived from the calculation for such units in part (A) of 22072
the governing board budget shall be the sum of: 22073

(1) The sum of the minimum salaries calculated, pursuant to 22074
section 3317.13 of the Revised Code, for each approved licensed 22075
employee of the governing board; 22076

(2) An additional salary allowance proportional to the length 22077
of the extended term of service not to exceed three months for 22078
each supervisory and child study teacher whose term of service in 22079
any year is extended beyond the terms of service of regular 22080
classroom teachers; 22081

(3) An allowance equal to fifteen per cent of the amount 22082
computed under division (A)(1) of this section; 22083

(4) An allowance for necessary travel expenses, for each of 22084
the personnel approved in part (A) of the budget, limited to two 22085
hundred twenty-three dollars and sixteen cents per month, or two 22086
thousand six hundred seventy-eight dollars per year per person 22087
employed, whichever is the lesser. 22088

Part (B) shall include the cost of all other lawful 22089
expenditures of the governing board. The state board of education 22090
shall review such budget and may approve, increase, or decrease 22091
such budget. 22092

The governing board shall be reimbursed by the state board of 22093
education from state funds for the cost of part (A) of the budget. 22094
The governing board shall be reimbursed by the state board of 22095
education, from state funds for the cost of part (B) of the 22096
approved budget that is in excess of six dollars and fifty cents 22097
times the service center ADM. If the governing board provides 22098
services to city or exempted village school districts pursuant to 22099
section 3313.843 of the Revised Code, the governing board shall be 22100
reimbursed from state funds for the cost of part (B) of the budget 22101
that is in excess of six dollars and fifty cents times the sum of 22102

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 22135
of the Revised Code. Special education units for gifted children 22136
may be operated by a governing board. Vocational education may be 22137
provided by a governing board. A governing board may conduct 22138
driver education for pupils enrolled in a high school for which 22139
the state board of education prescribes minimum standards. 22140

Every local school district shall be provided supervisory 22141
services by its governing board as approved by the state board of 22142
education. A city or exempted village school district shall be 22143
considered to be provided supervisory services by a governing 22144
board if it has entered into an agreement for the governing board 22145
to provide any services under section 3313.843 of the Revised 22146
Code. Supervisory services shall not exceed one supervisory 22147
teacher for the first fifty classroom teachers employed in all 22148
districts that are provided supervisory services calculated under 22149
section 3317.023 of the Revised Code and one supervisory teacher 22150
for every additional one hundred such classroom teachers so 22151
calculated. Reimbursement for such supervisory services shall be a 22152
deduction by the state board of education from the payment to the 22153
school district pursuant to division (E) of section 3317.023 of 22154
the Revised Code. Deductions for all supervisory services and 22155
extended services for supervisory and child study shall be 22156
apportioned among local school districts within the territory of 22157
the service center and any city or exempted village districts that 22158
have entered into agreements with a service center pursuant to 22159
section 3313.843 of the Revised Code by the state board of 22160
education on the basis of the total number of pupils in each 22161
school district, except that where such services are provided to 22162
districts other than local school districts within the service 22163
center territory and city or exempted village districts having 22164
agreements with the service center, such charges shall be 22165
apportioned among all participating districts on the basis of the 22166

total number of pupils in each school district. All deductions 22167
from state funding to school districts required for reimbursement 22168
of governing boards by division (E) of section 3317.023 of the 22169
Revised Code shall be made from the total of the payment computed 22170
for the district under this chapter, after making any other 22171
adjustments in that payment required by law. 22172

(B)(1) In addition to the payments made under division (A) of 22173
this section, except as otherwise provided in division (C) of this 22174
section, the department of education shall pay each governing 22175
board ~~the amount in the following schedule for the specified~~ 22176
~~fiscal year, thirty-seven dollars~~ times the sum of the service 22177
center ADM and the sum of the client ADMs of all its client 22178
districts~~+~~ 22179

~~(a) In fiscal year 2000, thirty-six dollars;~~ 22180

~~(b) In in fiscal year 2001, thirty-seven dollars years 2002~~ 22181
~~and 2003.~~ 22182

(2) In addition to other payments under this section, the 22183
department shall pay each educational service center the amounts 22184
due to it from school districts pursuant to contracts, compacts, 22185
or agreements under which the service center furnishes services to 22186
the districts or their students. In order to receive payment under 22187
this division, an educational service center shall furnish either 22188
a copy of the applicable contract, compact, or agreement clearly 22189
indicating the amounts of the payments, or a written statement of 22190
the payments owed signed by the superintendent or treasurer of the 22191
responsible school district. 22192

The amounts paid to service centers under division (B)(2) of 22193
this section shall be deducted from payments to school districts 22194
pursuant to division (K)(2) of section 3317.023 of the Revised 22195
Code. 22196

(C) Each multicounty service center shall receive a payment 22197

each fiscal year equal to forty dollars and fifty-two cents times 22198
the sum of the service center ADM and the client ADMs of all its 22199
client districts. 22200

(D) Each city, exempted village, local, joint vocational, or 22201
cooperative education school district shall pay to the governing 22202
board of an educational service center any amounts agreed to for 22203
each child enrolled in the district who receives special education 22204
and related services or vocational education from the educational 22205
service center. 22206

(E) As used in this section: 22207

(1) "Service center ADM" means the total of each of the 22208
following for all local school districts within the limits of an 22209
educational service center's territory: 22210

(a) The formula ADM; 22211

(b) The kindergarten average daily membership included in the 22212
formula ADM; 22213

(c) Three-quarters of the number of students reported under 22214
division (B)(4) of section 3317.03 of the Revised Code; 22215

(d) The average daily membership of handicapped preschool 22216
children reported under division (B)(2) of section 3317.03 of the 22217
Revised Code; 22218

(e) The number of preschool students certified under division 22219
(B) of section 3317.032 of the Revised Code. 22220

(2) "Client ADM" means the total of each number described 22221
under divisions (E)(1)(a) to (e) of this section for a client 22222
district. 22223

(3) "Client district" means a city or exempted village school 22224
district that has entered into an agreement to receive services 22225
from a service center pursuant to section 3313.843 of the Revised 22226
Code. 22227

(4) "Multicounty service center" means a service center that 22228
includes territory that formerly was included in the territory of 22229
at least three former service centers or county school districts, 22230
which former centers or districts engaged in one or more mergers 22231
pursuant to section 3311.053 of the Revised Code to form the 22232
present center. 22233

Sec. 3317.13. (A) As used in this section and section 3317.14 22234
of the Revised Code: 22235

(1) "Years of service" includes the following: 22236

(a) All years of teaching service in the same school district 22237
or educational service center, regardless of training level, with 22238
each year consisting of at least one hundred twenty days under a 22239
teacher's contract; 22240

(b) All years of teaching service in a chartered, nonpublic 22241
school located in Ohio as a teacher licensed pursuant to section 22242
3319.22 of the Revised Code or in another public school, 22243
regardless of training level, with each year consisting of at 22244
least one hundred twenty days under a teacher's contract; 22245

(c) All years of teaching service in a chartered school or 22246
institution or a school or institution that subsequently became 22247
chartered or a chartered special education program or a special 22248
education program that subsequently became chartered operated by 22249
the state or by a subdivision or other local governmental unit of 22250
this state as a teacher licensed pursuant to section 3319.22 of 22251
the Revised Code, regardless of training level, with each year 22252
consisting of at least one hundred twenty days; and 22253

(d) All years of active military service in the armed forces 22254
of the United States, as defined in section 3307.75 of the Revised 22255
Code, to a maximum of five years. For purposes of this 22256
calculation, a partial year of active military service of eight 22257

continuous months or more in the armed forces shall be counted as 22258
a full year. 22259

(2) "Teacher" means all teachers employed by the board of 22260
education of any school district, including any cooperative 22261
education or joint vocational school district and all teachers 22262
employed by any educational service center governing board. 22263

(B) No teacher shall be paid a salary less than that provided 22264
in the schedule set forth in division (C) of this section. In 22265
calculating the minimum salary any teacher shall be paid pursuant 22266
to this section, years of service shall include the sum of all 22267
years of the teacher's teaching service included in divisions 22268
(A)(1)(a), (b), (c), and (d) of this section; except that any 22269
school district or educational service center employing a teacher 22270
new to the district or educational service center shall grant such 22271
teacher a total of not more than ten years of service pursuant to 22272
divisions (A)(1)(b), (c), and (d) of this section. 22273

Upon written complaint to the superintendent of public 22274
instruction that the board of education of a district or the 22275
governing board of an educational service center governing board 22276
has failed or refused to annually adopt a salary schedule or to 22277
pay salaries in accordance with the salary schedule set forth in 22278
division (C) of this section, the superintendent of public 22279
instruction shall cause to be made an immediate investigation of 22280
such complaint. If the superintendent finds that the conditions 22281
complained of exist, the superintendent shall order the board to 22282
correct such conditions within ten days from the date of the 22283
finding. No moneys shall be distributed to the district or 22284
educational service center under this chapter until the 22285
superintendent has satisfactory evidence of the board of 22286
education's full compliance with such order. 22287

Each teacher shall be fully credited with placement in the 22288
appropriate academic training level column in the district's or 22289

educational service center's salary schedule with years of service 22290
properly credited pursuant to this section or section 3317.14 of 22291
the Revised Code. No rule shall be adopted or exercised by any 22292
board of education or educational service center governing board 22293
which restricts the placement or the crediting of annual salary 22294
increments for any teacher according to the appropriate academic 22295
training level column. 22296

(C) Minimum salaries exclusive of retirement and sick leave 22297
for teachers shall be as follows: 22298

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 Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	
0	86.5	\$14,705	100.0	\$17,000	103.8	\$17,646	109.5	\$18,615	22306
		<u>17,300</u>		<u>20,000</u>		<u>20,760</u>		<u>21,900</u>	22307
1	90.0	15,300	103.8	17,646	108.1	18,377	114.3	19,431	22308
		<u>18,000</u>		<u>20,760</u>		<u>21,620</u>		<u>22,860</u>	22309
2	93.5	15,895	107.6	18,292	112.4	19,108	119.1	20,247	22310
		<u>18,700</u>		<u>21,520</u>		<u>22,480</u>		<u>23,820</u>	22311
3	97.0	16,490	111.4	18,938	116.7	19,839	123.9	21,063	22312
		<u>19,400</u>		<u>22,280</u>		<u>23,340</u>		<u>24,780</u>	22313
4	100.5	17,085	115.2	19,584	121.0	20,570	128.7	21,879	22314
		<u>20,100</u>		<u>23,040</u>		<u>24,200</u>		<u>25,740</u>	22315
5	104.0	17,680	119.0	20,230	125.3	21,301	133.5	22,695	22316
		<u>20,800</u>		<u>23,800</u>		<u>25,060</u>		<u>26,700</u>	22317
6	104.0	17,680	122.8	20,876	129.6	22,032	138.3	23,511	22318
		<u>20,800</u>		<u>24,560</u>		<u>25,920</u>		<u>27,660</u>	22319
7	104.0	17,680	126.6	21,522	133.9	22,763	143.1	24,327	22320
		<u>20,800</u>		<u>25,320</u>		<u>26,780</u>		<u>28,620</u>	22321

8	104.0	17,680	130.4	22,168	138.2	23,494	147.9	25,143	22322
		<u>20,800</u>		<u>26,080</u>		<u>27,640</u>		<u>29,580</u>	22323
9	104.0	17,680	134.2	22,814	142.5	24,225	152.7	25,959	22324
		<u>20,800</u>		<u>26,840</u>		<u>28,500</u>		<u>30,540</u>	22325
10	104.0	17,680	138.0	23,460	146.8	24,956	157.5	26,775	22326
		<u>20,800</u>		<u>27,600</u>		<u>29,360</u>		<u>31,500</u>	22327
11	104.0	17,680	141.8	24,106	151.1	25,687	162.3	27,591	22328
		<u>20,800</u>		<u>28,360</u>		<u>30,220</u>		<u>32,460</u>	22329

* Percentages represent the percentage which each salary is of the base amount. 22330
22331

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. 22332
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As used in this division: 22341

(1) "Base amount" means ~~seventeen~~ twenty thousand dollars. 22342

(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university. 22343
22344
22345

(D) For purposes of this section, all credited training shall be from a recognized college or university. 22346
22347

Sec. 3317.16. (A) As used in this section: 22348

(1) "State share percentage" means the percentage calculated for a joint vocational school district as follows: 22349
22350

(a) Calculate the state base cost funding amount for the 22351

district under division (B) of this section. If the district would 22352
not receive any base cost funding for that year under that 22353
division, the district's state share percentage is zero. 22354

(b) If the district would receive base cost funding under 22355
that division, divide that base cost amount by an amount equal to 22356
the following: 22357

cost-of-doing-business factor X 22358

the formula amount X 22359

the greater of formula ADM or 22360

three-year average formula ADM 22361

The resultant number is the district's state share 22362
percentage. 22363

(2) The "total special education weight" for a joint 22364
vocational school district shall be calculated in the same manner 22365
as prescribed in division (B)(1) of section 3317.022 of the 22366
Revised Code. 22367

(3) The "total vocational education weight" for a joint 22368
vocational school district shall be calculated in the same manner 22369
as prescribed in division (B)(4) of section 3317.022 of the 22370
Revised Code. 22371

(4) The "~~adjusted total taxable value~~ recognized valuation" 22372
of a joint vocational school district shall be determined by 22373
adding the ~~adjusted total taxable values~~ recognized valuations of 22374
all its constituent school districts for the applicable fiscal 22375
year. 22376

(B) The department of education shall compute and distribute 22377
state base cost funding to each joint vocational school district 22378
for the fiscal year in accordance with the following formula: 22379

(cost-of-doing-business factor X 22380

formula amount X the greater of formula 22381

ADM or three-year average formula ADM) - 22382

(.0005 X adjusted total taxable value <u>recognized valuation</u>)	22383
If the difference obtained under this division is a negative number, the district's computation shall be zero.	22384 22385
(C)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each joint vocational school district in accordance with the following formula:	22386 22387 22388 22389
state share percentage X formula amount X	22390
total vocational education weight	22391
(2) The department shall compute for each joint vocational school district state funds for vocational education associated services costs in accordance with the following formula:	22392 22393 22394
state share percentage X .05 X	22395
the formula amount X the sum of	22396
categories one and two vocational education ADM	22397 22398
In any fiscal year, a joint vocational school district receiving funds under division (C)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for vocational education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other vocational education services, vocational evaluation, and other purposes designated by the department. The department may deny payment under division (C)(2) of this section to any district that the department determines is not operating those services or is using funds paid under division (C)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, for other purposes.	22399 22400 22401 22402 22403 22404 22405 22406 22407 22408 22409 22410 22411 22412
(D)(1) The department shall compute and distribute state special education and related services additional weighted costs	22413 22414

funds to each joint vocational school district in accordance with 22415
the following formula: 22416

state share percentage X formula amount X 22417
total special education weight 22418

(2)(a) As used in this division, the "personnel allowance" 22419
means ~~twenty-five thousand dollars in fiscal year 2000 and thirty~~ 22420
thousand dollars in fiscal ~~year 2001~~ years 2002 and 2003. 22421

(b) For the provision of speech services to students, 22422
including students who do not have individualized education 22423
programs prepared for them under Chapter 3323. of the Revised 22424
Code, and for no other purpose, the department shall pay each 22425
joint vocational school district an amount calculated under the 22426
following formula: 22427

(formula ADM divided by 2000) X the personnel 22428
allowance X state share percentage 22429

(E)(1) If a joint vocational school district's costs for a 22430
fiscal year for a student in its ~~category three~~ categories one 22431
through six special education ADM ~~are twenty-five thousand dollars~~ 22432
~~or more~~ exceed the threshold catastrophic cost for serving the 22433
student, as specified in division (C)(3)(b) of section 3317.022 of 22434
the Revised Code, the district may submit to the superintendent of 22435
public instruction documentation, as prescribed by the 22436
superintendent, of all of its costs for that student. Upon 22437
submission of documentation for a student of the type and in the 22438
manner prescribed, the department shall pay to the district an 22439
amount equal to the sum of the following: 22440

(a) One-half of the district's costs for the student in 22441
excess of the threshold catastrophic cost; 22442

(b) The product of one-half of the district's costs for the 22443
student in excess of ~~twenty-five thousand dollars~~ the threshold 22444
catastrophic cost multiplied by the district's state share 22445

percentage. 22446

(2) The district shall only report under division (E)(1) 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. 22447
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(F) Each fiscal year, the department shall pay each joint vocational school district an amount for adult technical and vocational education and specialized consultants. 22454
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~~(G)(1) In any fiscal year, a joint vocational school district receiving funds under division (D) of this section shall spend on the related services specified in division (B)(3) of section 3317.022 of the Revised Code at least the lesser of the following:~~ 22457
22458
22459
22460
22461

~~(a) The amount the district spent on those related services in the preceding fiscal year;~~ 22462
22463

~~(b) $1/8 \times \{[\text{cost of doing business factor} \times \text{the formula amount} \times (\text{the category one special education ADM} + \text{category two special education ADM} + \text{category three special education ADM})] + \text{the amount calculated for the fiscal year under division (D)(1) of this section} + \text{the local share of special education and related services additional weighted costs}\}$.~~ 22464
22465
22466
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22469

~~(2) A joint vocational school district's local share of special education and related services additional weighted costs equals:~~ 22470
22471
22472

~~(1 - state share percentage) X~~ 22473

~~Total special education weight X~~ 22474

~~the formula amount~~ 22475

(H) In any fiscal year, if the total of all payments made to 22476

a joint vocational school district under divisions (B) to (D) of 22477
this section and division (R) of section 3317.024 of the Revised 22478
Code is less than the amount that district received in fiscal year 22479
1999 under the version of this section in effect that year, plus 22480
the amount that district received under the version of section 22481
3317.162 of the Revised Code in effect that year and minus the 22482
amounts received that year for driver education and adult 22483
education, the department shall pay the district an additional 22484
amount equal to the difference between those two amounts. 22485

~~(I) In fiscal years 2000 and 2001, each joint vocational 22486
school district shall continue to offer the same number of the 22487
vocational education programs that the district offered in fiscal 22488
year 1999, unless the department of education expressly agrees 22489
that the district may offer fewer programs in either or both 22490
fiscal year 2000 or 2001. 22491~~

Sec. 3317.19. (A) As used in this section, "total unit 22492
allowance" means an amount equal to the sum of the following: 22493

(1) The total of the salary allowances for the teachers 22494
employed in the cooperative education school district for all 22495
units approved under division (B) or (C) of section 3317.05 of the 22496
Revised Code. The salary allowance for each unit shall equal the 22497
minimum salary for the teacher of the unit calculated on the basis 22498
of the teacher's training level and years of experience pursuant 22499
to the salary schedule prescribed in the version of section 22500
3317.13 of the Revised Code in effect prior to the effective date 22501
of this amendment. 22502

(2) Fifteen per cent of the total computed under division 22503
(A)(1) of this section; 22504

(3) The total of the unit operating allowances for all 22505
approved units. The amount of each allowance shall equal one of 22506
the following: 22507

(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;	22508 22509 22510
(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.	22511 22512 22513
(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:	22514 22515 22516
(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;	22517 22518 22519
(2) The total unit allowance;	22520
(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.	22521 22522 22523 22524
(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.	22525 22526 22527 22528 22529 22530 22531 22532
Sec. 3317.20. This section does not apply to handicapped preschool children.	22533 22534
(A) As used in this section:	22535
(1) "Applicable weight" means+	22536

~~(a) For a handicapped child receiving special education services for a handicap specified in division (A) of section 3317.013 of the Revised Code, the multiple specified in that division:~~ 22537
22538
22539
22540

~~(b) For a handicapped child receiving special education services for a handicap specified in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, the multiple specified in division (B) of for a handicap described in that section 3317.013 of the Revised Code.~~ 22541
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(2) "Child's school district" means the school district in which a child is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code. 22546
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(3) "State share percentage" means the state share percentage of the child's school district as defined in section 3317.022 of the Revised Code. 22549
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~~(B) Notwithstanding sections 3317.03, 3317.05, 3317.161, and 3317.162 of the Revised Code, the department of education shall not approve special education and related services units, other than for handicapped preschool children, in county MR/DD boards in fiscal years 1999, 2000, and 2001. During those fiscal years, state funding for special education and related services provided to school age children by county MR/DD boards shall be provided under divisions (C) to (E) of this section.~~ 22552
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~~(c)~~ Except as provided in division ~~(D)~~(C) of this section, the department shall annually pay each county MR/DD board an amount calculated under the following formula for each handicapped child, other than a handicapped preschool child, for whom the county MR/DD board provides special education and related services:

(formula amount X the cost-of-doing-business factor
for the child's school district) +

(state share percentage X formula amount X 22568
the applicable weight) 22569

~~(D)~~(C) If any school district places with a county MR/DD 22570
board more handicapped children than it had placed with a county 22571
MR/DD board in fiscal year 1998, the department shall not make a 22572
payment under division ~~(C)~~(B) of this section for the number of 22573
children exceeding the number placed in fiscal year 1998. The 22574
department instead shall deduct from the district's payments under 22575
this chapter, and pay to the county MR/DD board, an amount 22576
calculated in accordance with the formula prescribed in division 22577
~~(C)~~(B) of this section for each child over the number of children 22578
placed in fiscal year 1998. 22579

~~(E)~~(D) The department shall calculate for each county MR/DD 22580
board receiving payments under divisions ~~(C)~~(B) and ~~(D)~~(C) of this 22581
section the following amounts: 22582

(1) The amount received by the county MR/DD board for 22583
approved special education and related services units, other than 22584
preschool handicapped units, in fiscal year 1998, divided by the 22585
total number of children served in the units that year; 22586

(2) The product of the quotient calculated under division 22587
~~(E)~~(D)(1) of this section times the number of children for whom 22588
payments are made under divisions ~~(C)~~(B) and ~~(D)~~(C) of this 22589
section. 22590

If the amount calculated under division ~~(E)~~(D)(2) of this 22591
section is greater than the total amount calculated under 22592
divisions ~~(C)~~(B) and ~~(D)~~(C) of this section, the department shall 22593
pay the county MR/DD board one hundred per cent of the difference 22594
in addition to the payments under divisions ~~(C)~~(B) and ~~(D)~~(C) of 22595
this section. 22596

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 22597
Revised Code: 22598

(A) "Ohio school facilities commission" means the commission created pursuant to section 3318.30 of the Revised Code.	22599 22600
(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.	22601 22602 22603 22604 22605 22606 22607 22608 22609 22610
(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.	22611 22612 22613 22614
(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.	22615 22616 22617 22618 22619 22620
(E) "School district board" means the board of education of a school district.	22621 22622
(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 electors but not yet issued, the proceeds of which can lawfully be	22623 22624 22625 22626 22627 22628 22629

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 22660
one per cent of the basic project costs times the percentile in 22661
which the district ranks. 22662

(L) "Basic project cost" means a cost amount determined in 22663
accordance with rules adopted under section 111.15 of the Revised 22664
Code by the Ohio school facilities commission. The basic project 22665
cost calculation shall take into consideration the square footage 22666
and cost per square foot necessary for the grade levels to be 22667
housed in the classroom facilities, the variation across the state 22668
in construction and related costs, the cost of the installation of 22669
site utilities and site preparation, the cost of insuring the 22670
project until it is completed, any contingency reserve amount 22671
prescribed by the commission under section 3318.086 of the Revised 22672
Code, and the professional planning, administration, and design 22673
fees that a district may have to pay to undertake a classroom 22674
facilities project. 22675

"Basic project cost" also includes the value of classroom 22676
facilities authorized in a pre-existing bond issue as described in 22677
section 3318.033 of the Revised Code. 22678

(M) A "school district's portion of the basic project cost" 22679
means the amount determined under section 3318.032 of the Revised 22680
Code. 22681

(N) "Child day-care facility" means space within a classroom 22682
facility in which the needs of infants, toddlers, preschool 22683
children, and school children are provided for by persons other 22684
than the parent or guardian of such children for any part of the 22685
day, including persons not employed by the school district 22686
operating such classroom facility. 22687

(O) "Community resource center" means space within a 22688
classroom facility in which comprehensive services that support 22689
the needs of families and children are provided by community-based 22690

social service providers.	22691
(P) "Valuation" means the total value of all property in the district as listed and assessed for taxation on the tax duplicates.	22692 22693 22694
(Q) "Percentile" means the percentile in which the district is ranked pursuant to division (D) of section 3318.011 of the Revised Code.	22695 22696 22697
(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system.	22698 22699 22700 22701
(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the project site, and lawn and planting on the project site.	22702 22703 22704 22705
Sec. 3318.04. (A) If the Ohio school facilities commission makes a determination under section 3318.03 of the Revised Code in favor of constructing, acquiring, reconstructing, or making additions to a classroom facility, the project shall be conditionally approved. Such conditional approval shall be submitted to the controlling board for approval thereof. The controlling board shall forthwith approve or reject the commission's determination, conditional approval, the amount of the state's portion of the basic project cost, and, if the state's portion exceeds twenty-five million dollars, the amount of the state's portion to be encumbered in the current fiscal biennium. In the event of approval thereof by the controlling board, the commission shall certify such conditional approval to the school district board and shall encumber from the total funds appropriated for the purpose of sections 3318.01 to 3318.20 of the Revised Code the amount of the state's portion of the basic	22706 22707 22708 22709 22710 22711 22712 22713 22714 22715 22716 22717 22718 22719 22720 22721

project cost or, if the state's portion exceeds twenty-five 22722
million dollars, the amount approved under this section to be 22723
encumbered in the current fiscal biennium. 22724

The basic project cost for a project approved under this 22725
section shall not exceed the cost that would otherwise have to be 22726
incurred if the classroom facilities to be constructed, acquired, 22727
or reconstructed, or the additions to be made to classroom 22728
facilities, under such project meet, but do not exceed, the 22729
specifications for plans and materials for classroom facilities 22730
adopted by the commission. 22731

(B)(1) No school district shall have a project conditionally 22732
approved pursuant to this section if the school district has 22733
already received any assistance for a project funded under any 22734
version of sections 3318.01 to 3318.20 of the Revised Code, and 22735
the prior project was one for which the electors of such district 22736
approved a levy within the last twenty years pursuant to any 22737
version of section 3318.06 of the Revised Code for purposes of 22738
qualifying for the funding of that project, unless the district 22739
demonstrates to the satisfaction of the commission that the 22740
district has experienced since approval of its prior project an 22741
exceptional increase in enrollment significantly above the 22742
district's design capacity under that prior project as determined 22743
by rule of the commission. 22744

(2) Notwithstanding division (B)(1) of this section, any 22745
school district that received assistance under sections 3318.01 to 22746
3318.20 of the Revised Code, as those sections existed prior to 22747
May 20, 1997, may receive additional assistance under those 22748
sections, as they exist on and after May 20, 1997, prior to the 22749
expiration of the period of time required under division (B)(1) of 22750
this section, if the percentile in which the school district is 22751
located, as determined under section 3318.011 of the Revised Code, 22752
is eligible for assistance as prescribed in section 3318.02 of the 22753

Revised Code. 22754

The commission may provide assistance under sections 3318.01 22755
to 3318.20 of the Revised Code pursuant to this division to no 22756
more than five school districts per fiscal year until all eligible 22757
school districts have received the additional assistance 22758
authorized under this division. The commission shall establish 22759
application procedures, deadlines, and priorities for funding 22760
projects under this division. 22761

The commission at its discretion may waive current design 22762
specifications it has adopted for projects under sections 3318.01 22763
to 3318.20 of the Revised Code when assessing an application for 22764
additional assistance under this division for the renovation of 22765
classroom facilities constructed or renovated under a school 22766
district's previous project. If the commission finds that a school 22767
district's existing classroom facilities are adequate to meet all 22768
of the school district's needs, the commission may determine that 22769
no additional state assistance be awarded to a school district 22770
under this division. 22771

~~In order for a school district to be eligible to receive any 22772
additional assistance under this division, the school district 22773
electors shall extend the school district's existing levy 22774
dedicated for maintenance of classroom facilities under Chapter 22775
3318. of the Revised Code, pursuant to section 3318.061 of the 22776
Revised Code or shall provide equivalent alternative maintenance 22777
funds as specified in division (B) of section 3318.06 of the 22778
Revised Code. 22779~~

(3) Notwithstanding division (B)(1) of this section, any 22780
school district that has received assistance under sections 22781
3318.01 to 3318.20 of the Revised Code after May 20, 1997, may 22782
receive additional assistance if the commission decides in favor 22783
of providing such assistance pursuant to section 3318.042 of the 22784
Revised Code. 22785

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. 22786
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(B) Consideration of additional assistance to a school district under this section is warranted in either of the following circumstances: 22801
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(1) Additional work is needed to correct an oversight or deficiency not identified or included in the district's initial assessment. 22804
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22806

(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. 22807
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(C) If the commission decides in favor of providing additional assistance to any school district under this section, the school district shall be responsible for paying for its portion of the cost the additions, remodeling, or infrastructure changes pursuant to section 3318.083 of the Revised Code. If after 22812
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making a financial evaluation of the school district, the 22817
commission determines that the school district is unable without 22818
undue hardship, according to the guidelines adopted by the 22819
commission, to fund the school district portion of the increase, 22820
then the state and the school district shall enter into an 22821
agreement whereby the state shall pay the portion of the cost 22822
increase attributable to the school district which is determined 22823
to be in excess of any local resources available to the district 22824
and the district shall thereafter reimburse the state. The 22825
commission shall establish the district's schedule for reimbursing 22826
the state, which shall not extend beyond five years. Debt incurred 22827
under this section shall not be included in the calculation of the 22828
net indebtedness of the school district under section 133.06 of 22829
the Revised Code. 22830

Sec. 3318.05. The conditional approval of the Ohio school 22831
facilities commission for a project shall lapse and the amount 22832
reserved and encumbered for such project shall be released unless 22833
the school district board accepts such conditional approval within 22834
one hundred twenty days following the date of certification of the 22835
conditional approval to the school district board and the electors 22836
of the school district vote favorably on ~~both of the propositions~~ 22837
proposition described in ~~divisions (A) and (B)~~ of this section 22838
within one year of the date of such certification, ~~except that a~~ 22839
~~school district described in division (C) of this section does not~~ 22840
~~need to submit the proposition described in division (B) of this~~ 22841
~~section. The propositions described in divisions (A) and (B) of~~ 22842
~~this section shall be combined in a single proposal. If the~~ 22843
district board or the district's electors fail to meet such 22844
requirements and the amount reserved and encumbered for the 22845
district's project is released, the district shall be given first 22846
priority for project funding as such funds become available. 22847

~~(A) On~~ The proposition shall be on the question of issuing 22848

bonds of the school district board, for the school district's 22849
portion of the basic project cost, in an amount equal to the 22850
school district's portion of the basic project cost less any 22851
deduction made under section 3318.033 of the Revised Code; and 22852

~~(B) On the question of levying a tax the proceeds of which 22853
shall be used to pay the cost of maintaining the classroom 22854
facilities included in the project. Such tax shall be at the rate 22855
of not less than one-half mill for each dollar of valuation for a 22856
period of twenty-three years, subject to any extension approved 22857
under section 3318.061 of the Revised Code. 22858~~

~~(C) If a school district has in place a tax levied under 22859
section 5705.21 of the Revised Code for general ongoing permanent 22860
improvements of at least two mills for each dollar of valuation 22861
and the proceeds of such tax can be used for maintenance, the 22862
school district need not levy the additional tax required under 22863
division (B) of this section, provided the school district board 22864
includes in the agreement entered into under section 3318.08 of 22865
the Revised Code provisions earmarking an amount from the proceeds 22866
of that permanent improvement tax for maintenance of classroom 22867
facilities equivalent to the amount of the additional tax and for 22868
the equivalent number of years otherwise required under this 22869
section. 22870~~

~~(D) Proceeds of the tax to be used for maintenance of the 22871
classroom facilities under either division (B) or (C) of this 22872
section shall be deposited into a separate fund established by the 22873
school district for such purpose. 22874~~

Sec. 3318.051. The proceeds of any tax dedicated for the 22875
maintenance of the classroom facilities specifically acquired by a 22876
school district under any project under Chapter 3318. of the 22877
Revised Code approved by the electors of the school district prior 22878
to the effective date of this section as required under former 22879

section 3318.05 of the Revised Code as it existed prior to the 22880
effective date this section, or any existing taxes or other school 22881
district revenues earmarked for maintenance by the school district 22882
board under agreement with the school facilities commission as 22883
permitted under former section 3318.05 or under section 3318.052 22884
of the Revised Code, as those sections existed prior to the 22885
effective date of this section, shall not be required to be used 22886
for such purpose after the effective date of this section and may 22887
instead be used by the school district board to pay the cost of 22888
maintaining any classroom facilities owned or controlled by the 22889
school district board. 22890

Sec. 3318.052. (A) At any time after the electors of a school 22891
district have approved either or both a property tax levied under 22892
section 5705.21 of the Revised Code for the purpose of general 22893
ongoing permanent improvements or under section 5705.218 of the 22894
Revised Code for the purpose of permanent improvements, or a 22895
school district income tax levied under Chapter 5748. of the 22896
Revised Code, the board of education of the school district may do 22897
all of the following: 22898

(1) Within one year following the date of the certification 22899
of the conditional approval of the school district's classroom 22900
facilities project by the Ohio school facilities commission, enter 22901
into a written agreement with the commission, which may be part of 22902
an agreement entered into under section 3318.08 of the Revised 22903
Code, under which the school district board covenants and agrees 22904
to apply a specified amount of the proceeds of that property tax 22905
levy, of that school district income tax, or of securities issued 22906
under this section, or of proceeds from any two or more of those 22907
sources, to pay all or part of the district's portion of the basic 22908
project cost of its classroom facilities project. 22909

(2) Receive as a credit against the amount of bonds required 22910

under sections 3318.05 and 3318.06 of the Revised Code, to be 22911
approved by the electors of the district and issued by the 22912
district board for the district's portion of the basic project 22913
cost of its classroom facilities project in order for the district 22914
to receive state assistance for the project, an amount equal to 22915
the specified amount that the district board covenants and agrees 22916
with the commission to apply as set forth in division (A) (1) of 22917
this section. 22918

(3) Apply the proceeds of either or both such taxes to the 22919
payment of debt charges on and financing costs related to 22920
securities issued under this section and to make any necessary 22921
transfers of funds arising from such a tax from the fund to which 22922
the proceeds of the tax are credited to the bond retirement fund 22923
established for those securities or to the project construction 22924
fund, as required pursuant to division (B) of section 3318.08 of 22925
the Revised Code. 22926

(4) Issue securities to provide moneys to pay all or part of 22927
the district's portion of the basic project cost of its classroom 22928
facilities project in accordance with an agreement entered into 22929
under division (A) (1) of this section. 22930

(B) Securities issued under this section shall be Chapter 22931
133. securities and may be issued as general obligation securities 22932
or issued in anticipation of a school district income tax or as 22933
property tax anticipation notes under section 133.24 of the 22934
Revised Code. The district board's resolution authorizing the 22935
issuance and sale of general obligation securities under this 22936
section shall conform to the applicable requirements of section 22937
133.22 or 133.23 of the Revised Code. Securities issued under this 22938
section shall have principal payments during each year after the 22939
year of issuance over a period of not more than twenty-three years 22940
and, if so determined by the district board, during the year of 22941
issuance. Securities issued under this section shall not be 22942

included in the calculation of net indebtedness of the district 22943
under section 133.06 of the Revised Code if the resolution of the 22944
district board authorizing their issuance and sale includes 22945
covenants to appropriate annually from the proceeds of the 22946
property tax levied or of the school district income tax referred 22947
to in division (A) of this section and to continue to levy and 22948
collect the tax in amounts necessary to pay the debt charges on 22949
and financing costs related to the securities as they become due. 22950
No such tax the proceeds of which are pledged, or that the school 22951
district board has covenanted to levy, collect, and appropriate 22952
annually, to pay the debt charges on and financing costs related 22953
to securities issued under this section shall be repealed while 22954
those securities are outstanding. If such a tax is reduced by the 22955
electors of the district or by the district board while those 22956
securities are outstanding, the school district board shall 22957
continue to levy and collect the tax under the authority of the 22958
original election authorizing the tax at a rate in each year that 22959
the board reasonably estimates will produce an amount in that year 22960
equal to the debt charges on the securities in that year. 22961

No state moneys shall be released for a project to which this 22962
section applies until the proceeds of the tax securities issued 22963
under this section that are dedicated for the payment of the 22964
district portion of the basic project cost of its classroom 22965
facilities project are first deposited into the district's project 22966
construction fund. 22967

Sec. 3318.053. Notwithstanding any provision of this chapter 22968
to the contrary, a school district board may use proceeds from the 22969
tax described in former division (B) or (C) of section 3318.05 of 22970
the Revised Code, as either division existed immediately prior to 22971
the effective date of this amendment, for infrastructure 22972
improvements on and leading to the project sites that are not 22973
included in the basic project cost. The board may use proceeds of 22974

the tax in this manner only during the three-year period following 22975
the execution of the agreement under section 3318.08 of the 22976
Revised Code. If the board intends to use the proceeds of the tax 22977
in this manner, it shall include that fact as part of the purpose 22978
of the levy in the ballot language proposing it. 22979

Sec. 3318.06. (A) After receipt of the conditional approval 22980
of the Ohio school facilities commission, the school district 22981
board by a majority of all of its members shall, if it desires to 22982
proceed with the project, declare ~~all of the following~~ by 22983
resolution~~+~~ 22984

~~(A) That~~ that by issuing bonds in an amount equal to the 22985
school district's portion of the basic project cost, including 22986
bonds previously authorized by the district's electors as 22987
described in section 3318.033 of the Revised Code, the district is 22988
unable to provide adequate classroom facilities without assistance 22989
from the state~~+~~ 22990

~~(B) Unless the school district board has resolved to apply 22991
the proceeds of a property tax or the proceeds of an income tax,
or a combination of proceeds from such taxes, as authorized under 22992
section 3318.052 of the Revised Code, that to qualify for such 22993
state assistance it is necessary to do either of the following~~+~~ 22994
22995~~

~~(1) Levy a tax outside the ten-mill limitation the proceeds 22996
of which shall be used to pay the cost of maintaining the 22997
classroom facilities included in the project~~+~~ 22998~~

~~(2) Earmark for maintenance of classroom facilities from the 22999
proceeds of an existing permanent improvement tax levied under 23000
section 5705.21 of the Revised Code, if such tax is of at least 23001
two mills for each dollar of valuation and can be used for 23002
maintenance, an amount equivalent to the amount of the additional 23003
tax otherwise required under this section and sections 3318.05 and 23004~~

~~3318.08 of the Revised Code.~~ 23005

~~(C) That the question of any tax levy specified in a resolution described in division (B)(1) of this section, if required, shall be submitted to the electors of the school district at the next general or primary election, if there be a general or primary election not less than seventy-five and not more than ninety-five days after the day of the adoption of such resolution or, if not, at a special election to be held at a time specified in the resolution which shall be not less than seventy-five days after the day of the adoption of the resolution and which shall be in accordance with the requirements of section 3501.01 of the Revised Code.~~ 23006
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~~Such resolution shall also state that the question of issuing bonds of the board shall be combined in a single proposal with the question of such tax levy. More than one election under this section may be held in any one calendar year. Such resolution shall specify both of the following:~~ 23017
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~~(1) That the rate which it is necessary to levy shall be at the rate of not less than one-half mill for each one dollar of valuation, and that such tax shall be levied for a period of twenty-three years;~~ 23022
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~~(2) That the proceeds of the tax shall be used to pay the cost of maintaining the classroom facilities included in the project.~~ 23026
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A copy of such resolution shall after its passage and not less than seventy-five days prior to the date set therein for the election be certified to the county board of elections. 23029
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The resolution of the school district board, in addition to meeting other applicable requirements of section 133.18 of the Revised Code, shall state that the amount of bonds to be issued will be an amount equal to the school district's portion of the 23032
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basic project cost, and state the maximum maturity of the bonds 23036
which, notwithstanding section 133.20 of the Revised Code, may be 23037
any number of years not exceeding twenty-three as determined by 23038
the board. In estimating the amount of bonds to be issued, the 23039
board shall take into consideration the amount of moneys then in 23040
the bond retirement fund and the amount of moneys to be collected 23041
for and disbursed from the bond retirement fund during the 23042
remainder of the year in which the resolution of necessity is 23043
adopted. 23044

~~Notice of the election shall include the fact that the tax 23045
levy shall be at the rate of not less than one-half mill for each 23046
one dollar of valuation for a period of twenty-three years, and 23047
that the proceeds of the tax shall be used to pay the cost of 23048
maintaining the classroom facilities included in the project. 23049~~

The form of the ballot to be used at such election shall be: 23050

"A majority affirmative vote is necessary for passage. 23051

Shall bonds be issued by the (here insert name 23052
of school district) school district to pay the local share of 23053
school construction under the State of Ohio Classroom Facilities 23054
Assistance Program in the principal amount of (here 23055
insert principal amount of the bond issue), to be repaid annually 23056
over a maximum period of (here insert the maximum 23057
number of years over which the principal of the bonds may be paid) 23058
years, and an annual levy of property taxes be made outside the 23059
ten-mill limitation, estimated by the county auditor to average 23060
over the repayment period of the bond issue (here 23061
insert the number of mills estimated) mills for each one dollar of 23062
tax valuation, which amounts to (rate expressed in 23063
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 23064
for each one hundred dollars of tax valuation to pay the annual 23065
debt charges on the bonds and to pay debt charges on any notes 23066
issued in anticipation of the bonds?± 23067

~~and, unless the additional levy 23068
of taxes is not required pursuant 23069
to division (C) of section 23070
3318.05 of the Revised Code, 23071~~

~~"Shall an additional levy of taxes be made for a period of 23072
twenty-three years to benefit the (here insert name 23073
of school district) school district, the proceeds of which shall 23074
be used to pay the cost of maintaining the classroom facilities 23075
included in the project at the rate of (here insert the 23076
number of mills, which shall not be less than one-half mill) mills 23077
for each one dollar of valuation? 23078~~

FOR THE BOND ISSUE ~~AND TAX LEVY~~ 23080

AGAINST THE BOND ISSUE ~~AND TAX LEVY~~ 23082

" 23083

~~(D)~~(B) If it is necessary for the school district to acquire 23084
a site for the classroom facilities to be acquired pursuant to 23085
sections 3318.01 to 3318.20 of the Revised Code, the district 23086
board may propose either to issue bonds of the board or to levy a 23087
tax to pay for the acquisition of such site, and may combine the 23088
question of doing so with the ~~questions~~ question specified in 23089
division ~~(C)~~(A) of this section. Bonds issued under this division 23090
for the purpose of acquiring a site are a general obligation of 23091
the school district and are Chapter 133. securities. 23092

The form of that portion of the ballot to include the 23093
question of either issuing bonds or levying a tax for site 23094
acquisition purposes shall be one of the following: 23095

(1) "Shall bonds be issued by the (here insert 23096
name of the school district) school district to pay costs of 23097
acquiring a site for classroom facilities under the State of Ohio 23098
Classroom Facilities Assistance Program in the principal amount of 23099

..... (here insert principal amount of the bond issue), to be 23100
repaid annually over a maximum period of (here insert 23101
maximum number of years over which the principal of the bonds may 23102
be paid) years, and an annual levy of property taxes be made 23103
outside the ten-mill limitation, estimated by the county auditor 23104
to average over the repayment period of the bond issue 23105
(here insert number of mills) mills for each one dollar of tax 23106
valuation, which amount to (here insert rate expressed 23107
in cents or dollars and cents, such as "thirty-six cents" or 23108
"\$0.36") for each one hundred dollars of valuation to pay the 23109
annual debt charges on the bonds and to pay debt charges on any 23110
notes issued in anticipation of the bonds?" 23111

(2) "Shall an additional levy of taxes outside the ten-mill 23112
limitation be made for the benefit of the (here insert 23113
name of the school district) school district for the 23114
purpose of acquiring a site for classroom facilities in the sum of 23115
..... (here insert annual amount the levy is to produce) 23116
estimated by the county auditor to average (here insert 23117
number of mills) mills for each one hundred dollars of valuation, 23118
for a period of (here insert number of years the millage 23119
is to be imposed) years?" 23120

Where it is necessary to combine the question of issuing 23121
bonds of the school district ~~and levying a tax~~ as described in 23122
division ~~(C)~~(A) of this section with the question of issuing bonds 23123
of the school district for acquisition of a site, the question 23124
specified in division ~~(C)~~(A) of this section to be voted on shall 23125
be "For the Bond Issues ~~and the Tax Levy~~" and "Against the Bond 23126
Issues ~~and the Tax Levy~~." 23127

Where it is necessary to combine the question of issuing 23128
bonds of the school district ~~and levying a tax~~ as described in 23129
division ~~(C)~~(A) of this section with the question of levying a tax 23130
for the acquisition of a site, the question specified in division 23131

~~(C)~~(A) of this section to be voted on shall be "For the Bond Issue 23132
and the Tax ~~Levies~~ Levy" and "Against the Bond Issue and the Tax 23133
~~Levies~~ Levy." 23134

If a majority of those voting upon a proposition hereunder 23135
which includes the question of issuing bonds vote in favor 23136
thereof, and if the agreement provided for by section 3318.08 of 23137
the Revised Code has been entered into, the school district board 23138
may proceed under Chapter 133. of the Revised Code, with the 23139
issuance of bonds or bond anticipation notes in accordance with 23140
the terms of the agreement. 23141

Sec. 3318.08. If the requisite favorable vote on the election 23142
is obtained, or if the school district board has resolved to apply 23143
the proceeds of a property tax levy or the proceeds of an income 23144
tax, or a combination of proceeds from such taxes, as authorized 23145
in section 3318.052 of the Revised Code, the Ohio school 23146
facilities commission, upon certification to it of either the 23147
results of the election or the resolution under section 3318.052 23148
of the Revised Code, shall enter into a written agreement with the 23149
school district board for the construction and sale of the 23150
project, which agreement shall include, but need not be limited 23151
to, the following provisions: 23152

(A) The sale and issuance of bonds or notes in anticipation 23153
thereof, as soon as practicable after the execution of the 23154
agreement, in an amount equal to the school district's portion of 23155
the basic project cost, including any bonds previously authorized 23156
by the district's electors as described in section 3318.033 of the 23157
Revised Code; provided, that if at that time the county treasurer 23158
of each county in which the school district is located has not 23159
commenced the collection of taxes on the general duplicate of real 23160
and public utility property for the year in which the controlling 23161
board approved the project, the school district board shall 23162
authorize the issuance of a first installment of bond anticipation 23163

notes in an amount specified by the agreement, which amount shall 23164
not exceed an amount necessary to raise the net bonded 23165
indebtedness of the school district as of the date of the 23166
controlling board's approval to within five thousand dollars of 23167
the required level of indebtedness for the preceding year. In the 23168
event that a first installment of bond anticipation notes is 23169
issued, the school district board shall, as soon as practicable 23170
after the county treasurer of each county in which the school 23171
district is located has commenced the collection of taxes on the 23172
general duplicate of real and public utility property for the year 23173
in which the controlling board approved the project, authorize the 23174
issuance of a second and final installment of bond anticipation 23175
notes or a first and final issue of bonds. 23176

The combined value of the first and second installment of 23177
bond anticipation notes or the value of the first and final issue 23178
of bonds shall be equal to the school district's portion of the 23179
basic project cost. The proceeds of any such bonds shall be used 23180
first to retire any bond anticipation notes. Otherwise, the 23181
proceeds of such bonds and of any bond anticipation notes, except 23182
the premium and accrued interest thereon, shall be deposited in 23183
the school district's project construction fund. In determining 23184
the amount of net bonded indebtedness for the purpose of fixing 23185
the amount of an issue of either bonds or bond anticipation notes, 23186
gross indebtedness shall be reduced by moneys in the bond 23187
retirement fund only to the extent of the moneys therein on the 23188
first day of the year preceding the year in which the controlling 23189
board approved the project. Should there be a decrease in the tax 23190
valuation of the school district so that the amount of 23191
indebtedness that can be incurred on the tax duplicates for the 23192
year in which the controlling board approved the project is less 23193
than the amount of the first installment of bond anticipation 23194
notes, there shall be paid from the school district's project 23195

construction fund to the school district's bond retirement fund to 23196
be applied against such notes an amount sufficient to cause the 23197
net bonded indebtedness of the school district, as of the first 23198
day of the year following the year in which the controlling board 23199
approved the project, to be within five thousand dollars of the 23200
required level of indebtedness for the year in which the 23201
controlling board approved the project. The maximum amount of 23202
indebtedness to be incurred by any school district board as its 23203
share of the cost of the project is either an amount that will 23204
cause its net bonded indebtedness, as of the first day of the year 23205
following the year in which the controlling board approved the 23206
project, to be within five thousand dollars of the required level 23207
of indebtedness, or an amount equal to the required percentage of 23208
the basic project costs, whichever is greater. All bonds and bond 23209
anticipation notes shall be issued in accordance with Chapter 133. 23210
of the Revised Code, and notes may be renewed as provided in 23211
section 133.22 of the Revised Code. 23212

(B)~~(1)~~ The transfer of such funds of the school district 23213
board available for the project, together with the proceeds of the 23214
sale of the bonds or notes, except premium, accrued interest, and 23215
interest included in the amount of the issue, to the school 23216
district's project construction fund; 23217

~~(2)~~(C) If section 3318.052 of the Revised Code applies, the 23218
earmarking of the proceeds of a tax levied under section 5705.21 23219
of the Revised Code for general ongoing permanent ~~improvements or~~ 23220
under section 5705.218 of the Revised Code for the purpose of 23221
permanent improvements, or the proceeds of a school district 23222
income tax levied under Chapter 5748. of the Revised Code, or the 23223
proceeds from a combination of those two taxes, in an amount to 23224
pay all or part of the service charges on bonds issued to pay the 23225
school district portion of the project ~~and an amount equivalent to~~ 23226
~~all or part of the tax required under division (B) of section~~ 23227

3318.05 of the Revised Code.	23228
(C) If section 3318.052 of the Revised Code does not apply,	23229
either of the following:	23230
(1) The levy of the tax authorized at the election for the	23231
payment of maintenance costs, as specified in division (B) of	23232
section 3318.05 of the Revised Code;	23233
(2) If the school district electors have approved a	23234
continuing tax of at least two mills for each dollar of valuation	23235
for general ongoing permanent improvements under section 5705.21	23236
of the Revised Code and that tax can be used for maintenance, the	23237
earmarking of an amount of the proceeds from such tax for	23238
maintenance of classroom facilities as specified in division (B)	23239
of section 3318.05 of the Revised Code.	23240
(D) Ownership of or interest in the project during the period	23241
of construction, which shall be divided between the commission and	23242
the school district board in proportion to their respective	23243
contributions to the school district's project construction fund;	23244
	23245
(E) Maintenance of the state's interest in the project until	23246
any obligations issued for the project under section 3318.26 of	23247
the Revised Code are no longer outstanding;	23248
(F) The insurance of the project by the school district from	23249
the time there is an insurable interest therein and so long as the	23250
state retains any ownership or interest in the project pursuant to	23251
division (D) of this section, in such amounts and against such	23252
risks as the commission shall require; provided, that the cost of	23253
any required insurance until the project is completed shall be a	23254
part of the basic project cost;	23255
(G) The certification by the director of budget and	23256
management that funds are available and have been set aside to	23257
meet the state's share of the basic project cost as approved by	23258

the controlling board pursuant to section 3318.04 of the Revised Code;	23259 23260
(H) Authorization of the school district board to advertise for and receive construction bids for the project, for and on behalf of the commission, and to award contracts in the name of the state subject to approval by the commission;	23261 23262 23263 23264
(I) Provisions for the disbursement of moneys from the school district's project account upon issuance by the commission or the commission's designated representative of vouchers for work done to be certified to the commission by the treasurer of the school district board;	23265 23266 23267 23268 23269
(J) Disposal of any balance left in the school district's project construction fund upon completion of the project;	23270 23271
(K) Limitations upon use of the project or any part of it so long as any obligations issued to finance the project under section 3318.26 of the Revised Code are outstanding;	23272 23273 23274
(L) Provision for vesting the state's interest in the project to the school district board when the obligations issued to finance the project under section 3318.26 of the Revised Code are outstanding;	23275 23276 23277 23278
(M) Provision for deposit of an executed copy of the agreement in the office of the commission;	23279 23280
(N) Provision for termination of the contract and release of the funds encumbered at the time of the conditional approval, if the proceeds of the sale of the bonds of the school district board are not paid into the school district's project construction fund and if bids for the construction of the project have not been taken within such period after the execution of the agreement as may be fixed by the commission;	23281 23282 23283 23284 23285 23286 23287
(O) Provision for the school district to maintain the project	23288

in accordance with a plan approved by the commission; 23289

(P) Provision that all state funds reserved and encumbered to 23290
pay the state share of the cost of the project pursuant to section 23291
3318.03 of the Revised Code be spent on the construction or 23292
acquisition of the project prior to the expenditure of any funds 23293
provided by the school district to pay for its share of the 23294
project cost, unless the school district certifies to the 23295
commission that expenditure by the school district is necessary to 23296
maintain the tax-exempt status of notes or bonds issued by the 23297
school district to pay for its share of the project cost in which 23298
case, the school district may commit to spend, or spend, a portion 23299
of the funds it provides; 23300

(Q) A provision stipulating that the commission may prohibit 23301
the district from proceeding with any project if the commission 23302
determines that the site is not suitable for construction 23303
purposes. The commission may perform soil tests in its 23304
determination of whether a site is appropriate for construction 23305
purposes. 23306

(R) A provision stipulating that, unless otherwise authorized 23307
by the commission, any contingency reserve portion of the 23308
construction budget prescribed by the commission shall be used 23309
only to pay costs resulting from unforeseen job conditions, to 23310
comply with rulings regarding building and other codes, to pay 23311
costs related to design clarifications or corrections to contract 23312
documents, and to pay the costs of settlements or judgments 23313
related to the project as provided under section 3318.086 of the 23314
Revised Code. 23315

Sec. 3318.086. The construction budget for any project under 23316
sections 3318.01 to 3318.20 of the Revised Code shall contain a 23317
contingency reserve in an amount prescribed by the Ohio school 23318
facilities commission, which unless otherwise authorized by the 23319
commission, shall be used only to pay costs resulting from 23320

unforeseen job conditions, to comply with rulings regarding 23321
building and other codes, to pay costs related to design 23322
clarifications or corrections to contract documents, and to pay 23323
the costs of settlements or judgments related to the project. 23324

Sec. 3318.10. When such working drawings, specifications, and 23325
estimates of cost have been approved by the school district board 23326
and the Ohio school facilities commission, the treasurer of the 23327
school district board shall advertise for construction bids ~~for~~ 23328
~~the project once a week for three consecutive weeks in a newspaper~~ 23329
~~published in and of general circulation in the county in which the~~ 23330
~~project is located in accordance with section 3313.46 of the~~ 23331
Revised Code. Such notices shall state that plans and 23332
specifications for the project are on file in the office of the 23333
commission and such other place as may be designated in such 23334
notice, and the time and place when and where bids therefor will 23335
be received. 23336

The form of proposal to be submitted by bidders shall be 23337
supplied by the commission. Bidders may be permitted to bid upon 23338
all the branches of work and materials to be furnished and 23339
supplied, upon any branch thereof, or upon all or any thereof. 23340

~~A proposal shall be invalid and not considered unless it~~ 23341
~~meets the requirements of section 153.54 of the Revised Code.~~ 23342

When the construction bids for all branches of work and 23343
materials have been tabulated, the commission shall cause to be 23344
prepared a revised estimate of the basic project cost based upon 23345
the lowest responsible bids received. If such revised estimate 23346
exceeds the estimated basic project cost as approved by the 23347
controlling board pursuant to section 3318.04 of the Revised Code, 23348
no contracts may be entered into pursuant to this section unless 23349
such revised estimate is approved by the commission and by the 23350
controlling board referred to in section 3318.04 of the Revised 23351

Code. When such revised estimate has been prepared, and after such 23352
approvals are given, if necessary, and if the school district 23353
board has caused to be transferred to the project construction 23354
fund the proceeds from the sale of the first or first and final 23355
installment of its bonds or bond anticipation notes pursuant to 23356
the provision of written agreement required by division (B) of 23357
section 3318.08 of the Revised Code, and when the director of 23358
budget and management has certified that there is a balance in the 23359
appropriation, not otherwise obligated to pay precedent 23360
obligations, pursuant to which the state's share of such revised 23361
estimate is required to be paid, the contract for all branches of 23362
work and materials to be furnished and supplied, or for any branch 23363
thereof as determined by the school district board, shall be 23364
awarded by the school district board to the lowest responsible 23365
bidder subject to the approval of the commission. Such award shall 23366
be made within sixty days after the date on which the bids are 23367
opened, and the successful bidder shall enter into a contract 23368
within ten days after the successful bidder is notified of the 23369
award of the contract. 23370

Subject to the approval of the commission, the school 23371
district board may reject all bids and readvertise. Any contract 23372
made under this section shall be made in the name of the state and 23373
executed on its behalf by the president and treasurer of the 23374
school district board. 23375

The provisions of sections ~~153.50 to 153.99~~ 9.312 and 3313.46 23376
of the Revised Code, which are applicable to construction 23377
contracts of boards of education ~~and which permit bids to be made~~ 23378
~~for two or more trades or kinds of work,~~ shall apply to 23379
construction contracts for the project ~~to the exclusion of~~ 23380
~~sections 153.01 to 153.20 of the Revised Code applicable to state~~ 23381
~~construction contracts.~~ 23382

The remedies afforded to any subcontractor, materials 23383

supplier, laborer, mechanic, or persons furnishing material or 23384
machinery for the project under sections 1311.26 to 1311.32 of the 23385
Revised Code, shall apply to contracts entered into under this 23386
section and the itemized statement required by section 1311.26 of 23387
the Revised Code shall be filed with the school district board. 23388

Sec. 3318.12. The Ohio school facilities commission shall 23389
cause to be transferred to the school district's project 23390
construction fund the necessary amounts from amounts appropriated 23391
by the general assembly and set aside for such purpose, from time 23392
to time as may be necessary to pay obligations chargeable to such 23393
fund when due. All investment earnings of a school district's 23394
project construction fund shall be credited to the fund. 23395

The treasurer of the school district board shall disburse 23396
funds from the school district's project construction fund, 23397
including investment earnings credited to the fund, only upon the 23398
approval of the commission or the commission's designated 23399
representative. The commission or the commission's designated 23400
representative shall issue vouchers against such fund, in such 23401
amounts, and at such times as required by the contracts for 23402
construction of the project. 23403

After the project has been completed: 23404

(A) Any investment earnings remaining in the project 23405
construction fund that are attributable to the school district's 23406
contribution to the fund shall be transferred to the district's 23407
capital and maintenance fund required by division (B) of section 23408
3318.05 3315.18 of the Revised Code, and the money ~~shall~~ be used 23409
~~solely for maintaining the classroom facilities included in the~~ 23410
~~project~~ any purpose permitted under that section. 23411

(B) Any investment earnings remaining in the project 23412
construction fund that are attributable to the state's 23413
contribution to the fund shall be transferred to the commission 23414

for expenditure pursuant to sections 3318.01 to 3318.20 of the Revised Code. 23415
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(C) Any other surplus remaining in the school district's project construction fund after the project has been completed shall be transferred to the commission and the school district board in proportion to their respective contributions to the fund. The commission shall use the money transferred to it under this division for expenditure pursuant to sections 3318.01 to 3318.20 of the Revised Code. 23417
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Sec. 3318.31. (A) The Ohio school facilities commission may perform any act and ensure the performance of any function necessary or appropriate to carry out the purposes of, and exercise the powers granted under, Chapter 3318. of the Revised Code, including any of the following: 23424
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~~(1) Employ and fix the compensation of such employees as will facilitate the activities and purposes of the commission, and who shall serve at the pleasure of the commission.~~ 23429
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~~(2)~~ Adopt, amend, and rescind, pursuant to section 111.15 of the Revised Code, rules for the administration of programs authorized under Chapter 3318. of the Revised Code. 23432
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~~(3)~~(2) Contract with, retain the services of, or designate, and fix the compensation of, such agents, accountants, consultants, advisers, and other independent contractors as may be necessary or desirable to carry out the programs authorized under Chapter 3318. of the Revised Code. 23435
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~~(4)~~(3) Receive and accept any gifts, grants, donations, and pledges, and receipts therefrom, to be used for the programs authorized under Chapter 3318. of the Revised Code. 23440
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~~(5)~~(4) Make and enter into all contracts, commitments, and agreements, and execute all instruments, necessary or incidental 23443
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to the performance of its duties and the execution of its rights 23445
and powers under Chapter 3318. of the Revised Code. 23446

(B) The commission shall appoint and fix the compensation of 23447
an executive director who shall serve at the pleasure of the 23448
commission. The executive director shall supervise the operations 23449
of the commission. The executive director also shall employ and 23450
fix the compensation of such employees as will facilitate the 23451
activities and purposes of the commission, who shall serve at the 23452
pleasure of the executive director. 23453

(C) The attorney general shall serve as the legal 23454
representative for the commission and may appoint other counsel as 23455
necessary for that purpose in accordance with section 109.07 of 23456
the Revised Code. 23457

Sec. 3318.36. (A) As used in this section: 23458

(1) "Ohio school facilities commission," "classroom 23459
facilities," "school district," "school district board," "net 23460
bonded indebtedness," "required percentage of the basic project 23461
costs," "basic project cost," "valuation," and "percentile" have 23462
the same meanings as in section 3318.01 of the Revised Code. 23463

(2) "Required level of indebtedness" means five per cent of 23464
the school district's valuation for the year preceding the year in 23465
which the commission and school district enter into an agreement 23466
under division (B) of this section, plus [two one-hundredths of 23467
one per cent multiplied by (the percentile in which the district 23468
ranks in the fiscal year the commission and the school district 23469
enter into such agreement minus one)]. 23470

(3) "Local resources" means any moneys generated in any 23471
manner permitted for a school district board to raise the school 23472
district portion of a project undertaken with assistance under 23473
sections 3318.01 to 3318.20 of the Revised Code. 23474

(B)(1) There is hereby established the school building 23475
assistance expedited local partnership program. Under the program, 23476
the Ohio school facilities commission may enter into an agreement 23477
with the school district board of any school district under which 23478
the school district board may proceed with the new construction or 23479
major repairs of a part of the school district's classroom 23480
facilities needs, as determined under sections 3318.01 to 3318.20 23481
of the Revised Code, through the expenditure of local resources 23482
prior to the school district's eligibility for state assistance 23483
under sections 3318.01 to 3318.20 of the Revised Code and may 23484
apply that expenditure toward meeting the school district's 23485
portion of the basic project cost of the total of the school 23486
district's classroom facilities needs, as determined under 23487
sections 3318.01 to 3318.20 of the Revised Code and as 23488
recalculated under division (E) of this section, that are eligible 23489
for state assistance under sections 3318.01 to 3318.20 of the 23490
Revised Code when the school district becomes eligible for such 23491
state assistance. Any school district that is reasonably expected 23492
to receive assistance under sections 3318.01 to 3318.20 of the 23493
Revised Code within two fiscal years from the date the school 23494
district adopts its resolution under division (B) of this section 23495
shall not be eligible to participate in the program. 23496

(2) To participate in the program, a school district board 23497
shall first adopt a resolution certifying to the commission the 23498
board's intent to participate in the program. 23499

The resolution shall specify the approximate date that the 23500
board intends to seek elector approval of any bond or tax measures 23501
or to apply other local resources to use to pay the cost of 23502
classroom facilities to be constructed under this section. ~~The~~ 23503
~~resolution shall not specify an election sooner than twelve months~~ 23504
~~after the date the resolution is adopted by the board~~ The 23505
resolution may specify the application of local resources or 23506

elector-approved bond or tax measures after the resolution is 23507
adopted by the board, and in such case the board may proceed with 23508
a discrete portion of its project under this section as soon as 23509
the commission and the controlling board have approved the basic 23510
project cost of the district's classroom facilities needs as 23511
specified in division (D) of this section. The board shall submit 23512
its resolution to the commission not later than ten days after the 23513
date the resolution is adopted by the board. 23514

The commission shall not consider any resolution that is 23515
submitted pursuant to division (B)(2) of this section, as amended 23516
by this amendment, sooner than ~~the effective date of this~~ 23517
~~amendment~~ September 14, 2000. 23518

(3) Any project under this section shall comply with section 23519
3318.03 of the Revised Code and with any specifications for plans 23520
and materials for classroom facilities adopted by the commission 23521
under section 3318.04 of the Revised Code. 23522

(4) If a school district that enters into an agreement under 23523
this section has not begun a project applying local resources as 23524
provided for under that agreement at the time the district is 23525
notified by the commission that it is eligible to receive state 23526
assistance under sections 3318.01 to 3318.20 of the Revised Code, 23527
all assessment and agreement documents entered into under this 23528
section are void. 23529

(5) Only construction of or repairs to classroom facilities 23530
that have been approved by the commission and have been therefore 23531
included as part of a district's basic project cost qualify for 23532
application of local resources under this section. 23533

(C) Based on the results of the on-site visits and assessment 23534
conducted under division (B)(2) of this section, the commission 23535
shall determine the basic project cost of the school district's 23536
classroom facilities needs. The commission shall determine the 23537
school district's portion of such basic project cost, which shall 23538

be the greater of:

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(1) The required percentage of the basic project costs,
determined based on the school district's percentile ranking in
the fiscal year the commission and the school district enter into
the agreement under division (B) of this section;

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(2) An amount necessary to raise the school district's net
bonded indebtedness, as of the fiscal year the commission and the
school district enter into the agreement under division (B) of
this section, to within five thousand dollars of the required
level of indebtedness.

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(D)~~(1)~~ When the commission determines the basic project cost
of the classroom facilities needs of a school district and the
school district's portion of that basic project cost under
division (C) of this section, the project shall be conditionally
approved. Such conditional approval shall be submitted to the
controlling board for approval thereof. The controlling board
shall forthwith approve or reject the commission's determination,
conditional approval, and the amount of the state's portion of the
basic project cost; however, no state funds shall be encumbered
under this section. Upon approval by the controlling board, the
school district board may identify a discrete part of its
classroom facilities needs, which shall include only new
construction of or additions or major repairs to a particular
building, to address with local resources. Upon identifying a part
of the school district's basic project cost to address with local
resources, the school district board may allocate any available
school district moneys to pay the cost of that identified part,
including the proceeds of an issuance of bonds if approved by the
electors of the school district.

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All local resources utilized under this division shall first
be deposited in the project construction account required under
section 3318.08 of the Revised Code.

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~~(2) Unless the school district board exercises its option under division (D)(3) of this section, for a school district to qualify for participation in the program authorized under this section, either:~~ 23571
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~~(a) The electors of the school district by a majority vote shall approve the levy of taxes outside the ten-mill limitation for a period of twenty-three years at the rate of not less than one-half mill for each dollar of valuation to be used to pay the cost of maintaining the classroom facilities included in the basic project cost as determined by the commission. The form of the ballot to be used to submit the question whether to approve the tax required under this division to the electors of the school district shall be the form for an additional levy of taxes prescribed in section 3318.361 of the Revised Code.~~ 23575
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~~(b) As authorized under division (C) of section 3318.05 of the Revised Code, the school district board shall earmark from the proceeds of a permanent improvement tax levied under section 5705.21 of the Revised Code, an amount equivalent to the additional tax otherwise required under division (D)(2)(a) of this section for the maintenance of the classroom facilities included in the basic project cost as determined by the commission.~~ 23585
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~~(3) A school district board may opt to delay levying the additional tax required under division (D)(2)(a) of this section or earmarking of the proceeds of a permanent improvement tax alternatively required under division (D)(2)(b) of this section until such time as the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code. In order to exercise its option under this division, the board shall certify to the commission a resolution indicating the board's intent to do so prior to entering into an agreement under division (B) of this section.~~ 23592
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~~(4) If pursuant to division (D)(3) of this section a district~~ 23602

~~board opts to delay levying an additional tax until the district becomes eligible for state assistance, it shall submit the question of levying that tax to the district electors as follows:~~ 23603
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~~(a) In accordance with section 3318.06 of the Revised Code if it will also be necessary pursuant to division (E) of this section to submit a proposal for approval of a bond issue:~~ 23607
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~~(b) In accordance with section 3318.361 of the Revised Code if it is not necessary to also submit a proposal for approval of a bond issue pursuant to division (E) of this section.~~ 23610
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~~(5) No state assistance under sections 3318.01 to 3318.20 of the Revised Code shall be released until a school district board that adopts and certifies a resolution under this division either has levied the additional tax or has earmarked the proceeds of a tax as specified in division (D) of this section.~~ 23613
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~~Any amount required for maintenance under division (D)(2) of this section shall be deposited into a separate fund as specified in division (B) of section 3318.05 of the Revised Code.~~ 23618
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(E)(1) If the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code based on its percentile ranking as determined under division (B) of this section, the commission shall conduct a new assessment of the school district's classroom facilities needs and shall recalculate the basic project cost based on this new assessment. The basic project cost recalculated under this division shall include the amount of expenditures made by the school district board under division (D)(1) of this section. The commission shall then recalculate the school district's portion of the new basic project cost, which shall be the percentage of the original basic project cost assigned to the school district as its portion under division (C) of this section. The commission shall deduct the expenditure of school district moneys made under division (D)(1) 23621
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of this section from the school district's portion of the basic 23635
project cost as recalculated under this division. If the amount of 23636
school district resources applied by the school district board to 23637
the school district's portion of the basic project cost under this 23638
section is less than the total amount of such portion as 23639
recalculated under this division, the school district board by a 23640
majority vote of all of its members shall, if it desires to seek 23641
state assistance under sections 3318.01 to 3318.20 of the Revised 23642
Code, adopt a resolution as specified in section 3318.06 of the 23643
Revised Code to submit to the electors of the school district the 23644
question of approval of a bond issue in order to pay any 23645
additional amount of school district portion required for state 23646
assistance. ~~Any tax levy approved under division (D) of this 23647
section satisfies the requirements to levy the additional tax 23648
under section 3318.06 of the Revised Code.~~ 23649

(2) If the amount of school district resources applied by the 23650
school district board to the school district's portion of the 23651
basic project cost under this section is more than the total 23652
amount of such portion as recalculated under this division, within 23653
one year after the school district's portion is recalculated under 23654
division (E)(1) of this section the commission may grant to the 23655
school district the difference between the two calculated 23656
portions, but at no time shall the commission expend any state 23657
funds on a project in an amount greater than the state's portion 23658
of the basic project cost as recalculated under this division. 23659

Any reimbursement under this division shall be only for local 23660
resources the school district has applied toward construction cost 23661
expenditures for the classroom facilities approved by the 23662
commission, which shall not include any financing costs associated 23663
with that construction. 23664

The school district board shall use any moneys reimbursed to 23665
the district under this division to pay off any debt service the 23666

district owes for classroom facilities constructed under its 23667
project under this section before such moneys are applied to any 23668
other purpose. 23669

Sec. 3318.362. This section applies only to a school district 23670
that participates in the school building assistance expedited 23671
local partnership program under section 3318.36 of the Revised 23672
Code. 23673

Notwithstanding the twenty-three year maximum maturity for 23674
bonds proposed to be issued by a school district board for a 23675
classroom facilities project pursuant to division ~~(C)~~(A) of 23676
section 3318.06 of the Revised Code, a school district board that 23677
enters into an agreement with the Ohio school facilities 23678
commission under division (B) of section 3318.36 of the Revised 23679
Code may propose for issuance any bonds necessary for its 23680
participation in the program under section 3318.36 of the Revised 23681
Code for a term longer than twenty-three years but not to exceed 23682
the term calculated pursuant to section 133.20 of the Revised 23683
Code. Any moneys received from the state under division (E)(2) of 23684
section 3318.36 of the Revised Code shall be applied, as agreed in 23685
writing by the school district board and the commission, to pay 23686
debt service on outstanding bonds or bond anticipation notes 23687
issued by the school district board for its participation in the 23688
expedited local partnership program, including by placing those 23689
moneys in an applicable escrow fund under division (D) of section 23690
133.34 of the Revised Code. 23691

Sec. 3318.363. (A) This section applies only to a school 23692
district participating in the school building assistance expedited 23693
local partnership program under section 3318.36 of the Revised 23694
Code. 23695

(B) If there is a decrease in the tax valuation of a school 23696

district to which this section applies by ten per cent or greater 23697
from one tax year to the next due to a decrease in the assessment 23698
rate of the taxable property of an electric company that owns 23699
property in the district, as provided for in section 5727.111 of 23700
the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd 23701
General Assembly, the Ohio school facilities commission shall 23702
calculate or recalculate the state and school district portions of 23703
the basic project cost of the school district's project by 23704
determining the percentile rank in which the district would be 23705
located if such ranking were made using the current year adjusted 23706
valuation per pupil, as calculated and reported to the commission 23707
by the department of education under division (A) of section 23708
3318.011 of the Revised Code, rather than the three-year average 23709
adjusted valuation per pupil, calculated under division (B) of 23710
that section. For such district, the required percentage of the 23711
basic project cost used to determine the state and school district 23712
shares of that cost under division (C) of section 3318.36 of the 23713
Revised Code shall be based on the percentile rank as calculated 23714
under this section rather than as otherwise provided in division 23715
(C)(1) of section 3318.36 of the Revised Code. If the commission 23716
has determined the state and school district portion of the basic 23717
project cost of such a district's project under section 3318.36 of 23718
the Revised Code prior to that decrease in tax valuation, the 23719
commission shall adjust the state and school district shares of 23720
the basic project cost of such project in accordance with this 23721
section. 23722

Sec. 3318.37. (A) As used in this section: 23723

(1) "Low wealth school district" means a school district in 23724
the first through fiftieth percentiles as determined under section 23725
3318.011 of the Revised Code. 23726

(2) A "school district with an exceptional need for immediate 23727

classroom facilities assistance" means a low wealth school 23728
district with an exceptional need for new facilities in order to 23729
protect the health and safety of all or a portion of its students. 23730
School districts reasonably expected to be eligible for state 23731
assistance under sections 3318.01 to 3318.20 of the Revised Code 23732
within three fiscal years after assistance under this section is 23733
being considered by the Ohio school facilities commission, and 23734
school districts that participate in the school building 23735
assistance expedited local partnership program under section 23736
3318.36 of the Revised Code shall not be eligible for assistance 23737
under this section. 23738

(B)(1) There is hereby established the exceptional needs 23739
school facilities assistance program. Under the program, the Ohio 23740
school facilities commission may set aside from the moneys 23741
annually appropriated to it for classroom facilities assistance 23742
projects up to twenty-five per cent for assistance to school 23743
districts with exceptional needs for immediate classroom 23744
facilities assistance. 23745

(2)(a) After consulting with education and construction 23746
experts, the commission shall adopt guidelines for identifying 23747
school districts with an exceptional need for immediate classroom 23748
facilities assistance. 23749

(b) The guidelines shall include application forms and 23750
instructions for school districts that believe they have an 23751
exceptional need for immediate classroom facilities assistance. 23752

(3) The commission shall evaluate the classroom facilities, 23753
and the need for replacement classroom facilities from the 23754
applications received under this section. The commission, 23755
utilizing the guidelines adopted under division (B)(2)(a) of this 23756
section, shall prioritize the school districts to be assessed. 23757

Notwithstanding section 3318.02 of the Revised Code, the 23758

commission may conduct on-site evaluation of the school districts
prioritized under this section and approve and award funds until
such time as all funds set aside under division (B)(1) of this
section have been encumbered under section 3318.04 of the Revised
Code.

(4) Notwithstanding ~~division (A)~~ of section 3318.05 of the
Revised Code, the school district's portion of the basic project
cost under this section shall be the "required percentage of the
basic project costs," as defined in division (K) of section
3318.01 of the Revised Code.

(5) Except as otherwise specified in this section, any
project undertaken with assistance under this section shall comply
with all provisions of sections 3318.01 to 3318.20 of the Revised
Code. A school district may receive assistance under sections
3318.01 to 3318.20 of the Revised Code for the remainder of the
district's classroom facilities needs as assessed under this
section when the district is eligible for such assistance pursuant
to section 3318.02 of the Revised Code, but any classroom facility
constructed with assistance under this section shall not be
included in a district's project at that time unless the
commission determines the district has experienced the increased
enrollment specified in division (B)(1) of section 3318.04 of the
Revised Code.

Sec. 3318.38. (A) As used in this section, "big-eight school
district" has the same meaning as in section 3314.02 of the
Revised Code.

(B) There is hereby established the accelerated urban school
building assistance program. Under the program, notwithstanding
section 3318.02 of the Revised Code, any big-eight school district
that has not been approved to receive assistance under sections
3318.01 to 3318.20 of the Revised Code by July 1, 2002, may

beginning on that date apply for approval of and be approved for 23790
such assistance. Except as otherwise provided in this section, any 23791
project approved and undertaken pursuant to this section shall 23792
comply with all provisions of sections 3318.01 to 3318.20 of the 23793
Revised Code. 23794

The Ohio school facilities commission shall provide 23795
assistance to any big-eight school district eligible for 23796
assistance under this section in the following manner: 23797

(1) Notwithstanding section 3318.02 of the Revised Code: 23798

(a) Not later than June 30, 2002, the commission shall 23799
conduct an on-site visit and shall assess the classroom facilities 23800
needs of each big-eight school district eligible for assistance 23801
under this section; 23802

(b) Beginning July 1, 2002, any big-eight school district 23803
eligible for assistance under this section may apply to the 23804
commission for conditional approval of its project as determined 23805
by the assessment conducted under division (B)(1)(a) of this 23806
section. The commission may conditionally approve that project and 23807
submit it to the controlling board for approval pursuant to 23808
section 3318.04 of the Revised Code. 23809

(2) If the controlling board approves the project of a 23810
big-eight school district eligible for assistance under this 23811
section, the commission and the school district shall enter into 23812
an agreement as prescribed in section 3318.08 of the Revised Code. 23813
Any agreement executed pursuant to this division shall include any 23814
applicable segmentation provisions as approved by the commission 23815
under division (B)(3) of this section. 23816

(3) Notwithstanding any provision to the contrary in sections 23817
3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight 23818
school district eligible for assistance under this section may 23819
with the approval of the commission opt to divide the project as 23820

approved under division (B)(1)(b) of this section into discrete 23821
segments to be completed sequentially. Any project divided into 23822
segments shall comply with all other provisions of sections 23823
3318.05, 3318.06, and 3318.08 of the Revised Code except as 23824
otherwise specified in this division. 23825

If a project is divided into segments under this division: 23826

(a) The school district need raise only the amount equal to 23827
its proportionate share, as determined under section 3318.032 of 23828
the Revised Code, of each segment at any one time and may seek 23829
voter approval of each segment separately; 23830

(b) The state's proportionate share, as determined under 23831
section 3318.032 of the Revised Code, of only the segment which 23832
has been approved by the school district electors or for which the 23833
district has applied a local donated contribution under section 23834
3318.084 of the Revised Code shall be encumbered at any one time. 23835
Encumbrance of additional amounts to cover the state's 23836
proportionate share of later segments shall be approved separately 23837
as they are approved by the school district electors or as the 23838
district applies a local donated contribution to the segments 23839
under section 3318.084 of the Revised Code. If the state's share 23840
of any one segment exceeds twenty-five million dollars, 23841
encumbrance of that share is subject to the provisions of section 23842
3318.11 of the Revised Code. 23843

~~(c) If it is necessary to levy the additional tax for 23844
maintenance under division (B) of section 3318.05 of the Revised 23845
Code with respect to any segment of the project, the district may 23846
utilize the provisions of section 3318.061 of the Revised Code to 23847
ensure that the maintenance tax extends for twenty-three years 23848
after the last segment of the project is undertaken. 23849~~

Sec. 3318.50. (A) As used in this section and in section 23850
3318.52 of the Revised Code: 23851

(1) "Start-up community school" means a "new start-up school" as that term is defined in division (A) of section 3314.02 of the Revised Code. 23852
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(2) "Classroom facilities" has the same meaning as in section 3318.01 of the Revised Code. 23855
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(B) There is hereby established the community school classroom facilities loan guarantee program. Under the program, the Ohio school facilities commission may guarantee for up to fifteen years up to eighty-five per cent of the sum of the principal and interest on a 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. 23857
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The commission shall not make any loan guarantee under this section unless the commission has determined both that the applicant is creditworthy and that the classroom facilities meet specifications established by the commission under section 3318.51 of the Revised Code. 23867
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The commission shall not guarantee any loan under this section unless the loan is obtained from a financial institution regulated by the United States or this state. 23872
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(C) At no time shall the commission exceed an aggregate liability of ten million dollars to repay loans guaranteed under this section. 23875
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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. 23878
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(E) The commission may assess a fee of up to five hundred 23882

dollars for each loan guaranteed under this section. 23883

(F) Not later than ninety days after the effective date of 23884
this section, the commission shall adopt rules that prescribe loan 23885
standards and procedures consistent with this section that are 23886
designed to protect the state's interest in any loan guaranteed by 23887
this section and to ensure that the state has a reasonable chance 23888
of recovering any payments made by the state in the event of a 23889
default on any such loan. 23890

Sec. 3318.51. Not later than nine months after the effective 23891
date of this section, the Ohio school facilities commission in 23892
consultation with the office of community school options 23893
established under section 3314.11 of the Revised Code shall 23894
develop specifications for classroom facilities for start-up 23895
community schools established under Chapter 3314. of the Revised 23896
Code. 23897

Sec. 3318.52. There is hereby established the community 23898
school classroom facilities loan guarantee fund. The fund shall 23899
consist of such moneys as the general assembly appropriates for 23900
the purpose of guaranteeing loans to community schools under 23901
section 3318.50 of the Revised Code. Investment earnings on moneys 23902
in the fund shall be credited to the fund. 23903

Sec. 3319.19. (A) ~~Upon~~ Except as provided in division (D) of 23904
this section or division (A)(2) of section 3313.37 of the Revised 23905
Code, upon request, the board of county commissioners shall 23906
provide and equip offices in the county for the use of the 23907
superintendent of an educational service center, and shall provide 23908
heat, light, water, and janitorial services for such offices. Such 23909
offices shall be the permanent headquarters of the superintendent 23910
and shall be used by the governing board of the service center 23911
when it is in session. Except as provided in division (B) of this 23912

section, such offices shall be located in the county seat or, upon 23913
the approval of the governing board, may be located outside of the 23914
county seat. 23915

(B) In the case of a service center formed under section 23916
3311.053 of the Revised Code, the governing board shall designate 23917
the site of its offices. The Except as provided in division (D) of 23918
this section or division (A)(2) of section 3313.37 of the Revised 23919
Code, the board of county commissioners of the county in which the 23920
designated site is located shall provide and equip the offices as 23921
under division (A) of this section, but the costs of such offices 23922
and equipment ~~not covered by funds received under section 307.031~~ 23923
~~of the Revised Code~~ shall be apportioned among the boards of 23924
county commissioners of all counties having any territory in the 23925
area under the control of the governing board, according to the 23926
proportion of local school district pupils under the supervision 23927
of such board residing in the respective counties. Where there is 23928
a dispute as to the amount any board of county commissioners is 23929
required to pay, the probate judge of the county in which the 23930
greatest number of pupils under the supervision of the governing 23931
board reside shall apportion such costs among the boards of county 23932
commissioners and notify each such board of its share of the 23933
costs. 23934

(C) ~~By the first day of March of each year, the~~ 23935
~~superintendent of public instruction shall certify to the tax~~ 23936
~~commissioner the ADM and the number of full-time licensed~~ 23937
~~employees of each educational service center for the purposes of~~ 23938
~~the distribution of funds to boards of county commissioners~~ 23939
~~required under division (B) of section 307.031 of the Revised~~ 23940
~~Code. As used in this section, "ADM" means the formula ADMs of all~~ 23941
~~the local districts having territory in the service center, as~~ 23942
~~certified in October of the previous year by the service center~~ 23943
~~superintendent to the state board of education under section~~ 23944

~~3317.03 of the Revised Code. As used in this division, "licensed
employee" has the same meaning as in section 307.031 of the
Revised Code.~~ 23945
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~~(D) The superintendent of a service center may annually
submit a proposal approved by the board of county commissioners to
the state superintendent of public instruction, in such manner and
by such date as specified by the state board of education, for a
grant for the board of county commissioners to do one of the
following:~~ 23948
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~~(1) To improve or enhance the offices and equipment provided
under division (A) or (B) of this section or section 3301.0712 of
the Revised Code;~~ 23954
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~~(2) If funds received under division (B) of section 307.031
of the Revised Code are insufficient to provide for the actual
cost of meeting the requirements of division (A) or (B) of section
3319.19 and division (A)(2) of section 3301.0712 of the Revised
Code, to provide funds to meet such costs.~~ 23957
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~~Any service center superintendent intending to submit a
proposal shall submit it to the board of county commissioners that
provides and equips the office of the superintendent for approval
at least twenty days before the date of submission to the
superintendent of public instruction. The superintendent of public
instruction shall evaluate the proposals and select those that
will most benefit the local districts supervised by the governing
boards under standards adopted by the state board. For each
proposal selected for a grant, the superintendent of public
instruction shall determine the grant amount and, with the
approval of the superintendent and the board of county
commissioners, may modify a grant proposal to reflect the amount
of money available for the grant. The superintendent of public
instruction shall notify the board of county commissioners and the
tax commissioner of the selection of the proposal as submitted or~~ 23962
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~~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;~~

~~(6) The estimated cost of providing janitorial services including an explanation of the methodology used to determine this~~

cost;

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(7) Any other estimated costs that the board anticipates it will occur and a detailed explanation of the costs and the rationale used to determine such costs.

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A copy of the total estimate of costs under this division shall be sent to the superintendent of the educational service center not later than the fifth day of April. The superintendent shall review the total estimate and shall notify the board of county commissioners not later than twenty days after receipt of the estimate of either agreement with the estimate or any specific objections to the estimates and the reasons for the objections. If the superintendent agrees with the estimate, it shall become the final total estimate of cost. Failure of the superintendent to make objections to the estimate by the twentieth day after receipt of it shall be deemed to mean that the superintendent is in agreement with the estimate.

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If the superintendent provides specific objections to the board of county commissioners, the board shall review the objections and may modify the original estimate and shall send a revised total estimate to the superintendent within ten days after the receipt of the superintendent's objections. The superintendent shall respond to the revised estimate within ten days after its receipt. If the superintendent agrees with it, it shall become the final total estimated cost. If the superintendent fails to respond within the required time, the superintendent shall be deemed to have agreed with the revised estimate. If the superintendent disagrees with the revised estimate, the superintendent shall send specific objections to the county commissioners.

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If a superintendent has sent specific objections to the revised estimate within the required time, the probate judge of the county which has the greatest number of resident local school

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district pupils under the supervision of the educational service center shall determine the final estimated cost and certify this amount to the superintendent and the board of county commissioners prior to the first day of July. 24040
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(D)(1) A board of county commissioners shall be responsible for the following percentages of the final total estimated cost established by division (C) of this section: 24044
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(a) Eighty per cent for fiscal year 2003; 24047

(b) Sixty per cent for fiscal year 2004; 24048

(c) Forty per cent for fiscal year 2005; 24049

(d) Twenty per cent for fiscal year 2006. 24050

In fiscal years 2003, 2004, 2005, and 2006 the educational service center shall be responsible for the remainder of any costs in excess of the amounts specified in division (D)(1)(a), (b), or (c) of this section, as applicable, associated with the provision and equipment of offices for the educational service center and for provision of heat, light, water, and janitorial services for such offices, including any unanticipated or unexpected increases in the costs beyond the final estimated cost amount. 24051
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Beginning in fiscal year 2007, no board of county commissioners shall have any obligation to provide and equip offices for an educational service center or to provide heat, light, water, or janitorial services for such offices. 24059
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(2) Nothing in this section shall prohibit the board of county commissioners and the governing board of an educational service center from entering into a contract for providing and equipping offices for the use of an educational service center and for providing heat, light, water, and janitorial services for such offices. The term of any such contract shall not exceed a period of four years and may be renewed for additional periods not to 24063
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exceed four years. Any such contract shall supersede the 24070
provisions of division (D)(1) of this section and no educational 24071
service center may be charged, at any time, any additional amount 24072
for the county's provision of an office and equipment, heat, 24073
light, water, and janitorial services beyond the amount specified 24074
in such contract. 24075

(3) No contract entered into under division (D)(2) of this 24076
section in any year prior to fiscal year 2007 between an 24077
educational service center formed under section 3311.053 of the 24078
Revised Code and the board of county commissioners required to 24079
provide and equip its office pursuant to division (B) of this 24080
section shall take effect unless the boards of county 24081
commissioners of all other counties required to participate in the 24082
funding for such offices pursuant to division (B) of this section 24083
adopt resolutions approving the contract. 24084

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 24085
"guardian," or "other person having charge or care of a child" 24086
means either parent unless the parents are separated or divorced 24087
or their marriage has been dissolved or annulled, in which case 24088
"parent" means the parent who is the residential parent and legal 24089
custodian of the child. If the child is in the legal or permanent 24090
custody of a person or government agency, "parent" means that 24091
person or government agency. When a child is a resident of a home, 24092
as defined in section 3313.64 of the Revised Code, and the child's 24093
parent is not a resident of this state, "parent," "guardian," or 24094
"other person having charge or care of a child" means the head of 24095
the home. 24096

A child between six and eighteen years of age is "of 24097
compulsory school age" for the purpose of sections 3321.01 to 24098
3321.13 of the Revised Code. A child under six years of age who 24099
has been enrolled in kindergarten also shall be considered "of 24100

compulsory school age" for the purpose of sections 3321.01 to 24101
3321.13 of the Revised Code unless at any time the child's parent 24102
or guardian, at the parent's or guardian's discretion and in 24103
consultation with the child's teacher and principal, formally 24104
withdraws the child from kindergarten. The compulsory school age 24105
of a child shall not commence until the beginning of the term of 24106
such schools, or other time in the school year fixed by the rules 24107
of the board of the district in which the child resides. 24108

(2) No child shall be admitted to a kindergarten or a first 24109
grade of a public school in a district in which all children are 24110
admitted to kindergarten and the first grade in August or 24111
September unless the child is five or six years of age, 24112
respectively, by the thirtieth day of September of the year of 24113
admittance, or by the first day of a term or semester other than 24114
one beginning in August or September in school districts granting 24115
admittance at the beginning of such term or semester, except that 24116
in those school districts using or obtaining educationally 24117
accepted standardized testing programs for determining entrance, 24118
as approved by the board of education of such districts, the board 24119
shall admit a child to kindergarten or the first grade who fails 24120
to meet the age requirement, provided the child meets necessary 24121
standards as determined by such standardized testing programs. If 24122
the board of education has not established a standardized testing 24123
program, the board shall designate the necessary standards and a 24124
testing program it will accept for the purpose of admitting a 24125
child to kindergarten or first grade who fails to meet the age 24126
requirement. Each child who will be the proper age for entrance to 24127
kindergarten or first grade by the first day of January of the 24128
school year for which admission is requested shall be so tested 24129
upon the request of the child's parent. 24130

(3) Notwithstanding divisions (A)(2) and (D) of this section, 24131
beginning with the school year that starts in 2001 and continuing 24132

thereafter the board of education of any district may adopt a
resolution establishing the first day of August in lieu of the
thirtieth day of September as the required date by which students
must have attained the age specified in those divisions.

(B) As used in divisions (C) and (D) of this section,
"successfully completed kindergarten" and "successful completion
of kindergarten" mean that the child has completed the
kindergarten requirements at one of the following:

(1) A public or chartered nonpublic school;

(2) A kindergarten class that is both of the following:

(a) Offered by a day-care provider licensed under Chapter
5104. of the Revised Code;

(b) If offered after July 1, 1991, is directly taught by a
teacher who holds one of the following:

(i) A valid educator license issued under section 3319.22 of
the Revised Code;

(ii) A Montessori preprimary credential or age-appropriate
diploma granted by the American Montessori society or the
association Montessori internationale;

(iii) Certification determined under division (G) of this
section to be equivalent to that described in division
(B)(2)(b)(ii) of this section;

(iv) Certification for teachers in nontax-supported schools
pursuant to section 3301.071 of the Revised Code.

(C) Except as provided in division (D) of this section, no
school district shall admit to the first grade any child who has
not successfully completed kindergarten.

(D) Upon request of a parent, the requirement of division (C)
of this section may be waived by the district's pupil personnel

services committee in the case of a child who is at least six 24162
years of age by the thirtieth day of September of the year of 24163
admittance and who demonstrates to the satisfaction of the 24164
committee the possession of the social, emotional, and cognitive 24165
skills necessary for first grade. 24166

The board of education of each city, local, and exempted 24167
village school district shall establish a pupil personnel services 24168
committee. The committee shall be composed of all of the following 24169
to the extent such personnel are either employed by the district 24170
or employed by the governing board of the educational service 24171
center within whose territory the district is located and the 24172
educational service center generally furnishes the services of 24173
such personnel to the district: 24174

- (1) The director of pupil personnel services; 24175
- (2) An elementary school counselor; 24176
- (3) An elementary school principal; 24177
- (4) A school psychologist; 24178
- (5) A teacher assigned to teach first grade; 24179
- (6) A gifted coordinator. 24180

The responsibilities of the pupil personnel services 24181
committee shall be limited to the issuing of waivers allowing 24182
admittance to the first grade without the successful completion of 24183
kindergarten. The committee shall have no other authority except 24184
as specified in this section. 24185

(E) The scheduling of times for kindergarten classes and 24186
length of the school day for kindergarten shall be determined by 24187
the board of education of a city, exempted village, or local 24188
school district. 24189

(F) Any kindergarten class offered by a day-care provider or 24190
school described by division (B)(1) or (B)(2)(a) of this section 24191

shall be developmentally appropriate.	24192
(G) Upon written request of a day-care provider described by	24193
division (B)(2)(a) of this section, the department of education	24194
shall determine whether certification held by a teacher employed	24195
by the provider meets the requirement of division (B)(2)(b)(iii)	24196
of this section and, if so, shall furnish the provider a statement	24197
to that effect.	24198
Sec. 3323.09. (A) As used in this section:	24199
(1) "Home" has the meaning given in section 3313.64 of the	24200
Revised Code;	24201
(2) "Preschool child" means a child who is at least age three	24202
but under age six on the thirtieth day of September of an academic	24203
year.	24204
(B) Each county MR/DD board shall establish special education	24205
programs for all handicapped children who in accordance with	24206
section 3323.04 of the Revised Code have been placed in special	24207
education programs operated by the county board and for preschool	24208
children who are developmentally delayed or at risk of being	24209
developmentally delayed. The board annually shall submit to the	24210
department of education a plan for the provision of these programs	24211
and, if applicable, a request for approval of units under section	24212
3317.05 of the Revised Code. The superintendent of public	24213
instruction shall review the plan and approve or modify it in	24214
accordance with rules adopted by the state board of education	24215
under section 3301.07 of the Revised Code. The superintendent of	24216
public instruction shall compile the plans submitted by county	24217
boards and shall submit a comprehensive plan to the state board of	24218
education.	24219
A county MR/DD board may combine transportation for children	24220
enrolled in <u>classes funded under section 3317.20</u> or units approved	24221

under section 3317.05 with transportation for children and adults 24222
enrolled in programs and services offered by the board under 24223
section 5126.12 of the Revised Code. 24224

(C) A county MR/DD board that during the school year provided 24225
special education pursuant to this section for any mentally 24226
handicapped child under twenty-two years of age shall prepare and 24227
submit the following reports and statements: 24228

(1) The board shall prepare a statement for each child who at 24229
the time of receiving such special education was a resident of a 24230
home and was not in the legal or permanent custody of an Ohio 24231
resident or a government agency in this state, and whose parents 24232
are not known to have been residents of this state subsequent to 24233
the child's birth. The statement shall contain the child's name, 24234
the name of ~~his~~ the child's school district of residence, the name 24235
of the county board providing the special education, and the 24236
number of months, including any fraction of a month, it was 24237
provided. Not later than the thirtieth day of June, the board 24238
shall forward a certified copy of such statement to both the 24239
director of mental retardation and developmental disabilities and 24240
to the home. 24241

Within thirty days after its receipt of a statement, the home 24242
shall pay tuition to the county board computed in the manner 24243
prescribed by section 3323.141 of the Revised Code. 24244

(2) The board shall prepare a report for each school district 24245
that is the school district of residence of one or more of such 24246
children for whom statements are not required by division (C)(1) 24247
of this section. The report shall contain the name of the county 24248
board providing special education, the name of each child 24249
receiving special education, the number of months, including 24250
fractions of a month, that ~~he~~ the child received it, and the name 24251
of the child's school district of residence. Not later than the 24252
thirtieth day of June, the board shall forward certified copies of 24253

each report to the school district named in the report, the 24254
superintendent of public instruction, and the director of mental 24255
retardation and developmental disabilities. 24256

Sec. 3323.091. (A) The department of mental health, the 24257
department of mental retardation and developmental disabilities, 24258
the department of youth services, and the department of 24259
rehabilitation and correction shall establish and maintain special 24260
education programs for handicapped children in institutions under 24261
their jurisdiction according to standards adopted by the state 24262
board of education. The superintendent of each institution 24263
providing special education under this chapter may apply to the 24264
state department of education for unit funding, which shall be 24265
paid in accordance with sections ~~3317.161~~ 3317.052 and ~~3317.162~~ 24266
3317.053 of the Revised Code. 24267

(B) On or before the thirtieth day of June of each year, the 24268
superintendent of each institution that during the school year 24269
provided special education pursuant to this section shall prepare 24270
a statement for each handicapped child under twenty-two years of 24271
age who has received special education. The statement shall 24272
contain the child's name and the name of the child's school 24273
district of residence. Within sixty days after receipt of such 24274
statement, the department of education shall perform one of the 24275
following: 24276

(1) For any child except a handicapped preschool child 24277
described in division (B)(2) of this section, pay to the 24278
institution submitting the statement an amount equal to the 24279
tuition calculated under division (A) of section 3317.08 of the 24280
Revised Code for the period covered by the statement, and deduct 24281
the same from the amount of state funds, if any, payable under 24282
sections 3317.022 and 3317.023 of the Revised Code, to the child's 24283
school district of residence or, if the amount of such state funds 24284
is insufficient, require the child's school district of residence 24285

to pay the institution submitting the statement an amount equal to 24286
the amount determined under this division. 24287

(2) For any handicapped preschool child not included in a 24288
unit approved under division (B) of section 3317.05 of the Revised 24289
Code, perform the following: 24290

(a) Pay to the institution submitting the statement an amount 24291
equal to the tuition calculated under division (B) of section 24292
3317.08 of the Revised Code for the period covered by the 24293
statement, except that in calculating the tuition under that 24294
section the operating expenses of the institution submitting the 24295
statement under this section shall be used instead of the 24296
operating expenses of the school district of residence; 24297

(b) Deduct from the amount of state funds, if any, payable 24298
under sections 3317.022 and 3317.023 of the Revised Code to the 24299
child's school district of residence an amount equal to the amount 24300
paid under division (B)(2)(a) of this section. 24301

Sec. 3327.10. (A) No person shall be employed as driver of a 24302
school bus or motor van, owned and operated by any school district 24303
or educational service center or privately owned and operated 24304
under contract with any school district or service center in this 24305
state, who has not received a certificate from the educational 24306
service center governing board in case such person is employed by 24307
a service center or by a local school district under the 24308
supervision of the service center governing board, or by the 24309
superintendent of schools, in case such person is employed by the 24310
board of a city or exempted village school district, certifying 24311
that such person is at least eighteen years of age and is of good 24312
moral character and is qualified physically and otherwise for such 24313
position. The service center governing board or the 24314
superintendent, as the case may be, shall provide for an annual 24315
physical examination that conforms with rules adopted by the state 24316

board of education of each driver to ascertain ~~his~~ the driver's 24317
physical fitness for such employment. Any certificate may be 24318
revoked by the authority granting the same on proof that the 24319
holder has been guilty of failing to comply with division (D)(1) 24320
of this section, or upon a conviction or a guilty plea for a 24321
violation, or any other action, that results in a loss or 24322
suspension of driving rights. Failure to comply with such division 24323
may be cause for disciplinary action or termination of employment 24324
under division (C) of section 3319.081, or section 124.34 of the 24325
Revised Code. 24326

(B) No person shall be employed as driver of a school bus or 24327
motor van not subject to the rules of the department of education 24328
pursuant to division (A) of this section who has not received a 24329
certificate from the school administrator or contractor certifying 24330
that such person is at least eighteen years of age, is of good 24331
moral character, and is qualified physically and otherwise for 24332
such position. Each driver shall have an annual physical 24333
examination which conforms to the state highway patrol rules, 24334
ascertaining ~~his~~ the driver's physical fitness for such 24335
employment. ~~Any~~ The examination shall be performed by one of the 24336
following: 24337

(1) A person licensed under Chapter 4731. of the Revised Code 24338
or by another state to practice medicine and surgery or 24339
osteopathic medicine and surgery; 24340

(2) A registered nurse who holds a certificate of authority 24341
issued under Chapter 4723. of the Revised Code to practice as a 24342
certified nurse practitioner or clinical nurse specialist and is 24343
practicing pursuant to a standard care arrangement with a 24344
collaborating physician. 24345

Any certificate may be revoked by the authority granting the 24346
same on proof that the holder has been guilty of failing to comply 24347
with division (D)(2) of this section. 24348

(C) Any person who drives a school bus or motor van must give 24349
satisfactory and sufficient bond except a driver who is an 24350
employee of a school district and who drives a bus or motor van 24351
owned by the school district. 24352

(D) No person employed as driver of a school bus or motor van 24353
under this section who is convicted of a traffic violation or who 24354
has had ~~his~~ the person's commercial driver's license suspended or 24355
revoked shall drive a school bus or motor van until such person 24356
has filed a written notice of such conviction, suspension, or 24357
revocation as follows: 24358

(1) If ~~he~~ the person is employed under division (A) of this 24359
section, such notice shall be filed with the superintendent, or a 24360
person designated by the superintendent, of the school district 24361
for which such person drives a school bus or motor van as an 24362
employee or drives a privately owned and operated school bus or 24363
motor van under contract. 24364

(2) If employed under division (B) of this section, such 24365
notice shall be filed with the employing school administrator or 24366
contractor, or a person designated by the administrator or 24367
contractor. 24368

(E) In addition to resulting in possible revocation of a 24369
certificate as authorized by divisions (A) and (B) of this 24370
section, violation of division (D) of this section is a minor 24371
misdemeanor. 24372

Sec. 3333.02. The Ohio board of regents shall hold its first 24373
meeting at the call of the governor, within three months after all 24374
members have been appointed and qualified. Meetings thereafter 24375
shall be called in such manner and at such times as prescribed by 24376
rules adopted by the board, but the board shall meet at least four 24377
times annually. A majority of the board constitutes a quorum. At 24378
its first meeting, the board shall organize by selecting a 24379

~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, and a 24380
secretary, and such other officers as it deems necessary. The 24381
board shall adopt rules for the conduct of its business, and to 24382
provide for the term and election of officers, and shall establish 24383
an office in Columbus. The rules shall permit the formation of a 24384
quorum and the taking of votes at meetings conducted by 24385
interactive video teleconference if provisions are made for public 24386
attendance at any location involved in such a teleconference. 24387

A record shall be kept of board proceedings, which shall be 24388
open for public inspection. The board shall adopt a seal to be 24389
affixed to official documents. Each member of the board, before 24390
entering on ~~his~~ official duties and after qualifying for office, 24391
shall take and subscribe to an oath of office, to uphold the 24392
constitution and laws of the United States and this state, and to 24393
perform the duties of ~~his~~ office honestly, faithfully, and 24394
impartially. 24395

Sec. 3333.03. (A) The Ohio board of regents shall appoint a 24396
chancellor to serve at its pleasure and shall prescribe ~~his~~ the 24397
chancellor's duties. The board shall fix the compensation for the 24398
chancellor ~~and for all other professional, administrative, and~~ 24399
~~clerical employees necessary to assist the board and the~~ 24400
~~chancellor in the performance of their duties.~~ 24401

(B) The chancellor is the administrative officer of the 24402
board, and is responsible for appointing and fixing the 24403
compensation of all professional, administrative, and clerical 24404
employees and staff members, ~~subject to board approval, who~~ 24405
necessary to assist the board and the chancellor in the 24406
performance of their duties. All employees and staff shall serve 24407
under his direction and control at the chancellor's pleasure. The 24408
chancellor shall be a person qualified by training and experience 24409
to understand the problems and needs of the state in the field of 24410
higher education and to devise programs, plans, and methods of 24411

solving the problems and meeting the needs. 24412

(C) Neither the chancellor nor any staff member or employee 24413
of the board shall be a trustee, officer, or employee of any 24414
public or private college or university while serving on the 24415
board. 24416

Sec. 3333.043. (A) As used in this section: 24417

(1) "Institution of higher education" means the state 24418
universities listed in section 3345.011 of the Revised Code, 24419
municipal educational institutions established under Chapter 3349. 24420
of the Revised Code, community colleges established under Chapter 24421
3354. of the Revised Code, university branches established under 24422
Chapter 3355. of the Revised Code, technical colleges established 24423
under Chapter 3357. of the Revised Code, state community colleges 24424
established under Chapter 3358. of the Revised Code, any 24425
institution of higher education with a certificate of registration 24426
from the state board of proprietary school registration, and any 24427
institution for which the Ohio board of regents receives a notice 24428
pursuant to division (C) of this section. 24429

(2) "Community service" has the same meaning as in section 24430
3313.605 of the Revised Code. 24431

(B)(1) The board of trustees or other governing entity of 24432
each institution of higher education shall encourage and promote 24433
participation of students in community service through a program 24434
appropriate to the mission, student population, and environment of 24435
each institution. The program may include, but not be limited to, 24436
providing information about community service opportunities during 24437
student orientation or in student publications; providing awards 24438
for exemplary community service; encouraging faculty members to 24439
incorporate community service into students' academic experiences 24440
wherever appropriate to the curriculum; encouraging recognized 24441
student organizations to undertake community service projects as 24442

part of their purposes; and establishing advisory committees of 24443
students, faculty members, and community and business leaders to 24444
develop cooperative programs that benefit the community and 24445
enhance student experience. The program shall be flexible in 24446
design so as to permit participation by the greatest possible 24447
number of students, including part-time students and students for 24448
whom participation may be difficult due to financial, academic, 24449
personal, or other considerations. The program shall emphasize 24450
community service opportunities that can most effectively use the 24451
skills of students, such as tutoring or literacy programs. The 24452
programs shall encourage students to perform services that will 24453
not supplant the hiring of, result in the displacement of, or 24454
impair any existing employment contracts of any particular 24455
employee of any private or governmental entity for which services 24456
are performed. 24457

(2) The Ohio board of regents shall encourage all 24458
institutions of higher education in the development of community 24459
service programs. With the assistance of the ~~state~~ Ohio community 24460
service ~~advisory committee~~ council created in section 121.40 of 24461
the Revised Code, the board of regents shall make available 24462
information about higher education community service programs to 24463
institutions of higher education and to statewide organizations 24464
involved with or promoting volunteerism, including information 24465
about model community service programs, teacher training courses, 24466
and community service curricula and teaching materials for 24467
possible use by institutions of higher education in their 24468
programs. The board shall encourage institutions of higher 24469
education to jointly coordinate higher education community service 24470
programs through consortia of institutions or other appropriate 24471
means of coordination. 24472

(C) The board of trustees of any nonprofit institution with a 24473
certificate of authorization issued by the Ohio board of regents 24474

pursuant to Chapter 1713. of the Revised Code may notify the board 24475
of regents that it is making itself subject to divisions (A) and 24476
(B) of this section. Upon receipt of such a notice, these 24477
divisions shall apply to that institution. 24478

Sec. 3333.12. (A) As used in this section: 24479

(1) "Eligible student" means an undergraduate student who is: 24480

(a) An Ohio resident; 24481

(b) Enrolled in either of the following: 24482

(i) An accredited institution of higher education in this 24483
state that meets the requirements of Title VI of the Civil Rights 24484
Act of 1964 and is state-assisted, is nonprofit and has a 24485
certificate of authorization from the Ohio board of regents 24486
pursuant to Chapter 1713. of the Revised Code, or has a 24487
certificate of registration from the state board of proprietary 24488
school registration and program authorization to award an 24489
associate or bachelor's degree. Students who attend an institution 24490
that holds a certificate of registration shall be enrolled in a 24491
program leading to an associate or bachelor's degree for which 24492
associate or bachelor's degree program the institution has program 24493
authorization issued under section 3332.05 of the Revised Code. 24494

24495

(ii) A technical education program of at least two years 24496
duration sponsored by a private institution of higher education in 24497
this state that meets the requirements of Title VI of the Civil 24498
Rights Act of 1964. 24499

(c) Enrolled as a full-time student or enrolled as a less 24500
than full-time student for the term expected to be the student's 24501
final term of enrollment and is enrolled for the number of credit 24502
hours necessary to complete the requirements of the program in 24503
which the student is enrolled. 24504

(2) "Gross income" includes all taxable and nontaxable income of the parents, the student, and the student's spouse, except income derived from an Ohio academic scholarship, income earned by the student between the last day of the spring term and the first day of the fall term, and other income exclusions designated by the board. Gross income may be verified to the board by the institution in which the student is enrolled using the federal financial aid eligibility verification process or by other means satisfactory to the board.

(3) "Resident," "full-time student," "dependent," "financially independent," and "accredited" shall be defined by rules adopted by the board.

(B) The Ohio board of regents shall establish and administer an instructional grant program and may adopt rules to carry out this section. The general assembly shall support the instructional grant program by such sums and in such manner as it may provide, but the board may also receive funds from other sources to support the program. If the amounts available for support of the program are inadequate to provide grants to all eligible students, preference in the payment of grants shall be given in terms of income, beginning with the lowest income category of gross income and proceeding upward by category to the highest gross income category.

An instructional grant shall be paid to an eligible student through the institution in which the student is enrolled, except that no instructional grant shall be paid to any person serving a term of imprisonment. Applications for such grants shall be made as prescribed by the board, and such applications may be made in conjunction with and upon the basis of information provided in conjunction with student assistance programs funded by agencies of the United States government or from financial resources of the institution of higher education. The institution shall certify

\$13,001 — \$14,000	4,386	4,872	4,872	4,872	4,872	24568
\$14,001 — \$15,000	3,888	4,386	4,872	4,872	4,872	24569
\$15,001 — \$16,000	3,408	3,888	4,386	4,872	4,872	24570
\$16,001 — \$17,000	2,928	3,408	3,888	4,386	4,872	24571
\$17,001 — \$20,000	2,442	2,928	3,408	3,888	4,386	24572
\$20,001 — \$23,000	1,944	2,442	2,928	3,408	3,888	24573
\$23,001 — \$26,000	1,452	1,944	2,442	2,928	3,408	24574
\$26,001 — \$29,000	1,200	1,452	1,944	2,442	2,928	24575
\$29,001 — \$30,000	966	1,200	1,452	1,944	2,442	24576
\$30,001 — \$31,000	882	966	1,200	1,452	1,944	24577
\$31,001 — \$32,000	792	882	966	1,200	1,452	24578
\$32,001 — \$33,000	396	792	882	966	1,200	24579
\$33,001 — \$34,000	-0-	396	792	882	966	24580
\$34,001 — \$35,000	-0-	-0-	396	792	882	24581
\$35,001 — \$36,000	-0-	-0-	-0-	396	792	24582
\$36,001 — \$37,000	-0-	-0-	-0-	-0-	396	24583
Over \$37,000	-0-	-0-	-0-	-0-	-0-	24584

Private Institution 24585

Table of Grants 24586

Maximum Grant \$5,466 24587

Gross Income Number of Dependents 24588

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u> <u>more</u>	
<u>\$0 - \$15,000</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	<u>\$5,466</u>	24590
<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>	24591
<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>	24592
<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>	24593
<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>	24594
<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>	24595
<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>	24596
<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>	24597
<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>	24598
<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>	24599

<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>	24600
<u>\$33,001 - \$34,000</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	<u>1,626</u>	24601
<u>\$34,001 - \$35,000</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	<u>1,344</u>	24602
<u>\$35,001 - \$36,000</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	<u>1,080</u>	24603
<u>\$36,001 - \$37,000</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	<u>984</u>	24604
<u>\$37,001 - \$38,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	<u>888</u>	24605
<u>\$38,001 - \$39,000</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>444</u>	24606

For a full-time student who is financially independent and 24607
enrolled in a nonprofit educational institution that is not a 24608
state-assisted institution and that has a certificate of 24609
authorization issued pursuant to Chapter 1713. of the Revised 24610
Code, the amount of the instructional grant for two semesters, 24611
three quarters, or a comparable portion of the academic year shall 24612
be determined in accordance with the following table: 24613

Table of Grants 24614

Gross Income	Maximum Grant \$4,872						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	24618
\$4,201 - \$4,800	4,386	4,872	4,872	4,872	4,872	4,872	24619
\$4,801 - \$5,300	3,888	4,386	4,872	4,872	4,872	4,872	24620
\$5,301 - \$5,800	3,408	3,888	4,386	4,872	4,872	4,872	24621
\$5,801 - \$6,300	2,928	3,408	3,888	4,386	4,872	4,872	24622
\$6,301 - \$6,800	2,442	2,928	3,408	3,888	4,386	4,872	24623
\$6,801 - \$7,800	1,944	2,442	2,928	3,408	3,888	4,386	24624
\$7,801 - \$8,800	1,452	1,944	2,442	2,928	3,408	3,888	24625
\$8,801 - \$9,800	1,200	1,452	1,944	2,442	2,928	3,408	24626
\$9,801 - \$11,300	966	1,200	1,452	1,944	2,442	2,928	24627
\$11,301 - \$12,800	882	966	1,200	1,452	1,944	2,442	24628
\$12,801 - \$14,300	792	882	966	1,200	1,452	1,944	24629
\$14,301 - \$15,800	396	792	882	966	1,200	1,452	24630
\$15,801 - \$18,800	0	396	792	882	966	1,200	24631

quarters, or a comparable portion of the academic year shall be 24664
determined in accordance with the following table: 24665

<u>Table of Grants</u> 24666						
<u>Gross Income</u>	<u>Maximum Grant \$4,128</u> 24667					<u>Number of Dependents</u> 24668
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u> 24669	
<u>Under \$13,001</u>	\$4,128	\$4,128	\$4,128	\$4,128	\$4,128	24670
<u>\$13,001 — \$14,000</u>	3,726	4,128	4,128	4,128	4,128	24671
<u>\$14,001 — \$15,000</u>	3,288	3,726	4,128	4,128	4,128	24672
<u>\$15,001 — \$16,000</u>	2,874	3,288	3,726	4,128	4,128	24673
<u>\$16,001 — \$17,000</u>	2,490	2,874	3,288	3,726	4,128	24674
<u>\$17,001 — \$20,000</u>	2,046	2,490	2,874	3,288	3,726	24675
<u>\$20,001 — \$23,000</u>	1,656	2,046	2,490	2,874	3,288	24676
<u>\$23,001 — \$26,000</u>	1,266	1,656	2,046	2,490	2,874	24677
<u>\$26,001 — \$29,000</u>	1,014	1,266	1,656	2,046	2,490	24678
<u>\$29,001 — \$30,000</u>	810	1,014	1,266	1,656	2,046	24679
<u>\$30,001 — \$31,000</u>	762	810	1,014	1,266	1,656	24680
<u>\$31,001 — \$32,000</u>	672	762	810	1,014	1,266	24681
<u>\$32,001 — \$33,000</u>	336	672	762	810	1,014	24682
<u>\$33,001 — \$34,000</u>	-0-	336	672	762	810	24683
<u>\$34,001 — \$35,000</u>	-0-	-0-	336	672	762	24684
<u>\$35,001 — \$36,000</u>	-0-	-0-	-0-	336	672	24685
<u>\$36,001 — \$37,000</u>	-0-	-0-	-0-	-0-	336	24686
<u>Over \$37,000</u>	-0-	-0-	-0-	-0-	-0-	24687

Proprietary Institution 24688

<u>Table of Grants</u> 24689						
<u>Gross Income</u>	<u>Maximum Grant \$4,632</u> 24690					<u>Number of Dependents</u> 24691
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or more</u> 24692	
<u>\$0 - \$15,000</u>	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	24693
<u>\$15,001 - \$16,000</u>	4,182	4,632	4,632	4,632	4,632	24694

\$7,801 — \$8,800	1,266	1,656	2,046	2,490	2,874	3,288	24727
\$8,801 — \$9,800	1,014	1,266	1,656	2,046	2,490	2,874	24728
\$9,801 — \$11,300	810	1,014	1,266	1,656	2,046	2,490	24729
\$11,301 — \$12,800	762	810	1,014	1,266	1,656	2,046	24730
\$12,801 — \$14,300	672	762	810	1,014	1,266	1,656	24731
\$14,301 — \$15,800	336	672	762	810	1,014	1,266	24732
\$15,801 — \$18,800	—	336	672	762	810	1,014	24733
\$18,801 — \$21,800	—	—	336	672	762	810	24734
\$21,801 — \$24,800	—	—	—	336	672	762	24735
\$24,801 — \$29,500	—	—	—	—	336	672	24736
\$29,501 — \$34,500	—	—	—	—	—	336	24737
Over \$34,500	—	—	—	—	—	—	24738

Proprietary Institution 24739

Table of Grants 24740

Maximum Grant \$4,632 24741

Gross Income Number of Dependents 24742

	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5 or</u> <u>more</u>	
<u>\$0 - \$4,800</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	<u>\$4,632</u>	24743
<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>	24744
<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>	24745
<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>	24746
<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>	24747
<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>	24748
<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>	24749
<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>	24750
<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>	24751
<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>	24752
<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>	24753
<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>	24754
<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>	24755
<u>\$16,301 - \$19,300</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	<u>1,134</u>	24756
<u>\$19,301 - \$22,300</u>	<u>--</u>	<u>--</u>	<u>372</u>	<u>750</u>	<u>852</u>	<u>906</u>	24757

<u>\$22,301 - \$25,300</u>	--	--	--	<u>372</u>	<u>750</u>	<u>852</u>	24759
<u>\$25,301 - \$30,300</u>	--	--	--	--	<u>372</u>	<u>750</u>	24760
<u>\$30,301 - \$35,300</u>	--	--	--	--	--	<u>372</u>	24761

For a full-time student who is a dependent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

~~Maximum Grant \$1,956~~

Gross Income ~~Number of Dependents~~

~~Table of Grants~~

	1	2	3	4	5 or more	
Under \$13,001	\$1,956	\$1,956	\$1,956	\$1,956	\$1,956	24771
\$13,001 - \$14,000	1,764	1,956	1,956	1,956	1,956	24772
\$14,001 - \$15,000	1,554	1,764	1,956	1,956	1,956	24773
\$15,001 - \$16,000	1,380	1,554	1,764	1,956	1,956	24774
\$16,001 - \$17,000	1,182	1,380	1,554	1,764	1,956	24775
\$17,001 - \$20,000	966	1,182	1,380	1,554	1,764	24776
\$20,001 - \$23,000	774	966	1,182	1,380	1,554	24777
\$23,001 - \$26,000	582	774	966	1,182	1,380	24778
\$26,001 - \$29,000	468	582	774	966	1,182	24779
\$29,001 - \$30,000	378	468	582	774	966	24780
\$30,001 - \$31,000	348	378	468	582	774	24781
\$31,001 - \$32,000	318	348	378	468	582	24782
\$32,001 - \$33,000	162	318	348	378	468	24783
\$33,001 - \$34,000	-0-	162	318	348	378	24784
\$34,001 - \$35,000	-0-	-0-	162	318	348	24785
\$35,001 - \$36,000	-0-	-0-	-0-	162	318	24786
\$36,001 - \$37,000	-0-	-0-	-0-	-0-	162	24787
Over \$37,000	-0-	-0-	-0-	-0-	-0-	24788

Public Institution

Table of Grants

<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>	24854
<u>\$13,301 - \$14,800</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	<u>864</u>	24855
<u>\$14,801 - \$16,300</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	<u>648</u>	24856
<u>\$16,301 - \$19,300</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	<u>522</u>	24857
<u>\$19,301 - \$22,300</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	<u>420</u>	24858
<u>\$22,301 - \$25,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	<u>384</u>	24859
<u>\$25,301 - \$30,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	<u>354</u>	24860
<u>\$30,301 - \$35,300</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>174</u>	24861

(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 following:

(a) Any student enrolled in an institution that under the federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances the institution may continue to participate in federal financial aid programs. The board shall adopt rules requiring institutions to provide information regarding an appeal to the board.

(b) Any student who has previously received a grant under this section who meets all other requirements of this section.

(3) The board shall adopt rules for the notification of all institutions whose students will be ineligible to participate in the grant program pursuant to division (F)(1) of this section.

(4) A student's attendance at an institution whose students lose eligibility for grants under division (F)(1) of this section shall not affect that student's eligibility to receive a grant when enrolled in another institution.

(G) Institutions of higher education that enroll students receiving instructional grants under this section shall report to the board all students who have received instructional grants but are no longer eligible for all or part of such grants and shall refund any moneys due the state within thirty days after the beginning of the quarter or term immediately following the quarter or term in which the student was no longer eligible to receive all or part of the student's grant. There shall be an interest charge of one per cent per month on all moneys due and payable after such thirty-day period. The board shall immediately notify the office of budget and management and the legislative budget office of the legislative service commission of all refunds so received.

Sec. 3333.13. (A) Money appropriated to ~~state supported and~~

~~state assisted institutions of higher education and to the Ohio~~ 24917
board of regents for the purposes of this division shall be paid 24918
at the times and in the amounts necessary to meet all payments 24919
required to be made ~~by such institutions and~~ by the board to the 24920
Ohio public facilities commission ~~or treasurer of state~~ pursuant 24921
to leases or agreements made ~~by them~~ under division (B) of section 24922
154.21 of the Revised Code, as certified under division (C) of 24923
this section, including supplements to such certifications. 24924

(B) ~~Each such institution of higher education and the~~ The 24925
board shall include in its estimate of proposed expenses submitted 24926
pursuant to section 126.02 of the Revised Code the estimated 24927
amounts of all such payments to be made by it. The board shall 24928
include the estimated amounts of all such payments to be made ~~by~~ 24929
~~each such institution and of such payments to be made~~ by it in 24930
recommendations for appropriation required by division (J) of 24931
section 3333.04 of the Revised Code. The director of budget and 24932
management shall include in the state budget estimates provided 24933
for in section 126.02 of the Revised Code the estimated amount of 24934
all such payments to be made during the next biennium, and this 24935
amount shall be included in the state budget to be submitted by 24936
the governor to the general assembly pursuant to section 107.03 of 24937
the Revised Code. 24938

(C) On the first day of July of each year, or as soon 24939
thereafter as is practicable, the chancellor or a vice-chancellor 24940
of the board shall certify to the director the payments contracted 24941
to be made, during the period of the then current appropriations 24942
made for the purposes of division (A) of this section, to the 24943
commission ~~or treasurer of state by each state supported and state~~ 24944
~~assisted institution of higher education and~~ by the board pursuant 24945
to leases and agreements made under division (B) of section 154.21 24946
of the Revised Code. The certification shall state the amounts and 24947
dates of payment required therefor ~~as to each such institution of~~ 24948

~~higher education and the board,~~ and the amounts to be credited 24949
pursuant to such leases and agreements to the higher education 24950
bond service trust fund and other special funds established 24951
pursuant to Chapter 154. of the Revised Code. If the director 24952
finds such certification to be correct, the director shall 24953
promptly add the director's certification thereto and submit it to 24954
the treasurer of state. Such annual certification shall be 24955
supplemented in similar manner upon the execution of each new 24956
lease or agreement, any supplement to an existing lease or 24957
agreement, or any amendment thereof, affecting the amounts of 24958
those payments. 24959

Sec. 3333.21. As used in sections 3333.21 to 3333.23 of the 24960
Revised Code, "term" and "academic year" mean "term" and "academic 24961
year" as defined by the Ohio board of regents. 24962

The board shall establish and administer an academic 24963
scholarship program. Under the program, a total of one thousand 24964
new scholarships shall be awarded annually in the amount of not 24965
less than two thousand dollars per award. At least one such new 24966
scholarship shall be awarded annually to a student in each public 24967
high school and joint vocational school and each nonpublic high 24968
school for which the state board of education prescribes minimum 24969
standards in accordance with section 3301.07 of the Revised Code. 24970

To be eligible for the award of a scholarship, a student 24971
shall be a resident of Ohio and shall be enrolled as a full-time 24972
undergraduate student in an Ohio institution of higher education 24973
that meets the requirements of Title VI of the "Civil Rights Act 24974
of 1964" and is state-assisted, is nonprofit and holds a 24975
certificate of authorization issued under section 1713.02 of the 24976
Revised Code, or holds a certificate of registration and program 24977
authorization issued under section 3332.05 of the Revised Code and 24978
awards an associate or bachelor's degree. Students who attend an 24979
institution holding a certificate of registration shall be 24980

enrolled in a program leading to an associate or bachelor's degree 24981
for which associate or bachelor's degree program the institution 24982
has program authorization to offer the program issued under 24983
section 3332.05 of the Revised Code. 24984

"Resident" and "full-time student" shall be defined by board 24985
rule. 24986

The board shall award the scholarships on the basis of a 24987
formula designed by it to identify students with the highest 24988
capability for successful college study. The formula shall weigh 24989
the factor of achievement, as measured by grade point average, and 24990
the factor of ability, as measured by performance on a competitive 24991
examination specified by the board. Students receiving 24992
scholarships shall be known as "Ohio academic scholars." Annually, 24993
not later than the thirty-first day of July, the board shall 24994
report to the governor and the general assembly on the performance 24995
of current Ohio academic scholars and the effectiveness of its 24996
formula. 24997

Sec. 3333.22. Each Ohio academic scholarship shall be awarded 24998
for an academic year and may be renewed for each of three 24999
additional academic years. The scholarship amount awarded to a 25000
scholar for an academic year shall be not less than two thousand 25001
dollars. A scholarship shall be renewed if the scholar maintains 25002
an academic record satisfactory to the Ohio board of regents and 25003
meets any of the following conditions: 25004

(A) The scholar is enrolled as a full-time undergraduate; 25005

(B) The scholar was awarded an undergraduate degree in less 25006
than four academic years and is enrolled as a full-time graduate 25007
or professional student in an Ohio institution of higher education 25008
that meets the requirements of Title VI of the "Civil Rights Act 25009
of 1964" and is state-assisted or is nonprofit and holds a 25010
certificate of authorization issued under section 1713.02 of the 25011

Revised Code; 25012

(C) The scholar is a full-time student concurrently enrolled 25013
as an undergraduate student and as a graduate or professional 25014
student in an Ohio institution of higher education that meets the 25015
requirements of division (B) of this section. 25016

Each amount awarded shall be paid in equal installments to 25017
the scholar at the time of enrollment for each term of the 25018
academic year for which the scholarship is awarded or renewed. No 25019
scholar is eligible to receive an Ohio academic scholarship for 25020
more than the equivalent of four academic years. 25021

If an Ohio academic scholar is temporarily unable to attend 25022
school because of illness or other cause satisfactory to the 25023
board, the board may grant a leave of absence for a designated 25024
period of time. If a scholar discontinues full-time attendance at 25025
the scholar's school during a term because of illness or other 25026
cause satisfactory to the board, the scholar may either claim a 25027
prorated payment for the period of actual attendance or waive 25028
payment for that term. A term for which prorated payment is made 25029
shall be considered a full term for which a scholarship was 25030
received. A term for which payment is waived shall not be 25031
considered a term for which a scholarship was received. 25032

Receipt of an Ohio academic scholarship shall not affect a 25033
scholar's eligibility for the Ohio instructional grant program. 25034

Sec. 3345.05. (A) All registration fees, nonresident tuition 25035
fees, academic fees for the support of off-campus instruction, 25036
laboratory and course fees when so assessed and collected, student 25037
health fees for the support of a student health service, all other 25038
fees, deposits, charges, receipts, and income from all or part of 25039
the students, all subsidy or other payments from state 25040
appropriations, and all other fees, deposits, charges, receipts, 25041
and income received by each state-supported university and 25042

college, the Ohio state university hospitals and their ancillary 25043
facilities, the Ohio agricultural research and development center, 25044
and the Ohio state university cooperative extension service shall 25045
be held and administered by the respective boards of trustees of 25046
the state-supported universities and colleges; provided, that such 25047
fees, deposits, charges, receipts, and income, to the extent 25048
required by resolutions, trust agreements, indentures, leases, and 25049
agreements adopted, made, or entered into under Chapter 154. or 25050
section 3345.07, 3345.11, or 3345.12 of the Revised Code, shall be 25051
held, administered, transferred, and applied in accordance 25052
therewith. 25053

The Ohio board of regents shall require annual reporting by 25054
the Ohio agricultural research and development center and by each 25055
university and college receiving state aid in such form and detail 25056
as determined by the board in consultation with such center, 25057
universities and colleges, and the director of budget and 25058
management. 25059

(B) No board of trustees shall be eligible to make 25060
investments under this division unless a foundation has been or is 25061
established for the institution and that foundation enters into 25062
the agreement specified in this division. Notwithstanding any 25063
provision of the Revised Code to the contrary, the title to 25064
investments made by a board of trustees using any revenues 25065
described by division (A) of this section shall not be vested in 25066
the state, but shall be held in trust by the board of trustees. 25067
Such investments shall be made pursuant to an investment policy 25068
developed in consultation with the auditor of state and approved 25069
by the board in public session. The policy adopted by the board 25070
shall require at a minimum: 25071

(1) That at the beginning of each fiscal year, the board of 25072
trustees review and approve a cash budget which shall indicate 25073
those funds needed for current operations and those funds not 25074

needed for current operations available to be invested by the 25075
board; 25076

(2) That the board of trustees and the institution's 25077
foundation enter into an agreement under which the foundation 25078
shall establish a reserve fund equal to at least twenty-five per 25079
cent of the value of the investments made by the board, which 25080
agreement shall stipulate that the total amount of such reserve 25081
fund shall be payable from the foundation to the institution 25082
should at any time the value of the investments made by the board 25083
decline to or below seventy-five per cent of the value of the 25084
original investments. 25085

(3) That any investment in securities be limited to only 25086
investment-grade securities; 25087

(4) The establishment of an investments committee. The 25088
committee shall review and recommend to the board any revision in 25089
the investment policy and shall provide advice on the 25090
institution's investments in order to ensure the best and safest 25091
return of funds available to the institution for deposit or 25092
investment. The committee shall be required to meet at least 25093
quarterly and shall be authorized to retain the services of an 25094
investment advisor, provided the advisor is licensed by the 25095
division of securities under section 1707.141 of the Revised Code 25096
or is registered with the United States securities and exchange 25097
commission, and possesses public funds investment experience, 25098
specifically in the area of state and local government investment 25099
portfolios or provided the advisor is an eligible institution 25100
mentioned in section 135.03 of the Revised Code. 25101

Sec. 3345.19. In the exercise of their respective powers of 25102
government conferred by Chapter 3345. of the Revised Code and 25103
other pertinent provisions of law, the boards of trustees of 25104
Bowling Green state university, Kent state university, Miami 25105

university, Ohio university, and the Ohio state university shall 25106
observe the following enrollment limitations insofar as the autumn 25107
quarter enrollment or any other quarter enrollment on a full-time 25108
equivalent basis as defined by the Ohio board of regents is 25109
concerned: 25110

Bowling Green central campus	16,000 <u>17,000</u>	25111
Kent central campus	21,000 <u>22,000</u>	25112
Miami central campus	16,000 <u>17,000</u>	25113
Ohio university central campus	21,000 <u>22,000</u>	25114
The Ohio state central campus	41,000 <u>42,000</u>	25115

Campus student housing facilities shall only be authorized by 25116
boards of trustees within these limitations, ~~and no contracts for~~ 25117
~~construction of new residence hall facilities shall be entered~~ 25118
~~into after October 1, 1969, without the prior approval by the Ohio~~ 25119
~~board of regents.~~ 25120

Sec. 3353.07. ~~The~~ On and after the effective date of this 25121
amendment, the Ohio educational telecommunications network 25122
commission shall ~~not charge or collect broadcasting fees from~~ 25123
operate the Ohio government telecommunications ~~of~~ system that was 25124
operated by the capitol square review and advisory board prior to 25125
the effective date of this amendment. 25126

Sec. 3353.11. There is hereby created in the state treasury 25127
the governmental television/telecommunications operating fund. The 25128
fund shall consist of money received from contract productions of 25129
the Ohio government telecommunications studio and shall be used 25130
for operations or equipment breakdowns related to the studio. All 25131
investment earnings on the fund shall be credited to the fund. 25132

Sec. 3383.01. As used in this chapter: 25133

(A) "Arts" means any of the following: 25134

- (1) Visual, musical, dramatic, graphic, and other arts ~~and~~ 25135
~~includes, including,~~ but ~~is~~ not limited to, architecture, dance, 25136
literature, motion pictures, music, painting, photography, 25137
sculpture, and theater; 25138
- (2) The presentation or making available, in museums or other 25139
indoor or outdoor facilities, of principles of science and their 25140
development, use, or application in business, industry, or 25141
commerce or of the history, heritage, development, presentation, 25142
and uses of the arts ~~as defined above~~ described in division (A)(1) 25143
of this section and of transportation; 25144
- (3) The preservation, presentation, or making available of 25145
features of archaeological, architectural, environmental, or 25146
historical interest or significance in a state historical facility 25147
or a local historical facility. 25148
- (B) "Arts organization" means either of the following: 25149
- (1) A governmental agency or Ohio nonprofit corporation that 25150
provides programs or activities in areas directly concerned with 25151
the arts; 25152
- (2) A regional arts and cultural district as defined in 25153
section 3381.01 of the Revised Code. 25154
- (C) "Arts project" means all or any portion of an Ohio arts 25155
facility for which the general assembly has specifically 25156
authorized the spending of money, or made an appropriation, 25157
pursuant to division (D)(3) or (E) of section 3383.07 of the 25158
Revised Code. 25159
- (D) "Cooperative contract" means a contract between the Ohio 25160
arts and sports facilities commission and an arts organization 25161
providing the terms and conditions of the cooperative use of an 25162
Ohio arts facility. 25163
- (E) "Costs of operation" means amounts required to manage an 25164

Ohio arts facility that are incurred following the completion of 25165
construction of its arts project, provided that both of the 25166
following apply: 25167

(1) Those amounts either: 25168

(a) Have been committed to a fund dedicated to that purpose; 25169

(b) Equal the principal of any endowment fund, the income 25170
from which is dedicated to that purpose. 25171

(2) The commission and the arts organization have executed an 25172
agreement with respect to either of those funds. 25173

~~(E)~~(F) "General building services" means general building 25174
services for an Ohio arts facility or an Ohio sports facility, 25175
including, but not limited to, general custodial care, security, 25176
maintenance, repair, painting, decoration, cleaning, utilities, 25177
fire safety, grounds and site maintenance and upkeep, and 25178
plumbing. 25179

~~(F)~~(G) "Governmental agency" means a state agency, a 25180
state-supported or state-assisted institution of higher education, 25181
a municipal corporation, county, township, or school district, a 25182
port authority created under Chapter 4582. of the Revised Code, 25183
any other political subdivision or special district in this state 25184
established by or pursuant to law, or any combination of these 25185
entities; except where otherwise indicated, the United States or 25186
any department, division, or agency of the United States, or any 25187
agency, commission, or authority established pursuant to an 25188
interstate compact or agreement. 25189

~~(G)~~(H) "Local contributions" means the value of an asset 25190
provided by or on behalf of an arts organization from sources 25191
other than the state, the value and nature of which shall be 25192
approved by the Ohio arts and sports facilities commission, in its 25193
sole discretion. "Local contributions" may include the value of 25194
the site where an arts project is to be constructed. All "local 25195

contributions," except a contribution attributable to such a site, 25196
shall be for the costs of construction of an arts project or the 25197
costs of operation of an arts facility. 25198

~~(H)~~(I) "Local historical facility" means a site or facility, 25199
other than a state historical facility, of archaeological, 25200
architectural, environmental, or historical interest or 25201
significance, or a facility, including a storage facility, 25202
appurtenant to the operations of such a site or facility, that is 25203
owned by an arts organization, provided the facility meets the 25204
requirements of division ~~(J)~~(K)(2)(b) of this section, is managed 25205
by or pursuant to a contract with the Ohio arts and sports 25206
facilities commission, and is used for or in connection with the 25207
activities of the commission, including the presentation or making 25208
available of arts to the public. 25209

~~(I)~~(J) "Manage," "operate," or "management" means the 25210
provision of, or the exercise of control over the provision of, 25211
activities: 25212

(1) Relating to the arts for an Ohio arts facility, including 25213
as applicable, but not limited to, providing for displays, 25214
exhibitions, specimens, and models; booking of artists, 25215
performances, or presentations; scheduling; and hiring or 25216
contracting for directors, curators, technical and scientific 25217
staff, ushers, stage managers, and others directly related to the 25218
arts activities in the facility; but not including general 25219
building services; 25220

(2) Relating to sports and athletic events for an Ohio sports 25221
facility, including as applicable, but not limited to, providing 25222
for booking of athletes, teams, and events; scheduling; and hiring 25223
or contracting for staff, ushers, managers, and others directly 25224
related to the sports and athletic events in the facility; but not 25225
including general building services. 25226

~~(J)~~(K) "Ohio arts facility" means any of the following: 25227

(1) The three theaters located in the state office tower at 25228
77 South High street in Columbus; 25229

(2) Any capital facility in this state to which ~~all~~ both of 25230
the following apply: 25231

(a) The construction of an arts project related to the 25232
facility was authorized or funded by the general assembly pursuant 25233
to division (D)(3) of section 3383.07 of the Revised Code and 25234
proceeds of state bonds are used for costs of the arts project. 25235

~~(b) The state owns or has sufficient real property interests 25236
in the facility or in the portion of the facility financed from 25237
the proceeds of obligations or in the site of the facility for a 25238
period of no less than the greater of the useful life of the 25239
portion of the facility financed from the proceeds of those 25240
obligations as determined by the director of budget and management 25241
using the guidelines for maximum maturities as provided under 25242
divisions (B), (C), and (E) of section 133.20 of the Revised Code, 25243
or the period of time remaining to the date of payment or 25244
provision for payment of outstanding obligations issued by the 25245
Ohio building authority allocable to costs of that portion of the 25246
facility, as determined by the director of budget and management, 25247
in either case as certified to the Ohio arts and sports facilities 25248
commission and the Ohio building authority. 25249~~

~~(c) The facility is managed directly by, or by is subject to 25250
a cooperative or management contract with, the Ohio arts and 25251
sports facilities commission, and is used for or in connection 25252
with the activities of the commission, including the presentation 25253
or making available of arts to the public. A cooperative or 25254
management contract shall be for a term not less than the time 25255
remaining to the date of payment or provision for payment of any 25256
state bonds issued to pay the costs of the arts project, as 25257
determined by the director of budget and management and certified 25258
by the director to the Ohio arts and sports facilities commission 25259~~

<u>and to the Ohio building authority.</u>	25260
(3) A state historical facility or a local historical facility.	25261 25262
(K) (L) "State agency" means the state or any of its branches, officers, boards, commissions, authorities, departments, divisions, or other units or agencies.	25263 25264 25265
(L) (M) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing.	25266 25267 25268 25269
(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 <u>is subject to a cooperative or management</u> 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.	25270 25271 25272 25273 25274 25275 25276 25277 25278 25279 25280 25281 25282 25283
(N) (O) "Ohio sports facility" means all or a portion of a stadium, arena, or other capital facility in Ohio <u>this state</u> , a primary purpose of which is to provide a site or venue for the presentation to the public of events of one or more major or minor league professional athletic or sports teams that are associated with the state or with a city or region of the state, which facility is owned by or is located on real property owned by the state or a governmental agency, and including all parking	25284 25285 25286 25287 25288 25289 25290 25291

facilities, walkways, and other auxiliary facilities, equipment, 25292
furnishings, and real and personal property and interests and 25293
rights therein, that may be appropriate for or used for or in 25294
connection with the facility or its operation, for capital costs 25295
of which state funds are spent pursuant to this chapter. A 25296
facility constructed as an Ohio sports facility may be both an 25297
Ohio arts facility and an Ohio sports facility. 25298

Sec. 3383.02. (A) There is hereby created the Ohio arts and 25299
sports facilities commission. Notwithstanding any provision to the 25300
contrary contained in Chapter 152. of the Revised Code, the 25301
commission shall engage in and provide for the development, 25302
performance, and presentation or making available of the arts and 25303
professional sports and athletics to the public in this state by 25304
the exercise of its powers under this chapter, including the 25305
provision, operation, ~~and~~ management, and cooperative use of Ohio 25306
arts facilities and Ohio sports facilities. The commission is a 25307
body corporate and politic, an agency of state government and an 25308
instrumentality of the state, performing essential governmental 25309
functions of this state. The carrying out of the purposes and the 25310
exercise by the commission of its powers conferred by this chapter 25311
are essential public functions and public purposes of the state 25312
and of state government. The commission may, in its own name, sue 25313
and be sued, enter into contracts, and perform all the powers and 25314
duties given to it by this chapter but it does not have and shall 25315
not exercise the power of eminent domain. 25316

(B) The commission shall consist of ~~eight ten~~ members, ~~five~~ 25317
seven of whom shall be voting members and three of whom shall be 25318
nonvoting members. The ~~five seven~~ voting members shall be 25319
appointed by the governor, with the advice and consent of the 25320
senate, from different geographical regions of the state. In 25321
addition, one of the voting members shall represent the state 25322
architect. Not more than ~~three four~~ of the members appointed by 25323

the governor shall be affiliated with the same political party. 25324
The nonvoting members shall be the staff director of the Ohio arts 25325
council, a member of the senate appointed by the president of the 25326
senate, and a member of the house of representatives appointed by 25327
the speaker of the house. 25328

(C) Of the five initial appointments made by the governor, 25329
one shall be for a term expiring December 31, 1989, two shall be 25330
for terms expiring December 31, 1990, and two shall be for terms 25331
expiring December 31, 1991. Of the initial appointments of the 25332
sixth and seventh voting members appointed by the governor as a 25333
result of this amendment, one shall be for a term expiring 25334
December 31, 2003, and one shall be for a term expiring December 25335
31, 2004. Thereafter, each such term shall be for three years, 25336
commencing on the first day of January and ending on the 25337
thirty-first day of December. Each appointment by the president of 25338
the senate and by the speaker of the house of representatives 25339
shall be for the balance of the then legislative biennium. Each 25340
member shall hold office from the date of the member's appointment 25341
until the end of the term for which the member was appointed. Any 25342
member appointed to fill a vacancy occurring prior to the 25343
expiration of the term for which the member's predecessor was 25344
appointed shall hold office for the remainder of such term. Any 25345
member shall continue in office subsequent to the expiration date 25346
of the member's term until the member's successor takes office, or 25347
until a period of sixty days has elapsed, whichever occurs first. 25348

(D) Members of the commission shall serve without 25349
compensation. 25350

~~(E) After each initial member of the commission has been 25351
appointed, the commission shall meet and organize by electing one 25352
of its voting members as chairperson and other voting members as 25353
vice-chairperson and secretary-treasurer, who shall hold their 25354
offices until the next organizational meeting of the commission. 25355~~

Organizational meetings of the commission shall be held at the 25356
first meeting of each calendar year. At each organizational 25357
meeting, the commission shall elect from among its voting members 25358
a chairperson, a vice-chairperson, and a secretary-treasurer, who 25359
shall serve until the next annual meeting. The commission shall 25360
adopt rules pursuant to section 111.15 of the Revised Code for the 25361
conduct of its internal business and shall keep a journal of its 25362
proceedings. 25363

(F) ~~Three~~ Four voting members of the commission constitute a 25364
quorum, and the affirmative vote of ~~three~~ four members is 25365
necessary for approval of any action taken by the commission. A 25366
vacancy in the membership of the commission does not impair a 25367
quorum from exercising all the rights and performing all the 25368
duties of the commission. Meetings of the commission may be held 25369
anywhere in the state, and shall be held in compliance with 25370
section 121.22 of the Revised Code. 25371

(G) All expenses incurred in carrying out this chapter are 25372
payable solely from money accrued under this chapter or 25373
appropriated for these purposes by the general assembly, and the 25374
commission shall incur no liability or obligation beyond such 25375
money. 25376

(H) The commission shall file an annual report of its 25377
activities and finances with the governor, director of budget and 25378
management, speaker of the house of representatives, president of 25379
the senate, and chairpersons of the house and senate finance 25380
committees. 25381

(I) There is hereby established in the state treasury the 25382
Ohio arts and sports facilities commission administration fund. 25383
All revenues of the commission shall be credited to that fund and 25384
to any accounts created in the fund with the commission's 25385
approval. All expenses of the commission, including reimbursement 25386
of, or payment to, any other fund or any governmental agency for 25387

advances made or services rendered to or on behalf of the 25388
commission, shall be paid from the Ohio arts and sports facilities 25389
commission administration fund as determined by or pursuant to 25390
directions of the commission. All investment earnings of the 25391
administration fund shall be credited to the fund and shall be 25392
allocated among any accounts created in the fund in the manner 25393
determined by the commission. 25394

(J) Title to all real property and lesser interests in real 25395
property acquired by the commission, including leasehold and other 25396
interests, pursuant to this chapter shall be taken in the name of 25397
the state and shall be held for the use and benefit of the 25398
commission. The commission shall not mortgage such real property 25399
and interests in real property. Title to other property and 25400
interests in it acquired by the commission pursuant to this 25401
chapter shall be taken in its name. 25402

Sec. 3383.04. The Ohio arts and sports facilities commission 25403
may: 25404

(A) Employ and fix the compensation of an executive director 25405
and such other employees as will facilitate the activities and 25406
purposes of the commission. Any executive director shall serve at 25407
the pleasure of the commission and may serve part-time. Other 25408
employees shall be employed by and serve at the pleasure of the 25409
commission or the executive director, as determined by the 25410
commission. 25411

(B) Adopt, amend, and rescind, pursuant to section 111.15 of 25412
the Revised Code, rules for the management and operation of Ohio 25413
arts facilities and Ohio sports facilities and for the exercise of 25414
all of the commission's rights with respect to those facilities; 25415

(C) Own, construct or provide for the construction of, lease, 25416
equip, furnish, administer, and manage or provide for the 25417
operation and management of, and cooperate in the use of, Ohio 25418

arts facilities and Ohio sports facilities;	25419
(D) Dispose of, whether by sale, lease, lease-purchase,	25420
sublease, re-lease, or otherwise, real and personal property, and	25421
lesser interests in it, held or owned by the state for the use and	25422
benefit of the commission or held or owned by the commission, if	25423
not needed for the commission's purposes, upon such terms as the	25424
commission determines, subject to approval by the governor in the	25425
case of real property and interests in it;	25426
(E) Grant such easements and other interests in real or	25427
personal property of the commission as will not interfere with the	25428
use of the property as an Ohio arts facility or an Ohio sports	25429
facility;	25430
(F) Fix, alter, and collect rentals and other charges for the	25431
use or availability for use of Ohio arts facilities or an Ohio	25432
sports facility, as determined solely by the commission, for the	25433
purpose of providing for all or a portion of the costs and	25434
expenses of the commission, and the costs to be paid by the	25435
commission of leasing, constructing, equipping, repairing,	25436
maintaining, administering, and managing, and cooperating in the	25437
<u>use of</u> Ohio arts facilities, including rentals to be paid by the	25438
commission for any Ohio arts facilities or for any Ohio sports	25439
facility;	25440
(G) Lease, sublease, <u>cooperate in the use of,</u> or otherwise	25441
make available to an arts organization, Ohio arts facilities, and	25442
to any governmental agency or nonprofit corporation, Ohio sports	25443
facilities, including real and personal property, or any interests	25444
in it, to carry out the purposes of this chapter;	25445
(H) Contract with, retain the services of, or designate, and	25446
fix the compensation of, such agents, accountants, attorneys,	25447
consultants, advisers, and other independent contractors as may be	25448
necessary or desirable to carry out the purposes of this chapter;	25449

(I) Procure insurance against loss to the commission by 25450
reason of damages to or nonusability of its property resulting 25451
from fire, theft, accident, or other casualties, or by reason of 25452
its liability for any damages to persons or property, including 25453
but not limited to, general liability insurance, business 25454
interruption insurance, liability insurance for members, officers, 25455
and employees, and copyright liability insurance; 25456

(J) Receive and accept gifts, grants, devises, bequests, 25457
loans, and any other financial or other form of aid or assistance 25458
from any governmental agency or other person and enter into any 25459
contract or agreement with any such agency or other person in 25460
connection therewith, and receive and accept aid or contributions 25461
from any other source of money, real or personal property, labor, 25462
or other things of value, to be held, used, and applied only for 25463
the purposes for which the aid and contributions are made and 25464
according to their terms and conditions, all within the purposes 25465
of this chapter; 25466

(K) Make and enter into all contracts, commitments, and 25467
agreements, and execute all instruments, necessary or incidental 25468
to the performance of its duties and the execution of its rights 25469
and powers under this chapter; 25470

(L) Do anything necessary or appropriate to carry out the 25471
purposes of and exercise the powers granted in this chapter; 25472

(M) Contract with any governmental agency or nonprofit 25473
corporation to provide or cause to be provided services, including 25474
general building services, in, to, or for an Ohio arts facility or 25475
any Ohio sports facility, or with an arts organization for the 25476
management of an Ohio arts facility, or with a governmental agency 25477
or nonprofit corporation for the management of an Ohio sports 25478
facility, all in furtherance of the state function, and make 25479
contracts pursuant to divisions (A) and (B) of section 3383.07 of 25480
the Revised Code, except that nothing in this chapter limits the 25481

exercise of the care, custody, control, and management of those 25482
state historical facilities specified in section 149.30 of the 25483
Revised Code. 25484

Sec. 3383.07. (A) The department of administrative services 25485
shall provide for the construction of an arts project in 25486
conformity with Chapter 153. of the Revised Code, except as 25487
follows: 25488

(1) For an arts project that has an estimated construction 25489
cost, excluding the cost of acquisition, of twenty-five million 25490
dollars or more, and that is financed by the Ohio building 25491
authority, construction services may be provided by the authority 25492
if the authority determines it should provide those services. 25493

(2) For an arts project other than a state historical 25494
facility, construction services may be provided on behalf of the 25495
state by the Ohio arts and sports facilities commission, or by a 25496
governmental agency or an arts organization that occupies, will 25497
occupy, or is responsible for the Ohio arts facility, as 25498
determined by the ~~department of administrative services~~ 25499
commission. Construction services to be provided by a governmental 25500
agency or an arts organization shall be specified in an agreement 25501
between the commission and the governmental agency or arts 25502
organization. The agreement, or any actions taken under it, are 25503
not subject to Chapter 123. or 153. of the Revised Code, except 25504
for sections 123.151 and 153.011 of the Revised Code, and shall be 25505
subject to Chapter 4115. of the Revised Code. 25506

(3) For an arts project that is a state historical facility, 25507
construction services may be provided by the Ohio arts and sports 25508
facilities commission or by an arts organization that occupies, 25509
will occupy, or is responsible for the facility, as determined by 25510
the commission. The construction services to be provided by the 25511
arts organization shall be specified in an agreement between the 25512

commission and the arts organization, ~~and the~~ That agreement, and 25513
any actions taken under it, are not subject to Chapter 123., 153., 25514
or 4115. of the Revised Code. 25515

(B) For an Ohio sports facility that is financed in part by 25516
the Ohio building authority, construction services shall be 25517
provided on behalf of the state by or at the direction of the 25518
governmental agency or nonprofit corporation that will own or be 25519
responsible for the management of the facility, all as determined 25520
by the Ohio arts and sports facilities commission. Any 25521
construction services to be provided by a governmental agency or 25522
nonprofit corporation shall be specified in an agreement between 25523
the commission and the governmental agency or nonprofit 25524
corporation, ~~and the~~ That agreement, and any actions taken under 25525
it, are not subject to Chapter 123. or 153. of the Revised Code, 25526
except for sections 123.151 and 153.011 of the Revised Code, and 25527
shall be subject to Chapter 4115. of the Revised Code. 25528

(C) General building services for an Ohio arts facility shall 25529
be provided by ~~the department of administrative services in~~ 25530
~~conformity with Chapter 123. of the Revised Code, except that the~~ 25531
~~Ohio building authority may elect to provide such services for~~ 25532
~~Ohio arts facilities it financed and such services may be provided~~ 25533
~~by~~ the Ohio arts and sports facilities commission or by an arts 25534
organization that occupies, will occupy, or is responsible for the 25535
facility, as determined by the commission, except that the Ohio 25536
building authority may elect to provide those services for Ohio 25537
arts facilities financed with proceeds of state bonds issued by 25538
the authority. The costs of management and general building 25539
services shall be paid by the arts organization that occupies, 25540
will occupy, or is responsible for the facility as provided in an 25541
agreement between the commission and the arts organization, except 25542
that the state may pay for general building services for 25543
state-owned arts facilities constructed on state-owned land. 25544

General	25545
<u>General</u> building services for an Ohio sports facility shall	25546
be provided by or at the direction of the governmental agency or	25547
nonprofit corporation that will be responsible for the management	25548
of the facility, all as determined by the commission. Any general	25549
building services to be provided by a governmental agency or	25550
nonprofit corporation <u>for an Ohio sports facility</u> shall be	25551
specified in an agreement between the commission and the	25552
governmental agency or nonprofit corporation, and that. That	25553
agreement, and any actions taken under it, are not subject to	25554
Chapter 123. or 153. of the Revised Code, except for sections	25555
123.151 and 153.011 of the Revised Code, and shall be subject to	25556
Chapter 4115. of the Revised Code.	25557
(D) This division does not apply to a state historical	25558
facility. No state funds, including any state bond proceeds, shall	25559
be spent on the construction of any arts project under this	25560
chapter unless, with respect to the arts project and to the Ohio	25561
arts facility related to the project, all of the following apply:	25562
(1) The Ohio arts and sports facilities commission has	25563
determined that there is a need for the arts project and the Ohio	25564
arts facility related to the project in the region of the state	25565
for in which the Ohio arts facility is <u>located or for which the</u>	25566
<u>facility is proposed to be located</u> .	25567
(2) The commission has determined that, as an indication of	25568
substantial regional support for the arts project, the arts	25569
organization has made provision satisfactory to the commission, in	25570
its sole discretion, for local contributions amounting to not less	25571
than fifty per cent of the total state funding for the arts	25572
project.	25573
(3) The general assembly has specifically authorized the	25574
spending of money on, or made an appropriation for, the	25575
construction of the arts project, or for rental payments relating	25576

to the financing of the construction of the arts project. 25577
Authorization to spend money, or an appropriation, for planning 25578
the arts project does not constitute authorization to spend money 25579
on, or an appropriation for, construction of the arts project. 25580

(E) No state funds, including any state bond proceeds, shall 25581
be spent on the construction of any state historical facility 25582
under this chapter unless the general assembly has specifically 25583
authorized the spending of money on, or made an appropriation for, 25584
the construction of the arts project related to the facility, or 25585
for rental payments relating to the financing of the construction 25586
of the arts project. Authorization to spend money, or an 25587
appropriation, for planning the arts project does not constitute 25588
authorization to spend money on, or an appropriation for, the 25589
construction of the arts project. 25590

(F) State funds shall not be used to pay or reimburse more 25591
than fifteen per cent of the initial estimated construction cost 25592
of an Ohio sports facility, excluding any site acquisition cost, 25593
and no state funds, including any state bond proceeds, shall be 25594
spent on any Ohio sports facility under this chapter unless, with 25595
respect to that facility, all of the following apply: 25596

(1) The Ohio arts and sports facilities commission has 25597
determined that there is a need for the facility in the region of 25598
the state for which the facility is proposed to provide the 25599
function of an Ohio sports facility as provided for in this 25600
chapter. 25601

(2) As an indication of substantial local support for the 25602
facility, the commission has received a financial and development 25603
plan satisfactory to it, and provision has been made, by agreement 25604
or otherwise, satisfactory to the commission, for a contribution 25605
amounting to not less than eighty-five per cent of the total 25606
estimated construction cost of the facility, excluding any site 25607
acquisition cost, from sources other than the state. 25608

(3) The general assembly has specifically authorized the 25609
spending of money on, or made an appropriation for, the 25610
construction of the facility, or for rental payments relating to 25611
state financing of all or a portion of the costs of constructing 25612
the facility. Authorization to spend money, or an appropriation, 25613
for planning or determining the feasibility of or need for the 25614
facility does not constitute authorization to spend money on, or 25615
an appropriation for, costs of constructing the facility. 25616

(4) If state bond proceeds are being used for the Ohio sports 25617
facility, the state or a governmental agency owns or has 25618
sufficient property interests in the facility or in the site of 25619
the facility or in the portion or portions of the facility 25620
financed from proceeds of state bonds, which may include, but is 25621
not limited to, the right to use or to require the use of the 25622
facility for the presentation of sport and athletic events to the 25623
public at the facility, extending for a period of not less than 25624
the greater of the useful life of the portion of the facility 25625
financed from proceeds of those bonds as determined using the 25626
guidelines for maximum maturities as provided under divisions (B), 25627
(C), and (D) of section 133.20 of the Revised Code, or the period 25628
of time remaining to the date of payment or provision for payment 25629
of outstanding state bonds allocable to costs of the facility, all 25630
as determined by the director of budget and management and 25631
certified by the director to the Ohio arts and sports facilities 25632
commission and to the Ohio building authority. 25633

Sec. 3383.09. (A) There is hereby created in the state 25634
treasury the arts facilities building fund, which shall consist of 25635
proceeds of obligations authorized to pay costs of arts facilities 25636
projects for which appropriations are made by the general 25637
assembly. All investment earnings of the fund shall be credited to 25638
the fund. 25639

(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. 25640
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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. 25646
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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. 25654
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(B) The secretary of state shall disseminate information, 25669
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which may include part or all of the official explanation and 25671
arguments concerning proposed amendments, by means of direct mail 25672
or other written publication, broadcast, or such other means, or 25673
combination of means, as the Ohio ballot board may direct, in 25674
order to inform the voters as fully as possible concerning 25675
proposed amendments. 25676

Sec. 3701.04. (A) The director of health shall: 25677

(1) Require such reports and make such inspections and 25678
investigations as the director considers necessary; 25679

(2) Provide such methods of administration, appoint such 25680
personnel, make such reports, and take such other action as may be 25681
necessary to comply with the requirements of the federal act and 25682
the regulations thereunder; 25683

(3) Procure by contract the temporary or intermittent 25684
services of experts or consultants or organizations thereof when 25685
such services are to be performed on a part-time or 25686
fee-for-service basis and do not involve the performance of 25687
administrative duties; 25688

(4) Enter into agreements for the utilization of the 25689
facilities and services of other departments, agencies, and 25690
institutions, public or private; 25691

(5) ~~Accept on~~ On behalf of the state, solicit, accept, hold, 25692
administer, and deposit in the state treasury to the credit of the 25693
general operations fund created in section 3701.83 of the Revised 25694
Code, any grant, gift, devise, bequest, or contribution made to 25695
assist in meeting the cost of carrying out the director's 25696
responsibilities and expend the grant, gift, devise, bequest, or 25697
contribution for ~~such~~ the purpose for which made. Fees collected 25698
by the director in connection with meetings and conferences shall 25699
also be credited to the fund and expended for the purposes for 25700

which paid. 25701

(6) Make an annual report to the governor on activities and 25702
expenditures, including recommendations for such additional 25703
legislation as the director considers appropriate to furnish 25704
adequate hospital, clinic, and similar facilities to the people of 25705
this state. 25706

(B) The director of health may enter into agreements to sell 25707
services offered by the department to other departments, agencies, 25708
and institutions of the state. Fees collected by the director for 25709
the sale of services under this division shall be deposited into 25710
the state treasury to the credit of the general operations fund 25711
created in section 3701.83 of the Revised Code. 25712

Sec. 3701.142. (A) The director of health shall appoint the 25713
chief and the administrative assistant of the office of women's 25714
health initiatives. The director may appoint, to the extent of 25715
available funds, persons to other positions determined by ~~him~~ the 25716
director to be relevant and necessary. 25717

(B) The chief shall have all of the following qualifications, 25718
plus any additional qualifications the director considers 25719
appropriate: 25720

(1) The equivalent of a masters or higher degree in public 25721
health, medicine, health sciences, environmental science, law, 25722
public administration, or a related field; 25723

(2) Familiarity with national maternal and child health 25724
objectives of the department; 25725

(3) Knowledge of or experience in women's and infants' 25726
preventive health care; 25727

(4) Understanding of health care delivery systems; 25728

(5) A global public health perspective. 25729

(C)(1) The majority of the chief's time shall be spent in the performance of the following responsibilities:	25730 25731
(a) Identifying issues that affect women's health;	25732
(b) Advocating for women's health concerns within the department, state government, and the community;	25733 25734
(c) Serving as a liaison for the public, interest groups, the department, and other state agencies on issues that affect women's health;	25735 25736 25737
(d) Developing recommendations to the director regarding programs addressing women's health issues for inclusion in the biennial budget and departmental strategic planning;	25738 25739 25740
(e) Preparing materials for publication.	25741
(2) In addition, the chief shall do the following:	25742
(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;	25743 25744 25745 25746 25747 25748 25749 25750
(b) Supervise the administrative assistant and any other employees assigned to the office of women's health initiatives;	25751 25752
(c) Oversee the administrative operations of the office of women's health initiatives;	25753 25754
(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;	25755 25756 25757 25758

(e) Represent the director, as requested, before the general assembly ~~and the women's policy and research commission.~~

(D) The administrative assistant shall provide clerical and administrative support as needed to the chief.

(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.

(F) After considering the report submitted pursuant to division (C) of section 3701.141 of the Revised Code, the director of health shall develop and implement biennial initiatives on women's health needs.

Sec. 3701.61. (A) The department of health shall establish the help me grow program for the purpose of encouraging early prenatal and well-baby care. The program shall include distributing subsidies to counties to provide the following services:

(1) Home-visiting services to newborn infants and their families;

(2) Services to infants and toddlers under three years of age who are at risk for, or who have, a developmental delay or disability and their families.

(B) The department shall not provide home-visiting services under the help me grow program unless requested in writing by a parent of the infant or toddler.

(C) Pursuant to Chapter 119. of the Revised Code, the department shall adopt rules that are necessary and proper to implement this section.

Sec. 3701.77. There is hereby ~~created~~ provided in the 25788
department of health the governor's advisory council on physical 25789
fitness, wellness, and sports ~~advisory board~~, which shall consist 25790
of ~~eleven~~ fifteen members, seven of whom shall be appointed by the 25791
governor and shall be representative of physicians, pediatricians, 25792
coaches, athletic trainers, athletes, educators, ~~and such other~~ 25793
~~persons or professions interested in the physical fitness of the~~ 25794
~~citizens of the state as the governor considers appropriate~~ 25795
physical therapists, dentists, nutritionists, exercise 25796
physiologists, and one worksite wellness person. Four ~~board~~ 25797
council members shall be members of the general assembly, of whom 25798
one shall be appointed by the president of the senate, one by the 25799
minority leader of the senate, one by the speaker of the house of 25800
representatives, and one by the minority leader of the house of 25801
representatives. Four council members shall be appointed by the 25802
director of health. All members of the ~~board~~ council shall serve 25803
two-year terms, commencing on the first day of January of each 25804
odd-numbered year and ending on the thirty-first day of December 25805
of the following year, except that each member shall continue in 25806
office subsequent to the expiration date of ~~his~~ the member's term 25807
until ~~his~~ the member's successor is appointed, or until a period 25808
of sixty days has elapsed, whichever occurs first. Members may be 25809
reappointed to additional terms. Vacancies shall be filled in the 25810
manner provided for original appointments, and a vacancy shall be 25811
considered to occur whenever a member of the general assembly 25812
ceases to be a member of the house from which ~~he~~ the member was 25813
appointed. The director ~~of health~~ annually shall select from the 25814
membership of the ~~board~~ council a ~~chairman~~ chairperson, and the 25815
~~board~~ council shall select from its membership a ~~vice-chairman~~ 25816
vice-chairperson and secretary. Members of the ~~board~~ council shall 25817
serve without compensation, but shall be reimbursed for actual and 25818
necessary expenses incurred in the performance of their duties. 25819

The director, upon the ~~board's~~ council's request, may provide an officer or employee of the department to act as an administrator of the ~~board~~ council, and may provide other employees as required by the ~~board~~ council. The ~~board~~ council shall meet ~~in Columbus~~ at least once each calendar quarter ~~and~~ at such ~~other~~ times and places as the director or the ~~board~~ council considers necessary. ~~Seven members~~ A simple majority of the ~~board~~ current appointed members of the council constitute a quorum, and a majority vote of those in attendance is necessary to take any action.

A member of the advisory council that is a member of the general assembly may designate a substitute to serve on the council in that member's absence. The substitute is entitled to perform the duties of a member of the council. A member of the general assembly shall inform the chairperson of the council of the substitution prior to the substitute assuming duties of that member. Whenever the member of the general assembly ceases to be a member of the house from which the member was appointed, the substitute may no longer serve on the council.

Sec. 3701.771. (A) The governor's advisory council on physical fitness, wellness, and sports ~~advisory board~~ shall prepare and recommend to the director of health guidelines, programs, and activities related to health and physical fitness. The ~~board~~ council shall recommend information and educational materials to be prepared and distributed to the public that encourage wide participation in the recommended programs and activities.

(B) The ~~board~~ council may, on behalf of the state, solicit, accept, hold, and administer any grants, devises, or bequests of moneys, securities, or property for the purposes of sections ~~3701.85~~ 3701.77 to ~~3701.86~~ 3701.772 of the Revised Code and shall deposit any moneys resulting from those grants, devises, or

bequests in the physical fitness, wellness, and sports fund, which 25852
is hereby created in the state treasury for use solely by the 25853
board council in administering those sections. The board council 25854
shall administer the fund. 25855

(C) The board council shall assist the director of health in 25856
promoting and sponsoring public sporting, wellness, and physical 25857
fitness events, and members shall lend their names and presence to 25858
these events to encourage greater public participation. 25859

(D) The board council may develop a program of statewide 25860
amateur athletic competition to be known as the "buckeye state 25861
games," which shall be patterned after the Olympic games to the 25862
extent possible considering the availability of facilities, 25863
equipment, and expertise. The buckeye state games shall be 25864
designed to encourage the participation of athletes representing a 25865
broad range of age groups, skill levels, and communities. 25866
Participants shall be residents of the state. Regional competition 25867
may be held throughout the state, and the top qualifiers in each 25868
sport shall proceed to the final competition to be held at a 25869
centrally located site in the state that has the necessary 25870
facilities and equipment for conducting the competition. The 25871
frequency of the games shall be determined by the board council. 25872
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Sec. 3701.772. The director of health shall cause to be 25874
prepared certificates and awards bearing the printed facsimile 25875
signature of the governor, to be awarded to persons who 25876
participate in physical fitness, wellness, and sports programs 25877
recommended by the governor's advisory council on physical 25878
fitness, wellness, and sports ~~advisory board~~ and adopted by the 25879
director. The director shall provide for the distribution of the 25880
certificates and awards to qualifying persons through agreements 25881
with civic groups, professional associations, running clubs, 25882
amateur and professional sports groups, individual citizens, 25883

voluntary organizations, political subdivisions, school districts, 25884
and others interested in promoting and improving the health and 25885
physical fitness of the citizens of the state. 25886

The director may adopt such rules as necessary to carry out 25887
the purposes of sections ~~3701.85~~ 3701.77 to ~~3701.861~~ 3701.772 of 25888
the Revised Code. 25889

Sec. 3701.92. (A) There is hereby created in the department 25890
of health the Ohio hepatitis C advisory commission. 25891

(B) The commission shall consist of the following members: 25892

(1) Eleven members appointed by the director of health; 25893

(2) Two members of the house of representatives, one from 25894
each political party, appointed by the speaker of the house of 25895
representatives; 25896

(3) Two members of the senate, one from each political party, 25897
appointed by the president of the senate. 25898

Each member shall serve without compensation for a term of 25899
one year. 25900

Sec. 3702.68. (A) Notwithstanding sections 3702.51 to 3702.62 25901
of the Revised Code, this section applies to the review of 25902
certificate of need applications during the period beginning July 25903
1, 1993, and ending June 30, ~~2001~~ 2003. 25904

(B)(1) Except as provided in division (B)(2) of this section, 25905
the director of health shall neither grant nor deny any 25906
application for a certificate of need submitted prior to July 1, 25907
1993, if the application was for any of the following and the 25908
director had not issued a written decision concerning the 25909
application prior to that date: 25910

(a) Approval of beds in a new health care facility or an 25911
increase of beds in an existing health care facility, if the beds 25912

are proposed to be licensed as nursing home beds under Chapter 25913
3721. of the Revised Code; 25914

(b) Approval of beds in a new county home or new county 25915
nursing home as defined in section 5155.31 of the Revised Code, or 25916
an increase of beds in an existing county home or existing county 25917
nursing home, if the beds are proposed to be certified as skilled 25918
nursing facility beds under Title XVIII or nursing facility beds 25919
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 25920
42 U.S.C.A. 301, as amended; 25921

(c) Recategorization of hospital beds as described in section 25922
3702.522 of the Revised Code, an increase of hospital beds 25923
registered pursuant to section 3701.07 of the Revised Code as 25924
long-term care beds or skilled nursing facility beds, or a 25925
recategorization of hospital beds that would result in an increase 25926
of beds registered pursuant to that section as long-term care beds 25927
or skilled nursing facility beds. 25928

On July 1, 1993, the director shall return each such 25929
application to the applicant and, notwithstanding section 3702.52 25930
of the Revised Code regarding the uses of the certificate of need 25931
fund, shall refund to the applicant the application fee paid under 25932
that section. Applications returned under division (B)(1) of this 25933
section may be resubmitted in accordance with section 3702.52 of 25934
the Revised Code no sooner than July 1, ~~2001~~ 2003. 25935

(2) The director shall continue to review and shall issue a 25936
decision regarding any application submitted prior to July 1, 25937
1993, to increase beds for either of the purposes described in 25938
division (B)(1)(a) or (b) of this section if the proposed increase 25939
in beds is attributable solely to a replacement or relocation of 25940
existing beds within the same county. The director shall authorize 25941
under such an application no additional beds beyond those being 25942
replaced or relocated. 25943

(C)(1) Except as provided in division (C)(2) of this section, 25944
the director, during the period beginning July 1, 1993, and ending 25945
June 30, ~~2001~~ 2003, shall not accept for review under section 25946
3702.52 of the Revised Code any application for a certificate of 25947
need for any of the purposes described in divisions (B)(1)(a) to 25948
(c) of this section. 25949

(2) The director shall accept for review any application for 25950
either of the purposes described in division (B)(1)(a) or (b) of 25951
this section if the proposed increase in beds is attributable 25952
solely to a replacement or relocation of existing beds within the 25953
same county. The director shall authorize under such an 25954
application no additional beds beyond those being replaced or 25955
relocated. The director also shall accept for review any 25956
application that seeks certificate of need approval for existing 25957
beds located in an infirmary that is operated exclusively by a 25958
religious order, provides care exclusively to members of religious 25959
orders who take vows of celibacy and live by virtue of their vows 25960
within the orders as if related, and was providing care 25961
exclusively to members of such a religious order on January 1, 25962
1994. 25963

(D) The director shall issue a decision regarding any case 25964
remanded by a court as the result of a decision issued by the 25965
director prior to July 1, 1993, to grant, deny, or withdraw a 25966
certificate of need for any of the purposes described in divisions 25967
(B)(1)(a) to (c) of this section. 25968

(E) The director shall not project the need for beds listed 25969
in division (B)(1) of this section for the period beginning July 25970
1, 1993, and ending June 30, ~~2001~~ 2003. 25971

This section is an interim section effective until July 1, 25972
~~2001~~ 2003. 25973

Sec. 3704.034. (A) Within sixty days after the director of 25974

environmental protection or ~~his~~ the director's agent or authorized 25975
representative receives ~~an application for the issuance of a~~ 25976
~~permit to install pursuant to rules adopted under division (F) of~~ 25977
~~section 3704.03 of the Revised Code, an application to modify such~~ 25978
~~a permit, or an application for the issuance of an initial permit~~ 25979
to operate, or for the modification or renewal of such a permit, 25980
pursuant to rules adopted under division (G) of section 3704.03 of 25981
the Revised Code, the director shall determine whether the 25982
application is substantially complete or materially deficient and, 25983
in writing, shall notify the applicant of ~~his~~ the director's 25984
determination. If the director fails to make such a completeness 25985
determination and provide written notice of ~~his~~ the determination 25986
to the applicant within sixty days after the application was 25987
submitted, the applicant may submit a written request to the 25988
director for the making of such a completeness determination. 25989

(B) Within thirty days after receiving a written request for 25990
the making of a completeness determination on an application under 25991
division (A) of this section, the director shall determine whether 25992
the application is substantially complete or materially deficient 25993
and, in writing, notify the applicant of ~~his~~ the determination. If 25994
the director fails to make a completeness determination and 25995
provide written notice of ~~his~~ the director's determination to the 25996
applicant within thirty days after receiving the applicant's 25997
written request for the making of the determination, the 25998
application shall be deemed to have been complete in all material 25999
respects at the time that it was submitted to the director or ~~his~~ 26000
the director's agent or authorized representative. 26001

(C) If, within the time prescribed in division (A) and, if 26002
applicable, division (B) of this section, the director determines 26003
that an application is materially deficient, the director shall 26004
return the application to the applicant together with the written 26005
notice of material deficiency. The running of the time prescribed 26006

under division (A) and, if applicable, division (B) of this 26007
section ceases at the time that the determination is made. If the 26008
applicant subsequently resubmits the application to the director, 26009
the time prescribed in division (A) of this section and, if 26010
applicable, division (B) of this section shall resume running at 26011
the time that the application is resubmitted. The resubmission of 26012
the application constitutes a request for the making of a 26013
completeness determination on the application. The director shall 26014
do one of the following within the time remaining pursuant to 26015
division (A) and, if applicable, division (B) of this section at 26016
the time that the application is resubmitted: 26017

(1) Make a completeness determination on the application and, 26018
in writing, notify the applicant of ~~his~~ the determination; 26019

(2) Issue or deny or propose to issue or deny the permit ~~or,~~ 26020
modification, or renewal. 26021

(D) The director shall include in each written notice of the 26022
completeness of an application provided under division (A), (B), 26023
or (C)(1) of this section the date on which the application was 26024
determined to be complete. 26025

(E) The director shall issue or deny or propose to issue or 26026
deny ~~a permit to install pursuant to rules adopted under division~~ 26027
~~(F) of section 3704.03 of the Revised Code, modification of such a~~ 26028
permit, or an initial permit to operate, or a modification or 26029
renewal of such a permit, pursuant to rules adopted under division 26030

(G) of section 3704.03 of the Revised Code within one hundred 26031
eighty days after the date that the application for the permit ~~or,~~ 26032
modification, or renewal was determined to be complete as that 26033
date is set forth in the written notice of the determination of 26034
the completeness of the application provided under division (A), 26035
(B), or (C)(1) of this section or within one hundred eighty days 26036
after the application is deemed to be complete under division (B) 26037
of this section, as appropriate. If the director fails to issue or 26038

deny or propose to issue or deny the permit ~~or~~, modification, or
renewal within the appropriate one-hundred-eighty-day period, the
applicant may bring a mandamus action to obtain a judgment that
orders the director to take a final action on the application.

(F) The director, upon ~~his~~ the director's own motion or upon
the written request of the applicant and in writing, may extend
the time provided under division (E) of this section for issuing
or denying or proposing to issue or deny the permit ~~or~~,
modification, or renewal for an additional sixty days if a public
informational meeting or public hearing was held on the
application for the permit ~~or~~, modification, or renewal.

(G) Upon the written request of the applicant, the director,
in writing, may extend the time provided under division (E) of
this section for issuing or denying or proposing to issue or deny
the permit ~~or~~, modification, or renewal for the additional time
specified in the applicant's request for the extension.

(H) Upon the written request of the person responsible for a
facility, the director may consolidate or group applications for
the issuance of permits pursuant to rules adopted under
~~divisions(F) or~~ division(G) 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. Fees
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. 3704.143. (A) As used in this section, "contract" means
a contract entered into by the state under section 3704.14 of the

Revised Code with a private contractor for the purpose of 26070
conducting emissions inspections under a motor vehicle inspection 26071
and maintenance program. 26072

(B) Notwithstanding division (D)(5) of section 3704.14 of the 26073
Revised Code, the director of administrative services or the 26074
director of environmental protection, as applicable, shall not 26075
renew any contract that is in existence on the effective date of 26076
this section. Further, the director of administrative services or 26077
the director of environmental protection, as applicable, shall not 26078
enter into a new contract upon the expiration or termination of 26079
any contract that is in existence on the effective date of this 26080
section. 26081

(C) Notwithstanding section 3704.14 of the Revised Code or 26082
any other section of the Revised Code that requires emissions 26083
inspections to be conducted or proof of such inspections to be 26084
provided, upon the expiration or termination of all contracts that 26085
are in existence on the effective date of this section, the 26086
director of environmental protection shall terminate all motor 26087
vehicle inspection and maintenance programs in this state and 26088
shall not implement a new motor vehicle inspection and maintenance 26089
program unless this section is repealed and such a program is 26090
authorized by the general assembly. 26091

Sec. 3721.10. As used in sections 3721.10 to 3721.18 of the 26092
Revised Code: 26093

(A) "Home" means all of the following: 26094

(1) A home as defined in section 3721.01 of the Revised Code; 26095
26096

(2) Any facility or part of a facility not defined as a home 26097
under section 3721.01 of the Revised Code that is certified as a 26098
skilled nursing facility under Title XVIII of the "Social Security 26099

Act," 49 <u>79</u> Stat. 620 <u>286</u> (1935 <u>1965</u>), 42 U.S.C.A. 301 <u>1395</u> and	26100
<u>1396</u> , as amended, or as a nursing facility as defined in section	26101
5111.20 of the Revised Code;	26102
(3) A county home or district home operated pursuant to	26103
Chapter 5155. of the Revised Code.	26104
(B) "Resident" means a resident or a patient of a home.	26105
(C) "Administrator" means all of the following:	26106
(1) With respect to a home as defined in section 3721.01 of	26107
the Revised Code, a nursing home administrator as defined in	26108
section 4751.01 of the Revised Code;	26109
(2) With respect to a facility or part of a facility not	26110
defined as a home in section 3721.01 of the Revised Code that is	26111
authorized to provide skilled nursing facility or nursing facility	26112
services, the administrator of the facility or part of a facility;	26113
(3) With respect to a county home or district home, the	26114
superintendent appointed under Chapter 5155. of the Revised Code.	26115
(D) "Sponsor" means an adult relative, friend, or guardian of	26116
a resident who has an interest or responsibility in the resident's	26117
welfare.	26118
(E) "Residents' rights advocate" means:	26119
(1) An employee or representative of any state or local	26120
government entity that has a responsibility regarding residents	26121
and that has registered with the department of health under	26122
division (B) of section 3701.07 of the Revised Code;	26123
(2) An employee or representative of any private nonprofit	26124
corporation or association that qualifies for tax-exempt status	26125
under section 501(a) of the "Internal Revenue Code of 1986," 100	26126
Stat. 2085, 26 U.S.C.A. 1, as amended, and that has registered	26127
with the department of health under division (B) of section	26128
3701.07 of the Revised Code and whose purposes include educating	26129

and counseling residents, assisting residents in resolving 26130
problems and complaints concerning their care and treatment, and 26131
assisting them in securing adequate services to meet their needs; 26132

(3) A member of the general assembly. 26133

(F) "Physical restraint" means, but is not limited to, any 26134
article, device, or garment that interferes with the free movement 26135
of the resident and that ~~he~~ the resident is unable to remove 26136
easily, a geriatric chair, or a locked room door. 26137

(G) "Chemical restraint" means any medication bearing the 26138
American hospital formulary service therapeutic class 4.00, 26139
28:16:08, 28:24:08, or 28:24:92 that alters the functioning of the 26140
central nervous system in a manner that limits physical and 26141
cognitive functioning to the degree that the resident cannot 26142
attain ~~his~~ the resident's highest practicable physical, mental, 26143
and psychosocial well-being. 26144

(H) "Ancillary service" means, but is not limited to, 26145
podiatry, dental, hearing, vision, physical therapy, occupational 26146
therapy, speech therapy, and psychological and social services. 26147

(I) "Facility" means a facility, or part of a facility, 26148
certified as a nursing facility or skilled nursing facility under 26149
Title XVIII or Title XIX of the "Social Security Act." "Facility" 26150
does not include an intermediate care facility for the mentally 26151
retarded, as defined in section 5111.20 of the Revised Code. 26152

(J) "Medicare" means the program established by Title XVIII 26153
of the "Social Security Act." 26154

(K) "Medicaid" means the program established by Title XIX of 26155
the "Social Security Act" and Chapter 5111. of the Revised Code. 26156

Sec. 3721.12. (A) The administrator of a home shall: 26157

(1) With the advice of residents, their sponsors, or both, 26158

establish and review at least annually, written policies regarding 26159
the applicability and implementation of residents' rights under 26160
sections 3721.10 to 3721.17 of the Revised Code, the 26161
responsibilities of residents regarding the rights, and the home's 26162
grievance procedure established under division (A)(2) of this 26163
section. The administrator is responsible for the development of, 26164
and adherence to, procedures implementing the policies. 26165

(2) Establish a grievance committee for review of complaints 26166
by residents. The grievance committee shall be comprised of the 26167
home's staff and residents, sponsors, or outside representatives 26168
in a ratio of not more than one staff member to every two 26169
residents, sponsors, or outside representatives. 26170

(3) Furnish to each resident and sponsor prior to or at the 26171
time of admission, and to each member of the home's staff, at 26172
least one of each of the following: 26173

(a) A copy of the rights established under sections 3721.10 26174
to 3721.17 of the Revised Code; 26175

(b) A written explanation of the provisions of ~~section~~ 26176
sections 3721.16 to 3721.162 of the Revised Code; 26177

(c) A copy of the home's policies and procedures established 26178
under this section; 26179

(d) A copy of the home's rules; 26180

(e) A copy of the addresses and telephone numbers of the 26181
board of health of the health district of the county in which the 26182
home is located, the county department of job and family services 26183
of the county in which the home is located, the state departments 26184
of health and job and family services, the state and local offices 26185
of the department of aging, and any Ohio nursing home ombudsperson 26186
program. 26187

(B) Written acknowledgment of the receipt of copies of the 26188

materials listed in this section shall be made part of the	26189
resident's record and the staff member's personnel record.	26190
(C) The administrator shall post all of the following	26191
prominently within the home:	26192
(1) A copy of the rights of residents as listed in division	26193
(A) of section 3721.13 of the Revised Code;	26194
(2) A copy of the home's rules and its policies and	26195
procedures regarding the rights and responsibilities of residents;	26196
(3) A notice that a copy of this chapter, rules of the	26197
department of health applicable to the home, and federal	26198
regulations adopted under Titles XVIII and XIX of the "Social	26199
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended	26200
<u>the medicare and medicaid programs</u> , and the materials required to	26201
be available in the home under section 3721.021 of the Revised	26202
Code, are available for inspection in the home at reasonable	26203
hours;	26204
(4) A list of residents' rights advocates;	26205
(5) A notice that the following are available in a place	26206
readily accessible to residents:	26207
(a) If the home is licensed under section 3721.02 of the	26208
Revised Code, a copy of the most recent licensure inspection	26209
report prepared for the home under that section;	26210
(b) If the home is a nursing facility as defined in section	26211
5111.20 of the Revised Code , a copy of the most recent statement	26212
of deficiencies issued to the home under section 5111.42 of the	26213
Revised Code.	26214
(D) The administrator of a home may, with the advice of	26215
residents, their sponsors, or both, establish written policies	26216
regarding the applicability and administration of any additional	26217
residents' rights beyond those set forth in sections 3721.10 to	26218

3721.17 of the Revised Code, and the responsibilities of residents 26219
regarding the rights. Policies established under this division 26220
shall be reviewed, and procedures developed and adhered to as in 26221
division (A)(1) of this section. 26222

Sec. 3721.13. (A) The rights of residents of a home shall 26223
include, but are not limited to, the following: 26224

(1) The right to a safe and clean living environment pursuant 26225
to ~~Titles XVIII and XIX of the "Social Security Act," 49 Stat. 620~~ 26226
~~(1935), 42 U.S.C.A. 301, as amended, the medicare and medicaid~~ 26227
programs and applicable state laws and regulations prescribed by 26228
the public health council; 26229

(2) The right to be free from physical, verbal, mental, and 26230
emotional abuse and to be treated at all times with courtesy, 26231
respect, and full recognition of dignity and individuality; 26232

(3) Upon admission and thereafter, the right to adequate and 26233
appropriate medical treatment and nursing care and to other 26234
ancillary services that comprise necessary and appropriate care 26235
consistent with the program for which the resident contracted. 26236
This care shall be provided without regard to considerations such 26237
as race, color, religion, national origin, age, or source of 26238
payment for care. 26239

(4) The right to have all reasonable requests and inquiries 26240
responded to promptly; 26241

(5) The right to have clothes and bed sheets changed as the 26242
need arises, to ensure the resident's comfort or sanitation; 26243

(6) The right to obtain from the home, upon request, the name 26244
and any specialty of any physician or other person responsible for 26245
the resident's care or for the coordination of care; 26246

(7) The right, upon request, to be assigned, within the 26247
26248

capacity of the home to make the assignment, to the staff 26249
physician of the resident's choice, and the right, in accordance 26250
with the rules and written policies and procedures of the home, to 26251
select as the attending physician a physician who is not on the 26252
staff of the home. If the cost of a physician's services is to be 26253
met under a federally supported program, the physician shall meet 26254
the federal laws and regulations governing such services. 26255

(8) The right to participate in decisions that affect the 26256
resident's life, including the right to communicate with the 26257
physician and employees of the home in planning the resident's 26258
treatment or care and to obtain from the attending physician 26259
complete and current information concerning medical condition, 26260
prognosis, and treatment plan, in terms the resident can 26261
reasonably be expected to understand; the right of access to all 26262
information in ~~his~~ the resident's medical record; and the right to 26263
give or withhold informed consent for treatment after the 26264
consequences of that choice have been carefully explained. When 26265
the attending physician finds that it is not medically advisable 26266
to give the information to the resident, the information shall be 26267
made available to the resident's sponsor on the resident's behalf, 26268
if the sponsor has a legal interest or is authorized by the 26269
resident to receive the information. The home is not liable for a 26270
violation of this division if the violation is found to be the 26271
result of an act or omission on the part of a physician selected 26272
by the resident who is not otherwise affiliated with the home. 26273

(9) The right to withhold payment for physician visitation if 26274
the physician did not visit the resident; 26275

(10) The right to confidential treatment of personal and 26276
medical records, and the right to approve or refuse the release of 26277
these records to any individual outside the home, except in case 26278
of transfer to another home, hospital, or health care system, as 26279
required by law or rule, or as required by a third-party payment 26280

contract; 26281

(11) The right to privacy during medical examination or 26282
treatment and in the care of personal or bodily needs; 26283

(12) The right to refuse, without jeopardizing access to 26284
appropriate medical care, to serve as a medical research subject; 26285

(13) The right to be free from physical or chemical 26286
restraints or prolonged isolation except to the minimum extent 26287
necessary to protect the resident from injury to ~~himself~~ self, 26288
others, or to property and except as authorized in writing by the 26289
attending physician for a specified and limited period of time and 26290
documented in the resident's medical record. Prior to authorizing 26291
the use of a physical or chemical restraint on any resident, the 26292
attending physician shall make a personal examination of the 26293
resident and an individualized determination of the need to use 26294
the restraint on that resident. 26295

Physical or chemical restraints or isolation may be used in 26296
an emergency situation without authorization of the attending 26297
physician only to protect the resident from injury to ~~himself~~ self 26298
or others. Use of the physical or chemical restraints or isolation 26299
shall not be continued for more than twelve hours after the onset 26300
of the emergency without personal examination and authorization by 26301
the attending physician. The attending physician or a staff 26302
physician may authorize continued use of physical or chemical 26303
restraints for a period not to exceed thirty days, and at the end 26304
of this period and any subsequent period may extend the 26305
authorization for an additional period of not more than thirty 26306
days. The use of physical or chemical restraints shall not be 26307
continued without a personal examination of the resident and the 26308
written authorization of the attending physician stating the 26309
reasons for continuing the restraint. 26310

If physical or chemical restraints are used under this 26311

division, the home shall ensure that the restrained resident 26312
receives a proper diet. In no event shall physical or chemical 26313
restraints or isolation be used for punishment, incentive, or 26314
convenience. 26315

(14) The right to the pharmacist of the resident's choice and 26316
the right to receive pharmaceutical supplies and services at 26317
reasonable prices not exceeding applicable and normally accepted 26318
prices for comparably packaged pharmaceutical supplies and 26319
services within the community; 26320

(15) The right to exercise all civil rights, unless the 26321
resident has been adjudicated incompetent pursuant to Chapter 26322
2111. of the Revised Code and has not been restored to legal 26323
capacity, as well as the right to the cooperation of the home's 26324
administrator in making arrangements for the exercise of the right 26325
to vote; 26326

(16) The right of access to opportunities that enable the 26327
resident, at ~~his~~ the resident's own expense or at the expense of a 26328
third-party payer, to achieve ~~his~~ the resident's fullest 26329
potential, including educational, vocational, social, 26330
recreational, and habilitation programs; 26331

(17) The right to consume a reasonable amount of alcoholic 26332
beverages at ~~his~~ the resident's own expense, unless not medically 26333
advisable as documented in ~~his~~ the resident's medical record by 26334
the attending physician or unless contradictory to written 26335
admission policies; 26336

(18) The right to use tobacco at ~~his~~ the resident's own 26337
expense under the home's safety rules and under applicable laws 26338
and rules of the state, unless not medically advisable as 26339
documented in ~~his~~ the resident's medical record by the attending 26340
physician or unless contradictory to written admission policies; 26341

(19) The right to retire and rise in accordance with ~~his~~ the 26342

resident's reasonable requests, if ~~he~~ the resident does not 26343
disturb others or the posted meal schedules and upon the home's 26344
request remains in a supervised area, unless not medically 26345
advisable as documented by the attending physician; 26346

(20) The right to observe religious obligations and 26347
participate in religious activities; the right to maintain 26348
individual and cultural identity; and the right to meet with and 26349
participate in activities of social and community groups at the 26350
resident's or the group's initiative; 26351

(21) The right upon reasonable request to private and 26352
unrestricted communications with ~~his~~ the resident's family, social 26353
worker, and any other person, unless not medically advisable as 26354
documented in ~~his~~ the resident's medical record by the attending 26355
physician, except that communications with public officials or 26356
with ~~his~~ the resident's attorney or physician shall not be 26357
restricted. Private and unrestricted communications shall include, 26358
but are not limited to, the right to: 26359

(a) Receive, send, and mail sealed, unopened correspondence; 26360

(b) Reasonable access to a telephone for private 26361
communications; 26362

(c) Private visits at any reasonable hour. 26363

(22) The right to assured privacy for visits by the spouse, 26364
or if both are residents of the same home, the right to share a 26365
room within the capacity of the home, unless not medically 26366
advisable as documented in ~~his~~ the resident's medical record by 26367
the attending physician; 26368

(23) The right upon reasonable request to have room doors 26369
closed and to have them not opened without knocking, except in the 26370
case of an emergency or unless not medically advisable as 26371
documented in ~~his~~ the resident's medical record by the attending 26372
physician; 26373

(24) The right to retain and use personal clothing and a reasonable amount of possessions, in a reasonably secure manner, unless to do so would infringe on the rights of other residents or would not be medically advisable as documented in ~~his~~ the resident's medical record by the attending physician;

(25) The right to be fully informed, prior to or at the time of admission and during ~~his~~ the resident's stay, in writing, of the basic rate charged by the home, of services available in the home, and of any additional charges related to such services, including charges for services not covered under ~~Titles XVIII and XIX of the "Social Security Act~~ the medicare or medicaid program. The basic rate shall not be changed unless thirty days notice is given to the resident or, if the resident is unable to understand this information, to ~~his~~ the resident's sponsor.

(26) The right of the resident and person paying for the care to examine and receive a bill at least monthly for the resident's care from the home that itemizes charges not included in the basic rates;

(27)(a) The right to be free from financial exploitation;

(b) The right to manage ~~his~~ the resident's own personal financial affairs, or, if ~~he~~ the resident has delegated this responsibility in writing to the home, to receive upon written request at least a quarterly accounting statement of financial transactions made on ~~his~~ the resident's behalf. The statement shall include:

(i) A complete record of all funds, personal property, or possessions of a resident from any source whatsoever, that have been deposited for safekeeping with the home for use by the resident or ~~his~~ the resident's sponsor;

(ii) A listing of all deposits and withdrawals transacted, which shall be substantiated by receipts which shall be available

for inspection and copying by the resident or sponsor. 26405

(28) The right of the resident to be allowed unrestricted 26406
access to ~~his~~ the resident's property on deposit at reasonable 26407
hours, unless requests for access to property on deposit are so 26408
persistent, continuous, and unreasonable that they constitute a 26409
nuisance; 26410

(29) The right to receive reasonable notice before ~~his~~ the 26411
resident's room or roommate is changed, including an explanation 26412
of the reason for either change. 26413

(30) The right not to be transferred or discharged from the 26414
home ~~except for medical reasons, for his welfare or another~~ 26415
~~resident's, for nonpayment of charges due the home, if the home's~~ 26416
~~license is revoked under this chapter, if the home is being closed~~ 26417
~~pursuant to sections 5111.35 to 5111.62 or section 5155.31 of the~~ 26418
~~Revised Code, if he is a recipient of medical assistance under~~ 26419
~~section 5111.01 of the Revised Code in a home whose participation~~ 26420
~~in the medical assistance program is terminated or denied, or if~~ 26421
~~he is a beneficiary under Title XVIII of the "Social Security Act"~~ 26422
~~in a home whose certification under Title XVIII is terminated or~~ 26423
~~denied unless the transfer is necessary because of one of the~~ 26424
following: 26425

(a) The welfare and needs of the resident cannot be met in 26426
the home. 26427

(b) The resident's health has improved sufficiently so that 26428
the resident no longer needs the services provided by the home. 26429

(c) The safety of individuals in the home is endangered. 26430

(d) The health of individuals in the home would otherwise be 26431
endangered. 26432

(e) The resident has failed, after reasonable and appropriate 26433
notice, to pay or to have the medicare or medicaid program pay on 26434

the resident's behalf, for the care provided by the home. A 26435
resident shall not be considered to have failed to have the 26436
resident's care paid for if the resident has applied for medicaid, 26437
unless both of the following are the case: 26438

(i) The resident's application, or a substantially similar 26439
previous application, has been denied by the county department of 26440
job and family services. 26441

(ii) If the resident appealed the denial pursuant to division 26442
(C) of section 5101.35 of the Revised Code, the director of job 26443
and family services has upheld the denial. 26444

(f) The home's license has been revoked, the home is being 26445
closed pursuant to section 3721.08, sections 5111.35 to 5111.62, 26446
or section 5155.31 of the Revised Code, or the home otherwise 26447
ceases to operate. 26448

(g) The resident is a recipient of medicaid, and the home's 26449
participation in the medicaid program is involuntarily terminated 26450
or denied. 26451

(h) The resident is a beneficiary under the medicare program, 26452
and the home's participation in the medicare program is 26453
involuntarily terminated or denied. 26454

(31) The right to voice grievances and recommend changes in 26455
policies and services to the home's staff, to employees of the 26456
department of health, or to other persons not associated with the 26457
operation of the home, of the resident's choice, free from 26458
restraint, interference, coercion, discrimination, or reprisal. 26459
This right includes access to a residents' rights advocate, and 26460
the right to be a member of, to be active in, and to associate 26461
with persons who are active in organizations of relatives and 26462
friends of nursing home residents and other organizations engaged 26463
in assisting residents. 26464

(32) The right to have any significant change in ~~his~~ the 26465

resident's health status reported to ~~his~~ the resident's sponsor. 26466
As soon as such a change is known to the home's staff, the home 26467
shall make a reasonable effort to notify the sponsor within twelve 26468
hours. 26469

(B) A sponsor may act on a resident's behalf to assure that 26470
the home does not deny the residents' rights under sections 26471
3721.10 to 3721.17 of the Revised Code. 26472

(C) Any attempted waiver of the rights listed in division (A) 26473
of this section is void. 26474

Sec. 3721.15. (A) Authorization from a resident or a sponsor 26475
with a power of attorney for a home to manage the resident's 26476
financial affairs shall be in writing and shall be attested to by 26477
a witness who is not connected in any manner whatsoever with the 26478
home or its administrator. The home shall maintain accounts 26479
pursuant to division (A)(27) of section 3721.13 of the Revised 26480
Code. Upon the resident's transfer, discharge, or death, the 26481
account shall be closed and a final accounting made. All remaining 26482
funds shall be returned to the resident or resident's sponsor, 26483
except in the case of death, when all remaining funds shall be 26484
transferred or used in accordance with section 5111.112 of the 26485
Revised Code. 26486

(B) A home that manages a resident's financial affairs shall 26487
deposit the resident's funds in excess of one hundred dollars, and 26488
may deposit the resident's funds that are one hundred dollars or 26489
less, in an interest-bearing account separate from any of the 26490
home's operating accounts. Interest earned on the resident's funds 26491
shall be credited to the resident's account. A resident's funds 26492
that are one hundred dollars or less and have not been deposited 26493
in an interest-bearing account may be deposited in a 26494
noninterest-bearing account or petty cash fund. 26495

(C) Each resident whose financial affairs are managed by a 26496

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;	26528
(b) The resident has resided in the home less than thirty days;	26529 26530
<u>(c) An emergency arises in which the safety of individuals in the home is endangered;</u>	26531 26532
<u>(d) An emergency arises in which the health of individuals in the home would otherwise be endangered;</u>	26533 26534
<u>(e) An emergency arises in which the resident's urgent medical needs necessitate a more immediate transfer or discharge.</u>	26535 26536
In the case <u>any</u> of a resident <u>the circumstances</u> described in division <u>divisions</u> (A)(1)(a) or (b) <u>to (e)</u> of this section, the notice shall be provided as many days in advance of the proposed transfer or discharge as is practicable.	26537 26538 26539 26540
(2) The notice required under division (A)(1) of this section shall include all of the following:	26541 26542
(a) The reasons for the proposed transfer or discharge;	26543
<u>(b) The proposed date the resident is to be transferred or discharged;</u>	26544 26545
<u>(c) The proposed location to which the resident is to be transferred or discharged;</u>	26546 26547
<u>(d) Notice of the right of the resident and his <u>the resident's</u> sponsor to an impartial hearing at the home on the proposed transfer or discharge, and of the manner in which and the time within which the resident or his sponsor may request a hearing under division (C) of this <u>pursuant to</u> section <u>3721.161</u> of the Revised Code;</u>	26548 26549 26550 26551 26552 26553
<u>(e) A statement that the resident will not be transferred or discharged before the date specified in the notice unless the home and the resident or, if the resident is not competent to make a</u>	26554 26555 26556

decision, the home and the resident's sponsor, agree to an earlier date; 26557
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~~(e)~~(f) The address of the legal services office of the department of health; 26559
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~~(d)~~(g) The name, address, and telephone number of a representative of the state long-term care ~~ombudsman~~ ombudsperson program and, if the resident or patient has a developmental disability or mental illness, the name, address, and telephone number of the Ohio legal rights service. 26561
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(B) No home shall transfer or discharge a resident before the date specified in the notice required by division (A) of this section 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. 26566
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(C) Transfer or discharge actions shall be documented in the resident's medical record by the home if there is a medical basis for the action. 26571
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~~(C)~~(D) A resident or ~~his~~ resident's sponsor may challenge a transfer or discharge by requesting an impartial hearing ~~at the home~~ pursuant to section 3721.161 of the Revised Code, unless the transfer or discharge is required because of ~~an emergency~~ or one of the following reasons: 26574
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(1) The home's license has been revoked under this chapter; 26579

(2) The home is being closed pursuant to section 3721.08, sections 5111.35 to 5111.62, or section 5155.31 of the Revised Code; 26580
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(3) The resident is a recipient of ~~medical assistance under section 5111.01 of the Revised Code~~ medicaid and the home's participation in the ~~medical assistance~~ medicaid program has been involuntarily terminated or denied by the federal government; 26583
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(4) The resident is a beneficiary under ~~Title XVIII of the~~ 26587
~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as~~ 26588
~~amended the medicare program~~ and the home's certification under 26589
~~Title XVIII the medicare program~~ has been involuntarily terminated 26590
or denied by the federal government. 26591

~~A request for a hearing under this section shall be sent in~~ 26592
~~writing to the legal services office of the department of health~~ 26593
~~not later than ten days after the resident and his sponsor receive~~ 26594
~~notice of the proposed transfer or discharge. A hearing shall be~~ 26595
~~held within ten days by the department of health. A representative~~ 26596
~~of the department shall preside over the hearing and issue a~~ 26597
~~recommendation within five days as to any advisable action to the~~ 26598
~~administrator, the resident, and any interested sponsor.~~ 26599

(E) If a resident is transferred or discharged pursuant to 26601
this section, the home from which the resident is being 26602
transferred or discharged shall provide the resident with adequate 26603
preparation prior to the transfer or discharge to ensure a safe 26604
and orderly transfer or discharge from the home, and the home or 26605
alternative setting to which the resident is to be transferred or 26606
discharged shall have accepted the resident for transfer or 26607
discharge. 26608

~~(D) An impartial hearing on resident transfer or discharge is~~ 26609
~~not subject to section 121.22 of the Revised Code.~~ 26610

~~(E)~~(F) At the time of a transfer or discharge of a resident 26611
who is a recipient of ~~medical assistance under section 5111.01 of~~ 26612
~~the Revised Code~~ medicaid from a home to a hospital or for 26613
therapeutic leave, the home shall provide notice in writing to the 26614
resident and in writing by certified mail, return receipt 26615
requested, to the resident's sponsor, specifying the number of 26616
days, if any, during which the resident will be permitted under 26617
the ~~medical assistance~~ medicaid program to return and resume 26618

residence in the home and specifying the ~~medical assistance~~ 26619
medicaid program's coverage of the days during which the resident 26620
is absent from the home. An individual who is absent from a home 26621
for more than the number of days specified in the notice and 26622
continues to require the services provided by the facility shall 26623
be given priority for the first available bed in a semi-private 26624
room. 26625

Sec. 3721.161. (A) Not later than thirty days after the date 26626
a resident or the resident's sponsor receives notice of a proposed 26627
transfer or discharge, whichever is later, the resident or 26628
resident's sponsor may challenge the proposed transfer or 26629
discharge by submitting a written request for a hearing to the 26630
state department of health. On receiving the request, the 26631
department shall conduct a hearing in accordance with section 26632
3721.162 of the Revised Code to determine whether the proposed 26633
transfer or discharge complies with division (A)(30) of section 26634
3721.13 of the Revised Code. 26635

(B) Except in the circumstances described in divisions 26636
(A)(1)(a) to (e) of section 3721.16 of the Revised Code, if a 26637
resident or resident's sponsor submits a written hearing request 26638
not later than ten days after the resident or the resident's 26639
sponsor received notice of the proposed transfer or discharge, 26640
whichever is later, the home shall not transfer or discharge the 26641
resident unless the department determines after the hearing that 26642
the transfer or discharge complies with division (A)(30) of 26643
section 3721.13 of the Revised Code or the department's 26644
determination to the contrary is reversed on appeal. 26645

(C) If a resident or resident's sponsor does not request a 26646
hearing pursuant to division (A) of this section, the home may 26647
transfer or discharge the resident on the date specified in the 26648
notice required by division (A) of section 3721.16 of the Revised 26649
Code or thereafter, unless the home and the resident or, if the 26650

resident is not competent to make a decision, the home and the 26651
resident's sponsor, agree to an earlier date. 26652

(D) If the resident or resident's sponsor requests a hearing 26653
in writing pursuant to division (A) of this section and the home 26654
transfers or discharges the resident before the department issues 26655
a hearing decision, the home shall readmit the resident in the 26656
first available bed if the department determines after the hearing 26657
that the transfer or discharge does not comply with division 26658
(A)(30) of section 3721.13 of the Revised Code or the department's 26659
determination to the contrary is reversed on appeal. 26660
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Sec. 3721.162. (A) On receiving a request pursuant to section 26662
3721.161 of the Revised Code, the department of health shall 26663
conduct hearings under this section in accordance with 42 C.F.R. 26664
431, subpart E, to determine whether the proposed transfer or 26665
discharge complies with division (A)(30) of section 3721.13 of the 26666
Revised Code. 26667

(B) The department shall employ or contract with an attorney 26668
to serve as hearing officer. The hearing officer shall conduct a 26669
hearing in the home not later than ten days after the date the 26670
department receives a request pursuant to section 3721.161 of the 26671
Revised Code, unless the resident and the home or, if the resident 26672
is not competent to make a decision, the resident's sponsor and 26673
the home, agree otherwise. The hearing shall be recorded on 26674
audiotape, but neither the recording nor a transcript of the 26675
recording shall be part of the official record of the hearing. A 26676
hearing conducted under this section is not subject to section 26677
121.22 of the Revised Code. 26678

(C) Unless the parties otherwise agree, the hearing officer 26679
shall issue a decision within five days of the date the hearing 26680
concludes. In all cases, a decision shall be issued not later than 26681

thirty days after the department receives a request pursuant to 26682
section 3721.161 of the Revised Code. The hearing officer's 26683
decision shall be served on the resident or resident's sponsor and 26684
the home by certified mail. The hearing officer's decision shall 26685
be considered the final decision of the department. 26686

(D) A resident, resident's sponsor, or home may appeal the 26687
decision of the department to the court of common pleas pursuant 26688
to section 119.12 of the Revised Code. The appeal shall be 26689
governed by section 119.12 of the Revised Code, except for all of 26690
the following: 26691

(1) The resident, resident's sponsor, or home shall file the 26692
appeal in the court of common pleas of the county in which the 26693
home is located. 26694

(2) The resident or resident's sponsor may apply to the court 26695
for designation as an indigent and, if the court grants the 26696
application, the resident or resident's sponsor shall not be 26697
required to furnish the costs of the appeal. 26698

(3) The appeal shall be filed with the department and the 26699
court within thirty days after the hearing officer's decision is 26700
served. The appealing party shall serve the opposing party a copy 26701
of the notice of appeal by hand-delivery or certified mail, return 26702
receipt requested. If the home is the appealing party, it shall 26703
provide a copy of the notice of appeal to both the resident and 26704
the resident's sponsor or attorney, if known. 26705

(4) The department shall not file a transcript of the hearing 26706
with the court unless the court orders it to do so. The court 26707
shall issue such an order only if it finds that the parties are 26708
unable to stipulate to the facts of the case and that the 26709
transcript is essential to the determination of the appeal. If the 26710
court orders the department to file the transcript, the department 26711
shall do so not later than thirty days after the day the court 26712

issues the order. 26713

(E) The court shall not require an appellant to pay a bond as a condition of issuing a stay pending its decision. 26714
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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. 26716
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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 adopted pursuant to division (A)(2) of section 3721.12 of the Revised Code. 26723
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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. 26728
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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. 26734
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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 26739
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less than adequate care or treatment, or substantially unsafe 26743
conditions, or, within seven days of receiving a complaint, refer 26744
it to the attorney general, if the attorney general agrees to 26745
investigate within thirty days. 26746

(2) Within thirty days of receiving a complaint under this 26747
section, the department of health may investigate any alleged 26748
violation of sections 3721.10 to 3721.17 of the Revised Code, or 26749
of rules, policies, or procedures adopted pursuant to those 26750
sections, not covered by division (C)(1) of this section, or it 26751
may, within seven days of receiving a complaint, refer the 26752
complaint to the grievance committee at the home where the alleged 26753
violation occurred, or to the attorney general if the attorney 26754
general agrees to investigate within thirty days. 26755

(D) If, after an investigation, the department of health 26756
finds probable cause to believe that a violation of sections 26757
3721.10 to 3721.17 of the Revised Code, or of rules, policies, or 26758
procedures adopted pursuant to those sections, has occurred at a 26759
home that is certified under ~~Title XVIII or XIX of the "Social~~ 26760
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended~~ 26761
the medicare or medicaid program, it shall cite one or more 26762
findings or deficiencies under sections 5111.35 to 5111.62 of the 26763
Revised Code. If the home is not so certified, the department 26764
shall hold an adjudicative hearing within thirty days under 26765
Chapter 119. of the Revised Code. 26766

(E) Upon a finding at an adjudicative hearing under division 26767
(D) of this section that a violation of sections 3721.10 to 26768
3721.17 of the Revised Code, or of rules, policies, or procedures 26769
adopted pursuant thereto, has occurred, the department of health 26770
shall make an order for compliance, set a reasonable time for 26771
compliance, and assess a fine pursuant to division (F) of this 26772
section. The fine shall be paid to the general revenue fund only 26773
if compliance with the order is not shown to have been made within 26774

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
two hundred nor more than one thousand dollars.

A violation of sections 3721.10 to 3721.17 of the Revised
Code is a separate offense for each day of the violation and for
each resident who claims the violation.

(G) No home or employee of a home shall retaliate against any
person who:

(1) Exercises any right set forth in sections 3721.10 to
3721.17 of the Revised Code, including, but not limited to, filing
a complaint with the home's grievance committee or reporting an
alleged violation to the department of health;

(2) Appears as a witness in any hearing conducted under this
section ~~and~~ or section ~~3721.16~~ 3721.162 of the Revised Code;

(3) Files a civil action alleging a violation of sections
3721.10 to 3721.17 of the Revised Code, or notifies a county

prosecuting attorney or the attorney general of a possible 26805
violation of sections 3721.10 to 3721.17 of the Revised Code. 26806

If, under the procedures outlined in this section, a home or 26807
its employee is found to have retaliated, the violator may be 26808
fined up to one thousand dollars. 26809

(H) When legal action is indicated, any evidence of criminal 26810
activity found in an investigation under division (C) of this 26811
section shall be given to the prosecuting attorney in the county 26812
in which the home is located for investigation. 26813

(I)(1) Any resident whose rights under sections 3721.10 to 26814
3721.17 of the Revised Code are violated has a cause of action 26815
against any person or home committing the violation. The action 26816
may be commenced by the resident or by the resident's sponsor on 26817
behalf of the resident. 26818

(2)(a) If compensatory damages are awarded for a violation of 26819
the resident's rights, section 2315.21 of the Revised Code, except 26820
divisions (E)(1) and (2) of that section, shall apply to an award 26821
of punitive or exemplary damages for the violation. 26822

(b) The court may award to the prevailing party reasonable 26823
attorney's fees limited to the work reasonably performed. 26824

(3) Division (I)(2)(a) of this section shall be considered to 26825
be purely remedial in operation and shall be applied in a remedial 26826
manner in any civil action in which this section is relevant, 26827
whether the action is pending in court or commenced on or after 26828
~~the effective date of this amendment~~ July 9, 1998. 26829

Sec. 3721.51. The department of job and family services 26830
shall: 26831

(A) For the ~~purpose of providing home and community-based~~ 26832
~~services to elderly and disabled persons~~ purposes specified in 26833
section 3721.56 of the Revised Code, determine an annual franchise 26834

permit fee on each nursing home in an amount equal to three 26835
dollars and thirty cents for fiscal years 2002 and 2003, and one 26836
dollar for each fiscal year thereafter, multiplied by the product 26837
of the following: 26838

(1) The number of beds licensed as nursing home beds, plus 26839
any other beds certified as skilled nursing facility beds under 26840
Title XVIII or nursing facility beds under Title XIX of the 26841
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 26842
amended, on July 1, 1993, and, for each subsequent year, the first 26843
day of May of the calendar year in which the fee is determined 26844
pursuant to division (A) of section 3721.53 of the Revised Code; 26845

(2) The number of days in fiscal year 1994 and, for each 26846
subsequent year, the number of days in the fiscal year beginning 26847
on the first day of July of the calendar year in which the fee is 26848
determined pursuant to division (A) of section 3721.53 of the 26849
Revised Code. 26850

(B) For the ~~purpose of providing home and community-based~~ 26851
~~services to elderly and disabled persons~~ purposes specified in 26852
section 3721.56 of the Revised Code, determine an annual franchise 26853
permit fee on each hospital in an amount equal to three dollars 26854
and thirty cents for fiscal years 2002 and 2003, and one dollar 26855
for each fiscal year thereafter, multiplied by the product of the 26856
following: 26857

(1) The number of beds registered pursuant to section 3701.07 26858
of the Revised Code as skilled nursing facility beds or long-term 26859
care beds, plus any other beds licensed as nursing home beds under 26860
section 3721.02 or 3721.09 of the Revised Code, on July 1, 1993, 26861
and, for each subsequent year, the first day of May of the 26862
calendar year in which the fee is determined pursuant to division 26863
(A) of section 3721.53 of the Revised Code; 26864

(2) The number of days in fiscal year 1994 and, for each 26865
subsequent year, the number of days in the fiscal year beginning 26866

on the first day of July of the calendar year in which the fee is 26867
determined pursuant to division (A) of section 3721.53 of the 26868
Revised Code. 26869

If the United States health care financing administration 26870
determines that the franchise permit fee established by sections 26871
3721.50 through 3721.58 of the Revised Code would be an 26872
impermissible health care related tax under section 1903(w) of the 26873
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 26874
amended, the department of job and family services shall take all 26875
necessary actions to cease implementation of those sections in 26876
accordance with rules adopted under section 3721.58 of the Revised 26877
Code. 26878

Sec. 3721.56. All (A) Thirty and three-tenths per cent of all 26879
payments and penalties paid by nursing homes and hospitals under 26880
sections 3721.53 and 3721.54 of the Revised Code for fiscal years 26881
2002 and 2003, and all such payments and penalties paid for 26882
subsequent fiscal years, shall be deposited into the "home and 26883
community-based services for the aged fund," which is hereby 26884
created in the state treasury. The departments of job and family 26885
services and aging shall use the moneys in the fund to fund the 26886
following in accordance with rules adopted under section 3721.58 26887
of the Revised Code: 26888

~~(A)(1)~~ The medical assistance program established under 26889
Chapter 511. of the Revised Code; 26890

~~(B)(2)~~ The PASSPORT program established under section 173.40 26891
of the Revised Code; 26892

~~(C)(3)~~ The residential state supplement program established 26893
under section 173.35 of the Revised Code. 26894

(B) Sixty-nine and seven-tenths per cent of all payments and 26895
penalties paid by nursing homes and hospitals under sections 26896

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: 26903

(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. 26904
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(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. 26907
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(3) "Adult" means an individual eighteen years of age or older. 26910
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(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, stepchild, grandchild, brother, sister, niece, nephew, aunt, or uncle, or as the child of an aunt or uncle. 26912
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(5) "Skilled nursing care" means skilled nursing care as defined in section 3721.01 of the Revised Code. 26917
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(6)(a) "Personal care services" means services including, but not limited to, the following: 26919
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(i) Assisting residents with activities of daily living; 26921

(ii) Assisting residents with self-administration of medication, in accordance with rules adopted by the public health council pursuant to this chapter; 26922
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(iii) Preparing special diets, other than complex therapeutic 26925

diets, for residents pursuant to the instructions of a physician 26926
or a licensed dietitian, in accordance with rules adopted by the 26927
public health council pursuant to this chapter. 26928

(b) "Personal care services" does not include "skilled 26929
nursing care" as defined in section 3721.01 of the Revised Code. A 26930
facility need not provide more than one of the services listed in 26931
division (A)(6)(a) of this section to be considered to be 26932
providing personal care services. 26933

(7) "Adult family home" means a residence or facility that 26934
provides accommodations to three to five unrelated adults and 26935
supervision and personal care services to at least three of those 26936
adults. 26937

(8) "Adult group home" means a residence or facility that 26938
provides accommodations to six to sixteen unrelated adults and 26939
provides supervision and personal care services to at least three 26940
of the unrelated adults. 26941

(9) "Adult care facility" means an adult family home or an 26942
adult group home. For the purposes of this chapter, any residence, 26943
facility, institution, hotel, congregate housing project, or 26944
similar facility that provides accommodations and supervision to 26945
three to sixteen unrelated adults, at least three of whom are 26946
provided personal care services, is an adult care facility 26947
regardless of how the facility holds itself out to the public. 26948
"Adult care facility" does not include: 26949

(a) A facility operated by a hospice care program licensed 26950
under section 3712.04 of the Revised Code that is used exclusively 26951
for care of hospice patients; 26952

(b) A nursing home, residential care facility, or home for 26953
the aging as defined in section 3721.01 of the Revised Code; 26954

(c) A community alternative home as defined in section 26955
3724.01 of the Revised Code; 26956

(d) An alcohol and drug addiction program as defined in section 3793.01 of the Revised Code;	26957 26958
(e) A habilitation center as defined in section 5123.041 of the Revised Code;	26959 26960
(f) A residential facility for the mentally ill licensed by the department of mental health under section 5119.22 of the Revised Code;	26961 26962 26963
(g) A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code;	26964 26965
(h) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of mental retardation and developmental disabilities;	26966 26967 26968
(i) Any residence, institution, hotel, congregate housing project, or similar facility that provides personal care services to fewer than three residents or that provides, for any number of residents, only housing, housekeeping, laundry, meal preparation, social or recreational activities, maintenance, security, transportation, and similar services that are not personal care services or skilled nursing care;	26969 26970 26971 26972 26973 26974 26975
(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;	26976 26977 26978 26979
(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;	26980 26981 26982
(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;	26983 26984 26985 26986

(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.

(10) "Residents' rights advocate" means:

(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;

(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 and complaints concerning their care and treatment, and assisting them in securing adequate services.

(11) "Sponsor" means an adult relative, friend, or guardian of a resident of an adult care facility who has an interest in or responsibility for the resident's welfare.

(12) "Ombudsperson" means a "representative of the office of the state long-term care ombudsperson program" as defined in section 173.14 of the Revised Code.

(13) "Mental health agency" means a community mental health agency, as defined in section 5119.22 of the Revised Code, under contract with a board of alcohol, drug addiction, and mental health services pursuant to division (A)~~(6)~~(8)(a) of section 340.03 of the Revised Code.

(B) For purposes of this chapter, personal care services or 27018
skilled nursing care shall be considered to be provided by a 27019
facility if they are provided by a person employed by or 27020
associated with the facility or by another person pursuant to an 27021
agreement to which neither the resident who receives the services 27022
nor the resident's sponsor is a party. 27023

(C) Nothing in division (A)(6) of this section shall be 27024
construed to permit personal care services to be imposed upon a 27025
resident who is capable of performing the activity in question 27026
without assistance. 27027

Sec. 3722.15. (A) The following may enter an adult care 27028
facility at any time: 27029

(1) Employees designated by the director of health; 27030

(2) Employees designated by the director of aging; 27031

(3) Employees designated by the attorney general; 27032

(4) Employees designated by a county department of job and 27033
family services to implement sections 5101.60 to 5101.71 of the 27034
Revised Code; 27035

(5) Persons employed pursuant to division (M) of section 27036
173.01 of the Revised Code in the long-term care facilities 27037
ombudsperson program; 27038

(6) Employees of the department of mental health designated 27039
by the director of mental health; 27040

(7) Employees of a mental health agency, if the agency has a 27041
client residing in the facility; 27042

(8) Employees of a board of alcohol, drug addiction, and 27043
mental health services, when authorized by section 340.05 of the 27044
Revised Code or if an individual receiving mental health services 27045
provided by the board pursuant to division (A)~~(6)~~(8)(b) of section 27046

340.03 of the Revised Code or a mental health agency under 27047
contract with the board resides in the facility. 27048

These employees shall be afforded access to all records of 27049
the facility, including records pertaining to residents, and may 27050
copy the records. Neither these employees nor the director of 27051
health shall release, without consent, any information obtained 27052
from the records of an adult care facility that reasonably would 27053
tend to identify a specific resident of the facility, except as 27054
ordered by a court of competent jurisdiction. 27055

(B) The following persons may enter any adult care facility 27056
during reasonable hours: 27057

(1) A resident's sponsor; 27058

(2) Residents' rights advocates; 27059

(3) A resident's attorney; 27060

(4) A minister, priest, rabbi, or other person ministering to 27061
a resident's religious needs; 27062

(5) A physician or other person providing health care 27063
services to a resident; 27064

(6) Employees authorized by county departments of job and 27065
family services and local boards of health or health departments 27066
to enter adult care facilities; 27067

(7) A prospective resident and prospective resident's 27068
sponsor. 27069

(C) The manager of an adult care facility may require a 27070
person seeking to enter the facility to present identification 27071
sufficient to identify the person as an authorized person under 27072
this section. 27073

Sec. 3722.16. (A) No person shall: 27074

(1) Operate an adult care facility unless the facility is 27075

validly licensed by the director of health under section 3722.04	27076
of the Revised Code;	27077
(2) Admit to an adult care facility more residents than the	27078
number authorized in the facility's license;	27079
(3) Admit a resident to an adult care facility after the	27080
director has issued an order pursuant to section 3722.07 of the	27081
Revised Code suspending admissions to the facility. Violation of	27082
division (A)(3) of this section is cause for revocation of the	27083
facility's license.	27084
(4) Interfere with any authorized inspection of an adult care	27085
facility conducted pursuant to section 3722.02 or 3722.04 of the	27086
Revised Code;	27087
(5) Violate any of the provisions of this chapter or any of	27088
the rules adopted pursuant to it.	27089
(B) No adult care facility shall provide, or admit or retain	27090
any resident in need of, skilled nursing care unless all of the	27091
following are the case:	27092
(1) The care will be provided on a part-time, intermittent	27093
basis for not more than a total of one hundred twenty days in any	27094
twelve-month period by one or more of the following:	27095
(a) A home health agency certified under Title XVIII of the	27096
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as	27097
amended:	27098
(b) A hospice care program licensed under Chapter 3712. of	27099
the Revised Code;	27100
(c) A nursing home licensed under Chapter 3721. of the	27101
Revised Code and owned and operated by the same person and located	27102
on the same site as the adult care facility;	27103
(d) A mental health agency or, pursuant to division	27104
(A) (6) (8)(b) of section 340.03 of the Revised Code, a board of	27105

alcohol, drug addiction, and mental health services.	27106
(2) The staff of the home health agency, hospice care program, nursing home, mental health agency, or board of alcohol, drug addiction, and mental health services does not train facility staff to provide the skilled nursing care;	27107 27108 27109 27110
(3) The individual to whom the skilled nursing care is provided is suffering from a short-term illness;	27111 27112
(4) If the skilled nursing care is to be provided by the nursing staff of a nursing home, all of the following are the case:	27113 27114 27115
(a) The adult care facility evaluates the individual receiving the skilled nursing care at least once every seven days to determine whether the individual should be transferred to a nursing home;	27116 27117 27118 27119
(b) The adult care facility meets at all times staffing requirements established by rules adopted under section 3722.10 of the Revised Code;	27120 27121 27122
(c) The nursing home does not include the cost of providing skilled nursing care to the adult care facility residents in a cost report filed under section 5111.26 of the Revised Code;	27123 27124 27125
(d) The nursing home meets at all times the nursing home licensure staffing ratios established by rules adopted under section 3721.04 of the Revised Code;	27126 27127 27128
(e) The nursing home staff providing skilled nursing care to adult care facility residents are registered nurses or licensed practical nurses licensed under Chapter 4723. of the Revised Code and meet the personnel qualifications for nursing home staff established by rules adopted under section 3721.04 of the Revised Code;	27129 27130 27131 27132 27133 27134
(f) The skilled nursing care is provided in accordance with	27135

rules established for nursing homes under section 3721.04 of the Revised Code; 27136
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(g) The nursing home meets the skilled nursing care needs of the adult care facility residents; 27138
27139

(h) Using the nursing home's nursing staff does not prevent the nursing home or adult care facility from meeting the needs of the nursing home and adult care facility residents in a quality and timely manner. 27140
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Notwithstanding section 3721.01 of the Revised Code, an adult care facility in which residents receive skilled nursing care as described in division (B) of this section is not a nursing home. No adult care facility shall provide skilled nursing care. 27144
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(C) A home health agency or hospice care program that provides skilled nursing care pursuant to division (B) of this section may not be associated with the adult care facility unless the facility is part of a home for the aged as defined in section 5701.13 of the Revised Code or the adult care facility is owned and operated by the same person and located on the same site as a nursing home licensed under Chapter 3721. of the Revised Code that is associated with the home health agency or hospice care program. In addition, the following requirements shall be met: 27148
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(1) The adult care facility shall evaluate the individual receiving the skilled nursing care not less than once every seven days to determine whether the individual should be transferred to a nursing home; 27157
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(2) If the costs of providing the skilled nursing care are included in a cost report filed pursuant to section 5111.26 of the Revised Code by the nursing home that is part of the same home for the aged, the home health agency or hospice care program shall not seek reimbursement for the care under the medical assistance program established under Chapter 5111. of the Revised Code. 27161
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(D)(1) No person knowingly shall place or recommend placement 27167
of any person in an adult care facility that is operating without 27168
a license. 27169

(2) No employee of a unit of local or state government, board 27170
of alcohol, drug addiction, and mental health services, mental 27171
health agency, or PASSPORT administrative agency shall place or 27172
recommend placement of any person in an adult care facility if the 27173
employee knows that the facility cannot meet the needs of the 27174
potential resident. 27175

(3) No person who has reason to believe that an adult care 27176
facility is operating without a license shall fail to report this 27177
information to the director of health. 27178

(E) In accordance with Chapter 119. of the Revised Code, the 27179
public health council shall adopt rules that define a short-term 27180
illness for purposes of division (B)(3) of this section and 27181
specify, consistent with rules pertaining to home health care 27182
adopted by the director of job and family services under the 27183
medical assistance program established under Chapter 5111. of the 27184
Revised Code and Title XIX of the "Social Security Act," 49 Stat. 27185
620 (1935), 42 U.S.C. 301, as amended, what constitutes a 27186
part-time, intermittent basis for purposes of division (B)(1) of 27187
this section. 27188

Sec. 3734.28. All moneys collected under sections 3734.122, 27189
3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the Revised 27190
Code and natural resource damages collected by the state under the 27191
"Comprehensive Environmental Response, Compensation, and Liability 27192
Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as amended, shall 27193
be paid into the state treasury to the credit of the hazardous 27194
waste clean-up fund, which is hereby created. The environmental 27195
protection agency shall use the moneys in the fund for the 27196
purposes set forth in division (D) of section 3734.122, sections 27197

3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 3734.26, and 3734.27, 27198
and, through June 30, ~~2001~~ 2003, divisions (A)(1) and (2) of 27199
section 3745.12 and Chapter 3746. of the Revised Code ~~and for,~~ 27200
including any related enforcement expenses. In addition, the 27201
agency shall use the moneys in the fund to pay the state's 27202
long-term operation and maintenance costs or matching share for 27203
actions taken under the "Comprehensive Environmental Response, 27204
Compensation, and Liability Act of 1980," as amended. If those 27205
moneys are reimbursed by grants or other moneys from the United 27206
States or any other person, the moneys shall be placed in the fund 27207
and not in the general revenue fund. 27208

Sec. 3734.57. (A) For the purposes of paying the state's 27209
long-term operation costs or matching share for actions taken 27210
under the "Comprehensive Environmental Response, Compensation, and 27211
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 27212
amended; paying the costs of measures for proper clean-up of sites 27213
where polychlorinated biphenyls and substances, equipment, and 27214
devices containing or contaminated with polychlorinated biphenyls 27215
have been stored or disposed of; paying the costs of conducting 27216
surveys or investigations of solid waste facilities or other 27217
locations where it is believed that significant quantities of 27218
hazardous waste were disposed of and for conducting enforcement 27219
actions arising from the findings of such surveys or 27220
investigations; paying the costs of acquiring and cleaning up, or 27221
providing financial assistance for cleaning up, any hazardous 27222
waste facility or solid waste facility containing significant 27223
quantities of hazardous waste, that constitutes an imminent and 27224
substantial threat to public health or safety or the environment; 27225
and, from July 1, ~~1999~~ 2001, through June 30, ~~2001~~ 2004, for the 27226
purposes of paying the costs of administering and enforcing the 27227
laws pertaining to solid wastes, infectious wastes, and 27228
construction and demolition debris, including, without limitation, 27229

ground water evaluations related to solid wastes, infectious 27230
wastes, and construction and demolition debris, under this chapter 27231
and Chapter 3714. of the Revised Code and any rules adopted under 27232
them, and paying a share of the administrative costs of the 27233
environmental protection agency pursuant to section 3745.014 of 27234
the Revised Code, the following fees are hereby levied on the 27235
disposal of solid wastes in this state: 27236

(1) One dollar per ton on and after July 1, 1993; 27237

(2) An additional seventy-five cents per ton on and after 27238
July 1, ~~1999~~ 2001, through June 30, ~~2001~~ 2004. 27239

The owner or operator of a solid waste disposal facility 27240
shall collect the fees levied under this division as a trustee for 27241
the state and shall prepare and file with the director of 27242
environmental protection monthly returns indicating the total 27243
tonnage of solid wastes received for disposal at the gate of the 27244
facility and the total amount of the fees collected under this 27245
division. Not later than thirty days after the last day of the 27246
month to which such a return applies, the owner or operator shall 27247
mail to the director the return for that month together with the 27248
fees collected during that month as indicated on the return. The 27249
owner or operator may request an extension of not more than thirty 27250
days for filing the return and remitting the fees, provided that 27251
the owner or operator has submitted such a request in writing to 27252
the director together with a detailed description of why the 27253
extension is requested, the director has received the request not 27254
later than the day on which the return is required to be filed, 27255
and the director has approved the request. If the fees are not 27256
remitted within sixty days after the last day of the month during 27257
which they were collected, the owner or operator shall pay an 27258
additional fifty per cent of the amount of the fees for each month 27259
that they are late. 27260

One-half of the moneys remitted to the director under 27261

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 27294
provisions of this chapter and rules adopted and orders and terms 27295
and conditions of permits issued under those provisions; providing 27296
financial assistance to the county to defray the added costs of 27297
maintaining roads and other public facilities and of providing 27298
emergency and other public services resulting from the location 27299
and operation of a solid waste facility within the county under 27300
the district's approved solid waste management plan; paying the 27301
costs incurred by boards of health for collecting and analyzing 27302
water samples from public or private wells on lands adjacent to 27303
solid waste facilities that are contained in the approved or 27304
amended plan of the district; paying the costs of developing and 27305
implementing a program for the inspection of solid wastes 27306
generated outside the boundaries of this state that are disposed 27307
of at solid waste facilities included in the district's approved 27308
solid waste management plan or amended plan; providing financial 27309
assistance to boards of health within the district for enforcing 27310
laws prohibiting open dumping; providing financial assistance to 27311
local law enforcement agencies within the district for enforcing 27312
laws and ordinances prohibiting littering; providing financial 27313
assistance to boards of health of health districts within the 27314
district that are on the approved list under section 3734.08 of 27315
the Revised Code for the training and certification required for 27316
their employees responsible for solid waste enforcement by rules 27317
adopted under division (L) of section 3734.02 of the Revised Code; 27318
providing financial assistance to individual municipal 27319
corporations and townships within the district to defray their 27320
added costs of maintaining roads and other public facilities and 27321
of providing emergency and other public services resulting from 27322
the location and operation within their boundaries of a 27323
composting, energy or resource recovery, incineration, or 27324
recycling facility that either is owned by the district or is 27325
furnishing solid waste management facility or recycling services 27326

to the district pursuant to a contract or agreement with the board 27327
of county commissioners or directors of the district; and payment 27328
of any expenses that are agreed to, awarded, or ordered to be paid 27329
under section 3734.35 of the Revised Code and of any 27330
administrative costs incurred pursuant to that section, the solid 27331
waste management policy committee of a county or joint solid waste 27332
management district may levy fees upon the following activities: 27333

(1) The disposal at a solid waste disposal facility located 27334
in the district of solid wastes generated within the district; 27335

(2) The disposal at a solid waste disposal facility within 27336
the district of solid wastes generated outside the boundaries of 27337
the district, but inside this state; 27338

(3) The disposal at a solid waste disposal facility within 27339
the district of solid wastes generated outside the boundaries of 27340
this state. 27341

If any such fees are levied prior to January 1, 1994, fees 27342
levied under division (B)(1) of this section always shall be equal 27343
to one-half of the fees levied under division (B)(2) of this 27344
section, and fees levied under division (B)(3) of this section, 27345
which shall be in addition to fees levied under division (B)(2) of 27346
this section, always shall be equal to fees levied under division 27347
(B)(1) of this section, except as otherwise provided in this 27348
division. The solid waste management plan of the county or joint 27349
district approved under section 3734.521 or 3734.55 of the Revised 27350
Code and any amendments to it, or the resolution adopted under 27351
this division, as appropriate, shall establish the rates of the 27352
fees levied under divisions (B)(1), (2), and (3) of this section, 27353
if any, and shall specify whether the fees are levied on the basis 27354
of tons or cubic yards as the unit of measurement. Although the 27355
fees under divisions (A)(1) and (2) of this section are levied on 27356
the basis of tons as the unit of measurement, the solid waste 27357
management plan of the district and any amendments to it or the 27358

solid waste management policy committee in its resolution levying 27359
fees under this division may direct that the fees levied under 27360
those divisions be levied on the basis of cubic yards as the unit 27361
of measurement based upon a conversion factor of three cubic yards 27362
per ton generally or one cubic yard per ton for baled wastes if 27363
the fees under divisions (B)(1) to (3) of this section are being 27364
levied on the basis of cubic yards as the unit of measurement 27365
under the plan, amended plan, or resolution. 27366

On and after January 1, 1994, the fee levied under division 27367
(B)(1) of this section shall be not less than one dollar per ton 27368
nor more than two dollars per ton, the fee levied under division 27369
(B)(2) of this section shall be not less than two dollars per ton 27370
nor more than four dollars per ton, and the fee levied under 27371
division (B)(3) of this section shall be not more than the fee 27372
levied under division (B)(1) of this section, except as otherwise 27373
provided in this division and notwithstanding any schedule of 27374
those fees established in the solid waste management plan of a 27375
county or joint district approved under section 3734.55 of the 27376
Revised Code or a resolution adopted and ratified under this 27377
division that is in effect on that date. If the fee that a 27378
district is levying under division (B)(1) of this section on that 27379
date under its approved plan or such a resolution is less than one 27380
dollar per ton, the fee shall be one dollar per ton on and after 27381
January 1, 1994, and if the fee that a district is so levying 27382
under that division exceeds two dollars per ton, the fee shall be 27383
two dollars per ton on and after that date. If the fee that a 27384
district is so levying under division (B)(2) of this section is 27385
less than two dollars per ton, the fee shall be two dollars per 27386
ton on and after that date, and if the fee that the district is so 27387
levying under that division exceeds four dollars per ton, the fee 27388
shall be four dollars per ton on and after that date. On that 27389
date, the fee levied by a district under division (B)(3) of this 27390

section shall be equal to the fee levied under division (B)(1) of 27391
this section. Except as otherwise provided in this division, the 27392
fees established by the operation of this amendment shall remain 27393
in effect until the district's resolution levying fees under this 27394
division is amended or repealed in accordance with this division 27395
to amend or abolish the schedule of fees, the schedule of fees is 27396
amended or abolished in an amended plan of the district approved 27397
under section 3734.521 or division (A) or (D) of section 3734.56 27398
of the Revised Code, or the schedule of fees is amended or 27399
abolished through an amendment to the district's plan under 27400
division (E) of section 3734.56 of the Revised Code; the 27401
notification of the amendment or abolishment of the fees has been 27402
given in accordance with this division; and collection of the 27403
amended fees so established commences, or collection of the fees 27404
ceases, in accordance with this division. 27405

The solid waste management policy committee of a district 27406
levying fees under divisions (B)(1) to (3) of this section on 27407
October 29, 1993, under its solid waste management plan approved 27408
under section 3734.55 of the Revised Code or a resolution adopted 27409
and ratified under this division that are within the ranges of 27410
rates prescribed by this amendment, by adoption of a resolution 27411
not later than December 1, 1993, and without the necessity for 27412
ratification of the resolution under this division, may amend 27413
those fees within the prescribed ranges, provided that the 27414
estimated revenues from the amended fees will not substantially 27415
exceed the estimated revenues set forth in the district's budget 27416
for calendar year 1994. Not later than seven days after the 27417
adoption of such a resolution, the committee shall notify by 27418
certified mail the owner or operator of each solid waste disposal 27419
facility that is required to collect the fees of the adoption of 27420
the resolution and of the amount of the amended fees. Collection 27421
of the amended fees shall take effect on the first day of the 27422

first month following the month in which the notification is sent 27423
to the owner or operator. The fees established in such a 27424
resolution shall remain in effect until the district's resolution 27425
levying fees that was adopted and ratified under this division is 27426
amended or repealed, and the amendment or repeal of the resolution 27427
is ratified, in accordance with this division, to amend or abolish 27428
the fees, the schedule of fees is amended or abolished in an 27429
amended plan of the district approved under section 3734.521 or 27430
division (A) or (D) of section 3734.56 of the Revised Code, or the 27431
schedule of fees is amended or abolished through an amendment to 27432
the district's plan under division (E) of section 3734.56 of the 27433
Revised Code; the notification of the amendment or abolishment of 27434
the fees has been given in accordance with this division; and 27435
collection of the amended fees so established commences, or 27436
collection of the fees ceases, in accordance with this division. 27437

Prior to the approval of the solid waste management plan of 27438
the district under section 3734.55 of the Revised Code, the solid 27439
waste management policy committee of a district may levy fees 27440
under this division by adopting a resolution establishing the 27441
proposed amount of the fees. Upon adopting the resolution, the 27442
committee shall deliver a copy of the resolution to the board of 27443
county commissioners of each county forming the district and to 27444
the legislative authority of each municipal corporation and 27445
township under the jurisdiction of the district and shall prepare 27446
and publish the resolution and a notice of the time and location 27447
where a public hearing on the fees will be held. Upon adopting the 27448
resolution, the committee shall deliver written notice of the 27449
adoption of the resolution; of the amount of the proposed fees; 27450
and of the date, time, and location of the public hearing to the 27451
director and to the fifty industrial, commercial, or institutional 27452
generators of solid wastes within the district that generate the 27453
largest quantities of solid wastes, as determined by the 27454

committee, and to their local trade associations. The committee 27455
shall make good faith efforts to identify those generators within 27456
the district and their local trade associations, but the 27457
nonprovision of notice under this division to a particular 27458
generator or local trade association does not invalidate the 27459
proceedings under this division. The publication shall occur at 27460
least thirty days before the hearing. After the hearing, the 27461
committee may make such revisions to the proposed fees as it 27462
considers appropriate and thereafter, by resolution, shall adopt 27463
the revised fee schedule. Upon adopting the revised fee schedule, 27464
the committee shall deliver a copy of the resolution doing so to 27465
the board of county commissioners of each county forming the 27466
district and to the legislative authority of each municipal 27467
corporation and township under the jurisdiction of the district. 27468
Within sixty days after the delivery of a copy of the resolution 27469
adopting the proposed revised fees by the policy committee, each 27470
such board and legislative authority, by ordinance or resolution, 27471
shall approve or disapprove the revised fees and deliver a copy of 27472
the ordinance or resolution to the committee. If any such board or 27473
legislative authority fails to adopt and deliver to the policy 27474
committee an ordinance or resolution approving or disapproving the 27475
revised fees within sixty days after the policy committee 27476
delivered its resolution adopting the proposed revised fees, it 27477
shall be conclusively presumed that the board or legislative 27478
authority has approved the proposed revised fees. 27479

In the case of a county district or a joint district formed 27480
by two or three counties, the committee shall declare the proposed 27481
revised fees to be ratified as the fee schedule of the district 27482
upon determining that the board of county commissioners of each 27483
county forming the district has approved the proposed revised fees 27484
and that the legislative authorities of a combination of municipal 27485
corporations and townships with a combined population within the 27486

district comprising at least sixty per cent of the total 27487
population of the district have approved the proposed revised 27488
fees, provided that in the case of a county district, that 27489
combination shall include the municipal corporation having the 27490
largest population within the boundaries of the district, and 27491
provided further that in the case of a joint district formed by 27492
two or three counties, that combination shall include for each 27493
county forming the joint district the municipal corporation having 27494
the largest population within the boundaries of both the county in 27495
which the municipal corporation is located and the joint district. 27496
In the case of a joint district formed by four or more counties, 27497
the committee shall declare the proposed revised fees to be 27498
ratified as the fee schedule of the joint district upon 27499
determining that the boards of county commissioners of a majority 27500
of the counties forming the district have approved the proposed 27501
revised fees; that, in each of a majority of the counties forming 27502
the joint district, the proposed revised fees have been approved 27503
by the municipal corporation having the largest population within 27504
the county and the joint district; and that the legislative 27505
authorities of a combination of municipal corporations and 27506
townships with a combined population within the joint district 27507
comprising at least sixty per cent of the total population of the 27508
joint district have approved the proposed revised fees. 27509

For the purposes of this division, only the population of the 27510
unincorporated area of a township shall be considered. For the 27511
purpose of determining the largest municipal corporation within 27512
each county under this division, a municipal corporation that is 27513
located in more than one solid waste management district, but that 27514
is under the jurisdiction of one county or joint solid waste 27515
management district in accordance with division (A) of section 27516
3734.52 of the Revised Code shall be considered to be within the 27517
boundaries of the county in which a majority of the population of 27518

the municipal corporation resides. 27519

The committee may amend the schedule of fees levied pursuant 27520
to a resolution or amended resolution adopted and ratified under 27521
this division by adopting a resolution establishing the proposed 27522
amount of the amended fees. The committee may abolish the fees 27523
levied pursuant to such a resolution or amended resolution by 27524
adopting a resolution proposing to repeal them. Upon adopting such 27525
a resolution, the committee shall proceed to obtain ratification 27526
of the resolution in accordance with this division. 27527

Not later than fourteen days after declaring the fees or 27528
amended fees to be ratified under this division, the committee 27529
shall notify by certified mail the owner or operator of each solid 27530
waste disposal facility that is required to collect the fees of 27531
the ratification and the amount of the fees. Collection of any 27532
fees or amended fees ratified on or after March 24, 1992, shall 27533
commence on the first day of the second month following the month 27534
in which notification is sent to the owner or operator. 27535

Not later than fourteen days after declaring the repeal of 27536
the district's schedule of fees to be ratified under this 27537
division, the committee shall notify by certified mail the owner 27538
or operator of each facility that is collecting the fees of the 27539
repeal. Collection of the fees shall cease on the first day of the 27540
second month following the month in which notification is sent to 27541
the owner or operator. 27542

Not later than fourteen days after the director issues an 27543
order approving a district's solid waste management plan under 27544
section 3734.55 of the Revised Code or amended plan under division 27545
(A) or (D) of section 3734.56 of the Revised Code that establishes 27546
or amends a schedule of fees levied by the district, or the 27547
ratification of an amendment to the district's approved plan or 27548
amended plan under division (E) of section 3734.56 of the Revised 27549
Code that establishes or amends a schedule of fees, as 27550

appropriate, the committee shall notify by certified mail the
owner or operator of each solid waste disposal facility that is
required to collect the fees of the approval of the plan or
amended plan, or the amendment to the plan, as appropriate, and
the amount of the fees or amended 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 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
under divisions (B)(1) to (3) of this section by a district
resulting from the change, the committee, within fourteen days
after the change takes effect pursuant to division (G) of that
section, shall notify by certified mail the owner or operator of
each solid waste disposal facility that is required to collect the
fees that the change has taken effect and of the abolishment of
the fees. Collection of the fees shall cease on the first day of
the second month following the month in which notification is sent
to the owner or operator.

Except as otherwise provided in this division, if the
schedule of fees that a district is levying under divisions (B)(1)
to (3) of this section pursuant to a resolution or amended
resolution adopted and ratified under this division, the solid
waste management plan of the district approved under section
3734.55 of the Revised Code, an amended plan approved under
division (A) or (D) of section 3734.56 of the Revised Code, or an
amendment to the district's approved plan or amended plan under
division (E) of section 3734.56 of the Revised Code, is amended by
the adoption and ratification of an amendment to the resolution or
amended resolution or an amendment of the district's approved plan
or amended plan, the fees in effect immediately prior to the
approval of the plan or the amendment of the resolution, amended
resolution, plan, or amended plan, as appropriate, shall continue
to be collected until collection of the amended fees commences
pursuant to this division.

If, in the case of a change in district composition involving

the withdrawal of a county from a joint district, the director 27615
completes the actions required under division (G)(1) or (3) of 27616
section 3734.521 of the Revised Code, as appropriate, forty-five 27617
days or more before the beginning of a calendar year, the policy 27618
committee of each of the districts resulting from the change that 27619
obtained the director's approval of an initial or amended plan in 27620
connection with the change, within fourteen days after the 27621
director's completion of the required actions, shall notify by 27622
certified mail the owner or operator of each solid waste disposal 27623
facility that is required to collect the district's fees that the 27624
change is to take effect on the first day of January immediately 27625
following the issuance of the notice and of the amount of the fees 27626
or amended fees levied under divisions (B)(1) to (3) of this 27627
section pursuant to the district's initial or amended plan as so 27628
approved or, if appropriate, the abolishment of the district's 27629
fees by that initial or amended plan. Collection of any fees set 27630
forth in such a plan or amended plan shall commence on the first 27631
day of January immediately following the issuance of the notice. 27632
If such an initial or amended plan abolishes a schedule of fees, 27633
collection of the fees shall cease on that first day of January. 27634

If, in the case of a change in district composition involving 27635
the withdrawal of a county from a joint district, the director 27636
completes the actions required under division (G)(1) or (3) of 27637
section 3734.521 of the Revised Code, as appropriate, less than 27638
forty-five days before the beginning of a calendar year, the 27639
director, on behalf of each of the districts resulting from the 27640
change that obtained the director's approval of an initial or 27641
amended plan in connection with the change proceedings, shall 27642
notify by certified mail the owner or operator of each solid waste 27643
disposal facility that is required to collect the district's fees 27644
that the change is to take effect on the first day of January 27645
immediately following the mailing of the notice and of the amount 27646

of the fees or amended fees levied under divisions (B)(1) to (3) 27647
of this section pursuant to the district's initial or amended plan 27648
as so approved or, if appropriate, the abolishment of the 27649
district's fees by that initial or amended plan. Collection of any 27650
fees set forth in such a plan or amended plan shall commence on 27651
the first day of the second month following the month in which 27652
notification is sent to the owner or operator. If such an initial 27653
or amended plan abolishes a schedule of fees, collection of the 27654
fees shall cease on the first day of the second month following 27655
the month in which notification is sent to the owner or operator. 27656

In the case of a change in district composition, the schedule 27657
of fees that the former districts that existed prior to the change 27658
were levying under divisions (B)(1) to (3) of this section 27659
pursuant to a resolution or amended resolution adopted and 27660
ratified under this division, the solid waste management plan of a 27661
former district approved under section 3734.521 or 3734.55 of the 27662
Revised Code, an amended plan approved under section 3734.521 or 27663
division (A) or (D) of section 3734.56 of the Revised Code, or an 27664
amendment to a former district's approved plan or amended plan 27665
under division (E) of section 3734.56 of the Revised Code, and 27666
that were in effect on the date that the director completed the 27667
actions required under division (G)(1) or (3) of section 3734.521 27668
of the Revised Code shall continue to be collected until the 27669
collection of the fees or amended fees of the districts resulting 27670
from the change is required to commence, or if an initial or 27671
amended plan of a resulting district abolishes a schedule of fees, 27672
collection of the fees is required to cease, under this division. 27673
Moneys so received from the collection of the fees of the former 27674
districts shall be divided among the resulting districts in 27675
accordance with division (B) of section 343.012 of the Revised 27676
Code and the agreements entered into under division (B) of section 27677
343.01 of the Revised Code to establish the former and resulting 27678

districts and any amendments to those agreements. 27679

For the purposes of the provisions of division (B) of this 27680
section establishing the times when newly established or amended 27681
fees levied by a district are required to commence and the 27682
collection of fees that have been amended or abolished is required 27683
to cease, "fees" or "schedule of fees" includes, in addition to 27684
fees levied under divisions (B)(1) to (3) of this section, those 27685
levied under section 3734.573 or 3734.574 of the Revised Code. 27686

(C) For the purposes of defraying the added costs to a 27687
municipal corporation or township of maintaining roads and other 27688
public facilities and of providing emergency and other public 27689
services, and compensating a municipal corporation or township for 27690
reductions in real property tax revenues due to reductions in real 27691
property valuations resulting from the location and operation of a 27692
solid waste disposal facility within the municipal corporation or 27693
township, a municipal corporation or township in which such a 27694
solid waste disposal facility is located may levy a fee of not 27695
more than twenty-five cents per ton on the disposal of solid 27696
wastes at a solid waste disposal facility located within the 27697
boundaries of the municipal corporation or township regardless of 27698
where the wastes were generated. 27699

The legislative authority of a municipal corporation or 27700
township may levy fees under this division by enacting an 27701
ordinance or adopting a resolution establishing the amount of the 27702
fees. Upon so doing the legislative authority shall mail a 27703
certified copy of the ordinance or resolution to the board of 27704
county commissioners or directors of the county or joint solid 27705
waste management district in which the municipal corporation or 27706
township is located or, if a regional solid waste management 27707
authority has been formed under section 343.011 of the Revised 27708
Code, to the board of trustees of that regional authority, the 27709
owner or operator of each solid waste disposal facility in the 27710

municipal corporation or township that is required to collect the fee by the ordinance or resolution, and the director of environmental protection. Although the fees levied under this division are levied on the basis of tons as the unit of measurement, the legislative authority, in its ordinance or resolution levying the fees under this division, may direct that the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or adopting a resolution under this division, the legislative authority shall so notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied on or after March 24, 1992, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(b) Are disposed of at facilities that exclusively dispose of wastes that are generated from the combustion of coal, or from the combustion of primarily coal in combination with scrap tires, that is not combined in any way with garbage at one or more premises owned by the generator.

(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 27742
of solid waste facilities entered into under section 343.02 of the 27743
Revised Code by the board of county commissioners or board of 27744
directors of the county or joint district where the wastes are 27745
generated and disposed of. 27746

(3) When solid wastes, other than solid wastes that consist 27747
of scrap tires, are burned in a disposal facility that is an 27748
incinerator or energy recovery facility, the fees levied under 27749
divisions (A), (B), and (C) of this section shall be levied upon 27750
the disposal of the fly ash and bottom ash remaining after burning 27751
of the solid wastes and shall be collected by the owner or 27752
operator of the sanitary landfill where the ash is disposed of. 27753

(4) When solid wastes are delivered to a solid waste transfer 27754
facility, the fees levied under divisions (A), (B), and (C) of 27755
this section shall be levied upon the disposal of solid wastes 27756
transported off the premises of the transfer facility for disposal 27757
and shall be collected by the owner or operator of the solid waste 27758
disposal facility where the wastes are disposed of. 27759

(5) The fees levied under divisions (A), (B), and (C) of this 27760
section do not apply to sewage sludge that is generated by a waste 27761
water treatment facility holding a national pollutant discharge 27762
elimination system permit and that is disposed of through 27763
incineration, land application, or composting or at another 27764
resource recovery or disposal facility that is not a landfill. 27765
27766

(6) The fees levied under divisions (A), (B), and (C) of this 27767
section do not apply to solid wastes delivered to a solid waste 27768
composting facility for processing. When any unprocessed solid 27769
waste or compost product is transported off the premises of a 27770
composting facility and disposed of at a landfill, the fees levied 27771
under divisions (A), (B), and (C) of this section shall be 27772
collected by the owner or operator of the landfill where the 27773

unprocessed waste or compost product is disposed of. 27774

(7) When solid wastes that consist of scrap tires are 27775
processed at a scrap tire recovery facility, the fees levied under 27776
divisions (A), (B), and (C) of this section shall be levied upon 27777
the disposal of the fly ash and bottom ash or other solid wastes 27778
remaining after the processing of the scrap tires and shall be 27779
collected by the owner or operator of the solid waste disposal 27780
facility where the ash or other solid wastes are disposed of. 27781

(E) The fees levied under divisions (B) and (C) of this 27782
section shall be collected by the owner or operator of the solid 27783
waste disposal facility where the wastes are disposed of as a 27784
trustee for the county or joint district and municipal corporation 27785
or township where the wastes are disposed of. Moneys from the fees 27786
levied under division (B) of this section shall be forwarded to 27787
the board of county commissioners or board of directors of the 27788
district in accordance with rules adopted under division (H) of 27789
this section. Moneys from the fees levied under division (C) of 27790
this section shall be forwarded to the treasurer or such other 27791
officer of the municipal corporation as, by virtue of the charter, 27792
has the duties of the treasurer or to the clerk of the township, 27793
as appropriate, in accordance with those rules. 27794

(F) Moneys received by the treasurer or such other officer of 27795
the municipal corporation under division (E) of this section shall 27796
be paid into the general fund of the municipal corporation. Moneys 27797
received by the clerk of the township under that division shall be 27798
paid into the general fund of the township. The treasurer or such 27799
other officer of the municipal corporation or the clerk, as 27800
appropriate, shall maintain separate records of the moneys 27801
received from the fees levied under division (C) of this section. 27802

(G) Moneys received by the board of county commissioners or 27803
board of directors under division (E) of this section or section 27804
27805

3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 27806
shall be paid to the county treasurer, or other official acting in 27807
a similar capacity under a county charter, in a county district or 27808
to the county treasurer or other official designated by the board 27809
of directors in a joint district and kept in a separate and 27810
distinct fund to the credit of the district. If a regional solid 27811
waste management authority has been formed under section 343.011 27812
of the Revised Code, moneys received by the board of trustees of 27813
that regional authority under division (E) of this section shall 27814
be kept by the board in a separate and distinct fund to the credit 27815
of the district. Moneys in the special fund of the county or joint 27816
district arising from the fees levied under division (B) of this 27817
section and the fee levied under division (A) of section 3734.573 27818
of the Revised Code shall be expended by the board of county 27819
commissioners or directors of the district in accordance with the 27820
district's solid waste management plan or amended plan approved 27821
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 27822
exclusively for the following purposes: 27823

(1) Preparation of the solid waste management plan of the 27824
district under section 3734.54 of the Revised Code, monitoring 27825
implementation of the plan, and conducting the periodic review and 27826
amendment of the plan required by section 3734.56 of the Revised 27827
Code by the solid waste management policy committee; 27828

(2) Implementation of the approved solid waste management 27829
plan or amended plan of the district, including, without 27830
limitation, the development and implementation of solid waste 27831
recycling or reduction programs; 27832

(3) Providing financial assistance to boards of health within 27833
the district, if solid waste facilities are located within the 27834
district, for enforcement of this chapter and rules, orders, and 27835
terms and conditions of permits, licenses, and variances adopted 27836
or issued under it, other than the hazardous waste provisions of 27837

this chapter and rules adopted and orders and terms and conditions	27838
of permits issued under those provisions;	27839
(4) Providing financial assistance to each county within the	27840
district to defray the added costs of maintaining roads and other	27841
public facilities and of providing emergency and other public	27842
services resulting from the location and operation of a solid	27843
waste facility within the county under the district's approved	27844
solid waste management plan or amended plan;	27845
(5) Pursuant to contracts entered into with boards of health	27846
within the district, if solid waste facilities contained in the	27847
district's approved plan or amended plan are located within the	27848
district, for paying the costs incurred by those boards of health	27849
for collecting and analyzing samples from public or private water	27850
wells on lands adjacent to those facilities;	27851
(6) Developing and implementing a program for the inspection	27852
of solid wastes generated outside the boundaries of this state	27853
that are disposed of at solid waste facilities included in the	27854
district's approved solid waste management plan or amended plan;	27855
(7) Providing financial assistance to boards of health within	27856
the district for the enforcement of section 3734.03 of the Revised	27857
Code or to local law enforcement agencies having jurisdiction	27858
within the district for enforcing anti-littering laws and	27859
ordinances;	27860
(8) Providing financial assistance to boards of health of	27861
health districts within the district that are on the approved list	27862
under section 3734.08 of the Revised Code to defray the costs to	27863
the health districts for the participation of their employees	27864
responsible for enforcement of the solid waste provisions of this	27865
chapter and rules adopted and orders and terms and conditions of	27866
permits, licenses, and variances issued under those provisions in	27867
the training and certification program as required by rules	27868

adopted under division (L) of section 3734.02 of the Revised Code; 27869

(9) Providing financial assistance to individual municipal 27870
corporations and townships within the district to defray their 27871
added costs of maintaining roads and other public facilities and 27872
of providing emergency and other public services resulting from 27873
the location and operation within their boundaries of a 27874
composting, energy or resource recovery, incineration, or 27875
recycling facility that either is owned by the district or is 27876
furnishing solid waste management facility or recycling services 27877
to the district pursuant to a contract or agreement with the board 27878
of county commissioners or directors of the district; 27879

(10) Payment of any expenses that are agreed to, awarded, or 27880
ordered to be paid under section 3734.35 of the Revised Code and 27881
of any administrative costs incurred pursuant to that section. In 27882
the case of a joint solid waste management district, if the board 27883
of county commissioners of one of the counties in the district is 27884
negotiating on behalf of affected communities, as defined in that 27885
section, in that county, the board shall obtain the approval of 27886
the board of directors of the district in order to expend moneys 27887
for administrative costs incurred. 27888

Prior to the approval of the district's solid waste 27889
management plan under section 3734.55 of the Revised Code, moneys 27890
in the special fund of the district arising from the fees shall be 27891
expended for those purposes in the manner prescribed by the solid 27892
waste management policy committee by resolution. 27893

Notwithstanding division (G)(6) of this section as it existed 27894
prior to October 29, 1993, or any provision in a district's solid 27895
waste management plan prepared in accordance with division 27896
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 27897
prior to that date, any moneys arising from the fees levied under 27898
division (B)(3) of this section prior to January 1, 1994, may be 27899
expended for any of the purposes authorized in divisions (G)(1) to 27900

(10) of this section. 27901

(H) The director shall adopt rules in accordance with Chapter 27902
119. of the Revised Code prescribing procedures for collecting and 27903
forwarding the fees levied under divisions (B) and (C) of this 27904
section to the boards of county commissioners or directors of 27905
county or joint solid waste management districts and to the 27906
treasurers or other officers of municipal corporations or to the 27907
clerks of townships. The rules also shall prescribe the dates for 27908
forwarding the fees to the boards and officials and may prescribe 27909
any other requirements the director considers necessary or 27910
appropriate to implement and administer divisions (A), (B), and 27911
(C) of this section. Collection of the fees levied under division 27912
(A)(1) of this section shall commence on July 1, 1993. Collection 27913
of the fees levied under division (A)(2) of this section shall 27914
commence on January 1, 1994. 27915

Sec. 3734.82. (A) The annual fee for a scrap tire recovery 27916
facility license issued under section 3734.81 of the Revised Code 27917
shall be in accordance with the following schedule: 27918

Daily Design	Annual	27919
Input Capacity	License	27920
(Tons)	Fee	27921
1 or less	\$ 100	27922
2 to 25	500	27923
26 to 50	1,000	27924
51 to 100	1,500	27925
101 to 200	2,500	27926
201 to 500	3,500	27927
501 or more	5,500	27928

For the purpose of determining the applicable license fee 27929
under this division, the daily design input capacity shall be the 27930
quantity of scrap tires the facility is designed to process daily 27931

as set forth in the registration certificate or permit for the facility, and any modifications to the permit, if applicable, issued under section 3734.78 of the Revised Code. 27932
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(B) The annual fee for a scrap tire monocell or monofill facility license shall be in accordance with the following schedule: 27935
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Authorized Maximum	Annual	
Daily Waste Receipt	License	
(Tons)	Fee	
100 or less	\$ 5,000	27938 27939 27940 27941
101 to 200	12,500	27942
201 to 500	30,000	27943
501 or more	60,000	27944

For the purpose of determining the applicable license fee under this division, the authorized maximum daily waste receipt shall be the maximum amount of scrap tires the facility is authorized to receive daily that is established in the permit for the facility, and any modification to that permit, issued under section 3734.77 of the Revised Code. 27945
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(C)(1) Except as otherwise provided in division (C)(2) of this section, the annual fee for a scrap tire storage facility license shall equal one thousand dollars times the number of acres on which scrap tires are to be stored at the facility during the license year, as set forth on the application for the annual license, except that the total annual license fee for any such facility shall not exceed three thousand dollars. 27951
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(2) The annual fee for a scrap tire storage facility license for a storage facility that is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code is one hundred dollars. 27958
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(D)(1) Except as otherwise provided in division (D)(2) of 27962

this section, the annual fee for a scrap tire collection facility license is two hundred dollars. 27963
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(2) The annual fee for a scrap tire collection facility license for a collection facility that is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code is fifty dollars. 27965
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(E) Except as otherwise provided in divisions (C)(2) and (D)(2) of this section, the same fees apply to private operators and to the state and its political subdivisions and shall be paid within thirty days after the issuance of a license. The fees include the cost of licensing, all inspections, and other costs associated with the administration of the scrap tire provisions of this chapter and rules adopted under them. Each license shall specify that it is conditioned upon payment of the applicable fee to the board of health or the director of environmental protection, as appropriate, within thirty days after the issuance of the license. 27969
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(F) The board of health shall retain fifteen thousand dollars of each license fee collected by the board under division (B) of this section, or the entire amount of any such fee that is less than fifteen thousand dollars, and the entire amount of each license fee collected by the board under divisions (A), (C), and (D) of this section. The moneys retained shall be paid into a special fund, which is hereby created in each health district, and used solely to administer and enforce the scrap tire provisions of this chapter and rules adopted under them. The remainder, if any, of each license fee collected by the board under division (B) of this section shall be transmitted to the director within forty-five days after receipt of the fee. 27980
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(G) The director shall transmit the moneys received by the director from license fees collected under division (B) of this section to the treasurer of state to be credited to the scrap tire 27992
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management fund, which is hereby created in the state treasury. 27995
The fund shall consist of all federal moneys received by the 27996
environmental protection agency for the scrap tire management 27997
program; all grants, gifts, and contributions made to the director 27998
for that program; and all other moneys that may be provided by law 27999
for that program. The director shall use moneys in the fund as 28000
follows: 28001

(1) Expend not more than seven hundred fifty thousand dollars 28002
during each fiscal year to implement, administer, and enforce the 28003
scrap tire provisions of this chapter and rules adopted under 28004
them; 28005

~~(2) For fiscal years 1998 and 1999, grant not more than one 28006
hundred fifty thousand dollars during each fiscal year to the 28007
polymer institute at the university of Akron for the purpose of 28008
expediting research concerning and evaluation of alternative 28009
methods of recycling scrap tires. The institute shall report to 28010
the director annually concerning research programs under review, 28011
and the results of scrap tire recycling experiments conducted, by 28012
or in conjunction with the institute. The university shall report 28013
to the director biennially concerning the expenditures of moneys 28014
received by the institute under division (G)(2) of this section. 28015~~

~~(3) During each fiscal year, request the director of budget 28016
and management to, and the director of budget and management 28017
shall, transfer one million dollars to the scrap tire loans and 28018
grants grant fund created in section ~~166.032~~ 1502.12 of the 28019
Revised Code for the purposes specified in that section; 28020~~

~~(4) Annually transfer to the central support indirect fund 28021
created in section 3745.014 of the Revised Code an amount equal to 28022
not more than twelve per cent of each fiscal year's appropriation 28023
to the scrap tire management fund. 28024~~

~~(H)(1) If, during a fiscal year, more than three million five 28025~~

~~hundred thousand dollars are credited to the scrap tire management fund, the director, at the conclusion of the fiscal year, shall request the director of budget and management to, and the director of budget and management shall, transfer to the scrap tire loans and grants fund one-half of the moneys credited to the scrap tire management fund in excess of that amount.~~

~~(2) In each fiscal year, if more than three million five hundred thousand dollars are credited to the scrap tire management fund during the preceding fiscal year, the director shall expend during the current fiscal year one-half of that excess amount to conduct removal operations under section 3734.85 of the Revised Code.~~

(3) Expend not more than three million dollars per year during fiscal years 2002 and 2003 to conduct removal actions under section 3734.85 of the Revised Code and to make grants to boards of health under section 3734.042 of the Revised Code. However, more than three million dollars may be expended in fiscal years 2002 and 2003 for the purposes of division (G)(3) of this section if more moneys are collected from the fee levied under division (A)(2) of section 3734.901 of the Revised Code. During each subsequent fiscal year the director shall expend not more than four million five hundred thousand dollars to conduct removal actions under section 3734.85 of the Revised Code and to make grants to boards of health under section 3734.042 of the Revised Code. However, more than four million five hundred thousand dollars may be expended in a fiscal year for the purposes of division (G)(3) of this section if more moneys are collected from the fee levied under division (A)(2) of section 3734.901 of the Revised Code. The director shall request the approval of the controlling board prior to the use of the moneys to conduct removal actions under section 3734.85 of the Revised Code. The request shall be accompanied by a plan describing the removal

actions to be conducted during the fiscal year and an estimate of 28058
the costs of conducting them. The controlling board shall approve 28059
the plan only if it finds that the proposed removal actions are in 28060
accordance with the priorities set forth in division (B) of 28061
section 3734.85 of the Revised Code and that the costs of 28062
conducting them are reasonable. Controlling board approval is not 28063
required for grants made to boards of health under section 28064
3734.042 of the Revised Code. 28065

(H) If, during a fiscal year, more than seven million dollars 28066
are credited to the scrap tire management fund, the director, at 28067
the conclusion of the fiscal year, shall request the director of 28068
budget and management to, and the director of budget and 28069
management shall, transfer one-half of those excess moneys to the 28070
scrap tire grant fund. The director shall expend the remaining 28071
excess moneys in the scrap tire management fund to conduct removal 28072
actions under section 3734.85 of the Revised Code in accordance 28073
with the procedures established under division (I) of this 28074
section. 28075

(I) After the actions in divisions (G)(1) to ~~(4)~~(3) and (H) 28076
of this section are completed during each prior fiscal year, the 28077
director may expend up to the balance remaining from prior fiscal 28078
years in the scrap tire management fund to conduct removal actions 28079
under section 3734.85 of the Revised Code. Prior to using any 28080
moneys in the fund for that purpose in a fiscal year, the director 28081
shall request the approval of the controlling board for that use 28082
of the moneys. The request shall be accompanied by a plan 28083
describing the removal actions to be conducted during the fiscal 28084
year and an estimate of the costs of conducting them. The 28085
controlling board shall approve the plan only if the board finds 28086
that the proposed removal actions are in accordance with the 28087
priorities set forth in division (B) of section 3734.85 of the 28088
Revised Code and that the costs of conducting them are reasonable. 28089

Sec. 3734.821. Beginning on the effective date of this section and ending on June 30, 2011, at least sixty-five per cent of the moneys collected under division (A)(2) of section 3734.901 of the Revised Code and deposited in the state treasury to the credit of the scrap tire management fund created in section 3734.82 of the Revised Code shall be expended for clean-up and removal activities at the Kirby tire site in Wyandot county.

Sec. 3734.901. (A)(1) For the purpose of providing revenue to defray the cost of administering and enforcing the scrap tire provisions of this chapter, rules adopted under those provisions, and terms and conditions of orders, variances, and licenses issued under those provisions; to abate accumulations of scrap tires; to make grants to promote research regarding alternative methods of recycling scrap tires and loans to promote the recycling or recovery of energy from scrap tires; and to defray the costs of administering and enforcing sections 3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents per tire is hereby levied on the sale of tires. The fee is levied from the first day of the calendar month that begins next after thirty days from October 29, 1993, through June 30, 2006.

(2) Beginning on the effective date of this section and ending on June 30, 2011, there is hereby levied an additional fee of fifty cents per tire on the sale of tires the proceeds of which shall be deposited in the scrap tire management fund created in section 3734.82 of the Revised Code and be used exclusively for the purposes specified in division (G)(3) of that section.

(B) Only one sale of the same article shall be used in computing the amount of the fee due.

Sec. 3734.904. (A) By the twentieth day of each month, each person required to pay the fee imposed by section 3734.901 of the

Revised Code shall file with the ~~treasurer of state tax~~ 28120
~~commissioner~~ a return as prescribed by the tax commissioner and 28121
shall make payment of the full amount of the fee due for the 28122
preceding month after deduction of any discount provided for under 28123
division (E) of this section. The return shall be signed by the 28124
person required to file it, or an authorized employee, officer, or 28125
agent. ~~The treasurer shall mark on the return the date it was~~ 28126
~~received and indicate payment or nonpayment of the fee shown to be~~ 28127
~~due on the return. The treasurer immediately shall transmit all~~ 28128
~~returns to the tax commissioner.~~ The return shall be deemed filed 28129
when received by the ~~treasurer of state tax~~ commissioner. 28130

(B) Any person required by this section to file a return who 28131
fails to file such a return within the period prescribed may be 28132
required to pay an additional charge of fifty dollars or ten per 28133
cent of the fee required to be paid for the reporting period, 28134
whichever is greater. The commissioner may collect the additional 28135
charge by assessment pursuant to section 3734.907 of the Revised 28136
Code. The commissioner may remit all or a portion of the 28137
additional charge and may adopt rules relating thereto. 28138

(C) If any fee due is not paid timely in accordance with this 28139
section, the person liable for the fee shall pay interest, 28140
calculated at the rate per annum as prescribed by section 5703.47 28141
of the Revised Code, from the date the fee payment was due to the 28142
date of payment or to the date an assessment is issued, whichever 28143
occurs first. Interest shall be paid in the same manner as the 28144
fee, and the commissioner may collect the interest by assessment 28145
pursuant to section 3734.907 of the Revised Code. 28146

(D) If, in the estimation of the tax commissioner, the 28147
average liability of the person liable for the fee is such as not 28148
to merit monthly filing, the commissioner may authorize the person 28149
to file and pay at less frequent intervals. Returns are due by the 28150
twentieth day of the month following the close of the applicable 28151

reporting period authorized under this division. 28152

(E) If a return is filed and the amount of the fee shown to 28153
be due on the return is paid on or before the date that the return 28154
is required to be filed under division (A) of this section or 28155
pursuant to division (D) of this section, whichever is applicable, 28156
the person liable for the fee is entitled to a discount of four 28157
per cent of the amount shown to be due on the return. 28158

(F) All money collected by the tax commissioner under this 28159
section shall be paid to the treasurer of state as revenue arising 28160
from the fee imposed by section 3734.901 of the Revised Code. 28161

Sec. 3735.27. (A) Whenever the director of development has 28162
determined that there is need for a housing authority in any 28163
portion of any county that comprises two or more political 28164
subdivisions or portions thereof but is less than all the 28165
territory within the county, a metropolitan housing authority 28166
shall be declared to exist and the territorial limits thereof 28167
shall be defined by a letter from the director. The director shall 28168
issue a determination from the department of development declaring 28169
that there is need for a housing authority within such territorial 28170
limits ~~if he finds~~ after finding either: 28171

(1) Unsanitary or unsafe inhabited housing accommodations 28172
exist in such area; 28173

(2) There is a shortage of safe and sanitary housing 28174
accommodations in such area available to persons who lack the 28175
amount of income which is necessary, as determined by the 28176
director, to enable them, without financial assistance, to live in 28177
decent, safe, and sanitary dwellings without congestion. 28178

In determining whether dwelling accommodations are unsafe or 28179
unsanitary the director may take into consideration the degree of 28180
congestion, the percentage of land coverage, the light, air, 28181

space, and access available to the inhabitants of such dwelling 28182
accommodations, the size and arrangement of the rooms, the 28183
sanitary facilities, and the extent to which conditions exist in 28184
such buildings which endanger life or property by fire or other 28185
causes. 28186

The territorial limits of a housing authority, defined by the 28187
director, shall be fixed for such authority upon proof of a letter 28188
from the director declaring the need for such authority to 28189
function in those territorial limits. Any such letter from the 28190
director, any certificate of determination issued by the director, 28191
and any certificate of appointment of members of the authority 28192
shall be admissible in evidence in any suit, action, or 28193
proceeding. 28194

A certified copy of the letter from the director, declaring 28195
the existence and boundaries of a housing authority district, 28196
shall be immediately forwarded to each appointing authority. A 28197
housing authority shall consist of five members, who shall be 28198
residents of the territory embraced in such metropolitan housing 28199
authority district. 28200

(B) Except as otherwise provided in division (C) of this 28201
section, one member shall be appointed by the probate court, one 28202
member by the court of common pleas, one member by the board of 28203
county commissioners, and two members by the chief executive 28204
officer of the most populous city in the territory included in the 28205
district, in accordance with the last preceding federal census. At 28206
the time of the initial appointment of the authority, the member 28207
appointed by the probate court shall be appointed for a period of 28208
four years, the appointee of the court of common pleas for three 28209
years, the appointee of the board of county commissioners for two 28210
years, one appointee of the chief executive officer for one year 28211
and one appointee of the chief executive officer for five years. 28212
Thereafter, all members of the authority shall be appointed for 28213

five-year terms and vacancies due to expired terms shall be filled 28214
by the same appointing powers. 28215

(C) For any metropolitan housing authority district that 28216
~~contains~~ contained, as of the 1990 federal census, a population of 28217
at least one million, two members of the authority shall be 28218
appointed by the municipal legislative authority of the most 28219
populous city in the territory included in the district, two 28220
members by the chief executive officer of the most populous city 28221
in the territory included in the district, and one member by the 28222
chief executive officer, with the approval of the municipal 28223
legislative authority, of the city in the district which has the 28224
second highest number of housing units owned or managed by the 28225
authority. 28226

At the time of the initial appointment of the authority, one 28227
member appointed by the municipal legislative authority of the 28228
most populous city in the territory included in the district shall 28229
be appointed for three years, and one for one year; the appointee 28230
of the chief executive officer of the city with the second highest 28231
number of housing units owned or managed by the authority shall be 28232
appointed, with the approval of the municipal legislative 28233
authority, for three years; one appointee of the chief executive 28234
officer of the most populous city in the district shall be 28235
appointed for three years, and one for one year. Thereafter, all 28236
members of the authority shall be appointed for three-year terms, 28237
and any vacancy shall be filled by the same appointing power that 28238
made the initial appointment. At the expiration of the term of any 28239
member appointed by the chief executive officer of the most 28240
populous city in the territory included in the district prior to 28241
March 15, 1983, the chief executive officer of the most populous 28242
city in the district shall fill the vacancy by appointment for a 28243
three-year term. At the expiration of the term of any member 28244
appointed by the board of county commissioners prior to March 15, 28245

1983, the chief executive officer of the city in the district with 28246
the second highest number of housing units owned or managed by the 28247
authority shall, with the approval of the municipal legislative 28248
authority, fill the vacancy by appointment for a three-year term. 28249
At the expiration of the term of any member appointed prior to 28250
March 15, 1983 by the court of common pleas or the probate court, 28251
the legislative authority of the most populous city in the 28252
territory included in the district shall fill the vacancy by 28253
appointment for a three-year term. 28254

After March 15, 1983, at least one of the members appointed 28255
by the chief executive officer of the most populous city shall be 28256
a resident of a dwelling unit owned or managed by the housing 28257
authority. At least one of the initial appointments by the chief 28258
executive officer of the most populous city, after March 15, 1983, 28259
shall be a resident of a dwelling unit owned or managed by the 28260
housing authority. Thereafter, any member appointed by the chief 28261
executive officer for the term established by this initial 28262
appointment, or for any succeeding term thereof, shall be a person 28263
who resides in a dwelling unit owned or managed by the housing 28264
authority. If there is an elected, representative body of all 28265
residents of the housing authority, then the chief executive 28266
officer shall, whenever there is a vacancy in this resident term, 28267
provide written notice of the vacancy to the representative body. 28268
If the representative body submits to the chief executive officer, 28269
in writing and within sixty days after the date on which it was 28270
notified of the vacancy, the names of at least five residents of 28271
the housing authority who are willing and qualified to serve as a 28272
member, then the chief executive officer shall appoint to the 28273
resident term one of the residents recommended by the 28274
representative body. At no time shall residents constitute a 28275
majority of the members of the authority. 28276

(D) Public officials, other than the officers having the 28277

appointing power under this section, shall be eligible to serve as 28278
members, officers, or employees of the housing authority 28279
notwithstanding any statute, charter, or law to the contrary. Not 28280
more than two such public officials shall be members of the 28281
authority at any one time. 28282

All members of such housing authority shall serve without 28283
compensation but shall be entitled to be reimbursed for all 28284
necessary expenses incurred. After such district has been formed, 28285
the director may enlarge the territory within such district to 28286
include other political subdivisions, or portions thereof, but the 28287
territorial limits of which shall be less than that of the county. 28288

Sec. 3745.014. There is hereby created in the state treasury 28289
the central support indirect fund, which shall be administered by 28290
the director of environmental protection. Money credited to the 28291
fund shall be used for administrative costs of the environmental 28292
protection agency ~~that are related to expenditures by the agency~~ 28293
~~from funds of the general services fund group and the state~~ 28294
~~special revenue fund group.~~ The director may assess any operating 28295
funds of from which the agency ~~within the general services fund~~ 28296
~~group or the state special revenue fund group~~ receives 28297
appropriations, except the central support indirect fund, for a 28298
share of the administrative costs of the agency. The ~~assessments~~ 28299
~~shall be paid from the general services funds and state special~~ 28300
~~revenue funds designated by the director and~~ amounts assessed 28301
shall be transferred to the central support indirect fund by means 28302
of intrastate transfer vouchers. The director, with the approval 28303
of the director of budget and management, shall determine the rate 28304
of assessments, ~~which shall not exceed twelve per cent of the~~ 28305
~~total fiscal year appropriation from any such fund for the fiscal~~ 28306
~~year unless the controlling board approves a request from the~~ 28307
~~director for a higher rate.~~ 28308

Sec. 3745.04. As used in this section, "any person" means any 28309
individual, any partnership, corporation, association, or other 28310
legal entity, or any political subdivision, instrumentality, or 28311
agency of a state, whether or not the individual or legal entity 28312
is an applicant for or holder of a license, permit, or variance 28313
from the environmental protection agency, and includes any 28314
department, agency, or instrumentality of the federal government 28315
that is an applicant for or holder of a license, permit, or 28316
variance from the environmental protection agency. 28317

As used in this section, "action" or "act" includes the 28318
adoption, modification, or repeal of a rule or standard, the 28319
issuance, modification, or revocation of any lawful order other 28320
than an emergency order, and the issuance, denial, modification, 28321
or revocation of a license, permit, lease, variance, or 28322
certificate, or the approval or disapproval of plans and 28323
specifications pursuant to law or rules adopted thereunder. 28324

Any person who was a party to a proceeding before the 28325
director of environmental protection may participate in an appeal 28326
to the environmental review appeals commission for an order 28327
vacating or modifying the action of the director ~~of environmental~~ 28328
~~protection~~ or a local board of health, or ordering the director or 28329
board of health to perform an act. The environmental review 28330
appeals commission has exclusive original jurisdiction over any 28331
matter that may, under this section, be brought before it. 28332

The person so appealing to the commission shall be known as 28333
appellant, and the director and any party to a proceeding 28334
substantially supporting the finding from which the appeal is 28335
taken shall be known as appellee, except that when an appeal 28336
involves a license to operate a disposal site or facility, the 28337
local board of health or the director of environmental protection, 28338
and any party to a proceeding substantially supporting the finding 28339

from which the appeal is taken, shall, as appropriate, be known as 28340
the appellee. Appellant and appellee shall be deemed to be parties 28341
to the appeal. 28342

The appeal shall be in writing and shall set forth the action 28343
complained of and the grounds upon which the appeal is based. 28344

The appeal shall be filed with the commission within thirty 28345
days after notice of the action. Notice of the filing of the 28346
appeal shall be filed with the appellee within three days after 28347
the appeal is filed with the commission. 28348

The appeal shall be accompanied by a filing fee of ~~forty~~ 28349
sixty dollars, which the commission, in its discretion, may waive 28350
in cases of extreme hardship. 28351

Within seven days after receipt of the notice of appeal, the 28352
director or local board of health shall prepare and certify to the 28353
commission a record of the proceedings out of which the appeal 28354
arises, including all documents and correspondence, and a 28355
transcript of all testimony. 28356

Upon the filing of the appeal, the commission shall fix the 28357
time and place at which the hearing on the appeal will be held. 28358
The commission shall give the appellant and the appellee at least 28359
ten days' written notice thereof by certified mail. The commission 28360
shall hold the hearing within thirty days after the notice of 28361
appeal is filed. The commission may postpone or continue any 28362
hearing upon its own motion or upon application of the appellant 28363
or of the appellee. 28364

The filing of an appeal does not automatically suspend or 28365
stay execution of the action appealed from. Upon application by 28366
the appellant, the commission may suspend or stay ~~such~~ the 28367
execution pending immediate determination of the appeal without 28368
interruption by continuances, other than for unavoidable 28369
circumstances. 28370

As used in this section and sections 3745.05 and 3745.06 of the Revised Code, "director of environmental protection" and "director" are deemed to include the director of agriculture and "environmental protection agency" is deemed to include the department of agriculture with respect to actions that are appealable to the commission under Chapter 903. of the Revised Code.

Sec. 3745.10. (A) Not later than ten business days after receipt of an application for a permit to install, or a modification of such a permit, under rules adopted under division (F) of section 3704.03 of the Revised Code or for the approval of plans under section 6111.44, 6111.45, or 6111.46 of the Revised Code, the director of environmental protection shall send to the applicant written acknowledgement of receipt of the application. The written acknowledgement shall contain a completeness determination indicating either that the application contains all of the information that is necessary to perform a technical review or that the application is incomplete. If the application is incomplete, the written acknowledgement also shall provide a description of the information that is missing from the application.

(B) If the director fails to make the completeness determination and provide written notice of that determination not later than ten business days after receipt of the application, the application shall be deemed to be complete in all material respects as of the eleventh business day after receipt of the application by the director or the director's agent or authorized representative.

Sec. 3745.11. (A) Applicants for and holders of permits, licenses, variances, plan approvals, and certifications issued by the director of environmental protection pursuant to Chapters

3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 28402
to the environmental protection agency for each such issuance and 28403
each application for an issuance as provided by this section. No 28404
fee shall be charged for any issuance for which no application has 28405
been submitted to the director. 28406

(B) Prior to January 1, 1994, each person issued a permit to 28407
operate, variance, or permit to install under section 3704.03 of 28408
the Revised Code shall pay the fees specified in the following 28409
schedule: 28410

(1) Fuel-Burning Equipment 28411

Input capacity	Permit		Permit	
(million British	to		to	
thermal units per hour)	operate	Variance	install	
0 or more, but less than 10	\$ 75	\$225	\$ 100	28415
10 or more, but less than 100	210	450	390	28416
100 or more, but less than 300	270	675	585	28417
300 or more, but less than 500	330	900	780	28418
500 or more	500	975	1000	28419

Any fuel-burning equipment using only natural gas, propane, 28420
liquefied petroleum gas, or number two or lighter fuel oil shall 28421
be assessed a fee one-half of that shown. 28422

(2) Incinerators 28423

Input capacity	Permit		Permit	
(pounds per hour)	to		to	
	operate	Variance	install	
0 to 50	\$ 50	\$225	\$ 65	28427
51 to 500	210	450	390	28428
501 to 2000	270	675	585	28429
2001 to 30,000	330	900	780	28430
more than 30,000	500	975	1000	28431

(3) Process 28432

Permit	Permit	
		28433

Process weight rate	to		to	28434
(pounds per hour)	operate	Variance	install	28435
0 to 1000	\$100	\$225	\$ 200	28436
1001 to 5000	210	450	390	28437
5001 to 10,000	270	675	585	28438
10,001 to 50,000	330	900	780	28439
more than 50,000	500	975	1000	28440
In any process where process weight rate cannot be				28441
ascertained, the minimum fee shall be assessed.				28442
(4) Storage tanks				28443
	Permit		Permit	28444
Gallons	to	variance	to	28445
(capacity)	operate	<u>Variance</u>	install	28446
less <u>Less</u> than 40,000	\$150	\$225	\$ 195	28447
40,000 or more, but less				28448
than 100,000	210	450	390	28449
100,000 or more, but less				28450
than 400,000	270	675	585	28451
400,000 or more, but less				28452
than 1,000,000	330	900	780	28453
1,000,000 or more	500	975	1000	28454
(5) Gasoline				28455
	Permit		Permit	28456
Gasoline dispensing	to		to	28457
facilities	operate	Variance	install	28458
For each gasoline				28459
dispensing facility	\$20	\$100	\$50	28460
(6) Dry cleaning				28461
	Permit		Permit	28462
Dry cleaning	to		to	28463
facilities	operate	Variance	install	28464
For each dry cleaning				28465

facility \$50 \$200 \$100 28466

(7) Coal mining operations regulated under Chapter 1513. of 28467
the Revised Code shall be assessed a fee of two hundred fifty 28468
dollars per mine or location. 28469

(C)(1) Except as otherwise provided in division (C)(2) of 28470
this section, beginning July 1, 1994, each person who owns or 28471
operates an air contaminant source and who is required to apply 28472
for and obtain a Title V permit under section 3704.036 of the 28473
Revised Code shall pay the fees set forth in division (C)(1) of 28474
this section. For the purposes of that division, total emissions 28475
of air contaminants may be calculated using engineering 28476
calculations, emissions factors, material balance calculations, or 28477
performance testing procedures, as authorized by the director. 28478

The following fees shall be assessed on the total actual 28479
emissions from a source in tons per year of the regulated 28480
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 28481
organic compounds, and lead: 28482

(a) Fifteen dollars per ton on the total actual emissions of 28483
each such regulated pollutant during the period July through 28484
December 1993, to be collected no sooner than July 1, 1994; 28485

(b) Twenty dollars per ton on the total actual emissions of 28486
each such regulated pollutant during calendar year 1994, to be 28487
collected no sooner than April 15, 1995; 28488

(c) Twenty-five dollars per ton on the total actual emissions 28489
of each such regulated pollutant in calendar year 1995, and each 28490
subsequent calendar year, to be collected no sooner than the 28491
fifteenth day of April of the year next succeeding the calendar 28492
year in which the emissions occurred. 28493

The fees levied under division (C)(1) of this section do not 28494
apply to that portion of the emissions of a regulated pollutant at 28495
a facility that exceed four thousand tons during a calendar year. 28496

(2) The fees assessed under division (C)(1) of this section 28497
are for the purpose of providing funding for the Title V permit 28498
program. 28499

(3) The fees assessed under division (C)(1) of this section 28500
do not apply to emissions from any electric generating unit 28501
designated as a Phase I unit under Title IV of the federal Clean 28502
Air Act prior to calendar year 2000. Those fees shall be assessed 28503
on the emissions from such a generating unit commencing in 28504
calendar year 2001 based upon the total actual emissions from the 28505
generating unit during calendar year 2000 and shall continue to be 28506
assessed each subsequent calendar year based on the total actual 28507
emissions from the generating unit during the preceding calendar 28508
year. 28509

(4) The director shall issue invoices to owners or operators 28510
of air contaminant sources who are required to pay a fee assessed 28511
under division (C) or (D) of this section. Any such invoice shall 28512
be issued no sooner than the applicable date when the fee first 28513
may be collected in a year under the applicable division, shall 28514
identify the nature and amount of the fee assessed, and shall 28515
indicate that the fee is required to be paid within thirty days 28516
after the issuance of the invoice. 28517

(D)(1) Except as provided in division (D)(2) of this section, 28518
beginning January 1, 1994, each person who owns or operates an air 28519
contaminant source; who is required to apply for a permit to 28520
operate pursuant to rules adopted under division (G), or a 28521
variance pursuant to division (H), of section 3704.03 of the 28522
Revised Code; and who is not required to apply for and obtain a 28523
Title V permit under section 3704.036 of the Revised Code shall 28524
pay a single fee based upon the sum of the actual annual emissions 28525
from the facility of the regulated pollutants particulate matter, 28526
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 28527
accordance with the following schedule: 28528

Total tons per year		28529
of regulated pollutants	Annual fee	28530
emitted	per facility	28531
More than 0, but less than 50	\$ 75	28532
50 or more, but less than 100	300	28533
100 or more	700	28534

(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		28548
per year of all regulated	Annual fee	28549
pollutants emitted	per facility	28550
Less than 10	\$ 170	28551
10 or more, but less than 20	340	28552
20 or more, but less than 30	670	28553
30 or more, but less than 40	1,010	28554
40 or more, but less than 50	1,340	28555
50 or more, but less than 60	1,680	28556
60 or more, but less than 70	2,010	28557
70 or more, but less than 80	2,350	28558
80 or more, but less than 90	2,680	28559
90 or more, but less than 100	3,020	28560

100 or more 3,350 28561

(3) The fees assessed under division (D)(1) of this section 28562
shall be collected annually no sooner than the fifteenth day of 28563
April, commencing in 1995. The fees assessed under division (D)(2) 28564
of this section shall be collected no sooner than the fifteenth 28565
day of April, commencing in 2000, ~~and shall continue through June~~ 28566
~~30, 2001~~. The fees assessed under division (D) of this section in 28567
a calendar year shall be based upon the sum of the actual 28568
emissions of those regulated pollutants during the preceding 28569
calendar year. For the purpose of division (D) of this section, 28570
emissions of air contaminants may be calculated using engineering 28571
calculations, emission factors, material balance calculations, or 28572
performance testing procedures, as authorized by the director. The 28573
director, by rule, may require persons who are required to pay the 28574
fees assessed under division (D) of this section to pay those fees 28575
biennially rather than annually. 28576

(E)(1) Consistent with the need to cover the reasonable costs 28577
of the Title V permit program, the director annually shall 28578
increase the fees prescribed in division (C)(1) of this section by 28579
the percentage, if any, by which the consumer price index for the 28580
most recent calendar year ending before the beginning of a year 28581
exceeds the consumer price index for calendar year 1989. Upon 28582
calculating an increase in fees authorized by division (E)(1) of 28583
this section, the director shall compile revised fee schedules for 28584
the purposes of division (C)(1) of this section and shall make the 28585
revised schedules available to persons required to pay the fees 28586
assessed under that division and to the public. 28587

(2) For the purposes of division (E)(1) of this section: 28588

(a) The consumer price index for any year is the average of 28589
the consumer price index for all urban consumers published by the 28590
United States department of labor as of the close of the 28591
twelve-month period ending on the thirty-first day of August of 28592

that year+.		28593
(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.		28594 28595 28596
(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after January 1, 1994, shall pay the fees specified in the following schedules:		28597 28598 28599 28600
(1) Fuel-burning equipment (boilers)		28601
Input capacity (maximum)		28602
(million British thermal units per hour)	Permit to install	28603
Greater than 0, but less than 10	\$ 200	28604
10 or more, but less than 100	400	28605
100 or more, but less than 300	800	28606
300 or more, but less than 500	1500	28607
500 or more, but less than 1000	2500	28608
1000 or more, but less than 5000	4000	28609
5000 or more	6000	28610
Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.		28611 28612 28613
(2) Incinerators		28614
Input capacity (pounds per hour)	Permit to install	28615
0 to 100	\$ 100	28616
101 to 500	400	28617
501 to 2000	750	28618
2001 to 20,000	1000	28619
more than 20,000	2500	28620
(3)(a) Process		28621
Process weight rate (pounds per hour)	Permit to install	28622
0 to 1000	\$ 200	28623

1001 to 5000	400	28624
5001 to 10,000	600	28625
10,001 to 50,000	800	28626
more than 50,000	1000	28627

In any process where process weight rate cannot be 28628
ascertained, the minimum fee shall be assessed. 28629

(b) Notwithstanding division (F)(3)(a) of this section, any 28630
person issued a permit to install pursuant to rules adopted under 28631
division (F) of section 3704.03 of the Revised Code shall pay the 28632
fees set forth in division (F)(3)(c) of this section for a process 28633
used in any of the following industries, as identified by the 28634
applicable four-digit standard industrial classification code 28635
according to the Standard Industrial Classification Manual 28636
published by the United States office of management and budget in 28637
the executive office of the president, 1972, as revised: 28638

1211 Bituminous coal and lignite mining; 28639

1213 Bituminous coal and lignite mining services; 28640

1411 Dimension stone; 28641

1422 Crushed and broken limestone; 28642

1427 Crushed and broken stone, not elsewhere classified; 28643

1442 Construction sand and gravel; 28644

1446 Industrial sand; 28645

3281 Cut stone and stone products; 28646

3295 Minerals and earth, ground or otherwise treated. 28647

(c) The fees set forth in the following schedule apply to the 28648
issuance of a permit to install pursuant to rules adopted under 28649
division (F) of section 3704.03 of the Revised Code for a process 28650
identified in division (F)(3)(b) of this section: 28651

Gallons (maximum 28652

useful capacity)	Permit to install	28653
0 to 20,000	\$ 100	28654
20,001 to 40,000	150	28655
40,001 to 100,000	200	28656
100,001 to 250,000	250	28657
250,001 to 500,000	350	28658
500,001 to 1,000,000	500	28659
1,000,001 or greater	750	28660
(4) Storage tanks		28661
Gallons (maximum useful capacity)	Permit to install	28662
0 to 20,000	\$100	28663
20,001 to 40,000	150	28664
40,001 to 100,000	200	28665
100,001 to 250,000	250	28666
250,001 to 500,000	350	28667
500,001 to 1,000,000	500	28668
1,000,001 or greater	750	28669
(5) Gasoline/fuel dispensing facilities		28670
For each gasoline/fuel	Permit to install	28671
dispensing facility	\$ 100	28672
(6) Dry cleaning facilities		28673
For each dry cleaning		28674
facility (includes all units	Permit to install	28675
at the facility)	\$ 100	28676
(7) Registration status		28677
For each source covered	Permit to install	28678
by registration status	\$ 75	28679
(G) An owner or operator who is responsible for an asbestos		28680
demolition or renovation project pursuant to rules adopted under		28681
section 3704.03 of the Revised Code shall pay the fees set forth		28682
in the following schedule:		28683
Action	Fee	28684

Each notification	\$75	28685
Asbestos removal	\$3/unit	28686
Asbestos cleanup	\$4/cubic yard	28687

For purposes of this division, "unit" means any combination of linear feet or square feet equal to fifty. 28688
28689

(H) A person who is issued an extension of time for a permit to install an air contaminant source pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay a fee equal to one-half the fee originally assessed for the permit to install under this section, except that the fee for such an extension shall not exceed two hundred dollars. 28690
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(I) A person who is issued a modification to a permit to install an air contaminant source pursuant to rules adopted under section 3704.03 of the Revised Code shall pay a fee equal to one-half of the fee that would be assessed under this section to obtain a permit to install the source. The fee assessed by this division only applies to modifications that are initiated by the owner or operator of the source and shall not exceed two thousand dollars. 28696
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(J) Notwithstanding division (B) or (F) of this section, a person who applies for or obtains a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code after the date actual construction of the source began shall pay a fee for the permit to install that is equal to twice the fee that otherwise would be assessed under the applicable division unless the applicant received authorization to begin construction under division (W) of section 3704.03 of the Revised Code. This division only applies to sources for which actual construction of the source begins on or after July 1, 1993. The imposition or payment of the fee established in this division does not preclude the director from taking any administrative or judicial enforcement action under this chapter, Chapter 3704., 3714., 28704
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3734., or 6111. of the Revised Code, or a rule adopted under any 28717
of them, in connection with a violation of rules adopted under 28718
division (F) of section 3704.03 of the Revised Code. 28719

As used in this division, "actual construction of the source" 28720
means the initiation of physical on-site construction activities 28721
in connection with improvements to the source that are permanent 28722
in nature, including, without limitation, the installation of 28723
building supports and foundations and the laying of underground 28724
pipework. 28725

(K) Fifty cents per ton of each fee assessed under division 28726
(C) of this section on actual emissions from a source and received 28727
by the environmental protection agency pursuant to that division 28728
shall be deposited into the state treasury to the credit of the 28729
small business assistance fund created in section 3706.19 of the 28730
Revised Code. The remainder of the moneys received by the division 28731
pursuant to that division and moneys received by the agency 28732
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 28733
section shall be deposited in the state treasury to the credit of 28734
the clean air fund created in section 3704.035 of the Revised 28735
Code. 28736

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 28737
or (c) of this section, a person issued a water discharge permit 28738
or renewal of a water discharge permit pursuant to Chapter 6111. 28739
of the Revised Code shall pay a fee based on each point source to 28740
which the issuance is applicable in accordance with the following 28741
schedule: 28742

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	28744
1,001 to 5000	100	28745
5,001 to 50,000	200	28746
50,001 to 100,000	300	28747
100,001 to 300,000	525	28748

over 300,000 750 28749

(b) Notwithstanding the fee schedule specified in division 28750
(L)(1)(a) of this section, the fee for a water discharge permit 28751
that is applicable to coal mining operations regulated under 28752
Chapter 1513. of the Revised Code shall be two hundred fifty 28753
dollars per mine. 28754

(c) Notwithstanding the fee schedule specified in division 28755
(L)(1)(a) of this section, the fee for a water discharge permit 28756
for a public discharger identified by I in the third character of 28757
the permittee's NPDES permit number shall not exceed seven hundred 28758
fifty dollars. 28759

(2) A person applying for a plan approval for a wastewater 28760
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 28761
of the Revised Code shall pay a fee of one hundred dollars plus 28762
sixty-five one-hundredths of one per cent of the estimated project 28763
cost through June 30, ~~2002~~ 2004, and one hundred dollars plus 28764
two-tenths of one per cent of the estimated project cost on and 28765
after July 1, ~~2002~~ 2004, except that the total fee shall not 28766
exceed fifteen thousand dollars through June 30, ~~2002~~ 2004, and 28767
five thousand dollars on and after July 1, ~~2002~~ 2004. The fee 28768
shall be paid at the time the application is submitted. 28769

(3) A person issued a modification of a water discharge 28770
permit shall pay a fee equal to one-half the fee that otherwise 28771
would be charged for a water discharge permit, except that the fee 28772
for the modification shall not exceed four hundred dollars. 28773

(4) A person who has entered into an agreement with the 28774
director under section 6111.14 of the Revised Code shall pay an 28775
administrative service fee for each plan submitted under that 28776
section for approval that shall not exceed the minimum amount 28777
necessary to pay administrative costs directly attributable to 28778
processing plan approvals. The director annually shall calculate 28779
the fee and shall notify all persons who have entered into 28780

agreements under that section, or who have applied for agreements,
of the amount of the fee.

(5)(a)(i) Not later than January 30, ~~2000~~ 2002, and January
30, ~~2001~~ 2003, a person holding an NPDES discharge permit issued
pursuant to Chapter 6111. of the Revised Code with an average
daily discharge flow of five thousand gallons or more shall pay a
nonrefundable annual discharge fee. Any person who fails to pay
the fee at that time shall pay an additional amount that equals
ten per cent of the required annual discharge fee.

(ii) The billing year for the annual discharge fee
established in division (L)(5)(a)(i) of this section shall consist
of a twelve-month period beginning on the first day of January of
the year preceding the date when the annual discharge fee is due.
In the case of an existing source that permanently ceases to
discharge during a billing year, the director shall reduce the
annual discharge fee, including the surcharge applicable to
certain industrial facilities pursuant to division (L)(5)(c) of
this section, by one-twelfth for each full month during the
billing year that the source was not discharging, but only if the
person holding the NPDES discharge permit for the source notifies
the director in writing, not later than the first day of October
of the billing year, of the circumstances causing the cessation of
discharge.

(iii) The annual discharge fee established in division
(L)(5)(a)(i) of this section, except for the surcharge applicable
to certain industrial facilities pursuant to division (L)(5)(c) of
this section, shall be based upon the average daily discharge flow
in gallons per day calculated using first day of May through
thirty-first day of October flow data for the period two years
prior to the date on which the fee is due. In the case of NPDES
discharge permits for new sources, the fee shall be calculated
using the average daily design flow of the facility until actual

average daily discharge flow values are available for the time 28813
 period specified in division (L)(5)(a)(iii) of this section. The 28814
 annual discharge fee may be prorated for a new source as described 28815
 in division (L)(5)(a)(ii) of this section. 28816

(b) An NPDES permit holder that is a public discharger shall 28817
 pay the fee specified in the following schedule: 28818

Average daily	Fee due by	Fee due by	
discharge flow	January 30, 2000	January 30, 2001	
		<u>2002, and</u>	
		<u>January 30, 2003</u>	
5,000 to 49,999	\$ 180	\$ 200	28819
50,000 to 100,000	450	500	28820
100,001 to 250,000	900	1,050	28821
250,001 to 1,000,000	2,250	2,600	28822
1,000,001 to 5,000,000	4,500	5,200	28823
5,000,001 to 10,000,000	9,000	10,350	28824
10,000,001 to 20,000,000	13,500	15,550	28825
20,000,001 to 50,000,000	22,500	25,900	28826
50,000,001 to 100,000,000	36,000	41,400	28827
100,000,001 or more	54,000	62,100	28828

Public dischargers owning or operating two or more publicly 28833
 owned treatment works serving the same political subdivision, as 28834
 "treatment works" is defined in section 6111.01 of the Revised 28835
 Code, and that serve exclusively political subdivisions having a 28836
 population of fewer than one hundred thousand shall pay an annual 28837
 discharge fee under division (L)(5)(b) of this section that is 28838
 based on the combined average daily discharge flow of the 28839
 treatment works. 28840

~~(c)~~(c) An NPDES permit holder that is an industrial 28841
 discharger, other than a coal mining operator identified by P in 28842
 the third character of the permittee's NPDES permit number, shall 28843
 pay the fee specified in the following schedule: 28844

Average daily	Fee due by	Fee due by	28845
discharge flow	January 30, 2000	January 30, 2001	28846
		<u>2002, and</u>	28847
		<u>January 30, 2003</u>	28848
5,000 to 49,999	\$ 180	\$ 250	28849
50,000 to 250,000	900	1,200	28850
250,001 to 1,000,000	2,250	2,950	28851
1,000,001 to 5,000,000	4,500	5,850	28852
5,000,001 to 10,000,000	6,750	8,800	28853
10,000,001 to 20,000,000	9,000	11,700	28854
20,000,001 to 100,000,000	10,800	14,050	28855
100,000,001 to 250,000,000	12,600	16,400	28856
250,000,001 or more	14,400	18,700	28857

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 28877
required fee. 28878

(6) Each person obtaining a national pollutant discharge 28879
elimination system general or individual permit for municipal 28880
storm water discharge shall pay a nonrefundable storm water 28881
discharge fee of one hundred dollars per square mile of area 28882
permitted. The fee shall not exceed ten thousand dollars and shall 28883
be payable on or before January 30, 2004, and the thirtieth day of 28884
January of each year thereafter. Any person who fails to pay the 28885
fee on the date specified in division (L)(6) of this section shall 28886
pay an additional amount per year equal to ten per cent of the 28887
annual fee that is unpaid. 28888

(7) The director shall transmit all moneys collected under 28889
division (L) of this section to the treasurer of state for deposit 28890
into the state treasury to the credit of the surface water 28891
protection fund created in section 6111.038 of the Revised Code. 28892

~~(7)~~(8) As used in division (L) of this section: 28893

(a) "NPDES" means the federally approved national pollutant 28894
discharge elimination system program for issuing, modifying, 28895
revoking, reissuing, terminating, monitoring, and enforcing 28896
permits and imposing and enforcing pretreatment requirements under 28897
Chapter 6111. of the Revised Code and rules adopted under it. 28898

(b) "Public discharger" means any holder of an NPDES permit 28899
identified by P in the second character of the NPDES permit number 28900
assigned by the director. 28901

(c) "Industrial discharger" means any holder of an NPDES 28902
permit identified by I in the second character of the NPDES permit 28903
number assigned by the director. 28904

(d) "Major discharger" means any holder of an NPDES permit 28905
classified as major by the regional administrator of the United 28906
States environmental protection agency in conjunction with the 28907

director. 28908

(M) Through June 30, ~~2002~~ 2004, a person applying for a 28909
license or license renewal to operate a public water system under 28910
section 6109.21 of the Revised Code shall pay the appropriate fee 28911
established under this division at the time of application to the 28912
director. Any person who fails to pay the fee at that time shall 28913
pay an additional amount that equals ten per cent of the required 28914
fee. The director shall transmit all moneys collected under this 28915
division to the treasurer of state for deposit into the drinking 28916
water protection fund created in section 6109.30 of the Revised 28917
Code. 28918

Fees required under this division shall be calculated and 28919
paid in accordance with the following schedule: 28920

(1) For the initial license required under division (A)(1) of 28921
section 6109.21 of the Revised Code for any public water system 28922
that is a community water system as defined in section 6109.01 of 28923
the Revised Code, and for each license renewal required for such a 28924
system prior to January 31, ~~2002~~ 2004, the fee is: 28925

Number of service connections	Fee amount	
Not more than 49	\$56	28927
50 to 99	88	28928
Number of service connections	Average cost per connection	
100 to 2,499	\$.96	28930
2,500 to 4,999	.92	28931
5,000 to 7,499	.88	28932
7,500 to 9,999	.84	28933
10,000 to 14,999	.80	28934
15,000 to 24,999	.76	28935
25,000 to 49,999	.72	28936
50,000 to 99,999	.68	28937
100,000 to 149,999	.64	28938
150,000 to 199,999	.60	28939

200,000 or more .56 28940

A public water system may determine how it will pay the total 28941
amount of the fee calculated under division (M)(1) of this 28942
section, including the assessment of additional user fees that may 28943
be assessed on a volumetric basis. 28944

As used in division (M)(1) of this section, "service 28945
connection" means the number of active or inactive pipes, 28946
goosenecks, pigtails, and any other fittings connecting a water 28947
main to any building outlet. 28948

(2) For the initial license required under division (A)(2) of 28949
section 6109.21 of the Revised Code for any public water system 28950
that is not a community water system and serves a nontransient 28951
population, and for each license renewal required for such a 28952
system prior to January 31, ~~2002~~ 2004, the fee is: 28953

Population served	Fee amount	
Fewer than 150	\$ 56	28955
150 to 299	88	28956
300 to 749	192	28957
750 to 1,499	392	28958
1,500 to 2,999	792	28959
3,000 to 7,499	1,760	28960
7,500 to 14,999	3,800	28961
15,000 to 22,499	6,240	28962
22,500 to 29,999	8,576	28963
30,000 or more	11,600	28964

As used in division (M)(2) of this section, "population 28965
served" means the total number of individuals receiving water from 28966
the water supply during a twenty-four-hour period for at least 28967
sixty days during any calendar year. In the absence of a specific 28968
population count, that number shall be calculated at the rate of 28969
three individuals per service connection. 28970

(3) For the initial license required under division (A)(3) of 28971

section 6109.21 of the Revised Code for any public water system 28972
that is not a community water system and serves a transient 28973
population, and for each license renewal required for such a 28974
system prior to January 31, ~~2002~~ 2004, the fee is: 28975

Number of wells supplying system	Fee amount	
1	\$ 56	28977
2	56	28978
3	88	28979
4	192	28980
5	392	28981
System supplied by surface		28982
water, springs, or dug wells	792	28983

As used in division (M)(3) of this section, "number of wells 28984
supplying system" means those wells that are physically connected 28985
to the plumbing system serving the public water system. 28986

(N)(1) A person applying for a plan approval for a public 28987
water supply system under section 6109.07 of the Revised Code 28988
shall pay a fee of one hundred dollars plus two-tenths of one per 28989
cent of the estimated project cost, except that the total fee 28990
shall not exceed fifteen thousand dollars through June 30, ~~2002~~ 28991
2004, and five thousand dollars on and after July 1, ~~2002~~ 2004. 28992
The fee shall be paid at the time the application is submitted. 28993

(2) A person who has entered into an agreement with the 28994
director under division (A)(2) of section 6109.07 of the Revised 28995
Code shall pay an administrative service fee for each plan 28996
submitted under that section for approval that shall not exceed 28997
the minimum amount necessary to pay administrative costs directly 28998
attributable to processing plan approvals. The director annually 28999
shall calculate the fee and shall notify all persons that have 29000
entered into agreements under that division, or who have applied 29001
for agreements, of the amount of the fee. 29002

(3) Through June 30, ~~2002~~ 2004, the following fee, on a per 29003

survey basis, shall be charged any person for services rendered by 29004
the state in the evaluation of laboratories and laboratory 29005
personnel for compliance with accepted analytical techniques and 29006
procedures established pursuant to Chapter 6109. of the Revised 29007
Code for determining the qualitative characteristics of water: 29008

microbiological	\$1,650	29009
organic chemical	3,500	29010
inorganic chemical	3,500	29011
standard chemistry	1,800	29012
limited chemistry	1,000	29013

On and after July 1, ~~2002~~ 2004, the following fee, on a per 29014
survey basis, shall be charged any such person: 29015

microbiological	\$250	29016
chemical/radiological	250	29017
nitrate/turbidity (only)	150	29018

The fee for those services shall be paid at the time the request 29019
for the survey is made. Through June 30, ~~2002~~ 2004, an individual 29020
laboratory shall not be assessed a fee under this division more 29021
than once in any three-year period. 29022

The director shall transmit all moneys collected under this 29023
division to the treasurer of state for deposit into the drinking 29024
water protection fund created in section 6109.30 of the Revised 29025
Code. 29026

(O) Any person applying to the director for examination for 29027
certification as an operator of a water supply system or 29028
wastewater system under Chapter 6109. or 6111. of the Revised 29029
Code, at the time the application is submitted, shall pay an 29030
application fee of twenty-five dollars through June 30, ~~2002~~ 2004, 29031
and ten dollars on and after July 1, ~~2002~~ 2004. Upon approval from 29032
the director that the applicant is eligible to take the 29033
examination therefor, the applicant shall pay a fee in accordance 29034
with the following schedule through June 30, ~~2002~~ 2004: 29035

Class I operator	\$45	29036
Class II operator	55	29037
Class III operator	65	29038
Class IV operator	75	29039

On and after July 1, ~~2002~~ 2004, the applicant shall pay a fee 29040
in accordance with the following schedule: 29041

Class I operator	\$25	29042
Class II operator	35	29043
Class III operator	45	29044
Class IV operator	55	29045

The director shall transmit all moneys collected under this 29046
division to the treasurer of state for deposit into the drinking 29047
water protection fund created in section 6109.30 of the Revised 29048
Code. 29049

(P) Through June 30, ~~2002~~ 2004, any person submitting an 29050
application for an industrial water pollution control certificate 29051
under section 6111.31 of the Revised Code shall pay a 29052
nonrefundable fee of five hundred dollars at the time the 29053
application is submitted. The director shall transmit all moneys 29054
collected under this division to the treasurer of state for 29055
deposit into the surface water protection fund created in section 29056
6111.038 of the Revised Code. A person paying a certificate fee 29057
under this division shall not pay an application fee under 29058
division (S)(1) of this section. 29059

(Q) Except as otherwise provided in division (R) of this 29060
section, a person issued a permit by the director for a new solid 29061
waste disposal facility other than an incineration or composting 29062
facility, a new infectious waste treatment facility other than an 29063
incineration facility, or a modification of such an existing 29064
facility that includes an increase in the total disposal or 29065
treatment capacity of the facility pursuant to Chapter 3734. of 29066
the Revised Code shall pay a fee of ten dollars per thousand cubic 29067

yards of disposal or treatment capacity, or one thousand dollars, 29068
whichever is greater, except that the total fee for any such 29069
permit shall not exceed eighty thousand dollars. A person issued a 29070
modification of a permit for a solid waste disposal facility or an 29071
infectious waste treatment facility that does not involve an 29072
increase in the total disposal or treatment capacity of the 29073
facility shall pay a fee of one thousand dollars. A person issued 29074
a permit to install a new, or modify an existing, solid waste 29075
transfer facility under that chapter shall pay a fee of two 29076
thousand five hundred dollars. A person issued a permit to install 29077
a new or to modify an existing solid waste incineration or 29078
composting facility, or an existing infectious waste treatment 29079
facility using incineration as its principal method of treatment, 29080
under that chapter shall pay a fee of one thousand dollars. The 29081
increases in the permit fees under this division resulting from 29082
the amendments made by Amended Substitute House Bill 592 of the 29083
117th general assembly do not apply to any person who submitted an 29084
application for a permit to install a new, or modify an existing, 29085
solid waste disposal facility under that chapter prior to 29086
September 1, 1987; any such person shall pay the permit fee 29087
established in this division as it existed prior to June 24, 1988. 29088
In addition to the applicable permit fee under this division, a 29089
person issued a permit to install or modify a solid waste facility 29090
or an infectious waste treatment facility under that chapter who 29091
fails to pay the permit fee to the director in compliance with 29092
division (V) of this section shall pay an additional ten per cent 29093
of the amount of the fee for each week that the permit fee is 29094
late. 29095

Permit and late payment fees paid to the director under this 29096
division shall be credited to the general revenue fund. 29097

(R)(1) A person issued a registration certificate for a scrap 29098
tire collection facility under section 3734.75 of the Revised Code 29099

shall pay a fee of two hundred dollars, except that if the
facility is owned or operated by a motor vehicle salvage dealer
licensed under Chapter 4738. of the Revised Code, the person shall
pay a fee of twenty-five dollars.

(2) A person issued a registration certificate for a new
scrap tire storage facility under section 3734.76 of the Revised
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
created in section 3734.82 of the Revised Code.

(S)(1) Except as provided by divisions (L), (M), (N), (O),
(P), and (S)(2) of this section, division (A)(2) of section
3734.05 of the Revised Code, section 3734.79 of the Revised Code,
and rules adopted under division (T)(1) of this section, any
person applying for a registration certificate under section
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit,
variance, or plan approval under Chapter 3734. of the Revised Code
shall pay a nonrefundable fee of fifteen dollars at the time the
application is submitted.

Except as otherwise provided, any person applying for a
permit, variance, or plan approval under Chapter 6109. or 6111. of
the Revised Code shall pay a nonrefundable fee of one hundred
dollars at the time the application is submitted through June 30,
~~2002~~ 2004, and a nonrefundable fee of fifteen dollars at the time
the application is submitted on and after July 1, ~~2002~~ 2004.
Through June 30, ~~2002~~ 2004, any person applying for a national
pollutant discharge elimination system permit under Chapter 6111.
of the Revised Code shall pay a nonrefundable fee of two hundred
dollars at the time of application for the permit. On and after
July 1, ~~2002~~ 2004, such a person shall pay a nonrefundable fee of
fifteen dollars at the time of application.

In addition to the application fee established under division
(S)(1) of this section, any person applying for a national
pollutant discharge elimination system general storm water

construction permit shall pay a nonrefundable fee of twenty 29163
dollars per acre for each acre that is permitted above five acres 29164
at the time the application is submitted. However, the per acreage 29165
fee shall not exceed three hundred dollars. In addition, any 29166
person applying for a national pollutant discharge elimination 29167
system general storm water industrial permit shall pay a 29168
nonrefundable fee of one hundred fifty dollars at the time the 29169
application is submitted. 29170

The director shall transmit all moneys collected under 29171
division (S)(1) of this section pursuant to Chapter 6109. of the 29172
Revised Code to the treasurer of state for deposit into the 29173
drinking water protection fund created in section 6109.30 of the 29174
Revised Code. 29175

The director shall transmit all moneys collected under 29176
division (S)(1) of this section pursuant to Chapter 6111. of the 29177
Revised Code to the treasurer of state for deposit into the 29178
surface water protection fund created in section 6111.038 of the 29179
Revised Code. 29180

If a registration certificate is issued under section 29181
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 29182
the application fee paid shall be deducted from the amount of the 29183
registration certificate fee due under division (R)(1), (2), or 29184
(5) of this section, as applicable. 29185

(2) Division (S)(1) of this section does not apply to an 29186
application for a registration certificate for a scrap tire 29187
collection or storage facility submitted under section 3734.75 or 29188
3734.76 of the Revised Code, as applicable, if the owner or 29189
operator of the facility or proposed facility is a motor vehicle 29190
salvage dealer licensed under Chapter 4738. of the Revised Code. 29191

(T) The director may adopt, amend, and rescind rules in 29192
accordance with Chapter 119. of the Revised Code that do all of 29193

the following:	29194
(1) Prescribe fees to be paid by applicants for and holders	29195
of any license, permit, variance, plan approval, or certification	29196
required or authorized by Chapter 3704., 3734., 6109., or 6111. of	29197
the Revised Code that are not specifically established in this	29198
section. The fees shall be designed to defray the cost of	29199
processing, issuing, revoking, modifying, denying, and enforcing	29200
the licenses, permits, variances, plan approvals, and	29201
certifications.	29202
The director shall transmit all moneys collected under rules	29203
adopted under division (T)(1) of this section pursuant to Chapter	29204
6109. of the Revised Code to the treasurer of state for deposit	29205
into the drinking water protection fund created in section 6109.30	29206
of the Revised Code.	29207
The director shall transmit all moneys collected under rules	29208
adopted under division (T)(1) of this section pursuant to Chapter	29209
6111. of the Revised Code to the treasurer of state for deposit	29210
into the surface water protection fund created in section 6111.038	29211
of the Revised Code.	29212
(2) Exempt the state and political subdivisions thereof,	29213
including education facilities or medical facilities owned by the	29214
state or a political subdivision, or any person exempted from	29215
taxation by section 5709.07 or 5709.12 of the Revised Code, from	29216
any fee required by this section;	29217
(3) Provide for the waiver of any fee, or any part thereof,	29218
otherwise required by this section whenever the director	29219
determines that the imposition of the fee would constitute an	29220
unreasonable cost of doing business for any applicant, class of	29221
applicants, or other person subject to the fee;	29222
(4) Prescribe measures that the director considers necessary	29223
to carry out this section.	29224

(U) When the director reasonably demonstrates that the direct 29225
cost to the state associated with the issuance of a permit to 29226
install, license, variance, plan approval, or certification 29227
exceeds the fee for the issuance or review specified by this 29228
section, the director may condition the issuance or review on the 29229
payment by the person receiving the issuance or review of, in 29230
addition to the fee specified by this section, the amount, or any 29231
portion thereof, in excess of the fee specified under this 29232
section. The director shall not so condition issuances for which 29233
fees are prescribed in divisions (B)(7) and (L)(1)(b) of this 29234
section. 29235

(V) Except as provided in divisions (L), (M), and (P) of this 29236
section or unless otherwise prescribed by a rule of the director 29237
adopted pursuant to Chapter 119. of the Revised Code, all fees 29238
required by this section are payable within thirty days after the 29239
issuance of an invoice for the fee by the director or the 29240
effective date of the issuance of the license, permit, variance, 29241
plan approval, or certification. If payment is late, the person 29242
responsible for payment of the fee shall pay an additional ten per 29243
cent of the amount due for each month that it is late. 29244

(W) As used in this section, "fuel-burning equipment," 29245
"fuel-burning equipment input capacity," "incinerator," 29246
"incinerator input capacity," "process," "process weight rate," 29247
"storage tank," "gasoline dispensing facility," "dry cleaning 29248
facility," "design flow discharge," and "new source treatment 29249
works" have the meanings ascribed to those terms by applicable 29250
rules or standards adopted by the director under Chapter 3704. or 29251
6111. of the Revised Code. 29252

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), 29253
and (J) of this section, and in any other provision of this 29254
section pertaining to fees paid pursuant to Chapter 3704. of the 29255
Revised Code: 29256

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code.	29257 29258 29259
(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:	29260 29261 29262
(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;	29263 29264 29265
(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;	29266 29267 29268 29269
(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;	29270 29271 29272
(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;	29273 29274 29275
(e) Emission and ambient monitoring;	29276
(f) Modeling, analyses, or demonstrations;	29277
(g) Preparing inventories and tracking emissions;	29278
(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.	29279 29280 29281 29282 29283 29284 29285
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)	29286

of this section, each sewage sludge facility shall pay a 29287
nonrefundable annual sludge fee equal to three dollars and fifty 29288
cents per dry ton of sewage sludge, including the dry tons of 29289
sewage sludge in materials derived from sewage sludge, that the 29290
sewage sludge facility treats or disposes of in this state. The 29291
annual volume of sewage sludge treated or disposed of by a sewage 29292
sludge facility shall be calculated using the first day of January 29293
through the thirty-first day of December of the calendar year 29294
preceding the date on which payment of the fee is due. 29295

(2)(a) Except as provided in division (Y)(2)(d) of this 29296
section, each sewage sludge facility shall pay a minimum annual 29297
sewage sludge fee of one hundred dollars. 29298

(b) The annual sludge fee required to be paid by a sewage 29299
sludge facility that treats or disposes of exceptional quality 29300
sludge in this state shall be thirty-five per cent less per dry 29301
ton of exceptional quality sludge than the fee assessed under 29302
division (Y)(1) of this section, subject to the following 29303
exceptions: 29304

(i) Except as provided in division (Y)(2)(d) of this section, 29305
a sewage sludge facility that treats or disposes of exceptional 29306
quality sludge shall pay a minimum annual sewage sludge fee of one 29307
hundred dollars. 29308

(ii) A sewage sludge facility that treats or disposes of 29309
exceptional quality sludge shall not be required to pay the annual 29310
sludge fee for treatment or disposal in this state of exceptional 29311
quality sludge generated outside of this state and contained in 29312
bags or other containers not greater than one hundred pounds in 29313
capacity. 29314

A thirty-five per cent reduction for exceptional quality 29315
sludge applies to the maximum annual fees established under 29316
division (Y)(3) of this section. 29317

(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred.

(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section.

(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows:

(a) Incineration: five thousand dollars;

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars;

(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division (Y)(3)(a) or (b) of this section: twenty thousand dollars.

(4)(a) In the case of an entity that generates sewage sludge 29349
or a sewage sludge facility that treats sewage sludge and 29350
transfers the sewage sludge to an incineration facility for 29351
disposal, the incineration facility, and not the entity generating 29352
the sewage sludge or the sewage sludge facility treating the 29353
sewage sludge, shall pay the annual sludge fee for the tons of 29354
sewage sludge that are transferred. However, the entity or 29355
facility generating or treating the sewage sludge shall pay the 29356
one-hundred-dollar minimum fee required under division (Y)(2)(a) 29357
of this section. 29358

(b) In the case of an entity that generates sewage sludge and 29359
transfers the sewage sludge to a landfill for disposal or to a 29360
sewage sludge facility for land reclamation or surface disposal, 29361
the entity generating the sewage sludge, and not the landfill or 29362
sewage sludge facility, shall pay the annual sludge fee for the 29363
tons of sewage sludge that are transferred. 29364

(5) Not later than the first day of April of the calendar 29365
year following ~~the effective date of this amendment~~ March 17, 29366
2000, and each first day of April thereafter, the director shall 29367
issue invoices to persons who are required to pay the annual 29368
sludge fee. The invoice shall identify the nature and amount of 29369
the annual sludge fee assessed and state the first day of May as 29370
the deadline for receipt by the director of objections regarding 29371
the amount of the fee and the first day of July as the deadline 29372
for payment of the fee. 29373

Not later than the first day of May following receipt of an 29374
invoice, a person required to pay the annual sludge fee may submit 29375
objections to the director concerning the accuracy of information 29376
regarding the number of dry tons of sewage sludge used to 29377
calculate the amount of the annual sludge fee or regarding whether 29378
the sewage sludge qualifies for the exceptional quality sludge 29379
discount established in division (Y)(2)(b) of this section. The 29380

director may consider the objections and adjust the amount of the fee to ensure that it is accurate. 29381
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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 119. of the Revised Code. 29383
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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. 29387
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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. 29395
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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. 29400
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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 29407
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exceeded six hundred thousand dollars in either fiscal year, the 29412
director, after review of the fee structure and consultation with 29413
affected persons, shall issue an order reducing the amount of the 29414
fees levied under division (Y) of this section so that the 29415
estimated amount of moneys resulting from the fees will not exceed 29416
six hundred thousand dollars in any fiscal year. 29417

If, upon review of the fees under division (Y)(7) of this 29418
section and after the fees have been reduced, the director 29419
determines that the total amount of moneys collected and 29420
accumulated is less than six hundred thousand dollars, the 29421
director, after review of the fee structure and consultation with 29422
affected persons, may issue an order increasing the amount of the 29423
fees levied under division (Y) of this section so that the 29424
estimated amount of moneys resulting from the fees will be 29425
approximately six hundred thousand dollars. Fees shall never be 29426
increased to an amount exceeding the amount specified in division 29427
(Y)(7) of this section. 29428

Notwithstanding section 119.06 of the Revised Code, the 29429
director may issue an order under division (Y)(7) of this section 29430
without the necessity to hold an adjudicatory hearing in 29431
connection with the order. The issuance of an order under this 29432
division is not an act or action for purposes of section 3745.04 29433
of the Revised Code. 29434

(8) As used in division (Y) of this section: 29435

(a) "Sewage sludge facility" means an entity that performs 29436
treatment on or is responsible for the disposal of sewage sludge. 29437

(b) "Sewage sludge" means a solid, semi-solid, or liquid 29438
residue generated during the treatment of domestic sewage in a 29439
treatment works as defined in section 6111.01 of the Revised Code. 29440
"Sewage sludge" includes, but is not limited to, scum or solids 29441
removed in primary, secondary, or advanced wastewater treatment 29442
processes. "Sewage sludge" does not include ash generated during 29443

the firing of sewage sludge in a sewage sludge incinerator, grit	29444
and screenings generated during preliminary treatment of domestic	29445
sewage in a treatment works, animal manure, residue generated	29446
during treatment of animal manure, or domestic septage.	29447
(c) "Exceptional quality sludge" means sewage sludge that	29448
meets all of the following qualifications:	29449
(i) Satisfies the class A pathogen standards in 40 C.F.R.	29450
503.32(a);	29451
(ii) Satisfies one of the vector attraction reduction	29452
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	29453
(iii) Does not exceed the ceiling concentration limitations	29454
for metals listed in table one of 40 C.F.R. 503.13;	29455
(iv) Does not exceed the concentration limitations for metals	29456
listed in table three of 40 C.F.R. 503.13.	29457
(d) "Treatment" means the preparation of sewage sludge for	29458
final use or disposal and includes, but is not limited to,	29459
thickening, stabilization, and dewatering of sewage sludge.	29460
(e) "Disposal" means the final use of sewage sludge,	29461
including, but not limited to, land application, land reclamation,	29462
surface disposal, or disposal in a landfill or an incinerator.	29463
(f) "Land application" means the spraying or spreading of	29464
sewage sludge onto the land surface, the injection of sewage	29465
sludge below the land surface, or the incorporation of sewage	29466
sludge into the soil for the purposes of conditioning the soil or	29467
fertilizing crops or vegetation grown in the soil.	29468
(g) "Land reclamation" means the returning of disturbed land	29469
to productive use.	29470
(h) "Surface disposal" means the placement of sludge on an	29471
area of land for disposal, including, but not limited to,	29472
monofills, surface impoundments, lagoons, waste piles, or	29473

dedicated disposal sites. 29474

(i) "Incinerator" means an entity that disposes of sewage 29475
sludge through the combustion of organic matter and inorganic 29476
matter in sewage sludge by high temperatures in an enclosed 29477
device. 29478

(j) "Incineration facility" includes all incinerators owned 29479
or operated by the same entity and located on a contiguous tract 29480
of land. Areas of land are considered to be contiguous even if 29481
they are separated by a public road or highway. 29482

(k) "Annual sludge fee" means the fee assessed under division 29483
(Y)(1) of this section. 29484

(l) "Landfill" means a sanitary landfill facility, as defined 29485
in rules adopted under section 3734.02 of the Revised Code, that 29486
is licensed under section 3734.05 of the Revised Code. 29487

(m) "Preexisting land reclamation project" means a 29488
property-specific land reclamation project that has been in 29489
continuous operation for not less than five years pursuant to 29490
approval of the activity by the director and includes the 29491
implementation of a community outreach program concerning the 29492
activity. 29493

Sec. 3745.15. (A)(1) Not later than one hundred fifty days 29494
after receipt of a complete application for a permit to install, 29495
or a modification of such a permit, under rules adopted under 29496
division (F) of section 3704.03 of the Revised Code or for the 29497
approval of plans under section 6111.44, 6111.45, or 6111.46 of 29498
the Revised Code, the director of environmental protection shall 29499
either issue or deny the permit or modification or approve or 29500
disapprove the plans, whichever is applicable. The director shall 29501
send written notification to the applicant of the issuance or 29502
denial or the approval or disapproval, whichever is applicable. If 29503

the director fails to issue or deny the permit or modification or 29504
approve or disapprove the plans, whichever is applicable, not 29505
later than one hundred fifty days after receipt of a complete 29506
application, the director and the director's authorized 29507
representatives shall not collect the applicable permit to install 29508
fee established under division (F) or (I) of section 3745.11 of 29509
the Revised Code or the applicable plan approval fee established 29510
under division (L)(2) of section 3745.11 of the Revised Code, 29511
whichever is applicable. 29512

For purposes of this section, a complete application is an 29513
application that has been determined or deemed to be complete 29514
under section 3745.10 of the Revised Code. 29515

(2) If the director fails to issue or deny a permit to 29516
install or modification of such a permit within the 29517
one-hundred-fifty-day period, the applicant may bring a mandamus 29518
action to obtain a judgment that orders the director to take a 29519
final action on the application. 29520

(B)(1) Upon the written request of the applicant, the 29521
director, in writing, may extend the time provided under division 29522
(A)(1) of this section for issuing or denying a permit to install 29523
or modification of such a permit for the additional time specified 29524
in the applicant's request for the extension. 29525

(2) If the time for the issuance or denial of a permit to 29526
install or modification of such a permit is extended under 29527
division (B)(1) of this section, the preclusion against the 29528
collection of the applicable permit to install fee established 29529
under division (A)(1) of this section does not apply unless the 29530
preclusion is included in a written agreement providing for the 29531
extension of time. 29532

(C) Upon the written request of the person who is responsible 29533
for a facility, the director may consolidate or group applications 29534

for the issuance of permits to install under rules adopted under 29535
division (F) of section 3704.03 of the Revised Code, or 29536
modifications or renewals of those permits, for individual air 29537
contaminant sources located at the facility in order to reduce the 29538
unnecessary paperwork and administrative burden to the applicant 29539
and the director in connection with the issuance of those permits, 29540
modifications, and renewals. Applicable fees that are payable to 29541
the director under section 3745.11 of the Revised Code shall not 29542
be reduced by reason of any such consolidation or grouping of 29543
applications for permits, modifications, or renewals. 29544

(D) Notwithstanding any provision of Chapter 3704., 3734., 29545
3746., or 6111. of the Revised Code to the contrary, not later 29546
than one hundred fifty days after the receipt of an application 29547
for a permit under any of those chapters other than a permit 29548
specified in division (A)(1) of this section, the director shall 29549
either issue or deny the permit. The director shall send written 29550
notification to the applicant of the issuance or denial. If the 29551
director fails to issue or deny the permit by the end of the 29552
one-hundred-fifty-day period, the application is deemed approved, 29553
and the director shall issue the permit. The director shall send 29554
written notification to the applicant of the issuance. 29555

Sec. 3745.22. (A) As used in this section, "eligible 29556
institution of higher education" means any of the state 29557
universities listed in section 3345.011 of the Revised Code, or a 29558
community college, technical college, university branch, state 29559
community college, or an institution that is nonprofit and holds a 29560
certificate of authorization issued under section 1713.02 of the 29561
Revised Code. 29562

(B) There is hereby created in the state treasury the 29563
environmental education fund consisting of moneys credited to the 29564
fund pursuant to sections 3704.06 and 6111.09 of the Revised Code 29565

and any gifts, grants, or contributions received by the director 29566
of environmental protection for the purposes of the fund. The fund 29567
shall be administered by the director with the advice and 29568
assistance of the environmental education council created in 29569
section 3745.21 of the Revised Code. Moneys in the fund shall be 29570
used exclusively to develop, implement, and administer a program 29571
to enhance public awareness and the objective understanding within 29572
this state of issues affecting environmental quality. Toward that 29573
end, moneys in the fund may be used for purposes that include, 29574
without limitation, developing elementary and secondary school and 29575
collegiate curricula on environmental issues; providing training 29576
for this state's elementary and secondary school teachers on 29577
environmental issues; providing educational seminars for concerned 29578
members of the public regarding the scientific and technical 29579
aspects of environmental issues; providing educational seminars 29580
regarding pollution prevention and waste minimization for persons 29581
regulated by the environmental protection agency; providing 29582
educational seminars for persons regulated by the environmental 29583
protection agency, including, without limitation, small 29584
businesses, regarding the regulatory requirements of the agency 29585
and the means of achieving and maintaining compliance with them; 29586
and providing one or more scholarships in environmental sciences 29587
or environmental engineering ~~at one or more state colleges or~~ 29588
~~universities, as "state college or university" is defined in~~ 29589
~~section 3345.27 of the Revised Code~~ for students enrolled at an 29590
eligible institution of higher education. 29591

The director may expend not more than one million five 29592
hundred thousand dollars of the moneys credited to the 29593
environmental education fund under sections 3704.06 and 6111.09 of 29594
the Revised Code in any fiscal year for the purposes specified in 29595
this division. The director may request authority from the 29596
controlling board to expend any moneys credited to that fund in 29597
any fiscal year in excess of that amount. 29598

~~(B)~~(C) Not later than the first day of April each year, the 29599
director, with the advice and assistance of the council, shall 29600
prepare and submit to the governor, the president of the senate, 29601
and the speaker of the house of representatives an environmental 29602
education agenda that describes the proposed uses of the 29603
environmental education fund during the following fiscal year. 29604
Prior to submitting the agenda the director, in conjunction with 29605
the council, shall hold a public hearing in Franklin county to 29606
receive comments on the agenda. After the public hearing and 29607
before submitting the agenda to the governor, the president, and 29608
the speaker, the director, with the advice and assistance of the 29609
council, may make any modifications to the agenda that the 29610
director considers appropriate based upon the comments received at 29611
the public hearing. 29612

~~(C)~~(D) Not later than the first day of September each year, 29613
the director, with the advice and assistance of the council, shall 29614
prepare and submit to the governor, the president of the senate, 29615
and the speaker of the house of representatives a report on the 29616
revenues credited to and expenditures from the environmental 29617
education fund during the immediately preceding fiscal year. 29618

Sec. 3750.02. (A) There is hereby created the emergency 29619
response commission consisting of the directors of environmental 29620
protection and health, the ~~chairpersons~~ chairperson of the public 29621
utilities commission, ~~industrial commission, and state and local~~ 29622
~~government commission,~~ the fire marshal, the director of public 29623
safety, the director of ~~job and family services~~ transportation, 29624
the director of natural resources, the superintendent of the 29625
highway patrol, and the attorney general as members ex officio, or 29626
their designees; notwithstanding section 101.26 of the Revised 29627
Code, the chairpersons of the respective standing committees of 29628
the senate and house of representatives that are primarily 29629
responsible for considering environmental issues who may 29630

participate fully in all the commission's deliberations and 29631
activities, except that they shall serve as nonvoting members; and 29632
ten members to be appointed by the governor with the advice and 29633
consent of the senate. The appointed members, to the extent 29634
practicable, shall have technical expertise in the field of 29635
emergency response. Of the appointed members, two shall represent 29636
environmental advocacy organizations, one shall represent the 29637
interests of petroleum refiners or marketers or chemical 29638
manufacturers, one shall represent the interests of another 29639
industry subject to this chapter, one shall represent the 29640
interests of municipal corporations, one shall represent the 29641
interests of counties, one shall represent the interests of chiefs 29642
of fire departments, one shall represent the interests of 29643
professional firefighters, one shall represent the interests of 29644
volunteer firefighters, and one shall represent the interests of 29645
local emergency management agencies. 29646

An appointed member of the commission also may serve as a 29647
member of the local emergency planning committee of an emergency 29648
planning district. An appointed member of the commission who is 29649
also a member of a local emergency planning committee shall not 29650
participate as a member of the commission in the appointment of 29651
members of the local emergency planning committee of which the 29652
member is a member, in the review of the chemical emergency 29653
response and preparedness plan submitted by the local emergency 29654
planning committee of which the member is a member, in any vote to 29655
approve a grant to the member's district, or in any vote of the 29656
commission on any motion or resolution pertaining specifically to 29657
the member's district or the local emergency planning committee on 29658
which the member serves. A commission member who is also a member 29659
of a local emergency planning committee shall not lobby or 29660
otherwise act as an advocate for the member's district to other 29661
members of the commission to obtain from the commission anything 29662
of value for the member's district or the local emergency planning 29663

committee of which the member is a member. A member of the 29664
commission who is also a member of a local emergency planning 29665
committee may vote on resolutions of the commission that apply 29666
uniformly to all local emergency planning committees and districts 29667
in the state and do not provide a grant or other pecuniary benefit 29668
to the member's district or the committee of which the member is a 29669
member. 29670

The governor shall make the initial appointments to the 29671
commission within thirty days after December 14, 1988. Of the 29672
initial appointments to the commission, five shall be for a term 29673
of two years and five shall be for a term of one year. Thereafter, 29674
terms of office of the appointed members of the commission shall 29675
be for two years, with each term ending on the same day of the 29676
same month as did the term that it succeeds. Each member shall 29677
hold office from the date of appointment until the end of the term 29678
for which the member was appointed. Members may be reappointed. 29679
Vacancies shall be filled in the manner provided for original 29680
appointments. Any member appointed to fill a vacancy occurring 29681
prior to the expiration of the term for which the member's 29682
predecessor was appointed shall hold office for the remainder of 29683
that term. A member shall continue in office subsequent to the 29684
expiration date of the member's term until the member's successor 29685
takes office or until a period of sixty days has elapsed, 29686
whichever occurs first. The commission may at any time by a vote 29687
of two-thirds of all the members remove any appointed member of 29688
the commission for misfeasance, nonfeasance, or malfeasance. 29689
Members of the commission shall serve without compensation, but 29690
shall be reimbursed for the reasonable expenses incurred by them 29691
in the discharge of their duties as members of the commission. 29692

The commission shall meet at least annually and shall hold 29693
such additional meetings as are necessary to implement and 29694
administer this chapter. Additional meetings may be held at the 29695

behest of either a co-chairperson or a majority of the members. 29696
The commission shall, by adoption of internal management rules 29697
under division (B)(9) of this section, establish an executive 29698
committee and delegate to it the performance of such of the 29699
commission's duties and powers under this chapter as are required 29700
or authorized to be so delegated by that division. The commission 29701
may organize itself into such additional committees as it 29702
considers necessary or convenient to implement and administer this 29703
chapter. The director of environmental protection and the director 29704
of public safety or their designees shall serve as co-chairpersons 29705
of the commission and the executive committee. Except as otherwise 29706
provided in this chapter, a majority of the voting members of the 29707
commission constitutes a quorum and the affirmative vote of a 29708
majority of the voting members of the commission is necessary for 29709
any action taken by the commission. Meetings of the executive 29710
committee conducted for the purpose of determining whether to 29711
issue an enforcement order or request that a civil action, civil 29712
penalty action, or criminal action be brought to enforce this 29713
chapter or rules adopted or orders issued under it are not subject 29714
to section 121.22 of the Revised Code pursuant to division (D) of 29715
that section. 29716

Except for the purposes of Chapters 102. and 2921. and 29717
sections 9.86 and 109.36 to 109.366 of the Revised Code, serving 29718
as an appointed member of the commission does not constitute 29719
holding a public office or position of employment under the laws 29720
of this state and does not constitute grounds for removal of 29721
public officers or employees from their offices or positions of 29722
employment. 29723

(B) The commission shall: 29724

(1) Adopt rules in accordance with Chapter 119. of the 29725
Revised Code that are consistent with and equivalent in scope, 29726
content, and coverage to the "Emergency Planning and Community 29727

Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and 29728
applicable regulations adopted under it: 29729

(a) Identifying or listing extremely hazardous substances and 29730
establishing a threshold planning quantity for each such 29731
substance. To the extent consistent with that act and applicable 29732
regulations adopted under it, the rules may establish threshold 29733
planning quantities based upon classes of those substances or 29734
categories of facilities at which such substances are present. 29735

(b) Listing hazardous chemicals, establishing threshold 29736
quantities for those chemicals, establishing categories of health 29737
and physical hazards of those chemicals, establishing criteria or 29738
procedures for identifying those chemicals and the appropriate 29739
hazard categories of those chemicals, and establishing ranges of 29740
quantities for those chemicals to be used in preparing emergency 29741
and hazardous chemical inventory forms under section 3750.08 of 29742
the Revised Code. To the extent consistent with that act and 29743
applicable regulations adopted under it, the rules may establish 29744
threshold quantities based upon classes of those chemicals or 29745
categories of facilities where those chemicals are present. 29746

To the extent consistent with that act, the threshold 29747
quantities for purposes of the submission of lists of hazardous 29748
chemicals under section 3750.07 and the submission of emergency 29749
and hazardous chemical inventory forms under section 3750.08 of 29750
the Revised Code may differ. 29751

(c) Identifying or listing hazardous substances and 29752
establishing reportable quantities of each of those substances and 29753
each extremely hazardous substance. In addition to being 29754
consistent with and equivalent in scope, content, and coverage to 29755
that act and applicable regulations adopted under it, the rules 29756
shall be consistent with and equivalent in scope, content, and 29757
coverage to regulations identifying or listing hazardous 29758
substances and reportable quantities of those substances adopted 29759

under the "Comprehensive Environmental Response, Compensation, and
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as
amended.

(d) Prescribing the information to be included in the lists
of hazardous chemicals required to be submitted under section
3750.07 of the Revised Code;

(e) Prescribing the information to be included in the
emergency and hazardous chemical inventory forms required to be
submitted under section 3750.08 of the Revised Code. If the
commission establishes its own emergency and hazardous chemical
inventory form, the rules shall authorize owners and operators of
facilities who also have one or more facilities located outside
the state for which they are required to submit inventory forms
under the federal act and regulations adopted under it to submit
their annual inventories on forms prescribed by the administrator
of the United States environmental protection agency under that
act instead of on forms prescribed by the commission and shall
require those owners or operators to submit any additional
information required by the commission's inventory form on an
attachment to the federal form.

(f) Establishing procedures for giving verbal notice of
releases under section 3750.06 of the Revised Code and prescribing
the information to be provided in such a notice and in the
follow-up written notice required by that section;

(g) Establishing standards for determining valid needs for
the release of tier II information under division (B)(4) of
section 3750.10 of the Revised Code;

(h) Identifying the types or categories of information
submitted or obtained under this chapter and rules adopted under
it that constitute confidential business information;

(i) Establishing criteria and procedures to protect trade

secret and confidential business information from unauthorized disclosure; 29791
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(j) Establishing other requirements or authorizations that the commission considers necessary or appropriate to implement, administer, and enforce this chapter. 29793
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(2) Adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this chapter that may be more stringent than the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations adopted under it. Rules adopted under division (B)(2) of this section shall not be inconsistent with that act or the regulations adopted under it. The rules shall: 29796
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(a) Prescribe the information to be included in the chemical emergency response and preparedness plans prepared and submitted by local emergency planning committees under section 3750.04 of the Revised Code; 29803
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(b) Establish criteria and procedures for reviewing the chemical emergency response and preparedness plans of local emergency planning committees required by section 3750.04 of the Revised Code and the annual exercise of those plans and for providing concurrence or requesting modifications in the plans and the exercise of those plans. The criteria shall include, without limitation, the requirement that each exercise of a committee's plan involve, in addition to local emergency response and medical personnel, either a facility that is subject to the plan or a transporter of materials that are identified or listed as hazardous materials by regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended. 29807
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(c) Establish policies and procedures for maintaining information submitted to the commission and local emergency 29820
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planning committees under this chapter, and for receiving and 29822
fulfilling requests from the public for access to review and to 29823
obtain copies of that information. The criteria and procedures 29824
shall include the following requirements and authorizations 29825
regarding that information and access to it: 29826

(i) Information that is protected as trade secret information 29827
or confidential business information under this chapter and rules 29828
adopted under it shall be kept in files that are separate from 29829
those containing information that is not so protected. 29830

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(ii) The original copies of information submitted to the 29832
commission or committee shall not be removed from the custody and 29833
control of the commission or committee. 29834

(iii) A person who, either in person or by mail, requests to 29835
obtain a copy of a material safety data sheet submitted under this 29836
chapter by a facility owner or operator shall submit a separate 29837
application for each facility for which a material safety data 29838
sheet is being requested. 29839

(iv) A person who requests to receive by mail a copy of 29840
information submitted under this chapter by a facility owner or 29841
operator shall submit a separate application for each facility for 29842
which information is being requested and shall specify both the 29843
facility for which information is being requested and the 29844
particular types of documents requested. 29845

(v) Only employees of the commission or committee shall copy 29846
information in the files of the commission or committee. 29847

(vi) The commission or committee may require any person who 29848
requests to review or obtain a copy of information in its files to 29849
schedule an appointment for that purpose with the information 29850
coordinator of the commission or committee at least twenty-four 29851
hours before arriving at the office of the commission or committee 29852

for the review or copy. 29853

(vii) Any person who seeks access to information in the files 29854
of the commission or a local emergency planning committee shall 29855
submit a written application, either in person or by mail, to the 29856
information coordinator on a form provided by the commission or 29857
committee. The person also shall provide the person's name and 29858
current mailing address on the application and may be requested by 29859
the commission or committee to provide basic demographic 29860
information on the form to assist in the evaluation of the 29861
information access provisions of this chapter and rules adopted 29862
under it. Application forms may be obtained by mail or in person 29863
or by request by telephone at the office of the commission or 29864
committee during regular business hours. Upon receipt of a request 29865
for an application by telephone or mail, the information 29866
coordinator shall promptly mail an application to the person who 29867
requested it. 29868

(viii) The application form shall provide the applicant with 29869
a means of indicating that the applicant's name and address are to 29870
be kept confidential. If the applicant so indicates, that 29871
information is not a public record under section 149.43 of the 29872
Revised Code and shall not be disclosed to any person who is not a 29873
member or employee of the commission or committee or an employee 29874
of the environmental protection agency. When a name and address 29875
are to be kept confidential, they also shall be deleted from the 29876
copy of the application required to be placed in the file of the 29877
facility under division (B)(2)(c)(xii) of this section and shall 29878
be withheld from any log of information requests kept by the 29879
commission or committee pursuant to that division. 29880

(ix) Neither the commission nor a local emergency planning 29881
committee shall charge any fee for access to review information in 29882
its files when no copies or computer searches of that information 29883
are requested. 29884

(x) An applicant shall be informed of the cost of copying, 29885
mailing, or conducting a computer search of information on file 29886
with the commission or committee before such a copy or search is 29887
made, and the commission or committee shall collect the 29888
appropriate fees as established under section 3750.13 of the 29889
Revised Code. Each applicant shall acknowledge on the application 29890
form that the applicant is aware that the applicant will be 29891
charged for copies and computer searches of that information the 29892
applicant requests and for the costs of mailing copies of the 29893
information to the applicant. 29894

(xi) The commission or committee may require a person 29895
requesting copies of information on file with it to take delivery 29896
of them in the office of the commission or committee whenever it 29897
considers the volume of the information to be large enough to make 29898
mailing or delivery by a parcel or package delivery service 29899
impractical. 29900

(xii) When the commission or committee receives a request for 29901
access to review or obtain copies of information in its files, it 29902
shall not routinely notify the owner or operator of the facility 29903
involved, but instead shall either keep a log or file of requests 29904
for the information or shall place a copy of each completed 29905
application form in the file for the facility to which the 29906
application pertains. Such a log or file shall be available for 29907
review by the public and by the owners and operators of facilities 29908
required to submit information to the commission or committee 29909
under this chapter and rules adopted under it. 29910

(d) Require that claims for the protection, as a trade 29911
secret, of information obtained under this chapter regarding 29912
extremely hazardous substances identified or listed in rules 29913
adopted under division (B)(1)(a) of this section and hazardous 29914
chemicals identified or listed in rules adopted under division 29915
(B)(1)(b) of this section be submitted to the administrator of the 29916

United States environmental protection agency for determination 29917
under section 322 of the the "Emergency Planning and Community 29918
Right-To-Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and 29919
regulations adopted under that section; 29920

(e) Establish criteria and procedures for the issuance of 29921
variances under divisions (B) and (C) of section 3750.11 of the 29922
Revised Code. The rules shall require that, before approval of an 29923
application for a variance, the commission or committee find by a 29924
preponderance of the scientific evidence based upon generally 29925
accepted scientific principles or laboratory tests that the 29926
extremely hazardous substances, hazardous chemicals, or hazardous 29927
substances that would be subject to the reporting requirement pose 29928
a substantial risk of catastrophic injury to public health or 29929
safety or to the environment, or pose an extraordinary risk of 29930
injury to emergency management personnel responding to a release 29931
of the chemicals or substances, when the substances or chemicals 29932
are present at a facility in an amount equal to or exceeding the 29933
quantity for which reporting would be required under the reporting 29934
requirement for which the variance is sought. The rules shall also 29935
require that before approval of an application for a variance, the 29936
commission or committee find by a preponderance of the evidence 29937
that the development and implementation of a local emergency 29938
response plan for releases of the substances or chemicals covered 29939
by the reporting requirement will reduce the risk of catastrophic 29940
injury to public health or safety or to the environment, or will 29941
reduce the extraordinary risk of injury to responding emergency 29942
management personnel, in the event of a release of the substances 29943
or chemicals and find by a preponderance of the evidence that the 29944
reporting requirement is necessary for the development of such a 29945
local emergency response plan. The rules shall require that when 29946
determining whether the substances or chemicals that would be 29947
subject to the reporting requirement pose a substantial risk of 29948

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: 29949
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(i) The specific characteristics and degree and nature of the hazards posed by a release of the extremely hazardous substances, hazardous chemicals, or hazardous substances; 29954
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(ii) The proximity of the facilities that would be subject to the reporting requirement to residential areas, to areas where significantly large numbers of people are employed or otherwise congregate, and to environmental resources that are subject to injury; 29957
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(iii) The quantities of the extremely hazardous substances, hazardous chemicals, or hazardous substances that are routinely present at facilities that would be subject to the reporting requirement; 29962
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(iv) The frequency with which the extremely hazardous substances, hazardous chemicals, or hazardous substances are present at the facilities that would be subject to the reporting requirement in quantities for which reporting would be required thereunder. 29966
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(f) Establish criteria and procedures for the issuance of orders under division (D) of section 3750.11 of the Revised Code requiring the placement of emergency response lock box units. The rules shall require that before approval of an application for issuance of such an order, the commission or committee find by a preponderance of the scientific evidence based upon generally accepted scientific principles or laboratory tests that the presence of the extremely hazardous substances, hazardous chemicals, or hazardous substances in the quantities in which they 29971
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are routinely or intermittently present at the facility for which 29980
the order is sought pose a substantial risk of catastrophic injury 29981
to public health or safety or to the environment, or pose an 29982
extraordinary risk of injury to responding emergency management 29983
personnel, in the event of a release of any of those substances or 29984
chemicals from the facility. The rules shall require that before 29985
approval of an application for issuance of such an order, the 29986
commission or committee also find by a preponderance of the 29987
evidence that the placement of an emergency response lock box unit 29988
at the facility is necessary to protect against the substantial 29989
risk of catastrophic injury to public health or safety or the 29990
environment, or to protect against an extraordinary risk of injury 29991
to responding emergency management personnel, in the event of a 29992
release of any of the extremely hazardous substances, hazardous 29993
chemicals, or hazardous substances routinely or intermittently 29994
present at the facility. The rules shall require that when 29995
determining whether the extremely hazardous substances, hazardous 29996
chemicals, or hazardous substances present at the facility pose a 29997
substantial risk of catastrophic injury to public health or safety 29998
or to the environment, or pose an extraordinary risk of injury to 29999
responding emergency management personnel, in the event of a 30000
release of any of those substances or chemicals from the facility, 30001
the commission or committee consider all of the following factors: 30002

(i) The specific characteristics and the degree and nature of 30003
the hazards posed by a release of the extremely hazardous 30004
substances, hazardous chemicals, or hazardous substances present 30005
at the facility; 30006

(ii) The proximity of the facility to residential areas, to 30007
areas where significantly large numbers of people are employed or 30008
otherwise congregate, and to environmental resources that are 30009
subject to injury; 30010

(iii) The quantities of the extremely hazardous substances, 30011

hazardous chemicals, or hazardous substances that are routinely present at the facility; 30012
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(iv) The frequency with which the extremely hazardous substances, hazardous chemicals, or hazardous substances are present at the facility. 30014
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(g) Establish procedures to be followed by the commission and the executive committee of the commission for the issuance of orders under this chapter. 30017
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(3) In accordance with Chapter 119. of the Revised Code adopt rules establishing reportable quantities for releases of oil that are consistent with and equivalent in scope, content, and coverage to section 311 of the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 862, 33 U.S.C.A. 1321, as amended, and applicable regulations adopted under it; 30020
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(4) Adopt rules in accordance with Chapter 119. of the Revised Code establishing criteria and procedures for identifying or listing extremely hazardous substances in addition to those identified or listed in rules adopted under division (B)(1)(a) of this section and for establishing threshold planning quantities and reportable quantities for the added extremely hazardous substances; for identifying or listing hazardous chemicals in addition to those identified or listed in rules adopted under division (B)(1)(b) of this section and for establishing threshold quantities and categories of health and physical hazards for the added hazardous chemicals; and for identifying or listing hazardous substances in addition to those identified or listed in rules adopted under division (B)(1)(c) of this section and for establishing reportable quantities for the added hazardous substances. The criteria for identifying or listing additional extremely hazardous substances and establishing threshold planning quantities and reportable quantities therefor and for identifying or listing additional hazardous chemicals and establishing 30026
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threshold quantities and categories of health and physical hazards 30044
for the added hazardous chemicals shall be consistent with and 30045
equivalent to applicable criteria therefor under the "Emergency 30046
Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 30047
42 U.S.C.A. 11001, and regulations adopted under it. The criteria 30048
for identifying additional hazardous substances and for 30049
establishing reportable quantities of the added hazardous 30050
substances shall be consistent with and equivalent to the 30051
applicable criteria for identifying or listing hazardous 30052
substances and establishing reportable quantities therefor under 30053
the "Comprehensive Environmental Response, Compensation, and 30054
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 30055
amended, and regulations adopted under it. 30056

The rules shall require that, before identifying or listing 30057
any such additional extremely hazardous substance, hazardous 30058
chemical, or hazardous substance and establishing a threshold 30059
planning quantity, threshold quantity, or reportable quantity 30060
therefor, the commission find by a preponderance of the scientific 30061
evidence based on generally accepted scientific principles or 30062
laboratory tests that the substance or chemical poses a 30063
substantial risk of catastrophic injury to public health or safety 30064
or to the environment, or poses an extraordinary risk of injury to 30065
emergency management personnel responding to a release of the 30066
chemical or substance, when the chemical or substance is present 30067
at a facility in an amount equal to the proposed threshold 30068
planning quantity or threshold quantity or, in the instance of a 30069
proposed additional extremely hazardous substance or hazardous 30070
substance, poses a substantial risk of catastrophic injury to 30071
public health or safety or to the environment if a release of the 30072
proposed reportable quantity of the substance occurs. The rules 30073
shall further require that, before so identifying or listing a 30074
substance or chemical, the commission find by a preponderance of 30075

the evidence that the development and implementation of state or local emergency response plans for releases of the substance or chemical will reduce the risk of a catastrophic injury to public health or safety or to the environment, or will reduce the extraordinary risk of injury to responding emergency response personnel, in the event of a release of the substance or chemical and find by a preponderance of the evidence that the identification or listing of the substance or chemical is necessary for the development of state or local emergency response plans for releases of the substance or chemical. The rules shall require that the commission consider the toxicity of the substance or chemical in terms of both the short-term and long-term health effects resulting from exposure to it and its reactivity, volatility, dispersibility, combustibility, and flammability when determining the risks posed by a release of the substance or chemical and, as appropriate, when establishing a threshold planning quantity, threshold quantity, reportable quantity, or category of health or physical hazard for it.

(5) Adopt rules in accordance with Chapter 119. of the Revised Code establishing criteria and procedures for receiving and deciding claims for protection of information as a trade secret that are applicable only to extremely hazardous substances and hazardous chemicals identified or listed in rules adopted under division (C)(5) of this section. The rules shall be equivalent in scope, content, and coverage to section 322 of the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under it.

(6)(a) After consultation with the fire marshal, adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for the construction, placement, and use of emergency response lock box units at facilities that are subject to this chapter. The rules shall establish all of the following:

(i) Specific standards of construction for lock box units; 30108

(ii) The specific types of information that shall be placed 30109
in the lock box units required to be placed at a facility by an 30110
order issued under division (D) of section 3750.11 of the Revised 30111
Code, which shall include the location of on-site emergency 30112
fire-fighting and spill cleanup equipment; a diagram of the public 30113
and private water supply and sewage systems serving the facility 30114
that are known to the owner or operator of the facility; a copy of 30115
the emergency and hazardous chemical inventory form for the 30116
facility most recently required to be submitted under section 30117
3750.08 of the Revised Code from which the owner or operator may 30118
withhold information claimed or determined to be trade secret 30119
information pursuant to rules adopted under division (B)(2)(d) of 30120
this section, or pursuant to division (B)(14) of this section and 30121
rules adopted under division (B)(5) of this section, and 30122
confidential business information identified in rules adopted 30123
under division (B)(1)(h) of this section; a copy of the local fire 30124
department's and facility's emergency management plans for the 30125
facility, if any; a current list of the names, positions, 30126
addresses, and telephone numbers of all key facility personnel 30127
knowledgeable in facility safety procedures and the locations at 30128
the facility where extremely hazardous substances, hazardous 30129
chemicals, and hazardous substances are produced, used, or stored. 30130
The rules shall stipulate that, in the instance of lock box units 30131
placed voluntarily at facilities by the owners or operators of the 30132
facilities, such information shall be maintained in them as is 30133
prescribed by agreement by the owner or operator and the fire 30134
department having jurisdiction over the facility. 30135

(iii) The conditions that shall be met in order to provide 30136
safe and expedient access to a lock box unit during a release or 30137
threatened release of an extremely hazardous substance, hazardous 30138
chemical, or hazardous substance. 30139

(b) Unless the owner or operator of a facility is issued an order under division (D) of section 3750.11 of the Revised Code requiring the owner or operator to place a lock box unit at the facility, the owner or operator may place a lock box unit at the facility at the owner's or operator's discretion. If the owner or operator chooses to place a lock box unit at the facility, the responsibility to deposit information in the lock box unit is in addition to any other obligations established in this chapter.

(c) Any costs associated with the purchase, construction, or placement of a lock box unit shall be paid by the owner or operator of the facility.

(7) In accordance with Chapter 119. of the Revised Code, adopt rules governing the application for and awarding of grants under division (C) of section 3750.14 and division (B) of section 3750.15 of the Revised Code;

(8) Adopt rules in accordance with Chapter 119. of the Revised Code establishing reasonable maximum fees that may be charged by the commission and local emergency planning committees for copying information in the commission's or committee's files to fulfill requests from the public for that information;

(9) Adopt internal management rules governing the operations of the commission. The internal management rules shall establish an executive committee of the commission consisting of the director of environmental protection or the director's designee, the director of public safety or the director's designee, the attorney general or the attorney general's designee, one of the appointed members of the commission representing industries subject to this chapter to be appointed by the commission, one of the appointed members of the commission representing the interests of environmental advocacy organizations to be appointed by the commission, and one other appointed member or member ex officio of the commission to be appointed by the commission. The executive

committee has exclusive authority to issue enforcement orders 30172
under section 3750.18 of the Revised Code and to request the 30173
attorney general to bring a civil action, civil penalty action, or 30174
criminal action under section 3750.20 of the Revised Code in the 30175
name of the commission regarding violations of this chapter, rules 30176
adopted under it, or orders issued under it. The internal 30177
management rules may set forth the other specific powers and 30178
duties of the commission that the executive committee may exercise 30179
and carry out and the conditions under which the executive 30180
committee may do so. The internal management rules shall not 30181
authorize the executive committee to issue variances under 30182
division (B) or (C) of section 3750.11 of the Revised Code or 30183
orders under division (D) of that section. 30184

(10) Oversee and coordinate the implementation and 30185
enforcement of this chapter and make such recommendations to the 30186
director of environmental protection and the director of public 30187
safety as it considers necessary or appropriate to improve the 30188
implementation and enforcement of this chapter; 30189

(11) Make allocations of moneys under division (B) of section 30190
3750.14 of the Revised Code and make grants under division (C) of 30191
section 3750.14 and division (B) of section 3750.15 of the Revised 30192
Code; 30193

(12) Designate an officer of the environmental protection 30194
agency to serve as the commission's information coordinator under 30195
this chapter; 30196

(13) Not later than December 14, 1989, develop and distribute 30197
a state emergency response plan that defines the emergency 30198
response roles and responsibilities of the state agencies that are 30199
represented on the commission and that provides appropriate 30200
coordination with the national contingency plan and the regional 30201
contingency plan required by section 105 of the "Comprehensive 30202
Environmental Response, Compensation, and Liability Act of 1980," 30203

94 Stat. 2767, 42 U.S.C.A. 9601, as amended. The plan shall ensure
a well-coordinated response by state agencies that may be involved
in assisting local emergency responders during a major release of
oil or a major sudden and accidental release of a hazardous
substance or extremely hazardous substance. The plan may
incorporate existing state emergency response plans by reference.
At least annually, the commission and the state agencies that are
represented on it shall jointly exercise the state plan in
conjunction with the exercise of a local emergency response plan
by a local emergency planning committee under section 3750.04 of
the Revised Code. After any such exercise, the commission shall
review the state plan and make such revisions in it as the
commission considers necessary or appropriate.

(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
services of experts or consultants when those services are to be
performed on a part-time or fee-for-service basis and do not
involve the performance of administrative duties;

(2) Enter into contracts or agreements with political
subdivisions or emergency planning districts for the purposes of
this chapter;

(3) Accept on behalf of the state any gift, grant, or
contribution from any governmental or private source for the
purposes of this chapter;

(4) Enter into contracts, agreements, or memoranda of
understanding with any state department, agency, board,
commission, or institution to obtain the services of personnel
thereof or utilize resources thereof for the purposes of this
chapter. Employees of a state department, agency, board,
commission, or institution providing services to the commission
under any such contract, agreement, or memorandum shall perform
only those functions and provide only the services provided for in
the contract, agreement, or memorandum.

(5) Identify or list extremely hazardous substances in
addition to those identified or listed in rules adopted under
division (B)(1)(a) of this section and establish threshold
planning quantities and reportable quantities for the additional
extremely hazardous substances, identify or list hazardous
chemicals in addition to those identified or listed in rules

adopted under division (B)(1)(b) of this section and establish 30267
threshold quantities and categories or health and physical hazards 30268
for the added chemicals, and identify or list hazardous substances 30269
in addition to those identified or listed in rules adopted under 30270
division (B)(1)(c) of this section and establish reportable 30271
quantities for the added hazardous substances. The commission may 30272
establish threshold planning quantities for the additional 30273
extremely hazardous substances based upon classes of those 30274
substances or categories of facilities at which they are present 30275
and may establish threshold quantities for the additional 30276
hazardous chemicals based upon classes of those chemicals or 30277
categories of facilities where they are present. The commission 30278
shall identify or list such additional substances or chemicals and 30279
establish threshold planning quantities, threshold quantities, 30280
reportable quantities, and hazard categories therefor in 30281
accordance with the criteria and procedures established in rules 30282
adopted under division (B)(4) of this section and, after 30283
compliance with those criteria and procedures, by the adoption of 30284
rules in accordance with Chapter 119. of the Revised Code. The 30285
commission shall not adopt rules under division (C)(5) of this 30286
section modifying any threshold planning quantity established in 30287
rules adopted under division (B)(1)(a) of this section, any 30288
threshold quantity established in rules adopted under division 30289
(B)(1)(b) of this section, or any reportable quantity established 30290
in rules adopted under division (B)(1)(c) of this section. 30291

If, after the commission has adopted rules under division 30292
(C)(5) of this section identifying or listing an extremely 30293
hazardous substance, hazardous chemical, or hazardous substance, 30294
the administrator of the United States environmental protection 30295
agency identifies or lists the substance or chemical as an 30296
extremely hazardous substance or hazardous chemical under the 30297
"Emergency Planning and Community Right-To-Know Act of 1986," 100 30298

Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a substance 30299
as a hazardous substance under the "Comprehensive Environmental 30300
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 30301
42 U.S.C.A. 9602, as amended, the commission shall rescind its 30302
rules adopted under division (C)(5) of this section pertaining to 30303
the substance or chemical and adopt the appropriate rules under 30304
division (B)(1)(a), (b), or (c) of this section. 30305

(6) From time to time, request the director of environmental 30306
protection and the executive director of the emergency management 30307
agency to review implementation, administration, and enforcement 30308
of the chemical emergency response planning and reporting programs 30309
created by this chapter and rules adopted under it regarding their 30310
effectiveness in preparing for response to releases of extremely 30311
hazardous substances, hazardous chemicals, and hazardous 30312
substances. After completion of any such review, the director of 30313
environmental protection and the director of public safety shall 30314
report their findings to the commission. Upon receipt of their 30315
findings, the commission may make such recommendations for 30316
legislative and administrative action as the commission finds 30317
necessary or appropriate to promote achievement of the purposes of 30318
this chapter. 30319

(D) Except as provided in section 3750.06 of the Revised 30320
Code, nothing in this chapter applies to the transportation, 30321
including the storage incident to transportation, of any substance 30322
or chemical subject to the requirements of this chapter, including 30323
the transportation and distribution of natural gas. 30324

(E) This chapter authorizes the state, through the emergency 30325
response commission, the department of public safety, and the 30326
environmental protection agency, to establish and maintain 30327
chemical emergency response planning and preparedness, community 30328
right-to-know, and hazardous substance and extremely hazardous 30329
substance release reporting programs that are consistent with and 30330

equivalent in scope, coverage, and content to the "Emergency
Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729,
42 U.S.C.A. 11001, and regulations adopted under it, except as
otherwise specifically required or authorized in this chapter. The
commission, department, and agencies may do all things necessary,
incidental, or appropriate to implement, administer, and enforce
this chapter and to perform the duties and exercise the powers of
the state emergency response commission under that act and
regulations adopted under it and under this chapter.

Sec. 3750.081. (A) Notwithstanding any provision in this
chapter to the contrary, an owner or operator of a facility that
is regulated under Chapter 1509. of the Revised Code who has filed
a log in accordance with section 1509.10 of the Revised Code and a
production statement in accordance with section 1509.11 of the
Revised Code shall be deemed to have satisfied all of the
inventory, notification, listing, and other submission and filing
requirements established under this chapter, except for the
release reporting requirements established under section 3750.06
of the Revised Code.

(B) The emergency response commission and every local
emergency planning committee and fire department in this state
shall establish a means by which to access, view, and retrieve
information, through the use of the internet or a computer disk,
from the electronic database maintained by the division of mineral
resources management in the department of natural resources in
accordance with section 1509.23 of the Revised Code. With respect
to facilities regulated under Chapter 1509. of the Revised Code,
the database shall be the means of providing and receiving the
information described in division (A) of this section.

Sec. 3750.13. (A)(1) Except as provided in division (A)(3) or
(4) of this section, the owner or operator of a facility required

to annually file an emergency and hazardous chemical inventory 30362
form under section 3750.08 of the Revised Code shall submit with 30363
the inventory form a filing fee of one hundred fifty dollars. In 30364
addition to the filing fee, the owner or operator shall submit 30365
with the inventory form the following additional fees for 30366
reporting inventories of the individual hazardous chemicals and 30367
extremely hazardous substances produced, used, or stored at the 30368
facility: 30369

(a) Except as provided in division (A)(1)(b) of this section, 30370
an additional fee of ~~ten~~ twenty dollars per hazardous chemical 30371
enumerated on the inventory form ~~in excess of five~~; 30372

(b) An additional fee of one hundred fifty dollars per 30373
extremely hazardous substance enumerated on the inventory form. 30374
The fee established in division (A)(1)(a) of this section does not 30375
apply to the reporting of the inventory of a hazardous chemical 30376
that is also an extremely hazardous substance to which the 30377
inventory reporting fee established in division (A)(1)(b) of this 30378
section applies. 30379

The total fees required to accompany any inventory form shall 30380
not exceed twenty-five hundred dollars. 30381

(2) An owner or operator of a facility who fails to submit 30382
such an inventory form within thirty days after the applicable 30383
filing date prescribed in section 3750.08 of the Revised Code 30384
shall submit with the inventory form a late filing fee in the 30385
amount of ~~fifteen~~ ten per cent per year of the total fees due 30386
under division (A)(1) or (4) of this section, in addition to the 30387
fees due under division (A)(1) or (4) of this section. ~~The late~~ 30388
~~filing fee shall be compounded every three months until the total~~ 30389
~~fees due under division (A)(1) or (4) of this section are~~ 30390
~~submitted to the emergency response commission.~~ 30391

(3) The owner or operator of a facility who, during the 30392
preceding year, was required to pay a fee to a municipal 30393

corporation pursuant to an ordinance, rule, or requirement that 30394
was in effect on the effective date of this section for the 30395
reporting or providing of the names or amounts of extremely 30396
hazardous substances or hazardous chemicals produced, used, or 30397
stored at the facility may claim a credit against the fees due 30398
under division (A)(1) or (4) of this section for the fees paid to 30399
the municipal corporation pursuant to its reporting requirement. 30400
The amount of the credit claimed in any reporting year shall not 30401
exceed the amount of the fees due under division (A)(1) or (4) of 30402
this section during that reporting year, and no unused portion of 30403
the credit shall be carried over to subsequent years. In order to 30404
claim a credit under this division, the owner or operator shall 30405
submit with the emergency and hazardous chemical inventory form a 30406
receipt issued by the municipal corporation or other documentation 30407
acceptable to the commission indicating the amount of the fee paid 30408
to the municipal corporation and the date on which the fee was 30409
paid. 30410

(4) An owner or operator who is regulated under Chapter 1509. 30411
of the Revised Code and who submits inventory forms information 30412
under section 1509.11 of the Revised Code for not more than 30413
~~thirty-five~~ twenty-five facilities ~~that meet all of the following~~ 30414
~~conditions~~ shall submit with the forms to the emergency response 30415
commission on or before the first day of March a flat fee of 30416
~~twenty-five~~ fifty dollars if the facilities meet all of the 30417
following conditions: 30418

(a) The facility exclusively stores crude oil or liquid 30419
hydrocarbons or other fluids resulting, obtained, or produced in 30420
connection with the production or storage of crude oil or natural 30421
gas. 30422

(b) The crude oil, liquid hydrocarbons, or other fluids 30423
stored at the facility are conveyed directly to it through piping 30424
or tubing. 30425

(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 for more than ~~thirty-five~~ twenty-five facilities that meet all of the conditions prescribed in divisions (A)(4)(a) to (d) of this section shall submit to the commission a base fee of ~~twenty-five~~ fifty dollars ~~in addition to a~~ and an additional filing fee of ten dollars for each facility reported in excess of ~~thirty-five~~ twenty-five, but not exceeding a total fee of ~~seven~~ nine hundred dollars. ~~An owner or operator of such facilities shall submit the forms for all such facilities owned or operated by him in this state to the commission at the same time together with the applicable fee under division (A)(4) of this section.~~

As used in division (A)(4) of this section, "owner or operator" means the person who actually owns or operates any such facility and any other person who controls, is controlled by, or is under common control with the person who actually owns or operates the facility.

(B) The emergency response commission and the local emergency planning committee of an emergency planning district may establish fees to be paid by persons, other than public officers or employees, obtaining copies of documents or information submitted to the commission or a committee under this chapter. The fees shall be established at a level calculated to defray the costs to the commission or committee for copying the documents or information, but shall not exceed the maximum fees established in rules adopted under division (B)(8) of section 3750.02 of the Revised Code.

(C) Except as provided in this division and division (B) of 30458
this section, and except for fees authorized by section 3737.22 of 30459
the Revised Code or rules adopted under sections 3737.82 to 30460
3737.882 of the Revised Code and collected exclusively for either 30461
of those purposes, no committee or political subdivision shall 30462
levy any fee, tax, excise, or other charge to carry out the 30463
purposes of this chapter. A committee may charge the actual costs 30464
involved in accessing any computerized data base established by 30465
the commission under this chapter or by the United States 30466
environmental protection agency under the "Emergency Planning and 30467
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 30468
11001. 30469

(D) Moneys collected by the commission under this section 30470
shall be credited to the emergency planning and community 30471
right-to-know fund created in section 3750.14 of the Revised Code. 30472

Sec. 3769.08. (A) Any person holding a permit to conduct a 30473
horse-racing meeting may provide a place in the race meeting 30474
grounds or enclosure at which the permit holder may conduct and 30475
supervise the pari-mutuel system of wagering by patrons of legal 30476
age on the live racing programs and simulcast racing programs 30477
conducted by ~~such~~ the permit holder. 30478

~~Such~~ The pari-mutuel method of wagering upon the live racing 30479
programs and simulcast racing programs held at or conducted within 30480
such race track, and at the time of such horse-racing meeting, or 30481
at other times authorized by the state racing commission, shall 30482
not be unlawful. No other place, except that provided and 30483
designated by the permit holder and except as provided in section 30484
3769.26 of the Revised Code, nor any other method or system of 30485
betting or wagering, except the pari-mutuel system, shall be used 30486
or permitted by the permit holder; nor, except as provided in 30487
section 3769.089 or 3769.26 of the Revised Code, shall the 30488

pari-mutuel system of wagering be conducted by the permit holder 30489
on any races except the races at the race track, grounds, or 30490
enclosure for which the person holds a permit. Each permit holder 30491
may retain as a commission an amount not to exceed eighteen per 30492
cent of the total of all moneys wagered. 30493

The pari-mutuel wagering authorized by this section is 30494
subject to sections 3769.25 to ~~3769.27~~ 3769.28 of the Revised 30495
Code. 30496

(B) At the close of each racing day, each permit holder 30497
authorized to conduct thoroughbred racing, out of the amount 30498
retained on that day by the permit holder, shall pay by check, 30499
draft, or money order to the tax commissioner, as a tax, a sum 30500
equal to the following percentages of the total of all moneys 30501
wagered on live racing programs on that day and shall separately 30502
compute and pay by check, draft, or money order to the tax 30503
commissioner, as a tax, a sum equal to the following percentages 30504
of the total of all money wagered on simulcast racing programs on 30505
that day: 30506

(1) One per cent of the first two hundred thousand dollars 30507
wagered, or any part ~~thereof~~ of that amount; 30508

(2) Two per cent of the next one hundred thousand dollars 30509
wagered, or any part ~~thereof~~ of that amount; 30510

(3) Three per cent of the next one hundred thousand dollars 30511
wagered, or any part ~~thereof~~ of that amount; 30512

(4) Four per cent of all sums over four hundred thousand 30513
dollars wagered. 30514

Except as otherwise provided in section 3769.089 of the 30515
Revised Code, each permit holder authorized to conduct 30516
thoroughbred racing shall use for purse money a sum equal to fifty 30517
per cent of the pari-mutuel revenues retained by the permit holder 30518
as a commission after payment of the state tax. This fifty per 30519

cent payment shall be in addition to the purse distribution from 30520
breakage specified in this section. 30521

Subject to division (M) of this section, from the moneys paid 30522
to the tax commissioner by ~~thoroughbred racing~~ thoroughbred racing 30523
permit holders, one-half of one per cent of the total of all 30524
moneys so wagered on a racing day shall be paid into the Ohio 30525
fairs fund created by section 3769.082 of the Revised Code, one 30526
and one-eighth per cent of the total of all moneys so wagered on a 30527
racing day shall be paid into the Ohio thoroughbred race fund 30528
created by section 3769.083 of the Revised Code, and one-quarter 30529
of one per cent of the total of all moneys wagered on a racing day 30530
by each permit holder shall be paid into the state racing 30531
commission operating fund created by section 3769.03 of the 30532
Revised Code. The required payment to the state racing commission 30533
operating fund does not apply to county and independent fairs and 30534
agricultural societies. The remaining moneys may be retained by 30535
the permit holder, except as provided in this section with respect 30536
to the odd cents redistribution. Amounts paid into the PASSPORT 30537
fund shall be used solely for the support of the PASSPORT program 30538
as determined in appropriations made by the general assembly. If 30539
the PASSPORT program is abolished, the amount that would have been 30540
paid to the PASSPORT fund under this chapter shall be paid to the 30541
general revenue fund of the state. As used in this chapter, 30542
"PASSPORT program" means the PASSPORT program created under 30543
section 173.40 of the Revised Code. 30544

~~During calendar year 1994, the~~ The total amount paid to the 30545
Ohio thoroughbred race fund under this section and division (A) of 30546
section 3769.087 of the Revised Code ~~shall not exceed by more than~~ 30547
~~six per cent the total amount paid to this fund under this section~~ 30548
~~and that section during calendar year 1990. During each calendar~~ 30549
~~year after calendar year 1994, the total amount paid to this fund~~ 30550
~~under this section and that section shall not exceed by more than~~ 30551

six per cent the total amount paid to this fund under this section 30552
and that section during the immediately preceding calendar year. 30553

Each year, the total amount calculated for payment into the 30554
Ohio fairs fund under this division, division (C) of this section, 30555
and division (A) of section 3769.087 of the Revised Code shall be 30556
an amount calculated using the percentages specified in this 30557
division, division (C) of this section, and division (A) of 30558
section 3769.087 of the Revised Code. ~~Until January 1, 1996, the~~ 30559
~~total amount actually paid into the Ohio fairs fund under this~~ 30560
~~division, division (C) of this section, and section 3769.087 of~~ 30561
~~the Revised Code during each calendar year shall not exceed the~~ 30562
~~total amount that was actually paid into that fund under this~~ 30563
~~division, division (C) of this section, and section 3769.087 of~~ 30564
~~the Revised Code during calendar year 1990, plus five hundred~~ 30565
~~thousand dollars. Beginning on January 1, 1996, and continuing~~ 30566
~~through December 31, 1998, the total amount actually paid into the~~ 30567
~~Ohio fairs fund during each calendar year under this division,~~ 30568
~~division (C) of this section, and section 3769.087 of the Revised~~ 30569
~~Code shall not exceed by more than five per cent an amount equal~~ 30570
~~to the total amount actually paid into the Ohio fairs fund during~~ 30571
~~the immediately preceding calendar year.~~ 30572

A permit holder may contract with a thoroughbred horsemen's 30573
organization for the organization to act as a representative of 30574
all thoroughbred owners and trainers participating in a 30575
horse-racing meeting conducted by the permit holder. A 30576
"thoroughbred horsemen's organization" is any corporation or 30577
association that represents, through membership or otherwise, more 30578
than one-half of the aggregate of all thoroughbred owners and 30579
trainers who were licensed and actively participated in racing 30580
within this state during the preceding calendar year. Except as 30581
otherwise provided in this paragraph, any moneys received by a 30582
thoroughbred horsemen's organization shall be used exclusively for 30583

the benefit of thoroughbred owners and trainers racing in this 30584
state through the administrative purposes of the organization, 30585
benevolent activities on behalf of the horsemen, promotion of the 30586
horsemen's rights and interests, and promotion of equine research. 30587
A thoroughbred horsemen's organization may expend not more than an 30588
aggregate of five per cent of its annual gross receipts, or a 30589
larger amount as approved by the organization, for dues, 30590
assessments, and other payments to all other local, national, or 30591
international organizations having as their primary purposes the 30592
promotion of thoroughbred horse racing, thoroughbred horsemen's 30593
rights, and equine research. 30594

(C) Except as otherwise provided in division (B) of this 30595
section, at the close of each racing day, each permit holder 30596
authorized to conduct harness or quarter horse racing, out of the 30597
amount retained that day by the permit holder, shall pay by check, 30598
draft, or money order to the tax commissioner, as a tax, a sum 30599
equal to the following percentages of the total of all moneys 30600
wagered on live racing programs and shall separately compute and 30601
pay by check, draft, or money order to the tax commissioner, as a 30602
tax, a sum equal to the following percentages of the total of all 30603
money wagered on simulcast racing programs on that day: 30604

(1) One per cent of the first two hundred thousand dollars 30605
wagered, or any part ~~thereof~~ of that amount; 30606

(2) Two per cent of the next one hundred thousand dollars 30607
wagered, or any part ~~thereof~~ of that amount; 30608

(3) Three per cent of the next one hundred thousand dollars 30609
wagered, or any part ~~thereof~~ of that amount; 30610

(4) Four per cent of all sums over four hundred thousand 30611
dollars wagered. 30612

Except as otherwise provided in division (B) and subject to 30613
division (M) of this section, from the moneys paid to the tax 30614

commissioner by permit holders authorized to conduct harness or 30615
quarter horse racing, one-half of one per cent of all moneys 30616
wagered on that racing day shall be paid into the Ohio fairs fund; 30617
from the moneys paid to the tax commissioner by permit holders 30618
authorized to conduct harness racing, five-eighths of one per cent 30619
of all moneys wagered on that racing day shall be paid into the 30620
Ohio standardbred development fund; and from the moneys paid to 30621
the tax commissioner by permit holders authorized to conduct 30622
quarter horse racing, five-eighths of one per cent of all moneys 30623
wagered on that racing day shall be paid into the Ohio quarter 30624
horse development fund. 30625

(D) In addition, subject to division (M) of this section, 30626
beginning on January 1, 1996, from the money paid to the tax 30627
commissioner as a tax under this section and division (A) of 30628
section 3769.087 of the Revised Code by harness horse permit 30629
holders, one-half of one per cent of the amount wagered on a 30630
racing day shall be paid into the Ohio standardbred development 30631
fund. Beginning January 1, 1998, the payment to the Ohio 30632
standardbred development fund required under this division ~~(D)~~ of 30633
~~this section~~ does not apply to county agricultural societies or 30634
independent agricultural societies. 30635

~~During calendar year 1994, the~~ The total amount paid to the 30636
Ohio standardbred development fund under this division, division 30637
(C) of this section, and division (A) of section 3769.087 of the 30638
Revised Code and the total amount paid to the Ohio quarter horse 30639
development fund under this division and division (A) of that 30640
section ~~shall not exceed by more than six per cent the total~~ 30641
~~amount paid to each of these funds under this division and that~~ 30642
~~section during calendar year 1990. During each calendar year after~~ 30643
~~calendar year 1994, the total amount paid to each of these funds~~ 30644
shall not exceed by more than six per cent the total amount paid 30645
into the fund under this division, division (C) of this section, 30646

and division (A) of section 3769.087 of the Revised Code in the 30647
immediately preceding calendar year. 30648

(E) Subject to division (M) of this section, from the money 30649
paid as a tax under this chapter by harness and quarter horse 30650
permit holders, one-quarter of one per cent of the total of all 30651
moneys wagered on a racing day by each permit holder shall be paid 30652
into the state racing commission operating fund created by section 30653
3769.03 of the Revised Code. This division does not apply to 30654
county and independent fairs and agricultural societies. 30655

(F) Except as otherwise provided in section 3769.089 of the 30656
Revised Code, each permit holder authorized to conduct harness 30657
racing shall ~~pat~~ pay to the harness horsemen's purse pool a sum 30658
equal to fifty per cent of the pari-mutuel revenues retained by 30659
the permit holder as a commission after payment of the state tax. 30660
This fifty per cent payment is to be in addition to the purse 30661
distribution from breakage specified in this section. 30662

(G) In addition, each permit holder authorized to conduct 30663
harness racing shall be allowed to retain the odd cents of all 30664
redistribution to be made on all mutual contributions exceeding a 30665
sum equal to the next lowest multiple of ten. 30666

Forty per cent of that portion of that total sum of such odd 30667
cents shall be used by the permit holder for purse money for Ohio 30668
sired, bred, and owned colts, for purse money for Ohio bred 30669
horses, and for increased purse money for horse races. Upon the 30670
formation of the corporation described in section 3769.21 of the 30671
Revised Code to establish a harness horsemen's health and 30672
retirement fund, twenty-five per cent of that portion of that 30673
total sum of odd cents shall be paid at the close of each racing 30674
day by the permit holder to ~~such~~ that corporation to establish and 30675
fund the health and retirement fund. Until ~~such~~ that corporation 30676
is formed, ~~such~~ that twenty-five per cent shall be paid at the 30677
close of each racing day by the permit holder to the tax 30678

commissioner or the tax commissioner's agent in the county seat of 30679
the county in which the permit holder operates race meetings. The 30680
remaining thirty-five per cent of that portion of that total sum 30681
of odd cents shall be retained by the permit holder. 30682

(H) In addition, each permit holder authorized to conduct 30683
thoroughbred racing shall be allowed to retain the odd cents of 30684
all redistribution to be made on all mutuel contributions 30685
exceeding a sum equal to the next lowest multiple of ten. Twenty 30686
per cent of that portion of that total sum of such odd cents shall 30687
be used by the permit holder for increased purse money for horse 30688
races. Upon the formation of the corporation described in section 30689
3769.21 of the Revised Code to establish a thoroughbred horsemen's 30690
health and retirement fund, forty-five per cent of that portion of 30691
that total sum of odd cents shall be paid at the close of each 30692
racing day by the permit holder to ~~such~~ that corporation to 30693
establish and fund the health and retirement fund. Until ~~such~~ that 30694
corporation is formed, ~~such~~ that forty-five per cent shall be paid 30695
by the permit holder to the tax commissioner or the tax 30696
commissioner's agent in the county seat of the county in which the 30697
permit holder operates race meetings, at the close of each racing 30698
day. The remaining thirty-five per cent of that portion of that 30699
total sum of odd cents shall be retained by the permit holder. 30700

(I) In addition, each permit holder authorized to conduct 30701
quarter horse racing shall be allowed to retain the odd cents of 30702
all redistribution to be made on all mutuel contributions 30703
exceeding a sum equal to the next lowest multiple of ten, subject 30704
to a tax of twenty-five per cent on that portion of the total sum 30705
of such odd cents that is in excess of two thousand dollars during 30706
a calendar year, which tax shall be paid at the close of each 30707
racing day by the permit holder to the tax commissioner or the tax 30708
commissioner's agent in the county seat of the county within which 30709
the permit holder operates race meetings. Forty per cent of that 30710

portion of that total sum of such odd cents shall be used by the 30711
permit holder for increased purse money for horse races. The 30712
remaining thirty-five per cent of that portion of that total sum 30713
of odd cents shall be retained by the permit holder. 30714

(J)(1) To encourage the improvement of racing facilities for 30715
the benefit of the public, breeders, and horse owners, and to 30716
increase the revenue to the state from the increase in pari-mutuel 30717
wagering resulting from ~~such~~ those improvements, the taxes paid by 30718
a permit holder to the state as provided for in this chapter shall 30719
be reduced by three-fourths of one per cent of the total amount 30720
wagered for those permit holders who make capital improvements to 30721
existing race tracks or construct new race tracks. The percentage 30722
of the reduction that may be taken each racing day shall equal 30723
seventy-five per cent of the ~~tax~~ taxes levied under divisions (B) 30724
and (C) of this section and section 3769.087 of the Revised Code, 30725
and division (F)(2) of section 3769.26 of the Revised Code, as 30726
applicable, divided by the calculated amount each fund should 30727
receive under divisions (B) and (C) of this section and section 30728
3769.087 of the Revised Code, and division (F)(2) of section 30729
3769.26 of the Revised Code and the reduction provided for in this 30730
division. If the resulting percentage is less than one, that 30731
percentage shall be multiplied by the amount of the reduction 30732
provided for in this division. Otherwise, the permit holder shall 30733
receive the full reduction provided for in this division. The 30734
amount of the allowable reduction not received shall be carried 30735
forward and applied against future tax liability. After any 30736
reductions expire, any reduction carried forward shall be treated 30737
as a reduction as provided for in this division. ~~If~~ 30738

If more than one permit holder is authorized to conduct 30739
racing at the facility that is being built or improved, the cost 30740
of the new race track or capital improvement shall be allocated 30741
between or among all the permit holders in the ratio that the 30742

permit holders' number of racing days bears to the total number of 30743
racing days conducted at the facility. ~~Such~~ 30744

A reduction for a new race track or a capital improvement 30745
shall start from the day racing is first conducted following the 30746
date actual construction of the new race track or each capital 30747
improvement is completed and the construction cost has been 30748
~~certified~~ approved by the racing commission, unless otherwise 30749
provided in this section. ~~Such~~ A reduction for a new race track or 30750
a capital improvement shall continue for a period of twenty-five 30751
years for new race tracks and for fifteen years for ~~new~~ capital 30752
improvements if the construction of the capital improvement or new 30753
race track commenced prior to March 29, 1988, and for a period of 30754
ten years for new race tracks or ~~new~~ capital improvements if the 30755
construction of the capital improvement or new race track 30756
commenced on or after March 29, 1988, but before the effective 30757
date of this amendment, or until the total tax reduction reaches 30758
seventy per cent of the approved cost of the new race track or ~~new~~ 30759
capital improvement, as allocated to each permit holder, whichever 30760
occurs first. ~~The tax~~ A reduction for a new race track or a 30761
capital improvement approved after the effective date of this 30762
amendment shall continue until the total tax reduction reaches one 30763
hundred per cent of the approved cost of the new race track or 30764
capital improvement, as allocated to each permit holder. 30765

A reduction granted for ~~any~~ a new race track or a capital 30766
improvement, the application for which was approved by the racing 30767
commission after March 29, 1988, but before the effective date of 30768
this amendment, shall not commence nor shall the ten-year period 30769
begin to run until all prior tax reductions with respect to the 30770
same race track have ended. The total tax reduction because of 30771
capital improvements shall not during any one year exceed for all 30772
permit holders using any one track three-fourths of one per cent 30773
of the total amount wagered, regardless of the number of capital 30774

improvements made. Several capital improvements to a race track 30775
may be consolidated in an application if the racing commission 30776
approved the application prior to March 29, 1988. No permit holder 30777
may receive a tax reduction for a capital improvement approved by 30778
the racing commission on or after March 29, 1988, at a race track 30779
until all tax reductions have ended for all prior capital 30780
improvements approved by the racing commission under this section 30781
or section 3769.20 of the Revised Code at that race track. If 30782
there are two or more permit holders operating meetings at the 30783
same track, they may consolidate their applications. The racing 30784
commission shall notify the tax commissioner when the ~~diminution~~ 30785
reduction of tax begins and when it ends. ~~Each~~ 30786

Each fiscal year the racing commission shall submit a report 30787
to the tax commissioner, the office of budget and management, and 30788
the ~~legislative budget office of the~~ legislative service 30789
commission. The report shall identify each capital improvement 30790
project undertaken under this division and in progress at each 30791
race track, indicate the total cost of each ~~such~~ project, state 30792
the tax reduction that resulted from each ~~such~~ project during the 30793
immediately preceding fiscal year, estimate the tax reduction that 30794
will result from each ~~such~~ project during the current fiscal year, 30795
state the total tax reduction that resulted from all such projects 30796
at all race tracks during the immediately preceding fiscal year, 30797
and estimate the total tax reduction that will result from all 30798
such projects at all race tracks during the current fiscal year. 30799

(2) In order to qualify for the reduction in tax, a permit 30800
holder shall apply to the racing commission in such form as the 30801
commission may require and shall provide full details of the new 30802
~~racing~~ race track or capital improvement, including a schedule for 30803
its construction and completion, and set forth the costs and 30804
expenses incurred in connection ~~therewith~~ with it. The racing 30805
commission shall not approve an application unless the permit 30806

holder shows that a contract for the new race track or capital 30807
improvement has been let under an unrestricted competitive bidding 30808
procedure, unless the contract is exempted by the controlling 30809
board because of its unusual nature. In determining whether to 30810
approve an application, the racing commission shall consider 30811
whether the new race track or capital improvement will promote the 30812
safety, convenience, and comfort of the racing public and horse 30813
owners and generally tend towards the improvement of racing in 30814
this state. 30815

(3) If a new race track or capital improvement is approved by 30816
the racing commission and construction has started, the tax 30817
adjustment reduction may be authorized by the commission upon 30818
presentation of copies of paid bills in excess of one hundred 30819
thousand dollars or ten per cent of the approved cost, whichever 30820
is greater. After the initial authorization, the permit holder 30821
shall present copies of paid bills. If the permit holder is in 30822
substantial compliance with the schedule for construction and 30823
completion of the new race track or capital improvement, the 30824
racing commission may authorize the continuation of the tax 30825
adjustment reduction upon the presentation of ~~such~~ the additional 30826
paid bills. The total amount of the tax adjustment reduction 30827
authorized shall not exceed ~~seventy per cent~~ the percentage of the 30828
approved cost of the new race track or capital improvement 30829
specified in division (J)(1) of this section. The racing 30830
commission may terminate any tax adjustment reduction immediately 30831
if a permit holder fails to complete the new race track or capital 30832
improvement, or to substantially comply with the schedule for 30833
construction and completion of the new race track or capital 30834
improvement. If a permit holder fails to complete a new race track 30835
or capital improvement, the racing commission shall order the 30836
permit holder to repay to the state the total amount of tax 30837
reduced. The normal tax paid by the permit holder shall be 30838
increased by three-fourths of one per cent of the total amount 30839

wagered until the total amount of the additional tax collected 30840
equals the total amount of tax reduced. 30841

(4) As used in this section, "capital": 30842

(a) "Capital improvement" means an addition, replacement, or 30843
remodeling of a structural unit of a race track facility costing 30844
at least one hundred thousand dollars, including, but not limited 30845
to, the construction of barns used exclusively for ~~such~~ the race 30846
track facility, backstretch facilities for horsemen, paddock 30847
facilities, new pari-mutuel and totalizator equipment and 30848
appurtenances ~~thereto~~ to that equipment purchased by the track, 30849
new access roads, new parking areas, the complete reconstruction, 30850
reshaping, and leveling of the ~~race track~~ racing surface and 30851
appurtenances, the installation of permanent new heating or air 30852
conditioning, ~~and~~ roof replacement or restoration, installations 30853
of a permanent nature forming a part of the track structure, and 30854
construction of buildings that are located on a permit holder's 30855
premises. "Capital improvement" does not include the cost of 30856
replacement of equipment that is not permanently installed, 30857
ordinary repairs, painting, and maintenance required to keep a 30858
race track facility in ordinary operating condition. ~~"New~~ 30859

(b) "New race track" or "new racing track" includes the 30860
reconstruction of a race track damaged by fire or other cause that 30861
has been declared by the racing commission, as a result of the 30862
damage, to be an inadequate facility for the safe operation of 30863
horse racing. 30864

(c) "Approved cost" includes all debt service and interest 30865
costs that are associated with a capital improvement or new race 30866
track and that the racing commission approves for a tax reduction 30867
under division (J) of this section. 30868

(5) The racing commission shall not approve an application 30869
for a tax reduction under this section if it has reasonable cause 30870
to believe that the actions or negligence of the permit holder 30871

substantially contributed to the damage suffered by the track due 30872
to fire or other cause. The racing commission shall obtain any 30873
data or information available from a fire marshal, law enforcement 30874
official, or insurance company concerning any fire or other damage 30875
suffered by a track, prior to approving an application for a tax 30876
reduction. 30877

(6) The approved cost ~~and expenses~~ to which a tax reduction 30878
applies shall be determined by generally accepted accounting 30879
principles and verified by an audit of the permit holder's records 30880
upon completion of the project by the racing commission, or by an 30881
independent certified public accountant selected by the permit 30882
holder and approved by the commission. 30883

~~The tax reductions for capital improvements and new tracks 30884
provided for in this division apply only to tax reductions 30885
approved by the state racing commission prior to the effective 30886
date of this amendment. 30887~~

(K) No other license or excise tax or fee, except as provided 30888
in sections 3769.01 to 3769.14 of the Revised Code, shall be 30889
assessed or collected from such licensee by any county, township, 30890
district, municipal corporation, or other body having power to 30891
assess or collect a tax or fee. That portion of the tax paid under 30892
this section by permit holders for racing conducted at and during 30893
the course of an agricultural exposition or fair, and that portion 30894
of the tax that would have been paid by eligible permit holders 30895
into the PASSPORT fund as a result of racing conducted at and 30896
during the course of an agricultural exposition or fair, shall be 30897
deposited into the state treasury to the credit of the horse 30898
racing tax fund, which is hereby created for the use of the 30899
agricultural societies of the several counties in which the taxes 30900
originate. The state racing commission shall determine eligible 30901
permit holders for purposes of the preceding sentence, taking into 30902
account the breed of horse, the racing dates, the geographic 30903

proximity to the fair, and the best interests of Ohio racing. On 30904
the first day of any month on which there is money in the fund, 30905
the ~~director of budget and management~~ tax commissioner shall 30906
provide for payment to the treasurer of each agricultural society 30907
the amount of the taxes collected under this section upon racing 30908
conducted at and during the course of any exposition or fair 30909
conducted by ~~such~~ the society. 30910

(L) From the tax paid under this section by harness track 30911
permit holders, the tax commissioner shall pay into the Ohio 30912
thoroughbred race fund a sum equal to a percentage of the amount 30913
wagered upon which ~~such~~ the tax is paid. The percentage shall be 30914
determined by the tax commissioner and shall be rounded to the 30915
nearest one-hundredth. The percentage shall be such that, when 30916
multiplied by the amount wagered upon which tax was paid by the 30917
harness track permit holders in the most recent year for which 30918
final figures are available, it results in a sum that 30919
substantially equals the same amount of tax paid by the tax 30920
commissioner during that year into the Ohio fairs fund from taxes 30921
paid by thoroughbred permit holders. This division does not apply 30922
to county and independent fairs and agricultural societies. 30923

(M) Twenty-five per cent of the taxes levied on 30924
~~thoroughbred racing~~ thoroughbred racing permit holders, 30925
~~harness racing~~ harness racing permit holders, and quarter horse 30926
racing permit holders under this section, division (A) of section 30927
3769.087 of the Revised Code, and division (F)(2) of section 30928
3769.26 of the Revised Code shall be paid ~~to~~ into the PASSPORT 30929
fund. The tax commissioner shall pay any money remaining, after 30930
the payment ~~to~~ into the PASSPORT fund and the reductions provided 30931
for in division (J) of this section and in section 3769.20 of the 30932
Revised Code, into the Ohio fairs fund, Ohio thoroughbred race 30933
fund, Ohio standardbred development fund, Ohio quarter horse fund, 30934
and state racing commission operating fund as prescribed in this 30935

section and division (A) of section 3769.087 of the Revised Code+ 30936
~~except that the state racing commission operating fund shall not~~ 30937
~~receive more than two million five hundred thousand dollars in any~~ 30938
~~calendar year.~~ The tax commissioner shall thereafter use and apply 30939
the balance of the money paid as a tax by any permit holder to 30940
cover any shortage in the accounts of such funds resulting from an 30941
insufficient payment as a tax by any other permit holder. The 30942
moneys received by the tax commissioner shall be deposited weekly 30943
and paid by the tax commissioner into the funds to cover the total 30944
aggregate amount due from all permit holders to the funds, as 30945
calculated under this section and division (A) of section 3769.087 30946
of the Revised Code, as applicable. If, after the payment ~~to~~ into 30947
the PASSPORT fund, sufficient funds are not available from the tax 30948
deposited by the tax commissioner to pay the required ~~amount~~ 30949
amounts into the Ohio fairs fund, Ohio standardbred development 30950
fund, Ohio thoroughbred race fund, Ohio quarter horse fund, and 30951
the state racing commission operating fund, the tax commissioner 30952
shall prorate on a proportional basis the amount paid to each of 30953
the funds. Any shortage to the funds as a result of a proration 30954
shall be applied against future deposits for the same calendar 30955
year when funds are available. After this application, the tax 30956
commissioner shall pay any remaining money paid as a tax by all 30957
permit holders into the PASSPORT fund. ~~If the Ohio fairs fund does~~ 30958
~~not receive two million five hundred thousand dollars in calendar~~ 30959
~~year 1997 or 1998, the tax commissioner shall pay into the Ohio~~ 30960
~~fairs fund, on a prorated basis, money that would have been paid~~ 30961
~~into the Ohio thoroughbred race fund, Ohio standardbred~~ 30962
~~development fund, Ohio quarter horse development fund, and state~~ 30963
~~racing commission operating fund and the portion that was retained~~ 30964
~~by the tracks the previous calendar year as a reduction provided~~ 30965
~~for in division (J) of this section and section 3769.20 of the~~ 30966
~~Revised Code until the previous year's deficiency is met. Each~~ 30967
~~track that has an existing reduction shall increase its reduction~~ 30968

~~credit balance by the amount determined by the tax commissioner 30969
that is needed to meet its prorated portion of the Ohio fairs fund 30970
deficiency. The credit balance increase shall be paid to the tax 30971
commissioner as a tax. This division does not apply to permit 30972
holders conducting racing at the course of an agricultural 30973
exposition or fair as described in division (K) of this section. 30974~~

Sec. 3769.085. There is hereby created in the state treasury 30975
the Ohio standardbred development fund, to consist of moneys paid 30976
into it pursuant to section 3769.08 of the Revised Code and any 30977
fees assessed for or on behalf of the Ohio sires stakes races. All 30978
fees so assessed shall be exempt from the requirements of 30979
divisions (D) and (M) of section 3769.08 of the Revised Code. All 30980
investment earnings on the cash balance in the fund shall be 30981
credited to the fund. Moneys to the credit of the Ohio 30982
~~standardbred development~~ fund shall be distributed on order of the 30983
state racing commission with the approval of the Ohio standardbred 30984
development commission. 30985

The development commission shall consist of three members, 30986
all to be residents of this state knowledgeable in breeding and 30987
racing, to be appointed by the governor with the advice and 30988
consent of the senate. One member shall be a standardbred breeder, 30989
and one shall be a standardbred owner. Of the initial 30990
appointments, one member shall be appointed for a term ending June 30991
30, 1977, and two members shall be appointed for terms ending June 30992
30, 1979. Thereafter, appointments for other than unexpired terms 30993
shall be for four years. Terms shall begin the first day of July 30994
and end the thirtieth day of June. Any member appointed to fill a 30995
vacancy occurring prior to the expiration of the term for which 30996
the member's predecessor was appointed shall hold office for the 30997
remainder of ~~such~~ that term. Any member shall continue in office 30998
subsequent to the expiration date of the member's term until a 30999
successor takes office. Members shall receive no compensation, 31000

except they shall be paid actual and necessary expenses from the 31001
Ohio standardbred development fund. The state racing commission 31002
shall also be reimbursed for actual expense approved by the 31003
development commission. The development commission may elect one 31004
member to serve as secretary. 31005

Upon application not later than the first day of December 31006
from the harness tracks conducting races with pari-mutuel 31007
wagering, other than agricultural expositions and fairs, the 31008
development commission shall, after a hearing and not later than 31009
the twentieth day of January, allocate and approve all available 31010
moneys for colt races for two-year-old and three-year-old colts 31011
and fillies, both trotting and pacing. Separate races for fillies 31012
shall be provided at each age and gait. At least five races and a 31013
championship race shall be scheduled for each of the eight 31014
categories of age, sex, and gait. The allocations shall take into 31015
account the time of year that racing colts is feasible, the equity 31016
and continuity of the proposed dates for racing the events, and 31017
the amounts to be added by the tracks, looking to the maximum 31018
benefit for those participating in the races. Representatives of 31019
the tracks and the Ohio harness horsemen's association shall be 31020
given an opportunity to be heard before the allocations are made. 31021
No races shall be contested earlier than the first day of May or 31022
later than the first day of November; all permit holders operating 31023
extended pari-mutuel meetings between ~~such~~ those dates shall be 31024
entitled to at least three races. No funds for a race shall be 31025
allocated to and paid to a permit holder by the development 31026
commission unless the permit holder adds at least twenty-five per 31027
cent to the amount allocated by the development commission, and 31028
not less than five thousand dollars to each race. 31029

Colts and fillies eligible to the races shall be only those 31030
sired by a standardbred stallion that was registered with the 31031
state racing commission and stood in ~~Ohio~~ the state the entire 31032

breeding season of the year the colt or filly was conceived and 31033
fillies foaled before November 1, 1979, that are not so qualified 31034
but wholly owned by a resident or residents of ~~Ohio~~ the state on 31035
the first day of January of the year that such filly would be 31036
eligible to race as a two-year-old and also wholly owned by a 31037
resident or residents of ~~Ohio~~ the state on the date the race is 31038
contested. 31039

If the development commission concludes that sufficient funds 31040
are available to add aged races without reducing purse levels of 31041
the colt and filly races, the development commission may allocate 31042
funds to four-year-old and five-year-old races of each sex and 31043
gait with Ohio eligibility required as set forth in this section. 31044

The state racing commission may allocate an amount not to 31045
exceed five per cent of the total Ohio standardbred development 31046
fund available in any one calendar year to research projects 31047
directed toward improving the breeding, raising, racing, and 31048
health and soundness of horses in the state and toward education 31049
or promotion of the industry. 31050

Sec. 3769.087. (A) In addition to the commission of eighteen 31051
per cent retained by each permit holder as provided in section 31052
3769.08 of the Revised Code, each permit holder shall retain an 31053
additional amount equal to four per cent of the total of all 31054
moneys wagered on each racing day on all wagering pools other than 31055
win, place, and show, of which amount retained an amount equal to 31056
three per cent of the total of all moneys wagered on each racing 31057
day on ~~such~~ those pools shall be paid by check, draft, or money 31058
order to the tax commissioner, as a tax. Subject to the 31059
restrictions contained in divisions (B), (C), and (M) of section 31060
3769.08 of the Revised Code, from such additional moneys paid to 31061
the tax commissioner: 31062

(1) Four-sixths shall be ~~PASSPORT~~ allocated to fund 31063

distribution as provided in division (M) of section 3769.08 of the Revised Code~~+~~. 31064
31065

(2) One-twelfth shall be paid into the Ohio fairs fund created by section 3769.082 of the Revised Code~~+~~. 31066
31067

(3) One-twelfth of the additional moneys paid to the tax commissioner by thoroughbred racing permit holders shall be paid into the Ohio thoroughbred race fund created by section 3769.083 of the Revised Code~~+~~. 31068
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(4) One-twelfth of the additional moneys paid to the tax commissioner by harness horse racing permit holders shall be paid to the Ohio standardbred development fund created by section 3769.085 of the Revised Code~~+~~. 31072
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31074
31075

(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~~+~~. 31076
31077
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(6) One-sixth shall be paid into the state racing commission operating fund created by section 3769.03 of the Revised Code. 31080
31081

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. 31082
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(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 31088
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total of all moneys wagered on each racing day on all wagering 31095
~~pools designated by the permit holder that require three or more~~ 31096
~~runner selections to complete the wager. If a permit holder~~ 31097
~~retains an additional amount under this division that equals or~~ 31098
~~exceeds two per cent of the total of all moneys wagered on a~~ 31099
~~racing day on the wagering pools designated under this division,~~ 31100
~~the permit holder shall pay by check, draft, or money order to the~~ 31101
~~tax commissioner, as a tax, an amount equal to two per cent of the~~ 31102
~~total of all moneys wagered on that racing day on those designated~~ 31103
~~wagering pools. The tax commissioner shall deposit the amount of~~ 31104
~~the tax received under this division in the PASSPORT fund. Any~~ 31105
~~amount that is retained but not paid under this division to the~~ 31106
~~tax commissioner as a tax other than win, place, and show. From~~ 31107
~~the additional amount retained under this division, each permit~~ 31108
~~holder shall retain an amount equal to one-quarter of one per cent~~ 31109
~~of the total of all moneys wagered on each racing day on all pools~~ 31110
~~other than win, place, and show and shall pay that amount by~~ 31111
~~check, draft, or money order to the tax commissioner, as a tax.~~ 31112
The tax commissioner shall pay the amount of the tax received 31113
under this division to the state racing commission operating fund 31114
created by section 3769.03 of the Revised Code. 31115

The remaining one-quarter of one per cent that is retained 31116
from the total of all moneys wagered on each racing day on all 31117
pools other than win, place, and show shall be retained by the 31118
permit holder, and the permit holder shall use one-half for purse 31119
money and retain one-half. 31120

Sec. 3769.20. (A) To encourage the renovation of existing 31121
racing facilities for the benefit of the public, breeders, and 31122
horse owners and to increase the revenue to the state from the 31123
increase in pari-mutuel wagering resulting from such improvement, 31124
the taxes paid by a permit holder to the state, in excess of the 31125
amount paid ~~to~~ into the PASSPORT fund, shall be reduced by one per 31126

cent of the total amount wagered for those permit holders who 31127
carry out a major capital improvement project. The percentage of 31128
the reduction that may be taken each racing day shall equal 31129
seventy-five per cent of the ~~tax~~ amount of the taxes levied under 31130
divisions (B) and (C) of section 3769.08, section 3769.087, and 31131
division (F)(2) of section 3769.26 of the Revised Code, as 31132
applicable, divided by the calculated amount each fund should 31133
receive under divisions (B) and (C) of section 3769.08, section 31134
3769.087, and division (F)(2) of section 3769.26 of the Revised 31135
Code and the reduction provided for in this section. If the 31136
resulting percentage is less than one, that percentage shall be 31137
multiplied by the amount of the reduction provided for in this 31138
section. Otherwise, the permit holder shall receive the full 31139
reduction provided for in this section. The amount of the 31140
allowable reduction not received shall be carried forward and 31141
added to any other reduction balance and applied against future 31142
tax liability. After any reductions expire, any reduction carried 31143
forward shall be treated as a reduction as provided for in this 31144
section. If the amount of allowable ~~abatement~~ reduction exceeds 31145
the amount of taxes derived from a permit holder, the amount of 31146
the allowable ~~abatement~~ reduction not used may be carried forward 31147
and applied against future tax liability. ~~If~~ 31148

If more than one permit holder is authorized to conduct 31149
racing at the facility that is being improved, the cost of the 31150
major capital improvement project shall be allocated between or 31151
among all the permit holders in the ratio that each permit 31152
holder's number of racing days bears to the total number of racing 31153
days conducted at the facility. ~~Such~~ 31154

A reduction for a major capital improvement project shall 31155
start from the day racing is first conducted following the date on 31156
which the major capital improvement project is completed and the 31157
construction cost has been ~~certified~~ approved by the state racing 31158

commission, except as otherwise provided in division (E) of this 31159
section, and shall continue until the total tax reduction equals 31160
the cost of the major capital improvement project plus debt 31161
service applicable to the project. In no event, however, shall any 31162
tax reduction, excluding any reduction balances, be permitted 31163
under this section after December 31, 2014. The total tax 31164
reduction because of the major capital improvement project shall 31165
not during any one year exceed for all permit holders using any 31166
one track, ~~one per cent of the total amount wagered.~~ The racing 31167
commission shall notify the tax commissioner when the ~~diminution~~ 31168
reduction of tax begins and when it ends. 31169

(B) Each fiscal year, the racing commission shall submit a 31170
report to the tax commissioner, the office of budget and 31171
management, and the ~~legislative budget office of the~~ legislative 31172
service commission. The report shall identify each capital 31173
improvement project undertaken under this section and in progress 31174
at each race track, indicate the total cost of each ~~such~~ project, 31175
state the tax reduction that resulted from each ~~such~~ project 31176
during the immediately preceding fiscal year, estimate the tax 31177
reduction that will result from each ~~such~~ project during the 31178
current fiscal year, state the total tax reduction that resulted 31179
from all such projects at all race tracks during the immediately 31180
preceding fiscal year, and estimate the total tax reduction that 31181
will result from all such projects at all race tracks during the 31182
current fiscal year. 31183

(C) The tax reduction granted pursuant to this section shall 31184
be in addition to any tax reductions for capital improvements and 31185
new race tracks provided for in section 3769.08 of the Revised 31186
Code and approved by the racing commission ~~prior to March 29,~~ 31187
~~1988.~~ 31188

(D) In order to qualify for the reduction in tax, a permit 31189
holder shall apply to the racing commission in such form as the 31190

commission may require and shall provide full details of the major 31191
capital improvement project, including plans and specifications, a 31192
schedule for the project's construction and completion, and a 31193
breakdown of proposed costs. In addition, the permit holder shall 31194
have commenced construction of the major capital improvement 31195
project or shall have had the application for the project approved 31196
by the racing commission prior to March 29, 1988. The racing 31197
commission shall not approve an application unless the permit 31198
holder shows that a contract for the major capital improvement 31199
project has been let under an unrestricted competitive bidding 31200
procedure, unless the contract is exempted by the controlling 31201
board because of its unusual nature. In determining whether to 31202
approve an application, the racing commission shall consider 31203
whether the major capital improvement project will promote the 31204
safety, convenience, and comfort of the racing public and horse 31205
owners and generally tend toward the improvement of racing in this 31206
state. 31207

(E) If the major capital improvement project is approved by 31208
the racing commission and construction has started, the tax 31209
adjustment reduction may be authorized by the commission upon 31210
presentation of copies of paid bills in excess of five hundred 31211
thousand dollars. After the initial authorization, the permit 31212
holder shall present copies of paid bills in the amount of not 31213
less than five hundred thousand dollars. If the permit holder is 31214
in substantial compliance with the schedule for construction and 31215
completion of the major capital improvement project, the racing 31216
commission may authorize the continuance of the tax adjustment 31217
reduction upon the presentation of ~~such~~ the additional paid bills 31218
in increments of five hundred thousand dollars. The racing 31219
commission may terminate the tax adjustment reduction if a permit 31220
holder fails to complete the major capital improvement project or 31221
fails to comply substantially with the schedule for construction 31222
and completion of the major capital improvement project. If the 31223

time for completion of the major capital improvement project is 31224
delayed by acts of God, strikes, or the unavailability of labor or 31225
materials, the time for completion as set forth in the schedule 31226
shall be extended by the period of the delay. If a permit holder 31227
fails to complete the major capital improvement project, the 31228
racine commission shall order the permit holder to repay to the 31229
state the total amount of tax reduced, unless the permit holder 31230
has spent at least six million dollars on the project. The normal 31231
tax paid by the permit holder under section 3769.08 of the Revised 31232
Code shall be increased by one per cent of the total amount 31233
wagered until the total amount of the additional tax collected 31234
equals the total amount of tax reduced. Any action taken by the 31235
racine commission pursuant to this section in terminating the tax 31236
adjustment or requiring repayment of the amount of tax reduced 31237
shall be subject to Chapter 119. of the Revised Code. 31238

(F) As used in this section, "major capital improvement 31239
project" means the renovation, reconstruction, or remodeling, 31240
costing at least six million dollars, of a race track facility, 31241
including, but not limited to, the construction of barns used 31242
exclusively for that race track facility, backstretch facilities 31243
for horsemen, paddock facilities, pari-mutuel and totalizator 31244
equipment and appurtenances to that equipment purchased by the 31245
track, new access roads, new parking areas, the complete 31246
reconstruction, reshaping, and leveling of the ~~race track~~ racine 31247
surface and appurtenances, grandstand enclosure, installation of 31248
permanent new heating or air conditioning, roof replacement, and 31249
installations of a permanent nature forming a part of the track 31250
structure. 31251

(G) The cost and expenses to which the tax reduction granted 31252
under this section applies shall be determined by generally 31253
accepted accounting principles and be verified by an audit of the 31254
permit holder's records, upon completion of the major capital 31255

improvement project, either by the racing commission or by an 31256
independent certified public accountant selected by the permit 31257
holder and approved by the commission. 31258

(H) This section and section 3769.201 of the Revised Code 31259
govern any tax reduction granted to a permit holder for the cost 31260
to the permit holder of any cleanup, repair, or improvement 31261
required as a result of damage caused by the 1997 Ohio river flood 31262
to the place, track, or enclosure for which the permit is issued. 31263

Sec. 3770.06. (A) There is hereby created the state lottery 31264
gross revenue fund, which shall be in the custody of the treasurer 31265
of state but shall not be part of the state treasury. All gross 31266
revenues received from sales of lottery tickets, fines, fees, and 31267
related proceeds shall be deposited into the fund. The treasurer 31268
of state shall invest any portion of the fund not needed for 31269
immediate use in the same manner as, and subject to all provisions 31270
of law with respect to the investment of, state funds. The 31271
treasurer of state shall disburse money from the fund on order of 31272
the director of the state lottery commission or the director's 31273
designee. All revenues of the state lottery gross revenue fund 31274
that are not paid to holders of winning lottery tickets, that are 31275
not required to meet short-term prize liabilities, that are not 31276
paid to lottery sales agents in the form of ~~agent~~ bonuses, 31277
commissions, or reimbursements, and that are not paid to financial 31278
institutions to reimburse ~~such~~ those institutions for sales agent 31279
nonsufficient funds shall be transferred to the state lottery 31280
fund, which is hereby created in the state treasury. All 31281
investment earnings of the fund shall be credited to the fund. 31282
Moneys shall be disbursed from the ~~state lottery~~ fund pursuant to 31283
vouchers approved by the director ~~of the state lottery commission~~. 31284
Total disbursements for monetary prize awards to holders of 31285
winning lottery tickets and purchases of goods and services 31286
awarded as prizes to holders of winning lottery tickets shall be 31287

of an amount equal to at least fifty per cent of the total revenue 31288
accruing from the sale of lottery tickets. 31289

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 31290
there is hereby established in the state treasury the lottery 31291
profits education fund. Whenever, in the judgment of the director 31292
of budget and management, the amount to the credit of the state 31293
lottery fund is in excess of that needed to meet the maturing 31294
obligations of the commission and as working capital for its 31295
further operations, the director shall transfer the excess to the 31296
lottery profits education fund, ~~provided that the amount to be~~ 31297
~~transferred into the lottery profits education fund shall equal no~~ 31298
~~less than thirty per cent of the total revenue accruing from the~~ 31299
~~sale of lottery tickets.~~ Investment earnings of the lottery 31300
profits education fund shall be credited to the fund. There shall 31301
also be credited to the fund any repayments of moneys loaned from 31302
the educational excellence investment fund. The lottery profits 31303
education fund shall be used solely for the support of elementary, 31304
secondary, vocational, and special education programs as 31305
determined in appropriations made by the general assembly, or as 31306
provided in applicable bond proceedings for the payment of debt 31307
service on obligations issued to pay costs of capital facilities, 31308
including those for a system of common schools throughout the 31309
state pursuant to section 2n of Article VIII, Ohio Constitution. 31310
When determining the availability of money in the lottery profits 31311
education fund, the director of budget and management may consider 31312
all balances and estimated revenues of the fund. 31313

From the amounts that the director of budget and management 31314
transfers in any fiscal year from the state lottery fund to the 31315
lottery profits education fund, the director shall transfer the 31316
initial ten million dollars of ~~such~~ those amounts from the lottery 31317
profits education fund to the school building program bond service 31318
fund created in division (Q) of section 3318.26 of the Revised 31319

Code to be pledged for the purpose of paying bond service charges 31320
as defined in division (C) of section 3318.21 of the Revised Code 31321
on one or more issuances of obligations, which obligations are 31322
issued to provide moneys for the school building program 31323
assistance fund created in section 3318.25 of the Revised Code. 31324

(C) There is hereby established in the state treasury the 31325
deferred prizes trust fund. With the approval of the director of 31326
budget and management, an amount sufficient to fund annuity prizes 31327
shall be transferred from the state lottery fund and credited to 31328
the trust fund. The treasurer of state shall credit all earnings 31329
arising from investments purchased under this division to the 31330
fund. Within sixty days after the end of each fiscal year, the 31331
director of budget and management shall certify the amount of 31332
investment earnings necessary to have been credited to the trust 31333
fund during the fiscal year just ending to provide for continued 31334
funding of deferred prizes. Any earnings credited in excess of 31335
this certified amount shall be transferred to the lottery profits 31336
education fund. To provide all or a part of the amounts necessary 31337
to fund deferred prizes awarded by the commission, the treasurer 31338
of state, in consultation with the commission, may invest moneys 31339
contained in the deferred prizes trust fund in obligations of the 31340
type permitted for the investment of state funds but whose 31341
maturities are thirty years or less. Investments of the deferred 31342
prizes trust fund are not subject to the provisions of division 31343
(A)(10) of section 135.143 of the Revised Code limiting to five 31344
per cent the amount of the state's total average portfolio that 31345
may be invested in debt interests and limiting to one-half of one 31346
per cent the amount that may be invested in debt interests of a 31347
single issuer. 31348

All purchases made under this division shall be effected on a 31349
delivery versus payment method and shall be in the custody of the 31350
treasurer of state. 31351

The treasurer of state may retain an investment advisor, if 31352
necessary. The commission shall pay any costs incurred by the 31353
treasurer of state in retaining an investment advisor. 31354

(D) The auditor of state shall conduct annual audits of all 31355
funds and ~~such~~ any other audits as the auditor of state or the 31356
general assembly considers necessary. The auditor of state may 31357
examine all records, files, and other documents of the commission, 31358
and ~~such~~ records of lottery sales agents ~~as~~ that pertain to their 31359
activities as agents, for purposes of conducting authorized 31360
audits. 31361

The state lottery commission shall establish an internal 31362
audit program before the beginning of each fiscal year, subject to 31363
the approval of the auditor of state. At the end of each fiscal 31364
year, the commission shall prepare and submit an annual report to 31365
the auditor of state for the auditor of state's review and 31366
approval, specifying the internal audit work completed by the end 31367
of that fiscal year and reporting on compliance with the annual 31368
internal audit program. The form and content of the report shall 31369
be prescribed by the auditor of state under division (C) of 31370
section 117.20 of the Revised Code. 31371

(E) Whenever, in the judgment of the director of budget and 31372
management, an amount of net state lottery proceeds is necessary 31373
to be applied to the payment of debt service on obligations, all 31374
as defined in sections 151.01 and 151.03 of the Revised Code, the 31375
director shall transfer that amount directly from the state 31376
lottery fund or from the lottery profits education fund to the 31377
bond service fund defined in those sections. The provisions of 31378
this division ~~(E) of this section~~ are subject to any prior pledges 31379
or obligation of those amounts to the payment of bond service 31380
charges as defined in division (C) of section 3318.21 of the 31381
Revised Code, as referred to in division (B) of this section. 31382

Sec. 3773.56. The Ohio athletic commission may appoint an 31383
executive director and employ such persons as are necessary to 31384
administer sections 3773.31 to 3773.57 and Chapter 4771. of the 31385
Revised Code and fix their compensation. Such executive director 31386
and employees shall serve in the unclassified status and at the 31387
pleasure of the commission. 31388

All receipts received by the commission under sections 31389
3773.31 to 3773.57 ~~and Chapter 4771.~~ of the Revised Code shall be 31390
deposited in the occupational licensing and regulatory fund. All 31391
vouchers of the commission shall be approved by the chairperson of 31392
the commission. 31393

Sec. 3793.04. The department of alcohol and drug addiction 31394
services shall develop, administer, and revise as necessary a 31395
comprehensive statewide alcohol and drug addiction services plan 31396
for the implementation of this chapter. The plan shall emphasize 31397
abstinence from the use of alcohol and drugs of abuse as the 31398
primary goal of alcohol and drug addiction services. The council 31399
on alcohol and drug addiction services shall advise the department 31400
in the development and implementation of the plan. 31401

The plan shall provide for the allocation of state and 31402
federal funds for service furnished by alcohol and drug addiction 31403
programs under contract with boards of alcohol, drug addiction, 31404
and mental health services and for distribution of the funds to 31405
such boards. The plan shall specify the methodology that the 31406
department will use for determining how funds will be allocated 31407
and distributed. A portion of the funds shall be allocated on the 31408
basis of the ratio of the population of each alcohol, drug 31409
addiction, and mental health service district to the total 31410
population of the state ~~as~~. The portion of the funds allocated on 31411
that basis for a fiscal year shall be not less than the average of 31412
the amount that was allocated on that basis the three previous 31413

fiscal years. The ratio shall be determined from the most recent 31414
federal census or the most recent official estimate made by the 31415
United States census bureau, whichever is more recent. 31416

The plan shall ensure that alcohol and drug addiction 31417
services of a high quality are accessible to, and responsive to 31418
the needs of, all persons, especially those who are members of 31419
underserved groups, including, but not limited to, African 31420
Americans, Hispanics, native Americans, Asians, juvenile and adult 31421
offenders, women, and persons with special services needs due to 31422
age or disability. The plan shall include a program to promote and 31423
protect the rights of those who receive services. 31424

To aid in formulating the plan and in evaluating the 31425
effectiveness and results of alcohol and drug addiction services, 31426
the department, in consultation with the department of mental 31427
health, shall establish and maintain an information system. The 31428
department of alcohol and drug addiction services shall specify 31429
the information that must be provided by boards of alcohol, drug 31430
addiction, and mental health services and by alcohol and drug 31431
addiction programs for inclusion in the system. The department 31432
shall not collect any information for the purpose of identifying 31433
by name any person who receives a service through a board, except 31434
as required by the state or federal law to validate appropriate 31435
reimbursement. 31436

In consultation with boards, programs, and persons receiving 31437
services, the department shall establish guidelines for the use of 31438
state and federal funds and for the boards' development of plans 31439
for services required by sections 340.033 and 3793.05 of the 31440
Revised Code. 31441

In any fiscal year, the department shall spend, or allocate 31442
to boards, for methadone maintenance programs or any similar 31443
programs not more than eight per cent of the total amount 31444
appropriated to the department for the fiscal year. 31445

Sec. 3902.23. Beginning one hundred eighty days after rules 31446
adopted under section 3902.22 of the Revised Code take effect, no 31447
third-party payer shall fail to use the standard claim form and 31448
proof of loss prescribed in those rules, ~~except as provided in~~ 31449
~~section 3729.15 of the Revised Code.~~ 31450

Sec. 3923.28. (A) Every policy of group sickness and accident 31451
insurance providing hospital, surgical, or medical expense 31452
coverage for other than specific diseases or accidents only, and 31453
delivered, issued for delivery, or renewed in this state on or 31454
after January 1, 1979, and that provides coverage for mental or 31455
emotional disorders, shall provide benefits for services on an 31456
outpatient basis for each eligible person under the policy who 31457
resides in this state for mental or emotional disorders, or for 31458
evaluations, that are at least equal to five hundred fifty dollars 31459
in any calendar year or twelve-month period. The services shall be 31460
legally performed by or under the clinical supervision of a 31461
licensed physician or licensed psychologist, whether performed in 31462
an office, in a hospital, or in a community mental health facility 31463
so long as the hospital or community mental health facility is 31464
approved by the joint commission on accreditation of healthcare 31465
organizations, the council on accreditation for children and 31466
family services, the rehabilitation accreditation commission, or, 31467
until two years after the effective date of this amendment, 31468
certified by the department of mental health as being in 31469
compliance with standards established under division ~~(I)~~(H) of 31470
section 5119.01 of the Revised Code. 31471

(B) ~~For purposes of this section "community mental health~~ 31472
~~facility" means a facility approved by a regional health planning~~ 31473
~~agency or a facility providing services under a board of alcohol,~~ 31474
~~drug addiction, and mental health services established under~~ 31475
~~Chapter 340. of the Revised Code, except that where a board~~ 31476

~~provides direct community mental health service, the approval of~~ 31477
~~such a board, as to the adequacy of a specific program of such~~ 31478
~~services that it provides as a community mental health facility~~ 31479
~~shall be by the director of mental health.~~ 31480

~~(C)~~ Outpatient benefits offered under division (A) of this 31481
section shall be subject to reasonable contract limitations and 31482
may be subject to reasonable deductibles and co-insurance costs. 31483
Persons entitled to such benefit under more than one service or 31484
insurance contract may be limited to a single 31485
five-hundred-fifty-dollar outpatient benefit for services under 31486
all contracts. 31487

~~(D)~~(C) In order to qualify for participation under division 31488
(A) of this section, every facility specified in such division 31489
shall have in effect a plan for utilization review and a plan for 31490
peer review and every person specified in such division shall have 31491
in effect a plan for peer review. Such plans shall have the 31492
purpose of ensuring high quality patient care and effective and 31493
efficient utilization of available health facilities and services. 31494

~~(E)~~(D) Nothing in this section shall be construed to require 31495
an insurer to pay benefits which are greater than usual, 31496
customary, and reasonable. 31497

~~(F)~~(E)(1) Services performed under the clinical supervision 31498
of a licensed physician or licensed psychologist, in order to be 31499
reimbursable under the coverage required in division (A) of this 31500
section, shall meet both of the following requirements: 31501

(a) The services shall be performed in accordance with a 31502
treatment plan that describes the expected duration, frequency, 31503
and type of services to be performed; 31504

(b) The plan shall be reviewed and approved by a licensed 31505
physician or licensed psychologist every three months. 31506

(2) Payment of benefits for services reimbursable under 31507

division ~~(F)~~(E)(1) of this section shall not be restricted to 31508
services described in the treatment plan or conditioned upon 31509
standards of clinical supervision that are more restrictive than 31510
standards of a licensed physician or licensed psychologist, which 31511
at least equal the requirements of division ~~(F)~~(E)(1) of this 31512
section. 31513

Sec. 3923.29. (A) Every policy of group sickness and accident 31514
insurance providing hospital, surgical, or medical expense 31515
coverage for other than specific diseases or accidents only, and 31516
delivered, issued for delivery, or renewed in this state on or 31517
after January 1, 1979, shall provide for each eligible person 31518
under the policy who resides in this state, outpatient, inpatient, 31519
and intermediate primary care benefits for alcoholism that are at 31520
least equal to five hundred fifty dollars in any calendar year or 31521
twelve month period. The services shall be legally performed by or 31522
under the clinical supervision of a licensed physician or a 31523
licensed psychologist, whether performed in an office, in a 31524
hospital, in a community mental health facility, or in an 31525
alcoholism treatment facility so long as the hospital, community 31526
mental health facility, or alcoholism treatment facility is 31527
approved by the joint commission on accreditation of hospitals or 31528
certified by the department of health. 31529

~~(B) For purposes of this section "community mental health 31531
facility" means a facility as defined in section 3923.28 of the 31532
Revised Code. 31533~~

~~(C) The benefits mandated by division (A) of this section 31534
shall be subject to reasonable contract limitations and may be 31535
subject to reasonable deductibles and co-insurance costs. Persons 31536
entitled to such benefit under more than one service or insurance 31537
contract may be limited to a single five hundred fifty dollar 31538~~

benefit for services under all contracts. 31539

~~(D)~~(C) For an eligible person, who receives treatment for 31540
alcoholism from an approved or certified alcoholism treatment 31541
facility, to remain entitled to the benefits mandated by division 31542
(A) of this section, a licensed physician or a licensed 31543
psychologist shall every three months certify that such person 31544
needs to continue utilizing such treatment. 31545

~~(E)~~(D) In order to qualify for participation under division 31546
(A) of this section, every facility specified in such division 31547
shall have in effect a plan for utilization review and a plan for 31548
peer review and every person specified in such division shall have 31549
in effect a plan for peer review. Such plans shall have the 31550
purpose of ensuring high quality patient care and effective and 31551
efficient utilization of available health facilities and services. 31552
Such person or facility shall also have in effect a program of 31553
rehabilitation or a program of rehabilitation and detoxification. 31554

~~(F)~~(E) Nothing in this section shall be construed to require 31555
an insurer to pay benefits which are greater than usual, 31556
customary, and reasonable. 31557

Sec. 3923.30. Every person, the state and any of its 31558
instrumentalities, any county, township, school district, or other 31559
political subdivisions and any of its instrumentalities, and any 31560
municipal corporation and any of its instrumentalities, which 31561
provides payment for health care benefits for any of its employees 31562
resident in this state, which benefits are not provided by 31563
contract with an insurer qualified to provide sickness and 31564
accident insurance, or a health insuring corporation, shall 31565
include the following benefits in its plan of health care benefits 31566
commencing on or after January 1, 1979: 31567

(A) If such plan of health care benefits provides payment for 31568
the treatment of mental or nervous disorders, then such plan shall 31569

provide benefits for services on an outpatient basis for each 31570
eligible employee and dependent for mental or emotional disorders, 31571
or for evaluations, that are at least equal to the following: 31572
31573

(1) Payments not less than five hundred fifty dollars in a 31574
twelve-month period, for services legally performed by or under 31575
the clinical supervision of a licensed physician or a licensed 31576
psychologist, whether performed in an office, in a hospital, or in 31577
a community mental health facility so long as the hospital or 31578
community mental health facility is approved by the joint 31579
commission on accreditation of ~~hospitals~~ healthcare organizations, 31580
the council on accreditation for children and family services, the 31581
rehabilitation accreditation commission, or, until two years after 31582
the effective date of this amendment, certified by the department 31583
of mental health as being in compliance with standards established 31584
under division ~~(I)~~(H) of section 5119.01 of the Revised Code; 31585

(2) Such benefit shall be subject to reasonable limitations, 31586
and may be subject to reasonable deductibles and co-insurance 31587
costs. 31588

(3) In order to qualify for participation under this 31589
division, every facility specified in this division shall have in 31590
effect a plan for utilization review and a plan for peer review 31591
and every person specified in this division shall have in effect a 31592
plan for peer review. Such plans shall have the purpose of 31593
ensuring high quality patient care and effective and efficient 31594
utilization of available health facilities and services. 31595

(4) Such payment for benefits shall not be greater than 31596
usual, customary, and reasonable. 31597

(5) ~~For purposes of this division, "community mental health~~ 31598
~~facility" means a facility as defined in section 3923.28 of the~~ 31599
~~Revised Code.~~ 31600

~~(6)~~(a) Services performed under the clinical supervision of a licensed physician or licensed psychologist, in order to be reimbursable under the coverage required in division (A) of this section, shall meet both of the following requirements:

(i) The services shall be performed in accordance with a treatment plan that describes the expected duration, frequency, and type of services to be performed;

(ii) The plan shall be reviewed and approved by a licensed physician or licensed psychologist every three months.

(b) Payment of benefits for services reimbursable under division (A)~~(6)~~(5)(a) of the section shall not be restricted to services described in the treatment plan or conditioned upon standards of a licensed physician or licensed psychologist, which at least equal the requirements of division (A)~~(6)~~(5)(a) of this section.

(B) Payment for benefits for alcoholism treatment for outpatient, inpatient, and intermediate primary care for each eligible employee and dependent that are at least equal to the following:

(1) Payments not less than five hundred fifty dollars in a twelve-month period for services legally performed by or under the clinical supervision of a licensed physician or licensed psychologist, whether performed in an office, or in a hospital or a community mental health facility or alcoholism treatment facility so long as the hospital, community mental health facility, or alcoholism treatment facility is approved by the joint commission on accreditation of hospitals or certified by the department of health;

(2) The benefits provided under this division shall be subject to reasonable limitations and may be subject to reasonable deductibles and co-insurance costs.

(3) A licensed physician or licensed psychologist shall every 31632
three months certify a patient's need for continued services 31633
performed by such facilities. 31634

(4) In order to qualify for participation under this 31635
division, every facility specified in this division shall have in 31636
effect a plan for utilization review and a plan for peer review 31637
and every person specified in this division shall have in effect a 31638
plan for peer review. Such plans shall have the purpose of 31639
ensuring high quality patient care and efficient utilization of 31640
available health facilities and services. Such person or 31641
facilities shall also have in effect a program of rehabilitation 31642
or a program of rehabilitation and detoxification. 31643

(5) Nothing in this section shall be construed to require 31644
reimbursement for benefits which is greater than usual, customary, 31645
and reasonable. 31646

Sec. 4105.17. (A) The fee for any inspection, or attempted 31647
inspection that, due to no fault of a general inspector or the 31648
division of industrial compliance, is not successfully completed, 31649
by a general inspector of an elevator required to be inspected 31650
under this chapter is thirty dollars plus five dollars for each 31651
floor where the elevator stops. The superintendent of the division 31652
of industrial compliance may assess a fee of ~~thirty~~ one hundred 31653
twenty-five dollars plus five dollars for each floor where an 31654
elevator stops for the reinspection of an elevator when a previous 31655
attempt to inspect that elevator has been unsuccessful through no 31656
fault of a general inspector or the division of industrial 31657
compliance. The fee for issuing or renewing a certificate of 31658
operation under section 4105.15 of the Revised Code is thirty-five 31659
dollars. 31660

(B) All other fees to be charged for any examination given or 31661
other service performed by the division of industrial compliance 31662

pursuant to this chapter shall be prescribed by the board of 31663
building standards established by section 3781.07 of the Revised 31664
Code. The fees shall be reasonably related to the costs of such 31665
examination or other service. 31666

(C) The board of building standards, subject to the approval 31667
of the controlling board, may establish fees in excess of the fees 31668
provided in division (A) of this section, provided that the fees 31669
do not exceed the amounts established in division (A) of this 31670
section by more than fifty per cent. Any moneys collected under 31671
this section shall be paid into the state treasury to the credit 31672
of the industrial compliance operating fund created in section 31673
121.084 of the Revised Code. 31674

(D) Any person who fails to pay an inspection fee required 31675
for any inspection conducted by the division pursuant to this 31676
chapter within forty-five days after the inspection is conducted 31677
shall pay a late payment fee equal to twenty-five per cent of the 31678
inspection fee. 31679

(E) In addition to the fee assessed in division (A) of this 31680
section, the board of building standards shall assess a fee of 31681
three dollars and twenty-five cents for each certificate of 31682
operation or renewal thereof issued under division (A) of this 31683
section and for each permit issued under section 4105.16 of the 31684
Revised Code. The board shall adopt rules, in accordance with 31685
Chapter 119. of the Revised Code, specifying the manner by which 31686
the superintendent of the division of industrial compliance shall 31687
collect and remit to the board the fees assessed under this 31688
division and requiring that remittance of the fees be made at 31689
least quarterly. 31690

Sec. 4115.10. (A) No person, firm, corporation, or public 31691
authority that constructs a public improvement with its own 31692
forces, the total overall project cost of which is fairly 31693

estimated to be more than the amounts set forth in division (B)(1) 31694
or (2) of section 4115.03 of the Revised Code, adjusted biennially 31695
by the director of commerce pursuant to section 4115.034 of the 31696
Revised Code, shall violate the wage provisions of sections 31697
4115.03 to 4115.16 of the Revised Code, or suffer, permit, or 31698
require any employee to work for less than the rate of wages so 31699
fixed, or violate the provisions of section 4115.07 of the Revised 31700
Code. Any employee upon any public improvement, except an employee 31701
to whom or on behalf of whom restitution is made pursuant to 31702
division (C) of section 4115.13 of the Revised Code, who is paid 31703
less than the fixed rate of wages applicable thereto may recover 31704
from such person, firm, corporation, or public authority that 31705
constructs a public improvement with its own forces the difference 31706
between the fixed rate of wages and the amount paid to the 31707
employee and in addition thereto a sum equal to twenty-five per 31708
cent of that difference. The person, firm, corporation, or public 31709
authority who fails to pay the rate of wages so fixed also shall 31710
pay a penalty to the director of seventy-five per cent of the 31711
difference between the fixed rate of wages and the amount paid to 31712
the employees on the public improvement. The director shall 31713
deposit all moneys received from penalties paid to the director 31714
pursuant to this section into the penalty enforcement fund, which 31715
is hereby created. ~~The penalty enforcement fund shall be in the~~ 31716
~~custody of the treasurer of state but shall not be part of the~~ 31717
state treasury. The director shall use the fund for the 31718
enforcement of sections 4115.03 to 4115.16 of the Revised Code. 31719
The employee may file suit for recovery within sixty days of the 31720
director's determination of a violation of sections 4115.03 to 31721
4115.16 of the Revised Code or is barred from further action under 31722
this division. Where the employee prevails in a suit, the employer 31723
shall pay the costs and reasonable attorney's fees allowed by the 31724
court. 31725

(B) Any employee upon any public improvement who is paid less 31726

than the prevailing rate of wages applicable thereto may file a
complaint in writing with the director upon a form furnished by
the director. At the written request of any employee paid less
than the prevailing rate of wages applicable, the director shall
take an assignment of a claim in trust for the assigning employee
and bring any legal action necessary to collect the claim. The
employer shall pay the costs and reasonable attorney's fees
allowed by the court if the employer is found in violation of
sections 4115.03 to 4115.16 of the Revised Code.

(C) If after investigation pursuant to section 4115.13 of the
Revised Code, the director determines there is a violation of
sections 4115.03 to 4115.16 of the Revised Code and a period of
sixty days has elapsed from the date of the determination, and if:

(1) No employee has brought suit pursuant to division (A) of
this section;

(2) No employee has requested that the director take an
assignment of a wage claim pursuant to division (B) of this
section;

The director shall bring any legal action necessary to
collect any amounts owed to employees and the ~~bureau~~ director. The
director shall pay over to the affected employees the amounts
collected to which the affected employees are entitled under
division (A) of this section. In any action in which the director
prevails, the employer shall pay the costs and reasonable
attorney's fees allowed by the court.

(D) Where persons are employed and their rate of wages has
been determined as provided in section 4115.04 of the Revised
Code, no person, either for self or any other person, shall
request, demand, or receive, either before or after the person is
engaged, that the person so engaged pay back, return, donate,
contribute, or give any part or all of the person's wages, salary,

or thing of value, to any person, upon the statement, 31758
representation, or understanding that failure to comply with such 31759
request or demand will prevent the procuring or retaining of 31760
employment, and no person shall, directly or indirectly, aid, 31761
request, or authorize any other person to violate this section. 31762
This division does not apply to any agent or representative of a 31763
duly constituted labor organization acting in the collection of 31764
dues or assessments of such organization. 31765

(E) The director shall enforce sections 4115.03 to 4115.16 of 31766
the Revised Code. 31767

(F) For the purpose of supplementing existing resources and 31768
to assist in enforcing division (E) of this section, the director 31769
may contract with a person registered as a public accountant under 31770
Chapter 4701. of the Revised Code to conduct an audit of a person, 31771
firm, corporation, or public authority. 31772

Sec. 4117.102. The state employment relations board shall 31773
compile a list of the school districts in the state that have 31774
filed with the board agreements entered into with teacher employee 31775
organizations under this chapter. The board shall annually update 31776
the list to reflect, for each district, for the current fiscal 31777
year, the starting salary in the district for teachers with no 31778
prior teaching experience who hold bachelors degrees. The board 31779
shall send a copy of each annually updated list to the state board 31780
of education. 31781

Sec. 4121.44. (A) The administrator of workers' compensation 31782
shall oversee the implementation of the Ohio workers' compensation 31783
qualified health plan system as established under section 4121.442 31784
of the Revised Code. 31785

(B) The administrator shall direct the implementation of the 31786
health partnership program administered by the bureau as set forth 31787

in section 4121.441 of the Revised Code. To implement the health partnership program, the bureau: 31788
31789

(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; 31790
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(2) May recertify external vendors for additional periods of two years; and 31796
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(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. 31798
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(C) Any vendor selected shall demonstrate all of the following: 31803
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(1) Arrangements and reimbursement agreements with a substantial number of the medical, professional and pharmacy providers currently being utilized by claimants. 31805
31806
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(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. 31808
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(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. 31811
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(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. 31815
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(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.	31818 31819 31820
(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.	31821 31822 31823
(7) Capacity to store, retrieve, array, simulate, and model in a relational mode all of the detailed medical bill data so that analysis can be performed in a variety of ways and so that the bureau and its governing authority can make informed decisions.	31824 31825 31826 31827
(8) Wide variety of software programs which translate medical terminology into standard codes, and which reveal if a provider is manipulating the procedures codes, commonly called "unbundling."	31828 31829 31830 31831
(9) Necessary professional staff to conduct, at a minimum, authorizations for treatment, medical necessity, utilization review, concurrent review, post-utilization review, and have the attendant computer system which supports such activity and measures the outcomes and the savings.	31832 31833 31834 31835 31836
(10) Management experience and flexibility to be able to react quickly to the needs of the bureau in the case of required change in federal or state requirements.	31837 31838 31839
(D)(1) Information contained in a vendor's application for certification in the health partnership program, and other information furnished to the bureau by a vendor for purposes of obtaining certification or to comply with performance and financial auditing requirements established by the administrator, is for the exclusive use and information of the bureau in the discharge of its official duties, and shall not be open to the public or be used in any court in any proceeding pending therein, unless the bureau is a party to the action or proceeding, but the	31840 31841 31842 31843 31844 31845 31846 31847 31848

information may be tabulated and published by the bureau in 31849
statistical form for the use and information of other state 31850
departments and the public. No employee of the bureau, except as 31851
otherwise authorized by the administrator, shall divulge any 31852
information secured by the employee while in the employ of the 31853
bureau in respect to a vendor's application for certification or 31854
in respect to the business or other trade processes of any vendor 31855
to any person other than the administrator or to the employee's 31856
superior. 31857

(2) Notwithstanding the restrictions imposed by division 31858
(D)(1) of this section, the governor, members of select or 31859
standing committees of the senate or house of representatives, the 31860
auditor of state, the attorney general, or their designees, 31861
pursuant to the authority granted in this chapter and Chapter 31862
4123. of the Revised Code, may examine any vendor application or 31863
other information furnished to the bureau by the vendor. None of 31864
those individuals shall divulge any information secured in the 31865
exercise of that authority in respect to a vendor's application 31866
for certification or in respect to the business or other trade 31867
processes of any vendor to any person. 31868

(E) On and after January 1, 2001, a vendor shall not be any 31869
insurance company holding a certificate of authority issued 31870
pursuant to Title XXXIX of the Revised Code or any health insuring 31871
corporation holding a certificate of authority under Chapter 1751. 31872
of the Revised Code. 31873

(F) The administrator may limit freedom of choice of health 31874
care provider or supplier by requiring, beginning with the period 31875
set forth in division (B)(1) or (2) of this section, that 31876
claimants shall pay an appropriate out-of-plan copayment for 31877
selecting a medical provider not within the health partnership 31878
program as provided for in this section. 31879

(G) The administrator, six months prior to the expiration of 31880

the bureau's certification or recertification of the vendor or 31881
vendors as set forth in division (B)(1) or (2) of this section, 31882
may certify and provide evidence to the governor, the speaker of 31883
the house of representatives, and the president of the senate that 31884
the existing bureau staff is able to match or exceed the 31885
performance and outcomes of the external vendor or vendors and 31886
that the bureau should be permitted to internally administer the 31887
health partnership program upon the expiration of the 31888
certification or recertification as set forth in division (B)(1) 31889
or (2) of this section. 31890

(H) The administrator shall establish and operate a bureau of 31891
workers' compensation health care data program. ~~The administrator~~ 31892
~~may contract with the Ohio health care data center for such~~ 31893
~~purposes.~~ The administrator shall develop reporting requirements 31894
from all employees, employers and medical providers, medical 31895
vendors, and plans that participate in the workers' compensation 31896
system. The administrator shall do all of the following: 31897

(1) Utilize the collected data to measure and perform 31899
comparison analyses of costs, quality, appropriateness of medical 31900
care, and effectiveness of medical care delivered by all 31901
components of the workers' compensation system. 31902

(2) Compile data to support activities of the selected vendor 31903
or vendors and to measure the outcomes and savings of the health 31904
partnership program. 31905

(3) Publish and report compiled data to the governor, the 31906
speaker of the house of representatives, and the president of the 31907
senate on the first day of each January and July, the measures of 31908
outcomes and savings of the health partnership program and the 31909
qualified health plan system. The administrator shall protect the 31910
confidentiality of all proprietary pricing data. 31911

(I) Any rehabilitation facility the bureau operates is 31912
eligible for inclusion in the Ohio workers' compensation qualified 31913
health plan system or the health partnership program under the 31914
same terms as other providers within health care plans or the 31915
program. 31916

(J) In areas outside the state or within the state where no 31917
qualified health plan or an inadequate number of providers within 31918
the health partnership program exist, the administrator shall 31919
permit employees to use a nonplan or nonprogram health care 31920
provider and shall pay the provider for the services or supplies 31921
provided to or on behalf of an employee for an injury or 31922
occupational disease that is compensable under this chapter or 31923
Chapter 4123., 4127., or 4131. of the Revised Code on a fee 31924
schedule the administrator adopts. 31925

(K) No certified health care provider shall charge, assess, 31926
or otherwise attempt to collect from an employee, employer, a 31927
managed care organization, or the bureau any amount for covered 31928
services or supplies that is in excess of the allowed amount paid 31929
by a managed care organization, the bureau, or a qualified health 31930
plan. 31931

(L) The administrator shall permit any employer or group of 31932
employers who agree to abide by the rules adopted under this 31933
section and sections 4121.441 and 4121.442 of the Revised Code to 31934
provide services or supplies to or on behalf of an employee for an 31935
injury or occupational disease that is compensable under this 31936
chapter or Chapter 4123., 4127., or 4131. of the Revised Code 31937
through qualified health plans of the Ohio workers' compensation 31938
qualified health plan system pursuant to section 4121.442 of the 31939
Revised Code or through the health partnership program pursuant to 31940
section 4121.441 of the Revised Code. No amount paid under the 31941
qualified health plan system pursuant to section 4121.442 of the 31942
Revised Code by an employer who is a state fund employer shall be 31943

charged to the employer's experience or otherwise be used in 31944
merit-rating or determining the risk of that employer for the 31945
purpose of the payment of premiums under this chapter, and if the 31946
employer is a self-insuring employer, the employer shall not 31947
include that amount in the paid compensation the employer reports 31948
under section 4123.35 of the Revised Code. 31949

Sec. 4123.27. Information contained in the annual statement 31950
provided for in section 4123.26 of the Revised Code, and such 31951
other information as may be furnished to the bureau of workers' 31952
compensation by employers in pursuance of that section, is for the 31953
exclusive use and information of the bureau in the discharge of 31954
its official duties, and shall not be open to the public nor be 31955
used in any court in any action or proceeding pending therein 31956
unless the bureau is a party to the action or proceeding; but the 31957
information contained in the statement may be tabulated and 31958
published by the bureau in statistical form for the use and 31959
information of other state departments and the public. No person 31960
in the employ of the bureau, except those who are authorized by 31961
the administrator of workers' compensation, shall divulge any 31962
information secured by the person while in the employ of the 31963
bureau in respect to the transactions, property, claim files, 31964
records, or papers of the bureau or in respect to the business or 31965
mechanical, chemical, or other industrial process of any company, 31966
firm, corporation, person, association, partnership, or public 31967
utility to any person other than the administrator or to the 31968
superior of such employee of the bureau. 31969

Notwithstanding the restrictions imposed by this section, the 31970
governor, select or standing committees of the general assembly, 31971
the auditor of state, the attorney general, or their designees, 31972
pursuant to the authority granted in this chapter and Chapter 31973
4121. of the Revised Code, may examine any records, claim files, 31974
or papers in possession of the industrial commission or the 31975

bureau. They also are bound by the privilege that attaches to 31976
these papers. 31977

The administrator shall report to the director of job and 31978
family services or to the county director of job and family 31979
services the name, address, and social security number or other 31980
identification number of any person receiving workers' 31981
compensation whose name or social security number or other 31982
identification number is the same as that of a person required by 31983
a court or child support enforcement agency to provide support 31984
payments to a recipient or participant of public assistance, and 31985
whose name is submitted to the administrator by the director under 31986
section 5101.36 of the Revised Code. The administrator also shall 31987
inform the director of the amount of workers' compensation paid to 31988
the person during such period as the director specifies. 31989

Within fourteen days after receiving from the director of job 31990
and family services a list of the names and social security 31991
numbers of recipients or participants of public assistance 31992
pursuant to section 5101.181 of the Revised Code, the 31993
administrator shall inform the auditor of state of the name, 31994
current or most recent address, and social security number of each 31995
person receiving workers' compensation pursuant to this chapter 31996
whose name and social security number are the same as that of a 31997
person whose name or social security number was submitted by the 31998
director. The administrator also shall inform the auditor of state 31999
of the amount of workers' compensation paid to the person during 32000
such period as the director specifies. 32001

The bureau and its employees, except for purposes of 32002
furnishing the auditor of state with information required by this 32003
section, shall preserve the confidentiality of recipients or 32004
participants of public assistance in compliance with division (A) 32005
of section 5101.181 of the Revised Code. 32006

For the purposes of this section, "public assistance" means 32007

medical assistance provided through the medical assistance program 32008
established under section 5111.01 of the Revised Code, Ohio works 32009
first provided under Chapter 5107. of the Revised Code, 32010
prevention, retention, and contingency ~~assistance~~ benefits and 32011
services provided under Chapter 5108. of the Revised Code, or 32012
disability assistance provided under Chapter 5115. of the Revised 32013
Code. 32014

Sec. 4301.12. The division of liquor control shall provide 32015
for the custody, safekeeping, and deposit of all moneys, checks, 32016
and drafts received by it or any of its employees or agents prior 32017
to paying them to the treasurer of state as provided by section 32018
113.08 of the Revised Code. 32019

A sum equal to three dollars and thirty-eight cents for each 32020
gallon of spirituous liquor sold by the division during the period 32021
covered by the payment shall be paid into the state treasury to 32022
the credit of the general revenue fund. All moneys received from 32023
permit fees shall be paid to the credit of the undivided liquor 32024
permit fund established by section 4301.30 of the Revised Code. 32025

Except as otherwise provided by law, all moneys collected 32026
under Chapters 4301. and 4303. of the Revised Code shall be paid 32027
by the division into the state treasury to the credit of the 32028
liquor control fund, which is hereby created. Amounts in the 32029
liquor control fund may be used to pay the operating expenses of 32030
the liquor control commission. 32031

Whenever, in the judgment of the director of budget and 32032
management, the amount in ~~the custody of the treasurer of state to~~ 32033
~~the credit of~~ the liquor control fund is in excess of that needed 32034
to meet the maturing obligations of the division, as working 32035
capital for its further operations ~~and,~~ to pay the operating 32036
expenses of the commission, and ~~as required~~ for the alcohol 32037
testing program under section 3701.143 of the Revised Code, the 32038

director shall transfer the excess to the ~~state treasury to the~~ 32039
credit of the general revenue fund. 32040

Sec. 4301.17. (A) Subject to local option as provided in 32041
sections 4301.32 to 4301.40 of the Revised Code, five state liquor 32042
stores or agencies may be established in each county. One 32043
additional store may be established in any county for each thirty 32044
thousand of population of ~~such~~ that county or major fraction 32045
thereof in excess of the first forty thousand, according to the 32046
last preceding federal census. A person engaged in a mercantile 32047
business may act as the agent for the division of liquor control 32048
for the sale of spirituous liquor in a municipal corporation, in 32049
the unincorporated area of a township of not less than two 32050
thousand population, or in an area designated and approved as a 32051
resort area under section 4303.262 of the Revised Code, provided 32052
that not more than one agency contract shall be awarded in the 32053
unincorporated area of a county for each fifty thousand population 32054
of the county. The division shall fix the compensation for such an 32055
agent in ~~such~~ the manner ~~as it deems~~ considers best, but ~~such~~ the 32056
compensation shall not exceed seven per cent of the gross sales 32057
made by ~~such~~ the agent in any one year. 32058

Except as otherwise provided in this section, no mercantile 32059
business that sells beer or intoxicating liquor for consumption on 32060
the premises under a permit issued by the division shall operate 32061
an agency store at ~~such~~ the premises or at any adjacent premises. 32062
An agency to which a D-1 permit has been issued may offer for sale 32063
tasting samples of beer, an agency to which a D-2 permit has been 32064
issued may offer for sale tasting samples of wine and mixed 32065
beverages, and an agency to which a D-5 permit has been issued may 32066
offer for sale tasting samples of beer, wine, and mixed beverages, 32067
but not spirituous liquor. A tasting sample shall not be sold for 32068
the purpose of general consumption. As used in this section, 32069
"tasting sample" means a small amount of beer, wine, or mixed 32070

beverages that is provided in not more than four servings of not 32071
more than two ounces each to an authorized purchaser and that 32072
allows the purchaser to determine, by tasting only, the quality 32073
and character of the beverage. 32074

(B) When an agency contract is proposed or when an existing 32075
agency contract is assigned, before entering into any ~~such~~ 32076
contract or consenting to any assignment, the division shall 32077
notify the legislative authority of the municipal corporation in 32078
which the agency store is to be located, or the board of county 32079
commissioners and the board of township trustees of the county and 32080
the township in which the agency store is to be located if the 32081
agency store is to be located outside the corporate limits of a 32082
municipal corporation, of the proposed contract or assignment, and 32083
an opportunity shall be provided officials or employees of the 32084
municipal corporation or county and township for a complete 32085
hearing upon the advisability of entering into the ~~agency~~ contract 32086
or consenting to the assignment. When the division sends notice to 32087
the legislative authority of the political subdivision, the 32088
department shall notify, by certified mail or by personal service, 32089
the chief peace officer of the political subdivision, who may 32090
appear and testify, either in person or through a representative, 32091
at any hearing held on the advisability of entering into the 32092
~~agency~~ contract or consenting to the assignment. 32093

~~On or after July 21, 1986, if~~ If the proposed agency store 32094
would be located within five hundred feet of a school, church, 32095
library, public playground, or township park, the division shall 32096
not enter into an agency contract until it has provided notice of 32097
the proposed contract to the authorities in control of the school, 32098
church, library, public playground, or township park and has 32099
provided ~~such officials~~ those authorities with an opportunity for 32100
a complete hearing upon the advisability of entering into the 32101
contract. If an agency store so located is operating under an 32102

agency contract, the division may consent to the assignment of 32103
that contract to operate an agency store at the same location, 32104
~~provided that~~ but the division shall not consent to an assignment 32105
until it has notified the authorities in control of the school, 32106
church, library, public playground, or township park and has 32107
provided ~~such officials~~ those authorities with an opportunity for 32108
a complete hearing upon the advisability of consenting to the 32109
assignment. 32110

Any hearing provided for in this division shall be held in 32111
the central office of the division, except that upon written 32112
request of the legislative authority of the municipal corporation, 32113
the board of county commissioners, or board of township trustees, 32114
the hearing shall be held in the county seat of the county where 32115
the proposed agency store is to be located. 32116

(C) All agency contracts entered into by the division 32117
pursuant to this section shall be in writing and shall contain a 32118
clause providing for the termination of the contract at will by 32119
the division upon its giving ninety days' notice in writing to 32120
~~such~~ the agent of its intention to do so. Any agency contract may 32121
include a clause requiring the agent to report to the appropriate 32122
law enforcement agency the name and address of any individual 32123
under twenty-one years of age who attempts to make an illegal 32124
purchase. 32125

An agent may engage in the selling of beer, mixed beverages, 32126
and wine pursuant to permits issued to the agent under Chapter 32127
4303. of the Revised Code. 32128

The division shall issue a C-1 and C-2 permit to each agent 32129
who prior to November 1, 1994, had not been issued both of these 32130
permits, notwithstanding the population quota restrictions 32131
contained in section 4303.29 of the Revised Code or in any rule of 32132
the liquor control commission and notwithstanding the requirements 32133
of section 4303.31 of the Revised Code. The location of a C-1 or 32134

C-2 permit issued to such an agent shall not be transferred. The 32135
division shall revoke any C-1 or C-2 permit issued to an agent 32136
under this paragraph if the agent no longer operates an agency 32137
store. 32138

No person shall operate, or have any interest, directly or 32139
indirectly, in more than ~~four~~ eight state agencies in any one 32140
county or more than ~~eight~~ sixteen state agencies in the state for 32141
the sale of spirituous liquor. For purposes of this section, a 32142
person has an interest in a state agency if the person is a 32143
partner, member, officer, or director of, or a shareholder owning 32144
ten per cent or more of the capital stock of, any legal entity 32145
with which the department has entered into an agency contract. 32146

The division may enter into agreements with the department of 32147
development to implement a minority loan program to provide 32148
low-interest loans to minority business enterprises, as defined in 32149
section 122.71 of the Revised Code, that are awarded liquor agency 32150
contracts or assignments. 32151

(D) If the division closes a state liquor store and replaces 32152
that store with an agency store, any employees of the division 32153
employed at that state liquor store who lose their jobs at that 32154
store as a result shall be given preference by the agent who 32155
operates the agency store in filling any vacancies that occur 32156
among the agent's employees, if such that preference does not 32157
conflict with the agent's obligations pursuant to a collective 32158
bargaining agreement. 32159

If the division closes a state liquor store and replaces the 32160
store with an agency store, any employees of the division employed 32161
at the state liquor store who lose their jobs at that store as a 32162
result may displace other employees as provided in sections 32163
124.321 to 124.328 of the Revised Code. If an employee cannot 32164
displace other employees and is laid off, the employee shall be 32165
reinstated in another job as provided in sections 124.321 to 32166

124.328 of the Revised Code, except that the employee's rights of reinstatement in a job at a state liquor store shall continue for a period of two years after the date of the employee's layoff and shall apply to jobs at state liquor stores located in the employee's layoff jurisdiction and any layoff jurisdiction adjacent to the employee's layoff jurisdiction.

(E) The division shall require every ~~such~~ agent to give bond with surety to the satisfaction of the division, in ~~such the~~ amount ~~as~~ the division fixes, conditioned for the faithful performance of the agent's duties as prescribed by the division.

Sec. 4301.24. No manufacturer shall aid or assist the holder of any permit for sale at wholesale, and no manufacturer or wholesale distributor shall aid or assist the holder of any permit for sale at retail, by gift or loan of any money or property of any description or other valuable thing, or by giving premiums or rebates. No holder of any such permit shall accept the same, provided that the manufacturer or wholesale distributor may furnish to a retail permittee the inside signs or advertising and the tap signs or devices authorized by divisions (F) and (G) of section 4301.22 of the Revised Code.

No manufacturer shall have any financial interest, directly or indirectly, by stock ownership, or through interlocking directors in a corporation, or otherwise, in the establishment, maintenance, or promotion in the business of any wholesale distributor. No retail permit holder shall have any interest, directly or indirectly, in the operation of, or any ownership in, the business of any wholesale distributor or manufacturer.

No manufacturer or wholesale distributor shall, except as authorized by section 4303.021 of the Revised Code, have any financial interest, directly or indirectly, by stock ownership, or through interlocking directors in a corporation, or otherwise, in

the establishment, maintenance, or promotion of the business of 32198
any retail dealer; nor shall any manufacturer or wholesale 32199
distributor or any stockholder ~~thereof~~ of a manufacturer or 32200
wholesale distributor acquire, by ownership in fee, leasehold, 32201
mortgage, or otherwise, directly or indirectly, any interest in 32202
the premises ~~whereon~~ on which the business of any other person 32203
engaged in the business of trafficking in beer or intoxicating 32204
liquor is conducted. All contracts, covenants, conditions, and 32205
limitations whereby any person engaged or proposing to engage in 32206
the sale of beer or intoxicating liquors promises to confine the 32207
person's sales of a particular kind or quality of beer or 32208
intoxicating liquor to one or more products, or the products of a 32209
specified manufacturer or wholesale distributor, or to give 32210
preference to ~~such~~ those products, shall to the extent of ~~such~~ 32211
that promise be void. The making of ~~such~~ a promise in any such 32212
form shall be cause for the revocation or suspension of any permit 32213
issued to any party. This section does not prevent the holder of 32214
an A permit from securing and holding a wholesale distributor's 32215
permit or permits and operating as a wholesale distributor. 32216

No manufacturer shall sell or offer to sell to any wholesale 32217
distributor or retail permit holder, and no wholesale distributor 32218
shall sell or offer to sell to any retail permit holder, and no 32219
wholesale distributor or retail permit holder shall purchase or 32220
receive from any manufacturer or wholesale distributor, any malt 32221
or brewed beverages or wine manufactured in the United States 32222
except for cash. No right of action shall exist to collect any 32223
claims for credit extended contrary to this section. This section 32224
does not prohibit a licensee from crediting to a purchaser the 32225
actual prices charged for packages or containers returned by the 32226
original purchaser as a credit on any sale or from refunding to 32227
any purchaser the amount paid by ~~such~~ that purchaser for 32228
containers or as a deposit on containers when title is retained by 32229

the vendor, if ~~such~~ those containers or packages have been 32230
returned to the manufacturer or distributor. This section does not 32231
prohibit a manufacturer from extending usual and customary credit 32232
for malt or brewed beverages or wine manufactured in the United 32233
States and sold to customers who live or maintain places of 32234
business outside this state when the beverages so sold are 32235
actually transported and delivered to points outside this state. 32236
No wholesale or retail permit shall be issued to an applicant 32237
unless ~~such~~ the applicant has paid in full all accounts for beer 32238
and malt beverages or wine, manufactured in the United States, 32239
outstanding as of September 6, 1939. No beer or malt beverages or 32240
wine manufactured in the United States shall be imported into the 32241
state unless the ~~same~~ beer or malt beverages or wine has been paid 32242
for in cash, and no consent to import any such beer or malt 32243
beverages or wine manufactured in the United States shall be 32244
issued by the division of liquor control until the A-2, B-1, or 32245
B-5 permit holder establishes to the satisfaction of the division 32246
that the ~~same~~ beer or malt beverages or wine has been paid for in 32247
cash. 32248

This section does not prevent a manufacturer from securing 32249
and holding any financial interest, directly or indirectly, by 32250
stock ownership or through interlocking directors in a 32251
corporation, or otherwise, in the establishment, maintenance, or 32252
promotion of the business or premises of any C or D permit holder, 32253
provided that the following conditions are met: 32254

(A) Either the manufacturer or one of its parent companies is 32255
listed on a national securities exchange. 32256

(B) All purchases of alcoholic beverages by the C or D permit 32257
holder are made from wholesale distributors in this state or 32258
agency stores licensed by the division of liquor control. 32259

(C) If the C or D permit holder sells brands of alcoholic 32260
beverages that are produced or distributed by the manufacturer 32261

that holds the financial interest, the C or D permit holder also 32262
sells other competing brands of alcoholic beverages produced by 32263
other manufacturers, no preference is given to the products of the 32264
manufacturer, and there is no exclusion, in whole or in part, of 32265
products sold or offered for sale by other manufacturers, 32266
suppliers, or importers of alcoholic beverages that constitutes a 32267
substantial impairment of commerce. 32268

(D) The primary purpose of the C or D permit premises is a 32269
purpose other than to sell alcoholic beverages, and the sale of 32270
other goods and services exceeds fifty per cent of the total gross 32271
receipts of the C or D permit holder at its premises. 32272

This section does not prevent a manufacturer from giving 32273
financial assistance to the holder of a B permit for the purpose 32274
of the holder purchasing an ownership interest in the business, 32275
existing inventory and equipment, or property of another B permit 32276
holder, including, but not limited to, participation in a limited 32277
liability partnership, limited liability company, or any other 32278
legal entity authorized to do business in this state. This section 32279
does not permit a manufacturer to give financial assistance to the 32280
holder of a B permit to purchase inventory or equipment used in 32281
the daily operation of a B permit holder. 32282

Sec. 4301.422. (A) Any person who makes sales of beer, cider, 32283
wine, or mixed beverages to persons for resale at retail in a 32284
county in which a tax has been enacted pursuant to section 32285
4301.421 or 4301.424 of the Revised Code, and any manufacturer, 32286
bottler, importer, or other person who makes sales at retail in 32287
the county upon which the tax has not been paid, is liable for the 32288
tax. Each person liable for the tax shall register with the tax 32289
commissioner on a form prescribed by the commissioner and provide 32290
whatever information the commissioner considers necessary. 32291

(B) Each person liable for the tax shall file a return and 32292

pay the tax to the ~~treasurer of state~~ tax commissioner by the last 32293
day of the month following the month in which the sale occurred. 32294
The return is considered to be filed when received by the 32295
~~treasurer of state~~ tax commissioner. The return shall be 32296
prescribed by the commissioner, and no person filing such a return 32297
shall fail to provide the information specified on the return. If 32298
the return is filed and the amount of tax shown on the return to 32299
be due is paid on or before the date the return is required to be 32300
filed, the person required to file the return shall receive an 32301
administrative fee of two and one-half per cent of that person's 32302
total tax liability under section 4301.421 of the Revised Code for 32303
the purpose of offsetting additional costs incurred in collecting 32304
and remitting the tax. Any person required to file a return who 32305
fails to file timely may be required to forfeit and pay into the 32306
state treasury an amount not exceeding fifty dollars or ten per 32307
cent of the tax due, whichever is greater, as revenue arising from 32308
the tax. That amount may be collected by assessment in the manner 32309
specified in sections 4305.13 and 4305.131 of the Revised Code. 32310

(C) A tax levied pursuant to section 4301.421 or 4301.424 of 32311
the Revised Code shall be administered by the tax commissioner. 32312
The commissioner shall have all powers and authority incident to 32313
such administration, including examination of records, audit, 32314
refund, assessment, and seizure and forfeiture of untaxed 32315
beverages. The procedures, rights, privileges, limitations, 32316
prohibitions, responsibilities, and duties specified in sections 32317
4301.48 to 4301.52, 4305.13, 4305.131, and 4307.01 to 4307.12 of 32318
the Revised Code apply in the administration of the tax. 32319

(D) Each person required to pay the tax levied pursuant to 32320
section 4301.421 or 4301.424 of the Revised Code who sells beer, 32321
cider, wine, or mixed beverages for resale at retail within a 32322
county in which the tax is levied shall clearly mark on all 32323
invoices, billings, and similar documents the amount of tax and 32324

the name of the county in which the tax is levied. 32325

(E) Each person required to pay the tax levied by section 32326
4301.421 or 4301.424 of the Revised Code shall maintain complete 32327
records of all sales for at least three years. The records shall 32328
be open to inspection by the tax commissioner. 32329

(F) All money collected by the tax commissioner under this 32330
section shall be paid to the treasurer of state as revenue arising 32331
from the tax imposed by section 4301.421 or 4301.424 of the 32332
Revised Code. 32333

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 32334
the Revised Code: 32335

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 32336
fluid ounces. 32337

(2) "Sale" or "sell" includes exchange, barter, gift, 32338
distribution, and, except with respect to A-4 permit holders, 32339
offer for sale. 32340

(B) For the purposes of providing revenues for the support of 32341
the state and encouraging the grape industries in the state, a tax 32342
is hereby levied on the sale or distribution of wine in Ohio, 32343
except for known sacramental purposes, at the rate of thirty cents 32344
per wine gallon for wine containing not less than four per cent of 32345
alcohol by volume and not more than fourteen per cent of alcohol 32346
by volume, ninety-eight cents per wine gallon for wine containing 32347
more than fourteen per cent but not more than twenty-one per cent 32348
of alcohol by volume, one dollar and eight cents per wine gallon 32349
for vermouth, and one dollar and forty-eight cents per wine gallon 32350
for sparkling and carbonated wine and champagne, the tax to be 32351
paid by the holders of A-2 and B-5 permits or by any other person 32352
selling or distributing wine upon which no tax has been paid. From 32353
the tax paid under this section on wine, vermouth, and sparkling 32354

and carbonated wine and champagne, the treasurer of state shall 32355
credit to the Ohio grape industries fund created under section 32356
924.54 of the Revised Code a sum equal to one cent per gallon for 32357
each gallon upon which the tax is paid. 32358

(C) For the purpose of providing revenues for the support of 32359
the state, there is hereby levied a tax on prepared and bottled 32360
highballs, cocktails, cordials, and other mixed beverages at the 32361
rate of one dollar and twenty cents per wine gallon to be paid by 32362
holders of A-4 permits or by any other person selling or 32363
distributing those products upon which no tax has been paid. Only 32364
one sale of the same article shall be used in computing the amount 32365
of tax due. The tax on mixed beverages to be paid by holders of 32366
A-4 permits under this section shall not attach until the 32367
ownership of the mixed beverage is transferred for valuable 32368
consideration to a wholesaler or retailer, and no payment of the 32369
tax shall be required prior to that time. 32370

(D) During the period ~~from June 30, 1995, until~~ of July 1, 32371
2001, through June 30, 2003, from the tax paid under this section 32372
on wine, vermouth, and sparkling and carbonated wine and 32373
champagne, the treasurer of state shall credit to the Ohio grape 32374
industries fund created under section 924.54 of the Revised Code a 32375
sum equal to two cents per gallon upon which the tax is paid. The 32376
amount credited under this division is in addition to the amount 32377
credited to the Ohio grape industries fund under division (B) of 32378
this section. 32379

(E) For the purpose of providing revenues for the support of 32380
the state, there is hereby levied a tax on cider at the rate of 32381
twenty-four cents per wine gallon to be paid by the holders of A-2 32382
and B-5 permits or by any other person selling or distributing 32383
cider upon which no tax has been paid. Only one sale of the same 32384
article shall be used in computing the amount of the tax due. 32385

Sec. 4303.33. (A) Every A-1 permit holder in this state, 32386
every bottler, importer, wholesale dealer, broker, producer, or 32387
manufacturer of beer outside this state and within the United 32388
States, and every B-1 permit holder and importer importing beer 32389
from any manufacturer, bottler, person, or group of persons 32390
however organized outside the United States for sale or 32391
distribution for sale in this state, on or before the eighteenth 32392
day of each month, shall make and file with the ~~treasurer of state~~ 32393
tax commissioner upon a form prescribed by the tax commissioner an 32394
advance tax payment in an amount estimated to equal the taxpayer's 32395
tax liability for the month in which the advance tax payment is 32396
made. If the advance tax payment credits claimed on the report are 32397
for advance tax payments received by the ~~treasurer of state tax~~ 32398
commissioner on or before the eighteenth day of the month covered 32399
by the report, the taxpayer is entitled to an additional credit of 32400
three per cent of the advance tax payment and a discount of three 32401
per cent shall be allowed the taxpayer at the time of filing the 32402
report if filed as provided in division (B) of this section on any 32403
amount by which the tax liability reflected in the report exceeds 32404
the advance tax payment estimate by not more than ten per cent. 32405
The additional three per cent credit and three per cent discount 32406
shall be in consideration for advancing the payment of the tax and 32407
other services performed by the permit holder and other taxpayers 32408
in the collection of the tax. ~~The treasurer of state shall stamp~~ 32409
~~or otherwise mark thereon the date the advance tax payment was~~ 32410
~~received by the treasurer and the amount of the advance tax~~ 32411
~~payment, and shall transmit that information to the tax~~ 32412
~~commissioner.~~ 32413

"Advance tax payment credit" means credit for payments made 32414
by an A-1 or B-1 permit holder and any other persons during the 32415
period covered by a report which was made in anticipation of the 32416
tax liability required to be reported on that report. 32417

"Tax liability" as used in division (A) of this section means 32418
the total gross tax liability of an A-1 or B-1 permit holder and 32419
any other persons for the period covered by a report before any 32420
allowance for credits and discount. 32421

(B) Every A-1 permit holder in this state, every bottler, 32422
importer, wholesale dealer, broker, producer, or manufacturer of 32423
beer outside this state and within the United States, and every 32424
B-1 permit holder importing beer from any manufacturer, bottler, 32425
person, or group of persons however organized outside the United 32426
States, on or before the tenth day of each month, shall make and 32427
file a report for the preceding month upon a form prescribed by 32428
the tax commissioner which report shall show the amount of beer 32429
produced, sold, and distributed for sale in this state by the A-1 32430
permit holder, sold and distributed for sale in this state by each 32431
manufacturer, bottler, importer, wholesale dealer, or broker 32432
outside this state and within the United States, and the amount of 32433
beer imported into this state from outside the United States and 32434
sold and distributed for sale in this state by the B-1 permit 32435
holder or importer. 32436

The report shall be filed by mailing it to the ~~treasurer of~~ 32437
~~state tax commissioner~~, together with payment of the tax levied by 32438
sections 4301.42 and 4305.01 of the Revised Code shown to be due 32439
on the report after deduction of advance payment credits and any 32440
additional credits or discounts provided for under this section. 32441
~~The treasurer of state shall stamp or otherwise mark on each~~ 32442
~~report the date it was received by the treasurer, the amount of~~ 32443
~~the tax payment accompanying the report, and shall transmit the~~ 32444
~~report to the tax commissioner.~~ 32445

(C) Every A-2 and A-4, B-2, B-3, B-4, and B-5 permit holder 32446
in this state, on or before the eighteenth day of each month, 32447
shall make and file a report with the ~~treasurer of state tax~~ 32448
commissioner upon a form prescribed by the tax commissioner which 32449

report shall show, on the report of each A-2 and A-4 permit holder 32450
the amount of wine, cider, and mixed beverages produced and sold, 32451
or sold in this state by each such A-2 and A-4 permit holder for 32452
the next preceding calendar month and such other information as 32453
the tax commissioner requires, and on the report of each such B-2, 32454
B-3, B-4, and B-5 permit holder the amount of wine, cider, and 32455
mixed beverages purchased from an importer, broker, wholesale 32456
dealer, producer, or manufacturer located outside this state and 32457
sold and distributed in this state by such B-2, B-3, B-4, and B-5 32458
permit holder, for the next preceding calendar month and such 32459
other information as the tax commissioner requires. 32460

Every such A-2, A-4, B-2, B-3, B-4, and B-5 permit holder in 32461
this state shall remit with the report the tax levied by sections 32462
4301.43 and, if applicable, 4301.432 of the Revised Code less a 32463
discount thereon of three per cent of the total tax so levied and 32464
paid, provided the return is filed together with remittance of the 32465
amount of tax shown to be due thereon, within the time prescribed. 32466
~~The treasurer of state shall stamp or otherwise mark on all 32467~~
~~reports the date it was received by the treasurer and the amount 32468~~
~~of tax payment accompanying all reports and shall transmit the 32469~~
~~return to the commissioner.~~ Any permit holder or other persons who 32470
fail to file a report under this section, for each day the person 32471
so fails, may be required to forfeit and pay into the state 32472
treasury the sum of one dollar as revenue arising from the tax 32473
imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the 32474
Revised Code, and that sum may be collected by assessment in the 32475
manner provided in section 4305.13 of the Revised Code. 32476

(D) Every B-1 permit holder and importer in this state 32477
importing beer from any manufacturer, bottler, person, or group of 32478
persons however organized, outside the United States, if required 32479
by the tax commissioner shall post a bond payable to the state in 32480
such form and amount as the commissioner prescribes with surety to 32481

the satisfaction of the tax commissioner, conditioned upon the 32482
payment to the ~~treasurer of state~~ tax commissioner of taxes levied 32483
by sections 4301.42 and 4305.01 of the Revised Code. 32484

(E) No such wine, beer, cider, or mixed beverages sold or 32485
distributed in this state shall be taxed more than once under 32486
sections 4301.42, 4301.43, and 4305.01 of the Revised Code. 32487

(F) As used in this section: 32488

(1) "Cider" has the same meaning as in section 4301.01 of the 32489
Revised Code. 32490

(2) "Wine" has the same meaning as in section 4301.01 of the 32491
Revised Code, except that "wine" does not include cider. 32492

(G) All money collected by the tax commissioner under this 32493
section shall be paid to the treasurer of state as revenue arising 32494
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 32495
4305.01 of the Revised Code. 32496

Sec. 4303.331. No permit holder shall purchase and import 32497
into this state any beer from any manufacturer, bottler, importer, 32498
wholesale dealer, or broker outside this state and within the 32499
United States unless and until such manufacturer, bottler, 32500
importer, wholesale dealer, or broker registers with the tax 32501
commissioner and supplies such information as the commissioner may 32502
require. 32503

The commissioner may by rule require any registrant to file 32504
with the commissioner a bond payable to the state in such form and 32505
amount as the commissioner prescribes with surety to the 32506
satisfaction of the tax commissioner conditioned upon the making 32507
of the report to be made to the ~~treasurer of state~~ tax 32508
commissioner and the payment to the ~~treasurer of state~~ tax 32509
commissioner of taxes levied by sections 4301.42 and 4305.01 of 32510
the Revised Code, all as provided in section 4303.33 of the 32511

Revised Code. 32512

Any such manufacturer, bottler, importer, wholesale dealer, 32513
or broker shall, as a part of such registration, make the 32514
secretary of state ~~his~~ its agent for the service of process or 32515
notice of any assessment, action, or proceedings instituted in the 32516
state against such person under sections 4303.33, 4301.42, and 32517
4305.01 of the Revised Code. 32518

Such process or notice shall be served, by the officer to 32519
whom it is directed or by the tax commissioner, or by the sheriff 32520
of Franklin county, who may be deputized for such purpose by the 32521
officer to whom the service is directed, upon the secretary of 32522
state by leaving at the office of the secretary of state, at least 32523
fifteen days before the return day of such process or notice, a 32524
true and attested copy thereof, and by sending to the defendant by 32525
certified mail, postage prepaid, a like and true attested copy, 32526
with an endorsement thereon of the service upon the secretary of 32527
state, addressed to such defendant at the address listed in the 32528
registration or at the defendant's last known address. 32529

Any B-1 permit holder who purchases beer from any 32530
manufacturer, bottler, importer, wholesale dealer, or broker 32531
outside this state and within the United States who has not 32532
registered with the tax commissioner and filed a bond as provided 32533
in this section shall be liable for any tax due on any beer 32534
purchased from such unregistered manufacturer, bottler, importer, 32535
wholesale dealer, or broker and shall be subject to any penalties 32536
provided in Chapters 4301., 4303., 4305., and 4307. of the Revised 32537
Code. 32538

Any B-1 permit holder who purchases beer from any 32539
manufacturer, bottler, importer, wholesale dealer, or broker 32540
outside this state and within the United States who has complied 32541
with this section shall not be liable for any tax due to the state 32542
on any beer purchased from any such manufacturer, bottler, 32543

importer, wholesale dealer, or broker. 32544

All money collected by the tax commissioner under this 32545
section shall be paid to the treasurer of state as revenue arising 32546
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 32547
4305.01 of the Revised Code. 32548

Sec. 4503.034. (A) Notwithstanding sections 4503.10, 32549
4503.102, 4503.12, 4503.182, 4505.061, 4506.08, 4507.24, 4507.50, 32550
4507.52, 4519.03, 4519.10, 4519.56, and 4519.69 of the Revised 32551
Code: 32552

(1) Each deputy registrar shall be allowed the increased fee 32553
otherwise allowed in those sections and commencing on January 1, 32554
2003, for performing the services specified in those sections only 32555
if the deputy registrars achieve a statewide satisfaction rate of 32556
at least ninety per cent on the survey conducted by the registrar 32557
of motor vehicles under this section. If the deputy registrars 32558
fail to achieve a statewide satisfaction rate of at least ninety 32559
per cent on the survey, the fee for performing the services 32560
specified in those sections shall remain at the rate in effect for 32561
the immediately preceding year. 32562

(2) Each deputy registrar shall be allowed the increased fee 32563
otherwise allowed in those sections and commencing on January 1, 32564
2004, for performing the services specified in those sections only 32565
if the deputy registrars achieve a statewide satisfaction rate of 32566
at least ninety per cent on the survey conducted by the registrar 32567
under this section. If the deputy registrars fail to achieve a 32568
statewide satisfaction rate of at least ninety per cent on the 32569
survey, the fee for performing the services specified in those 32570
sections shall remain at the rate in effect for the immediately 32571
preceding year. 32572

(B) The registrar shall develop and conduct a survey 32573
evaluating public satisfaction with the conduct of services by 32574

deputy registrars under sections 4503.10, 4503.102, 4503.12, 32575
4503.182, 4505.061, 4506.08, 4507.24, 4507.50, 4507.52, 4519.03, 32576
4519.10, 4519.56, and 4519.69 of the Revised Code. In developing 32577
the survey, the registrar also shall establish standards that 32578
shall enable a deputy registrar to achieve a ninety per cent 32579
satisfaction rating. The ninety per cent satisfaction rate 32580
required under divisions (A)(1) and (2) of this section as a 32581
condition to increasing the service fees shall be determined on a 32582
statewide basis and not on an individual basis. The registrar 32583
shall conduct the survey in 2002 to determine the satisfaction 32584
rating for purposes of division (A)(1) of this section and shall 32585
conduct the survey again in 2003 to determine the satisfaction 32586
rating for purposes of division (A)(2) of this section. 32587

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 32588
motorcycle, and all-purpose vehicle required to be registered 32589
under section 4519.02 of the Revised Code shall file an 32590
application for registration under section 4519.03 of the Revised 32591
Code. The owner of a motor vehicle, other than a snowmobile, 32592
off-highway motorcycle, or all-purpose vehicle, that is not 32593
designed and constructed by the manufacturer for operation on a 32594
street or highway may not register it under this chapter except 32595
upon certification of inspection pursuant to section 4513.02 of 32596
the Revised Code by the sheriff or chief of police of the 32597
municipal or township police with jurisdiction over the political 32598
subdivision in which the owner of the motor vehicle resides. 32599
Except as provided in section 4503.103 of the Revised Code, every 32600
owner of every other motor vehicle not previously described in 32601
this section and every person mentioned as owner in the last 32602
certificate of title of a motor vehicle that is operated or driven 32603
upon the public roads or highways shall cause to be filed each 32604
year, by mail or otherwise, in the office of the registrar of 32605
motor vehicles or a deputy registrar, a written or electronic 32606

application or a preprinted registration renewal notice issued 32607
under section 4503.102 of the Revised Code, the form of which 32608
shall be prescribed by the registrar, for registration for the 32609
following registration year, which shall begin on the first day of 32610
January of every calendar year and end on the thirty-first day of 32611
December in the same year. Applications for registration and 32612
registration renewal notices shall be filed at the times 32613
established by the registrar pursuant to section 4503.101 of the 32614
Revised Code. A motor vehicle owner also may elect to renew a 32615
motor vehicle registration by electronic means using electronic 32616
signature in accordance with rules adopted by the registrar. 32617
Except as provided in division (J) of this section, applications 32618
for registration shall be made on blanks furnished by the 32619
registrar for that purpose, containing the following information: 32620

(1) A brief description of the motor vehicle to be 32621
registered, including the name of the manufacturer, the factory 32622
number of the vehicle, the year's model, and, in the case of 32623
commercial cars, the gross weight of the vehicle fully equipped 32624
computed in the manner prescribed in section 4503.08 of the 32625
Revised Code; 32626

(2) The name and residence address of the owner, and the 32627
township and municipal corporation in which the owner resides; 32628

(3) The district of registration, which shall be determined 32629
as follows: 32630

(a) In case the motor vehicle to be registered is used for 32631
hire or principally in connection with any established business or 32632
branch business, conducted at a particular place, the district of 32633
registration is the municipal corporation in which that place is 32634
located or, if not located in any municipal corporation, the 32635
county and township in which that place is located. 32636

(b) In case the vehicle is not so used, the district of 32637
registration is the municipal corporation or county in which the 32638

owner resides at the time of making the application.	32639
(4) Whether the motor vehicle is a new or used motor vehicle;	32640
	32641
(5) The date of purchase of the motor vehicle;	32642
(6) Whether the fees required to be paid for the registration	32643
or transfer of the motor vehicle, during the preceding	32644
registration year and during the preceding period of the current	32645
registration year, have been paid. Each application for	32646
registration shall be signed by the owner, either manually or by	32647
electronic signature, or pursuant to obtaining a limited power of	32648
attorney authorized by the registrar for registration, or other	32649
document authorizing such signature. If the owner elects to renew	32650
the motor vehicle registration with the registrar by electronic	32651
means, the owner's manual signature is not required.	32652
(7) The owner's social security number, if assigned, or,	32653
where a motor vehicle to be registered is used for hire or	32654
principally in connection with any established business, the	32655
owner's federal taxpayer identification number.	32656
(B) Each time the applicant first registers a motor vehicle	32657
in the applicant's name, the applicant shall present for	32658
inspection a certificate of title or a memorandum certificate	32659
showing title to the motor vehicle to be registered in the	32660
applicant. When a motor vehicle inspection and maintenance program	32661
is in effect under section 3704.14 of the Revised Code and rules	32662
adopted under it, each application for registration for a vehicle	32663
required to be inspected under that section and those rules shall	32664
be accompanied by an inspection certificate for the motor vehicle	32665
issued in accordance with that section. The application shall be	32666
refused if any of the following applies:	32667
(1) The application is not in proper form.	32668
(2) The application is prohibited from being accepted by	32669

division (D) of section 2935.27, division (A) of section 2937.221, 32670
division (A) of section 4503.13, division (B) of section 4507.168, 32671
or division (B)(1) of section 4521.10 of the Revised Code. 32672

(3) A certificate of title or memorandum certificate of title 32673
does not accompany the application. 32674

(4) All registration and transfer fees for the motor vehicle, 32675
for the preceding year or the preceding period of the current 32676
registration year, have not been paid. 32677

(5) The owner or lessee does not have an inspection 32678
certificate for the motor vehicle as provided in section 3704.14 32679
of the Revised Code, and rules adopted under it, if that section 32680
is applicable. 32681

This section does not require the payment of license or 32682
registration taxes on a motor vehicle for any preceding year, or 32683
for any preceding period of a year, if the motor vehicle was not 32684
taxable for that preceding year or period under sections 4503.02, 32685
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 32686
Revised Code. When a certificate of registration is issued upon 32687
the first registration of a motor vehicle by or on behalf of the 32688
owner, the official issuing the certificate shall indicate the 32689
issuance with a stamp on the certificate of title or memorandum 32690
certificate and on the inspection certificate for the motor 32691
vehicle, if any. The official also shall indicate, by a stamp or 32692
by such other means as the registrar prescribes, on the 32693
registration certificate issued upon the first registration of a 32694
motor vehicle by or on behalf of the owner the odometer reading of 32695
the motor vehicle as shown in the odometer statement included in 32696
or attached to the certificate of title. Upon each subsequent 32697
registration of the motor vehicle by or on behalf of the same 32698
owner, the official also shall so indicate the odometer reading of 32699
the motor vehicle as shown on the immediately preceding 32700
certificate of registration. 32701

The registrar shall include in the permanent registration 32702
record of any vehicle required to be inspected under section 32703
3704.14 of the Revised Code the inspection certificate number from 32704
the inspection certificate that is presented at the time of 32705
registration of the vehicle as required under this division. 32706

(C) In addition, a charge of twenty-five cents shall be made 32707
for each reflectorized safety license plate issued, and a single 32708
charge of twenty-five cents shall be made for each county 32709
identification sticker or each set of county identification 32710
stickers issued, as the case may be, to cover the cost of 32711
producing the license plates and stickers, including material, 32712
manufacturing, and administrative costs. Those fees shall be in 32713
addition to the license tax. If the total cost of producing the 32714
plates is less than twenty-five cents per plate, or if the total 32715
cost of producing the stickers is less than twenty-five cents per 32716
sticker or per set issued, any excess moneys accruing from the 32717
fees shall be distributed in the same manner as provided by 32718
section 4501.04 of the Revised Code for the distribution of 32719
license tax moneys. If the total cost of producing the plates 32720
exceeds twenty-five cents per plate, or if the total cost of 32721
producing the stickers exceeds twenty-five cents per sticker or 32722
per set issued, the difference shall be paid from the license tax 32723
moneys collected pursuant to section 4503.02 of the Revised Code. 32724

(D) Each deputy registrar shall be allowed a fee of two 32725
dollars and ~~twenty-five~~ seventy-five cents commencing on July 1, 32726
2001, three dollars and twenty-five cents commencing on January 1, 32727
2003, and three dollars and fifty cents commencing on January 1, 32728
2004, for each application for registration and registration 32729
renewal notice the deputy registrar receives, which shall be for 32730
the purpose of compensating the deputy registrar for the deputy 32731
registrar's services, and such office and rental expenses, as may 32732
be necessary for the proper discharge of the deputy registrar's 32733

duties in the receiving of applications and renewal notices and 32734
the issuing of licenses. 32735

(E) Upon the certification of the registrar, the county 32736
sheriff or local police officials shall recover license plates 32737
erroneously or fraudulently issued. 32738

(F) Each deputy registrar, upon receipt of any application 32739
for registration or registration renewal notice, together with the 32740
license fee and any local motor vehicle license tax levied 32741
pursuant to Chapter 4504. of the Revised Code, shall transmit that 32742
fee and tax, if any, in the manner provided in this section, 32743
together with the original and duplicate copy of the application, 32744
to the registrar. The registrar, subject to the approval of the 32745
director of public safety, may deposit the funds collected by 32746
those deputies in a local bank or depository to the credit of the 32747
"state of Ohio, bureau of motor vehicles." Where a local bank or 32748
depository has been designated by the registrar, each deputy 32749
registrar shall deposit all moneys collected by the deputy 32750
registrar into that bank or depository not more than one business 32751
day after their collection and shall make reports to the registrar 32752
of the amounts so deposited, together with any other information, 32753
some of which may be prescribed by the treasurer of state, as the 32754
registrar may require and as prescribed by the registrar by rule. 32755
The registrar, within three days after receipt of notification of 32756
the deposit of funds by a deputy registrar in a local bank or 32757
depository, shall draw on that account in favor of the treasurer 32758
of state. The registrar, subject to the approval of the director 32759
and the treasurer of state, may make reasonable rules necessary 32760
for the prompt transmittal of fees and for safeguarding the 32761
interests of the state and of counties, townships, municipal 32762
corporations, and transportation improvement districts levying 32763
local motor vehicle license taxes. The registrar may pay service 32764
charges usually collected by banks and depositories for such 32765

service. If deputy registrars are located in communities where 32766
banking facilities are not available, they shall transmit the fees 32767
forthwith, by money order or otherwise, as the registrar, by rule 32768
approved by the director and the treasurer of state, may 32769
prescribe. The registrar may pay the usual and customary fees for 32770
such service. 32771

(G) This section does not prevent any person from making an 32772
application for a motor vehicle license directly to the registrar 32773
by mail, by electronic means, or in person at any of the 32774
registrar's offices, upon payment of a service fee of two dollars 32775
and ~~twenty-five~~ seventy-five cents commencing on July 1, 2001, 32776
three dollars and twenty-five cents commencing on January 1, 2003, 32777
and three dollars and fifty cents commencing on January 1, 2004, 32778
for each application. 32779

(H) No person shall make a false statement as to the district 32780
of registration in an application required by division (A) of this 32781
section. Violation of this division is falsification under section 32782
2921.13 of the Revised Code and punishable as specified in that 32783
section. 32784

(I)(1) Where applicable, the requirements of division (B) of 32785
this section relating to the presentation of an inspection 32786
certificate issued under section 3704.14 of the Revised Code and 32787
rules adopted under it for a motor vehicle, the refusal of a 32788
license for failure to present an inspection certificate, and the 32789
stamping of the inspection certificate by the official issuing the 32790
certificate of registration apply to the registration of and 32791
issuance of license plates for a motor vehicle under sections 32792
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 32793
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 32794
4503.47, and 4503.51 of the Revised Code. 32795

(2)(a) The registrar shall adopt rules ensuring that each 32796
owner registering a motor vehicle in a county where a motor 32797

vehicle inspection and maintenance program is in effect under 32798
section 3704.14 of the Revised Code and rules adopted under it 32799
receives information about the requirements established in that 32800
section and those rules and about the need in those counties to 32801
present an inspection certificate with an application for 32802
registration or preregistration. 32803

(b) Upon request, the registrar shall provide the director of 32804
environmental protection, or any person that has been awarded a 32805
contract under division (D) of section 3704.14 of the Revised 32806
Code, an on-line computer data link to registration information 32807
for all passenger cars, noncommercial motor vehicles, and 32808
commercial cars that are subject to that section. The registrar 32809
also shall provide to the director of environmental protection a 32810
magnetic data tape containing registration information regarding 32811
passenger cars, noncommercial motor vehicles, and commercial cars 32812
for which a multi-year registration is in effect under section 32813
4503.103 of the Revised Code or rules adopted under it, including, 32814
without limitation, the date of issuance of the multi-year 32815
registration, the registration deadline established under rules 32816
adopted under section 4503.101 of the Revised Code that was 32817
applicable in the year in which the multi-year registration was 32818
issued, and the registration deadline for renewal of the 32819
multi-year registration. 32820

(J) Application for registration under the international 32821
registration plan, as set forth in sections 4503.60 to 4503.66 of 32822
the Revised Code, shall be made to the registrar on forms 32823
furnished by the registrar. In accordance with international 32824
registration plan guidelines and pursuant to rules adopted by the 32825
registrar, the forms shall include the following: 32826

(1) A uniform mileage schedule; 32827

(2) The gross vehicle weight of the vehicle or combined gross 32828
vehicle weight of the combination vehicle as declared by the 32829

registrant; 32830

(3) Any other information the registrar requires by rule. 32831

Sec. 4503.102. (A) The registrar of motor vehicles shall 32832
adopt rules to establish a centralized system of motor vehicle 32833
registration renewal by mail or by electronic means. Any person 32834
owning a motor vehicle that was registered in the person's name 32835
during the preceding registration year shall renew the 32836
registration of the motor vehicle not more than ninety days prior 32837
to the expiration date of the registration either by mail or by 32838
electronic means through the centralized system of registration 32839
established under this section, or in person at any office of the 32840
registrar or at a deputy registrar's office. 32841

(B)(1) No less than forty-five days prior to the expiration 32842
date of any motor vehicle registration, the registrar shall mail a 32843
renewal notice to the person in whose name the motor vehicle is 32844
registered. The renewal notice shall clearly state that the 32845
registration of the motor vehicle may be renewed by mail or 32846
electronic means through the centralized system of registration or 32847
in person at any office of the registrar or at a deputy 32848
registrar's office and shall be preprinted with information 32849
including, but not limited to, the owner's name and residence 32850
address as shown in the records of the bureau of motor vehicles, a 32851
brief description of the motor vehicle to be registered, notice of 32852
the license taxes and fees due on the motor vehicle, the toll-free 32853
telephone number of the registrar as required under division 32854
(D)(1) of section 4503.031 of the Revised Code, and any additional 32855
information the registrar may require by rule. The renewal notice 32856
shall be sent by regular mail to the owner's last known address as 32857
shown in the records of the bureau of motor vehicles. 32858

(2) If the application for renewal of the registration of a 32859
motor vehicle is prohibited from being accepted by the registrar 32860

or a deputy registrar by division (D) of section 2935.27, division 32861
(A) of section 2937.221, division (A) of section 4503.13, division 32862
(B) of section 4507.168, or division (B)(1) of section 4521.10 of 32863
the Revised Code, the registrar is not required to send a renewal 32864
notice to the vehicle owner or vehicle lessee. 32865

(C) The owner of the motor vehicle shall verify the 32866
information contained in the notice, sign it either manually or by 32867
electronic means, and return it, either by mail or electronic 32868
means, or the owner may take it in person to any office of the 32869
registrar or of a deputy registrar, together with a financial 32870
transaction device number, when permitted by rule of the 32871
registrar, check, or money order in the amount of the registration 32872
taxes and fees payable on the motor vehicle and a mail fee of two 32873
dollars and ~~twenty-five~~ seventy-five cents commencing on July 1, 32874
2001, three dollars and twenty-five cents commencing on January 1, 32875
2003, and three dollars and fifty cents commencing on January 1, 32876
2004, plus postage as indicated on the notice, if the registration 32877
is renewed by mail, and an inspection certificate for the motor 32878
vehicle as provided in section 3704.14 of the Revised Code. If the 32879
motor vehicle owner chooses to renew the motor vehicle 32880
registration by electronic means, the owner shall proceed in 32881
accordance with the rules the registrar adopts. 32882

(D) If all registration and transfer fees for the motor 32883
vehicle for the preceding year or the preceding period of the 32884
current registration year have not been paid, if division (D) of 32885
section 2935.27, division (A) of section 2937.221, division (A) of 32886
section 4503.13, division (B) of section 4507.168, or division 32887
(B)(1) of section 4521.10 of the Revised Code prohibits acceptance 32888
of the renewal notice, or if the owner or lessee does not have an 32889
inspection certificate for the motor vehicle as provided in 32890
section 3704.14 of the Revised Code, if that section is 32891
applicable, the license shall be refused, and the registrar or 32892

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.

(2) If the owner of a motor vehicle submits an application
for registration and the registrar is prohibited by division (D)
of section 2935.27, division (A) of section 2937.221, division (A)
of section 4503.13, division (B) of section 4507.168, or division
(B)(1) of section 4521.10 of the Revised Code from accepting the
application, the registrar shall return the application and the
payment to the owner. If the owner of a motor vehicle submits a
registration renewal application to the registrar by electronic
means and the registrar is prohibited from accepting the
application as provided in this division, the registrar shall
notify the owner of this fact and deny the application and return
the payment or give a credit on the financial transaction device
account of the owner in the manner the registrar prescribes by
rule adopted pursuant to division (A) of this section.

(F) Every deputy registrar shall post in a prominent place at
the deputy's office a notice informing the public of the mail

registration system required by this section and also shall post a notice that every owner of a motor vehicle and every chauffeur holding a certificate of registration is required to notify the registrar in writing of any change of residence within ten days after the change occurs. The notice shall be in such form as the registrar prescribes by rule.

(G) The two dollars and ~~twenty-five~~ seventy-five cents fee collected from July 1, 2001, through December 31, 2002, the three dollars and twenty-five cents fee collected from January 1, 2003, through December 31, 2003, and the three dollars and fifty cents fee collected after January 1, 2004, plus postage and any financial transaction device surcharge collected by the registrar for registration by mail, shall be paid to the credit of the state bureau of motor vehicles fund established by section 4501.25 of the Revised Code.

(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 32956
the motor vehicle, except that: 32957

(A) If a statutory merger or consolidation results in the 32958
transfer of ownership of a motor vehicle from a constituent 32959
corporation to the surviving corporation, or if the incorporation 32960
of a proprietorship or partnership results in the transfer of 32961
ownership of a motor vehicle from the proprietorship or 32962
partnership to the corporation, the registration shall be 32963
continued upon the filing by the surviving or new corporation, 32964
within thirty days of such transfer, of an application for an 32965
amended certificate of registration, unless such registration is 32966
prohibited by division (D) of section 2935.27, division (A) of 32967
section 2937.221, division (B) of section 4507.168, or division 32968
(B)(1) of section 4521.10 of the Revised Code. The application 32969
shall be accompanied by a service fee of two dollars and 32970
~~twenty-five~~ seventy-five cents commencing on July 1, 2001, three 32971
dollars and twenty-five cents commencing on January 1, 2003, and 32972
three dollars and fifty cents commencing on January 1, 2004, a 32973
transfer fee of one dollar, and the original certificate of 32974
registration. Upon a proper filing, the registrar of motor 32975
vehicles shall issue an amended certificate of registration in the 32976
name of the new owner. 32977

(B) If the death of the owner of a motor vehicle results in 32978
the transfer of ownership of the motor vehicle to the surviving 32979
spouse of the owner or if a motor vehicle is owned by two persons 32980
under joint ownership with right of survivorship established under 32981
section 2106.17 of the Revised Code and one of those persons dies, 32982
the registration shall be continued upon the filing by the 32983
surviving spouse of an application for an amended certificate of 32984
registration, unless such registration is prohibited by division 32985
(D) of section 2935.27, division (A) of section 2937.221, division 32986
(A) of section 4503.13, division (B) of section 4507.168, or 32987

division (B)(1) of section 4521.10 of the Revised Code. The 32988
application shall be accompanied by a service fee of two dollars 32989
and ~~twenty-five~~ seventy-five cents commencing on July 1, 2001, 32990
three dollars and twenty-five cents commencing on January 1, 2003, 32991
and three dollars and fifty cents commencing on January 1, 2004, a 32992
transfer fee of one dollar, the original certificate of 32993
registration, and, in relation to a motor vehicle that is owned by 32994
two persons under joint ownership with right of survivorship 32995
established under section 2106.17 of the Revised Code, by a copy 32996
of the certificate of title that specifies that the vehicle is 32997
owned under joint ownership with right of survivorship. Upon a 32998
proper filing, the registrar shall issue an amended certificate of 32999
registration in the name of the surviving spouse. 33000

(C) If the original owner of a motor vehicle that has been 33001
transferred makes application for the registration of another 33002
motor vehicle at any time during the remainder of the registration 33003
period for which the transferred motor vehicle was registered, the 33004
owner, unless such registration is prohibited by division (D) of 33005
section 2935.27, division (A) of section 2937.221, division (A) of 33006
section 4503.13, division (E) of section 4503.234, division (B) of 33007
section 4507.168, or division (B)(1) of section 4521.10 of the 33008
Revised Code, may file an application for transfer of the 33009
registration and, where applicable, the license plates, 33010
accompanied by a service fee of two dollars and ~~twenty-five~~ 33011
seventy-five cents commencing on July 1, 2001, three dollars and 33012
twenty-five cents commencing on January 1, 2003, and three dollars 33013
and fifty cents commencing on January 1, 2004, a transfer fee of 33014
one dollar, and the original certificate of registration. The 33015
transfer of the registration and, where applicable, the license 33016
plates from the motor vehicle for which they originally were 33017
issued to a succeeding motor vehicle purchased by the same person 33018
in whose name the original registration and license plates were 33019

issued shall be done within a period not to exceed thirty days. 33020
During that thirty-day period, the license plates from the motor 33021
vehicle for which they originally were issued may be displayed on 33022
the succeeding motor vehicle, and the succeeding motor vehicle may 33023
be operated on the public roads and highways in this state. 33024

At the time of application for transfer, the registrar shall 33025
compute and collect the amount of tax due on the succeeding motor 33026
vehicle, based upon the amount that would be due on a new 33027
registration as of the date on which the transfer is made less a 33028
credit for the unused portion of the original registration 33029
beginning on that date. If the credit exceeds the amount of tax 33030
due on the new registration, no refund shall be made. In computing 33031
the amount of tax due and credits to be allowed under this 33032
division, the provisions of division (B)(1)(a) and (b) of section 33033
4503.11 of the Revised Code shall apply. As to passenger cars, 33034
noncommercial vehicles, motor homes, and motorcycles, transfers 33035
within or between these classes of motor vehicles only shall be 33036
allowed. If the succeeding motor vehicle is of a different class 33037
than the motor vehicle for which the registration originally was 33038
issued, new license plates also shall be issued upon the surrender 33039
of the license plates originally issued and payment of the fees 33040
provided in divisions (C) and (D) of section 4503.10 of the 33041
Revised Code. 33042

(D) The owner of a commercial car having a gross vehicle 33043
weight or combined gross vehicle weight of more than ten thousand 33044
pounds may transfer the registration of that commercial car to 33045
another commercial car the owner owns without transferring 33046
ownership of the first commercial car, unless registration of the 33047
second commercial car is prohibited by division (D) of section 33048
2935.27, division (A) of section 2937.221, division (A) of section 33049
4503.13, division (B) of section 4507.168, or division (B)(1) of 33050
section 4521.10 of the Revised Code. At any time during the 33051

remainder of the registration period for which the first 33052
commercial car was registered, the owner may file an application 33053
for the transfer of the registration and, where applicable, the 33054
license plates, accompanied by a service fee of two dollars and 33055
~~twenty-five~~ seventy-five cents commencing on July 1, 2001, three 33056
dollars and twenty-five cents commencing on January 1, 2003, and 33057
three dollars and fifty cents commencing on January 1, 2004, a 33058
transfer fee of one dollar, and the certificate of registration of 33059
the first commercial car. The amount of any tax due or credit to 33060
be allowed for a transfer of registration under this division 33061
shall be computed in accordance with division (C) of this section. 33062

No commercial car to which a registration is transferred 33063
under this division shall be operated on a public road or highway 33064
in this state until after the transfer of registration is 33065
completed in accordance with this division. 33066

(E) Upon application to the registrar or a deputy registrar, 33067
a person who owns or leases a motor vehicle may transfer special 33068
license plates assigned to that vehicle to any other vehicle that 33069
the person owns or leases or that is owned or leased by the 33070
person's spouse. The application shall be accompanied by a service 33071
fee of two dollars and ~~twenty-five~~ seventy-five cents commencing 33072
on July 1, 2001, three dollars and twenty-five cents commencing on 33073
January 1, 2003, and three dollars and fifty cents commencing on 33074
January 1, 2004, a transfer fee of one dollar, and the original 33075
certificate of registration. As appropriate, the application also 33076
shall be accompanied by a power of attorney for the registration 33077
of a leased vehicle and a written statement releasing the special 33078
plates to the applicant. Upon a proper filing, the registrar or 33079
deputy registrar shall assign the special license plates to the 33080
motor vehicle owned or leased by the applicant and issue a new 33081
certificate of registration for that motor vehicle. 33082

33083

As used in division (E) of this section, "special license plates" means either of the following: 33084
33085

(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; 33086
33087
33088
33089
33090

(2) License plates issued under section 4503.44 of the Revised Code. 33091
33092

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. 33093
33094
33095
33096

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. 33097
33098
33099
33100
33101

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. 33102
33103
33104
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33106

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. 33107
33108
33109

The fee for such placards or windshield stickers is two dollars plus a fee of two dollars and ~~twenty-five~~ seventy-five cents commencing on July 1, 2001, three dollars and twenty-five cents commencing on January 1, 2003, and three dollars and fifty 33110
33111
33112
33113

cents commencing on January 1, 2004, for each such placard issued 33114
by a deputy registrar. 33115

(B) The registrar of motor vehicles may issue to a motorized 33116
bicycle dealer or a licensed motor vehicle dealer temporary 33117
license placards to be issued to purchasers for use on vehicles 33118
sold by the licensed dealer, in accordance with rules prescribed 33119
by the registrar. The dealer shall notify the registrar within 33120
forty-eight hours of proof of issuance on a form prescribed by the 33121
registrar. 33122

The fee for each such placard issued by the registrar to a 33123
licensed motor vehicle dealer is two dollars plus a fee of two 33124
dollars and ~~twenty-five~~ seventy-five cents commencing on July 1, 33125
2001, three dollars and twenty-five cents commencing on January 1, 33126
2003, and three dollars and fifty cents commencing on January 1, 33127
2004. 33128

(C) The registrar of motor vehicles, at the registrar's 33129
discretion, may issue a temporary license placard. Such a placard 33130
may be issued in the case of extreme hardship encountered by a 33131
citizen from this state or another state who has attempted to 33132
comply with all registration laws, but for extreme circumstances 33133
is unable to properly register the citizen's vehicle. 33134

(D) The registrar shall adopt rules, in accordance with 33135
division (B) of section 111.15 of the Revised Code, to specify the 33136
procedures for reporting the information from applications for 33137
temporary license placards and windshield stickers and for 33138
providing the information from these applications to law 33139
enforcement agencies. 33140

(E) Temporary license placards issued under this section 33141
shall bear a distinctive combination of seven letters, numerals, 33142
or letters and numerals, and shall incorporate a security feature 33143
that, to the greatest degree possible, prevents tampering with any 33144
of the information that is entered upon a placard when it is 33145

issued. 33146

(F) As used in this section, "motorized bicycle dealer" means 33147
any person engaged in the business of selling at retail, 33148
displaying, offering for sale, or dealing in motorized bicycles 33149
who is not subject to section 4503.09 of the Revised Code. 33150

Sec. 4504.05. The moneys received from a county motor vehicle 33151
license tax shall be allocated and distributed as follows: 33152

(A) First, for payment of the costs and expenses incurred by 33153
the county in the enforcement and administration of the tax; 33154

(B) The remainder of such moneys shall be credited to funds 33155
as follows: 33156

(1) With respect to county motor vehicle tax moneys received 33157
under section 4504.02 of the Revised Code, that part of the total 33158
amount which is in the same proportion to the total as the number 33159
of motor vehicles registered in the municipal corporations in the 33160
county that did not levy a municipal motor vehicle license tax 33161
immediately prior to the adoption of the county motor vehicle 33162
license tax is to the total number of motor vehicles registered in 33163
the county in the most recent registration year, shall be placed 33164
in a separate fund to be allocated and distributed as provided in 33165
section 4504.04 of the Revised Code. 33166

The remaining portion shall be placed in the county motor 33167
vehicle license and gasoline tax fund and shall be allocated and 33168
disbursed only for the purposes specified in section 4504.02 of 33169
the Revised Code, other than paying all or part of the costs and 33170
expenses of municipal corporations in constructing, 33171
reconstructing, improving, maintaining, and repairing highways, 33172
roads, and streets designated as necessary and conducive to the 33173
orderly and efficient flow of traffic within and through the 33174
county pursuant to section 4504.03 of the Revised Code. 33175

(2) With respect to county motor vehicle tax moneys received 33176
under section 4504.15 of the Revised Code: 33177

(a) That arising from motor vehicles the district of 33178
registration of which is a municipal corporation within the county 33179
that is not levying the tax authorized by section 4504.17 of the 33180
Revised Code shall be allocated fifty per cent to the county and 33181
fifty per cent to such municipal corporation in an amount equal to 33182
the amount of the tax per motor vehicle registered during the 33183
preceding month in that part of the municipal corporation located 33184
within the county. Moneys allocated to a municipal corporation 33185
under this section shall be paid directly into the treasury of the 33186
municipal corporation as provided in section 4501.042 of the 33187
Revised Code and used only for the purposes described in section 33188
4504.06 of the Revised Code. The first distribution shall be made 33189
to a municipal corporation under this division in the second month 33190
after the county motor vehicle license tax is imposed under 33191
section 4504.15 of the Revised Code. 33192

(b) That arising from motor vehicles the district of 33193
registration of which is in an unincorporated area of the county 33194
shall be allocated seventy per cent to the county and thirty per 33195
cent to the townships in which the owners of the motor vehicles 33196
reside in an amount equal to the amount of the tax per motor 33197
vehicle owned by such a resident in each such township and 33198
registered during the preceding month in the county. The moneys 33199
allocated to townships shall be paid into the treasuries of the 33200
townships and shall be used only for the purposes described in 33201
section 4504.18 of the Revised Code. The first distribution shall 33202
be made under this division in the second month after the county 33203
motor vehicle license tax is imposed under section 4504.15 of the 33204
Revised Code. 33205

(3) With respect to county motor vehicle tax moneys received 33206
under section 4504.16 of the Revised Code: 33207

(a) That arising from motor vehicles the district of 33208
registration of which is a municipal corporation within the county 33209
that is not levying the tax authorized by section 4504.171 of the 33210
Revised Code shall be allocated to the county; 33211

(b) That arising from motor vehicles the district of 33212
registration of which is in an unincorporated area of the county 33213
shall be allocated seventy per cent to the county and thirty per 33214
cent to the townships in which the owners of the motor vehicles 33215
reside in an amount equal to the amount of the tax per motor 33216
vehicle owned by such a resident in each such township and 33217
registered during the preceding month in the county unless the 33218
allocation is modified under section 4504.051 of the Revised Code. 33219
The moneys allocated to townships shall be paid into the 33220
treasuries of the townships and shall be used only for the 33221
purposes described in section 4504.18 of the Revised Code. The 33222
first distribution shall be made under this division in the second 33223
month after the county motor vehicle license tax is imposed under 33224
section 4504.16 of the Revised Code. 33225

Sec. 4504.051. (A) The county motor vehicle tax moneys 33226
received under section 4504.16 of the Revised Code that arise from 33227
motor vehicles the district of registration of which is in an 33228
unincorporated area of the county may be allocated according to 33229
either of the following proceedings rather than according to the 33230
allocation established under division (B)(3)(b) of section 4504.05 33231
of the Revised Code: 33232

(1)(a) Each year, a board of township trustees may pass a 33233
resolution requesting an increase in the percentage of moneys 33234
allocated to the township under division (B)(3)(b) of section 33235
4504.05 of the Revised Code. Upon passage, the board shall forward 33236
the resolution to the board of county commissioners. 33237

(b) After receipt of a resolution under division (A)(1)(a) of 33238

this section, the board of county commissioners shall consider 33239
and, prior to the first day of October, may pass a resolution 33240
increasing the percentage of moneys otherwise allocated to the 33241
township under division (B)(3)(b) of section 4504.05 of the 33242
Revised Code. 33243

(2) Each year, a board of county commissioners may propose 33244
increasing or decreasing the percentage of moneys otherwise 33245
allocated to a township under division (B)(3)(b) of section 33246
4504.05 of the Revised Code, but only if the board of county 33247
commissioners has obtained a resolution from the board of township 33248
trustees consenting to the percentage of the increase or decrease. 33249
The board of county commissioners, prior to the first day of 33250
October, then may pass a resolution increasing or decreasing the 33251
percentage of money allocated to a township, but only by the 33252
percentage to which the board of township trustees consented. 33253

(B) If a board of county commissioners passes a resolution 33254
under division (A)(1)(b) or (2) of this section, it promptly shall 33255
forward a copy of the resolution to the board of trustees of the 33256
involved township, the county engineer, and the county treasurer. 33257

(C) The county treasurer shall make the first distribution 33258
under any new allocation established by a resolution passed by the 33259
board of county commissioners under division (A)(1)(b) or (2) of 33260
this section in January of the year next following the date on 33261
which the resolution is passed. The moneys allocated to townships 33262
under this section shall be paid into the treasuries of the 33263
townships and shall be used only for the purposes described in 33264
section 4504.18 of the Revised Code. 33265

(D) A resolution passed by a board of county commissioners 33266
under division (A)(1)(b) or (2) of this section is valid only for 33267
the county fiscal year next following the date on which the 33268
resolution is passed. 33269

Sec. 4505.061. If the application for a certificate of title 33270
refers to a motor vehicle last previously registered in another 33271
state, the application shall be accompanied by a physical 33272
inspection certificate issued by the department of public safety 33273
verifying the make, body type, model, and manufacturer's vehicle 33274
identification number of the motor vehicle for which the 33275
certificate of title is desired. The physical inspection 33276
certificate shall be in such form as is designated by the 33277
registrar of motor vehicles. The physical inspection of the motor 33278
vehicle shall be made at a deputy registrar's office, or at an 33279
established place of business operated by a licensed motor vehicle 33280
dealer. Additionally, the physical inspection of a salvage vehicle 33281
owned by an insurance company may be made at an established place 33282
of business operated by a salvage motor vehicle dealer licensed 33283
under Chapter 4738. of the Revised Code. The deputy registrar, the 33284
motor vehicle dealer, or the salvage motor vehicle dealer may 33285
charge a maximum fee of ~~one dollar and fifty~~ two dollars and 33286
seventy-five cents commencing on July 1, 2001, three dollars and 33287
twenty-five cents commencing on January 1, 2003, and three dollars 33288
and fifty cents commencing on January 1, 2004, for conducting the 33289
physical inspection. 33290

The clerk of the court of common pleas shall charge a fee of 33291
one dollar and fifty cents for the processing of each physical 33292
inspection certificate. The clerk shall retain fifty cents of the 33293
one dollar and fifty cents so charged and shall pay the remaining 33294
one dollar to the registrar by monthly returns, which shall be 33295
forwarded to the registrar not later than the fifth day of the 33296
month next succeeding that in which the certificate is received by 33297
the clerk. The registrar shall pay such remaining sums into the 33298
state bureau of motor vehicles fund established by section 4501.25 33299
of the Revised Code. 33300

Sec. 4506.08. (A) Each application for a commercial driver's license temporary instruction permit shall be accompanied by a fee of ten dollars; except as provided in division (B) of this section, each application for a commercial driver's license, restricted commercial driver's license, or renewal of such a license shall be accompanied by a fee of twenty-five dollars; and each application for a duplicate commercial driver's license shall be accompanied by a fee of ten dollars. In addition, the registrar of motor vehicles or deputy registrar may collect and retain an additional fee of no more than two dollars and ~~twenty-five~~ seventy-five cents 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 commercial driver's license temporary instruction permit, commercial driver's license, renewal of a commercial driver's license, or duplicate commercial driver's license received by the registrar or deputy. No fee shall be charged for the annual issuance of a waiver for farm-related service industries pursuant to section 4506.24 of the Revised Code.

Each deputy registrar shall transmit the fees collected to the registrar at the time and in the manner prescribed by the registrar by rule. The registrar shall pay the fees into the state highway safety fund established in section 4501.06 of the Revised Code.

(B) Information regarding the driving record of any person holding a commercial driver's license issued by this state shall be furnished by the registrar, upon request and payment of a fee of three dollars, to the employer or prospective employer of such a person and to any insurer.

Sec. 4507.23. (A) Except as provided in division (H) of this

section, each application for a temporary instruction permit and examination shall be accompanied by a fee of four dollars.

(B) Except as provided in division (H) of this section, each application for a driver's license made by a person who previously held such a license and whose license has expired not more than two years prior to the date of application, and who is required under this chapter to give an actual demonstration of the person's ability to drive, shall be accompanied by a fee of three dollars in addition to any other fees.

(C) Except as provided in divisions (E) and (H) of this section, each application for a driver's license, or motorcycle operator's endorsement, or renewal of a driver's license shall be accompanied by a fee of six dollars. Except as provided in division (H) of this section, each application for a duplicate driver's license shall be accompanied by a fee of two dollars and fifty cents. The duplicate driver's licenses issued under this section shall be distributed by the deputy registrar in accordance with rules adopted by the registrar of motor vehicles.

(D) Except as provided in division (H) of this section, each application for a motorized bicycle license or duplicate thereof shall be accompanied by a fee of two dollars and fifty cents.

(E) Except as provided in division (H) of this section, each application for a driver's license or renewal of a driver's license that will be issued to a person who is less than twenty-one years of age shall be accompanied by whichever of the following fees is applicable:

(1) If the person is sixteen years of age or older, but less than seventeen years of age, a fee of seven dollars and twenty-five cents;

(2) If the person is seventeen years of age or older, but less than eighteen years of age, a fee of six dollars;

(3) If the person is eighteen years of age or older, but less than nineteen years of age, a fee of four dollars and seventy-five cents; 33363
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(4) If the person is nineteen years of age or older, but less than twenty years of age, a fee of three dollars and fifty cents; 33366
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(5) If the person is twenty years of age or older, but less than twenty-one years of age, a fee of two dollars and twenty-five cents. 33369
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(F) Neither the registrar nor any deputy registrar shall charge a fee in excess of one dollar and fifty cents for laminating a driver's license ~~or~~, motorized bicycle license, or temporary instruction permit identification cards as required by sections 4507.13 and 4511.521 of the Revised Code. A deputy registrar laminating a driver's license ~~or~~, motorized bicycle license, or temporary instruction permit identification cards shall retain the entire amount of the fee charged for lamination, less the actual cost to the registrar of the laminating materials used for that lamination, as specified in the contract executed by the bureau for the laminating materials and laminating equipment. The deputy registrar shall forward the amount of the cost of the laminating materials to the registrar for deposit as provided in this section. 33372
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(G) At the time and in the manner provided by section 4503.10 of the Revised Code, the deputy registrar shall transmit the fees collected under divisions (A), (B), (C), (D), and (E), and those portions of the fees specified in and collected under division (F) of this section to the registrar. The registrar shall pay two dollars and fifty cents of each fee collected under divisions (A), (B), (C), (D), and (E)(1) to (4) of this section, and the entire fee collected under division (E)(5) of this section, into the state highway safety fund established in section 4501.06 of the 33386
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Revised Code, and such fees shall be used for the sole purpose of supporting driver licensing activities. The remaining fees collected by the registrar under this section shall be paid into the state bureau of motor vehicles fund established in section 4501.25 of the Revised Code.

(H) A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration may apply to the registrar or a deputy registrar for the issuance to that veteran, without the payment of any fee prescribed in this section, of any of the following items:

(1) A temporary instruction permit and examination;

(2) A new, renewal, or duplicate driver's or commercial driver's license;

(3) A motorcycle operator's endorsement;

(4) A motorized bicycle license or duplicate thereof;

(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.

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 33426
not required to pay the deputy registrar the lamination fee 33427
provided in division (F) of this section. 33428

A disabled veteran whose driver's license ~~or~~, motorized 33429
bicycle license, or temporary instruction permit identification 33430
card is laminated by the registrar is not required to pay the 33431
registrar any lamination fee. 33432

An application made under division (H) of this section shall 33433
be accompanied by such documentary evidence of disability as the 33434
registrar may require by rule. 33435

Sec. 4507.24. (A) Except as provided in division (B) of this 33436
section, each deputy registrar may collect a fee not to exceed the 33437
following: 33438

(1) Three dollars and ~~twenty-five~~ seventy-five cents 33439
commencing on July 1, 2001, four dollars and twenty-five cents 33440
commencing on January 1, 2003, and four dollars and fifty cents 33441
commencing on January 1, 2004, for each application for renewal of 33442
a driver's license received by the deputy registrar, when the 33443
applicant is required to submit to a screening of the applicant's 33444
vision under section 4507.12 of the Revised Code; 33445

(2) Two dollars and ~~twenty-five~~ seventy-five cents commencing 33446
on July 1, 2001, three dollars and twenty-five cents commencing on 33447
January 1, 2003, and three dollars and fifty cents commencing on 33448
January 1, 2004, for each application for a driver's license, or 33449
motorized bicycle license, or for renewal of such a license, 33450
received by the deputy registrar, when the applicant is not 33451
required to submit to a screening of the applicant's vision under 33452
section 4507.12 of the Revised Code. 33453

(B) The fees prescribed by division (A) of this section shall 33454
be in addition to the fee for a temporary instruction permit and 33455
examination, a driver's license, a motorized bicycle license, or 33456

duplicates thereof, and shall compensate the deputy registrar for 33457
the deputy registrar's services, for office and rental expense, 33458
and for costs as provided in division (C) of this section, as are 33459
necessary for the proper discharge of the deputy registrar's 33460
duties under sections 4507.01 to 4507.39 of the Revised Code. 33461
33462

A disabled veteran who has a service-connected disability 33463
rated at one hundred per cent by the veterans' administration is 33464
required to pay the applicable fee prescribed in division (A) of 33465
this section if the disabled veteran submits an application for a 33466
driver's license or motorized bicycle license or a renewal of 33467
either of these licenses to a deputy registrar who is acting as a 33468
deputy registrar pursuant to a contract with the registrar that is 33469
in effect on the effective date of this amendment. The disabled 33470
veteran also is required to submit with the disabled veteran's 33471
application such documentary evidence of disability as the 33472
registrar may require by rule. 33473

A disabled veteran who submits an application described in 33474
this division is not required to pay either of the fees prescribed 33475
in division (A) of this section if the disabled veteran submits 33476
the application to a deputy registrar who is acting as a deputy 33477
registrar pursuant to a contract with the registrar that is 33478
executed after the effective date of this amendment. The disabled 33479
veteran still is required to submit with the disabled veteran's 33480
application such documentary evidence of disability as the 33481
registrar may require by rule. 33482

A disabled veteran who submits an application described in 33483
this division directly to the registrar is not required to pay 33484
either of the fees prescribed in division (A) of this section if 33485
the disabled veteran submits with the disabled veteran's 33486
application such documentary evidence of disability as the 33487
registrar may require by rule. 33488

(C) Each deputy registrar shall transmit to the registrar of motor vehicles, at such time and in such manner as the registrar shall require by rule, an amount of each fee collected under division (A)(1) of this section as shall be determined by the registrar. The registrar shall pay all such moneys so received into the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code.

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 33520
deputy registrar shall be allowed a fee of two dollars and 33521
~~twenty-five~~ seventy-five cents commencing on July 1, 2001, three 33522
dollars and twenty-five cents commencing on January 1, 2003, and 33523
three dollars and fifty cents commencing on January 1, 2004, for 33524
each identification card issued under this section. The fee 33525
allowed to the deputy registrar shall be in addition to the fee 33526
for issuing an identification card. 33527

Neither the registrar nor any deputy registrar shall charge a 33528
fee in excess of one dollar and fifty cents for laminating an 33529
identification card or temporary identification card. A deputy 33530
registrar laminating such a card shall retain the entire amount of 33531
the fee charged for lamination, less the actual cost to the 33532
registrar of the laminating materials used for that lamination, as 33533
specified in the contract executed by the bureau for the 33534
laminating materials and laminating equipment. The deputy 33535
registrar shall forward the amount of the cost of the laminating 33536
materials to the registrar for deposit as provided in this 33537
section. 33538

The fee collected for issuing an identification card under 33539
this section, except the fee allowed to the deputy registrar, 33540
shall be paid into the state treasury to the credit of the state 33541
bureau of motor vehicles fund created in section 4501.25 of the 33542
Revised Code. 33543

(B) A disabled veteran who has a service-connected disability 33544
rated at one hundred per cent by the veterans' administration may 33545
apply to the registrar or a deputy registrar for the issuance to 33546
that veteran of an identification card or a temporary 33547
identification card under this section without payment of any fee 33548
prescribed in division (A) of this section, including any 33549
lamination fee. 33550

If the identification card or temporary identification card 33551

of a disabled veteran described in this division is laminated by a 33552
deputy registrar who is acting as a deputy registrar pursuant to a 33553
contract with the registrar that is in effect on the effective 33554
date of this amendment, the disabled veteran shall pay the deputy 33555
registrar the lamination fee prescribed in division (A) of this 33556
section. If the identification card or temporary identification 33557
card is laminated by a deputy registrar who is acting as a deputy 33558
registrar pursuant to a contract with the registrar that is 33559
executed after ~~the effective date of this amendment~~ July 29, 1998, 33560
the disabled veteran is not required to pay the deputy registrar 33561
the lamination fee prescribed in division (A) of this section. 33562

A disabled veteran whose identification card or temporary 33563
identification card is laminated by the registrar is not required 33564
to pay the registrar any lamination fee. 33565

An application made under division (A) of this section shall 33566
be accompanied by such documentary evidence of disability as the 33567
registrar may require by rule. 33568

Sec. 4507.52. Each identification card issued by the 33569
registrar of motor vehicles or a deputy registrar shall display a 33570
distinguishing number assigned to the cardholder, and shall 33571
display the following inscription: 33572

"STATE OF OHIO IDENTIFICATION CARD 33573

This card is not valid for the purpose of operating a motor 33574
vehicle. It is provided solely for the purpose of establishing the 33575
identity of the bearer described on the card, who currently is not 33576
licensed to operate a motor vehicle in the state of Ohio." 33577

The identification card shall display substantially the same 33578
information as contained in the application and as described in 33579
division (A)(1) of section 4507.51 of the Revised Code, including 33580
the cardholder's social security number unless the cardholder 33581
specifically requests that the cardholder's social security number 33582

not be displayed on the card. If federal law requires the
cardholder's social security number to be displayed on the
identification card, the social security number shall be displayed
on the card notwithstanding a request to not display the number
pursuant to this section. The identification card also shall
display the color photograph of the cardholder. If the cardholder
has executed a durable power of attorney for health care or a
declaration governing the use or continuation, or the withholding
or withdrawal, of life-sustaining treatment and has specified that
the cardholder wishes the identification card to indicate that the
cardholder has executed either type of instrument, the card also
shall display any symbol chosen by the registrar to indicate that
the cardholder has executed either type of instrument. The card
shall be sealed in transparent plastic or similar material and
shall be so designed as to prevent its reproduction or alteration
without ready detection.

The identification card for persons under twenty-one years of
age shall have characteristics prescribed by the registrar
distinguishing it from that issued to a person who is twenty-one
years of age or older, except that an identification card issued
to a person who applies no more than thirty days before the
applicant's twenty-first birthday shall have the characteristics
of an identification card issued to a person who is twenty-one
years of age or older.

Every identification card issued to a resident of this state
shall expire, unless canceled or surrendered earlier, on the
birthday of the cardholder in the fourth year after the date on
which it is issued. Every identification card issued to a
temporary resident shall expire in accordance with rules adopted
by the registrar and is nonrenewable, but may be replaced with a
new identification card upon the applicant's compliance with all
applicable requirements. A cardholder may renew the cardholder's

identification card within ninety days prior to the day on which 33615
it expires by filing an application and paying the prescribed fee 33616
in accordance with section 4507.50 of the Revised Code. 33617

If a cardholder applies for a driver's or commercial driver's 33618
license in this state or another licensing jurisdiction, the 33619
cardholder shall surrender the cardholder's identification card to 33620
the registrar or any deputy registrar before the license is 33621
issued. 33622

If a card is lost, destroyed, or mutilated, the person to 33623
whom the card was issued may obtain a duplicate by doing both of 33624
the following: 33625

(A) Furnishing suitable proof of the loss, destruction, or 33626
mutilation to the registrar or a deputy registrar; 33627

(B) Filing an application and presenting documentary evidence 33628
under section 4507.51 of the Revised Code. 33629

Any person who loses a card and, after obtaining a duplicate, 33630
finds the original, immediately shall surrender the original to 33631
the registrar or a deputy registrar. 33632

A cardholder may obtain a replacement identification card 33633
that reflects any change of the cardholder's name by furnishing 33634
suitable proof of the change to the registrar or a deputy 33635
registrar and surrendering the cardholder's existing card. 33636

When a cardholder applies for a duplicate or obtains a 33637
replacement identification card, the cardholder shall pay a fee of 33638
two dollars and fifty cents. A deputy registrar shall be allowed 33639
an additional fee of ~~two~~ three dollars and seventy-five cents 33640
commencing on July 1, 2001, three dollars and twenty-five cents 33641
commencing on January 1, 2003, and three dollars and fifty cents 33642
commencing on January 1, 2004, for issuing a duplicate or 33643
replacement identification card. A disabled veteran who is a 33644
cardholder and has a service-connected disability rated at one 33645

hundred per cent by the veterans' administration may apply to the 33646
registrar or a deputy registrar for the issuance of a duplicate or 33647
replacement identification card without payment of any fee 33648
prescribed in this section, and without payment of any lamination 33649
fee if the disabled veteran would not be required to pay a 33650
lamination fee in connection with the issuance of an 33651
identification card or temporary identification card as provided 33652
in division (B) of section 4507.50 of the Revised Code. 33653

A duplicate or replacement identification card shall expire 33654
on the same date as the card it replaces. 33655

The registrar shall cancel any card upon determining that the 33656
card was obtained unlawfully, issued in error, or was altered. The 33657
registrar also shall cancel any card that is surrendered to the 33658
registrar or to a deputy registrar after the holder has obtained a 33659
duplicate, replacement, or driver's or commercial driver's 33660
license. 33661

No agent of the state or its political subdivisions shall 33662
condition the granting of any benefit, service, right, or 33663
privilege upon the possession by any person of an identification 33664
card. Nothing in this section shall preclude any publicly operated 33665
or franchised transit system from using an identification card for 33666
the purpose of granting benefits or services of the system. 33667

No person shall be required to apply for, carry, or possess 33668
an identification card. 33669
33670

(C) Except in regard to an identification card issued to a 33671
person who applies no more than thirty days before the applicant's 33672
twenty-first birthday, neither the registrar nor any deputy 33673
registrar shall issue an identification card to a person under 33674
twenty-one years of age that does not have the characteristics 33675
prescribed by the registrar distinguishing it from the 33676
identification card issued to persons who are twenty-one years of 33677

age or older. 33678

Sec. 4511.81. (A) When any child who is in either or both of 33679
the following categories is being transported in a motor vehicle, 33680
other than a taxicab or public safety vehicle as defined in 33681
section 4511.01 of the Revised Code, that is registered in this 33682
state and is required by the United States department of 33683
transportation to be equipped with seat belts at the time of 33684
manufacture or assembly, the operator of the motor vehicle shall 33685
have the child properly secured in accordance with the 33686
manufacturer's instructions in a child restraint system that meets 33687
federal motor vehicle safety standards: 33688

(1) A child who is less than four years of age; 33689

(2) A child who weighs less than forty pounds. 33690

(B) When any child who is in either or both of the following 33691
categories is being transported in a motor vehicle, other than a 33692
taxicab, that is registered in this state and is owned, leased, or 33693
otherwise under the control of a nursery school, kindergarten, or 33694
day-care center, the operator of the motor vehicle shall have the 33695
child properly secured in accordance with the manufacturer's 33696
instructions in a child restraint system that meets federal motor 33697
vehicle safety standards: 33698

(1) A child who is less than four years of age; 33699

(2) A child who weighs less than forty pounds. 33700

(C) The director of public safety shall adopt such rules as 33701
are necessary to carry out this section. 33702

(D) The failure of an operator of a motor vehicle to secure a 33703
child in a child restraint system as required by this section is 33704
not negligence imputable to the child, is not admissible as 33705
evidence in any civil action involving the rights of the child 33706
against any other person allegedly liable for injuries to the 33707

child, is not to be used as a basis for a criminal prosecution of 33708
the operator of the motor vehicle other than a prosecution for a 33709
violation of this section, and is not admissible as evidence in 33710
any criminal action involving the operator of the motor vehicle 33711
other than a prosecution for a violation of this section. 33712

(E) This section does not apply when an emergency exists that 33713
threatens the life of any person operating a motor vehicle and to 33714
whom this section otherwise would apply or the life of any child 33715
who otherwise would be required to be restrained under this 33716
section. 33717

(F) If a person who is not a resident of this state is 33718
charged with a violation of division (A) or (B) of this section 33719
and does not prove to the court, by a preponderance of the 33720
evidence, that the person's use or nonuse of a child restraint 33721
system was in accordance with the law of the state of which the 33722
person is a resident, the court shall impose the fine levied by 33723
division (H)(2) of section 4511.99 of the Revised Code. 33724

(G) There is hereby created in the state treasury the "child 33725
highway safety fund," consisting of fines imposed pursuant to 33726
divisions (H)(1) and (2) of section 4511.99 of the Revised Code 33727
for violations of divisions (A) and (B) of this section. The money 33728
in the fund shall be used by the department of health only to 33729
defray the cost of ~~verifying~~ designating hospitals as pediatric 33730
trauma centers under section ~~3702.161~~ 3727.081 of the Revised Code 33731
and to establish and administer a child highway safety program. 33732
The purpose of the program shall be to educate the public about 33733
child restraint systems generally and the importance of their 33734
proper use. The program also shall include a process for providing 33735
child restraint systems to persons who meet the eligibility 33736
criteria established by the department, and a toll-free telephone 33737
number the public may utilize to obtain information about child 33738
restraint systems and their proper use. 33739

The director of health, in accordance with Chapter 119. of 33740
the Revised Code, shall adopt any rules necessary to carry out 33741
this section, including rules establishing the criteria a person 33742
must meet in order to receive a child restraint system under the 33743
department's child restraint system program; provided that rules 33744
relating to the verification of pediatric trauma centers shall not 33745
be adopted under this section. 33746

Sec. 4519.03. (A) The owner of every snowmobile, off-highway 33747
motorcycle, and all-purpose vehicle required to be registered 33748
under section 4519.02 of the Revised Code shall file an 33749
application for registration with the registrar of motor vehicles 33750
or a deputy registrar, on blanks furnished by the registrar for 33751
that purpose and containing all of the following information: 33752

(1) A brief description of the snowmobile, off-highway 33753
motorcycle, or all-purpose vehicle, including the name of the 33754
manufacturer, the factory or model number, and the vehicle 33755
identification number; 33756

(2) The name, residence, and business address of the owner; 33757

(3) A statement that the snowmobile, off-highway motorcycle, 33758
or all-purpose vehicle is equipped as required by section 4519.20 33759
of the Revised Code, and any rule adopted thereunder. The 33760
statement shall include a check list of the required equipment 33761
items in such form as the registrar shall prescribe. 33762

The application shall be signed by the owner of the 33763
snowmobile, off-highway motorcycle, or all-purpose vehicle and 33764
shall be accompanied by a fee as provided in division (C) of 33765
section 4519.04 of the Revised Code. 33766

If the application is not in proper form, or if the vehicle 33767
for which registration is sought does not appear to be equipped as 33768
required by section 4519.20 of the Revised Code or any rule 33769

adopted thereunder, the registration shall be refused and no 33770
registration sticker shall be issued. 33771

(B) On and after ~~the effective date of this amendment~~ July 1, 33772
1999, no certificate of registration or renewal of such a 33773
certificate shall be issued for an off-highway motorcycle or 33774
all-purpose vehicle required to be registered under section 33775
4519.02 of the Revised Code, and no certificate of registration 33776
issued under this chapter for an off-highway motorcycle or 33777
all-purpose vehicle that is sold or otherwise transferred shall be 33778
transferred to the new owner of the off-highway motorcycle or 33779
all-purpose vehicle as permitted by division (B) of section 33780
4519.05 of the Revised Code, unless a certificate of title has 33781
been issued under this chapter for the motorcycle or vehicle, and 33782
the owner or new owner, as the case may be, presents the 33783
certificate of title or a memorandum certificate of title for 33784
inspection at the time the owner or new owner first submits a 33785
registration application, registration renewal application, or 33786
registration transfer application for the motorcycle or vehicle on 33787
or after ~~the effective date of this amendment~~ July 1, 1999. 33788

(C) When the owner of an off-highway motorcycle or 33789
all-purpose vehicle first registers it in the owner's name, and a 33790
certificate of title has been issued for the motorcycle or 33791
vehicle, the owner shall present for inspection a certificate of 33792
title or memorandum certificate of title showing title to the 33793
off-highway motorcycle or all-purpose vehicle in the name of the 33794
owner. If, when the owner of such a motorcycle or vehicle first 33795
makes application to register it in the owner's name, the 33796
application is not in proper form or if the certificate of title 33797
or memorandum certificate of title does not accompany the 33798
registration, the registration shall be refused and neither a 33799
certificate of registration nor a registration sticker shall be 33800
issued. When a certificate of registration and registration 33801

sticker are issued upon the first registration of an off-highway motorcycle or all-purpose vehicle by or on behalf of the owner, the official issuing them shall indicate the issuance with a stamp on the certificate of title or memorandum certificate of title.

(D) Each deputy registrar shall be allowed a fee of two dollars and ~~twenty-five~~ seventy-five cents 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 or renewal application received by the deputy registrar, which shall be for the purpose of compensating the deputy registrar for services, and office and rental expense, as may be necessary for the proper discharge of the deputy registrar's duties in the receiving of applications and the issuing of certificates of registration.

Each deputy registrar, upon receipt of any application for registration, together with the registration fee, shall transmit the fee, together with the original and duplicate copy of the application, to the registrar in such manner and at such times as the registrar, subject to the approval of the director of public safety and the treasurer of state, shall prescribe by rule.

Sec. 4519.10. (A) The purchaser of an off-highway motorcycle or all-purpose vehicle, upon application and proof of purchase, may obtain a temporary license placard for it. The application for such a placard shall be signed by the purchaser of the off-highway motorcycle or all-purpose vehicle. The temporary license placard shall be issued only for the applicant's use of the off-highway motorcycle or all-purpose vehicle to enable the applicant to operate it legally while proper title and a registration sticker are being obtained and shall be displayed on no other off-highway motorcycle or all-purpose vehicle. A temporary license placard issued under this section shall be in a form prescribed by the

registrar of motor vehicles, shall differ in some distinctive 33833
manner from a placard issued under section 4503.182 of the Revised 33834
Code, shall be valid for a period of thirty days from the date of 33835
issuance, and shall not be transferable or renewable. The placard 33836
either shall consist of or be coated with such material as will 33837
enable it to remain legible and relatively intact despite the 33838
environmental conditions to which the placard is likely to be 33839
exposed during the thirty-day period for which it is valid. The 33840
purchaser of an off-highway motorcycle or all-purpose vehicle 33841
shall attach the temporary license placard to it, in a manner 33842
prescribed by rules the registrar shall adopt, so that the placard 33843
numerals or letters are clearly visible. 33844

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The fee for a temporary license placard issued under this 33846
section shall be two dollars. If the placard is issued by a deputy 33847
registrar, the deputy registrar shall charge an additional fee of 33848
two dollars and ~~twenty-five~~ seventy-five cents commencing on July 33849
1, 2001, three dollars and twenty-five cents commencing on January 33850
1, 2003, and three dollars and fifty cents commencing on January 33851
1, 2004, which the deputy registrar shall retain. The deputy 33852
registrar shall transmit each two-dollar fee received by the 33853
deputy registrar under this section to the registrar, who shall 33854
pay the two dollars to the treasurer of state for deposit into the 33855
state bureau of motor vehicles fund established by section 4501.25 33856
of the Revised Code. 33857

(B) The registrar may issue temporary license placards to a 33858
dealer to be issued to purchasers for use on vehicles sold by the 33859
dealer, in accordance with rules prescribed by the registrar. The 33860
dealer shall notify the registrar within forty-eight hours of 33861
proof of issuance on a form prescribed by the registrar. 33862

The fee for each such placard issued by the registrar to a 33863
dealer shall be two dollars plus a fee of two dollars and 33864

twenty-five cents. 33865

Sec. 4519.56. (A) An application for a certificate of title 33866
shall be sworn to before a notary public or other officer 33867
empowered to administer oaths by the lawful owner or purchaser of 33868
the off-highway motorcycle or all-purpose vehicle and shall 33869
contain at least the following information in a form and together 33870
with any other information the registrar of motor vehicles may 33871
require: 33872

(1) Name, address, and social security number or employer's 33873
tax identification number of the applicant; 33874

(2) Statement of how the off-highway motorcycle or 33875
all-purpose vehicle was acquired; 33876

(3) Name and address of the previous owner; 33877

(4) A statement of all liens, mortgages, or other 33878
encumbrances on the off-highway motorcycle or all-purpose vehicle, 33879
and the name and address of each holder thereof; 33880

(5) If there are no outstanding liens, mortgages, or other 33881
encumbrances, a statement of that fact; 33882

(6) A description of the off-highway motorcycle or 33883
all-purpose vehicle, including the make, year, series or model, if 33884
any, body type, and manufacturer's vehicle identification number. 33885

If the off-highway motorcycle or all-purpose vehicle contains 33886
a permanent identification number placed thereon by the 33887
manufacturer, this number shall be used as the vehicle 33888
identification number. Except as provided in division (B) of this 33889
section, if the application for a certificate of title refers to 33890
an off-highway motorcycle or all-purpose vehicle that contains 33891
such a permanent identification number, but for which no 33892
certificate of title has been issued previously by this state, the 33893
application shall be accompanied by a physical inspection 33894

certificate as described in that division. 33895

If there is no manufacturer's vehicle identification number 33896
or if the manufacturer's vehicle identification number has been 33897
removed or obliterated, the registrar, upon receipt of a 33898
prescribed application and proof of ownership, but prior to 33899
issuance of a certificate of title, shall assign a vehicle 33900
identification number for the off-highway motorcycle or 33901
all-purpose vehicle. This assigned vehicle identification number 33902
shall be permanently affixed to or imprinted upon the off-highway 33903
motorcycle or all-purpose vehicle by the state highway patrol. The 33904
state highway patrol shall assess a fee of fifty dollars for 33905
affixing the number to the off-highway motorcycle or all-purpose 33906
vehicle and shall deposit each such fee in the state highway 33907
safety fund established by section 4501.06 of the Revised Code. 33908

(B) Except in the case of a new off-highway motorcycle or 33909
all-purpose vehicle sold by a dealer licensed under Chapter 4517. 33910
of the Revised Code title to which is evidenced by a 33911
manufacturer's or importer's certificate, if the application for a 33912
certificate of title refers to an off-highway motorcycle or 33913
all-purpose vehicle that contains a permanent identification 33914
number placed thereon by the manufacturer, but for which no 33915
certificate of title previously has been issued by this state, the 33916
application shall be accompanied by a physical inspection 33917
certificate issued by the department of public safety verifying 33918
the make, year, series or model, if any, body type, and 33919
manufacturer's vehicle identification number of the off-highway 33920
motorcycle or all-purpose vehicle for which the certificate of 33921
title is desired. The physical inspection certificate shall be in 33922
such form as is designated by the registrar. The physical 33923
inspection shall be made at a deputy registrar's office or at an 33924
established place of business operated by a licensed motor vehicle 33925
dealer. The deputy registrar or motor vehicle dealer may charge a 33926

maximum fee of ~~one dollar and fifty~~ two dollars and seventy-five 33927
cents commencing on July 1, 2001, three dollars and twenty-five 33928
cents commencing on January 1, 2003, and three dollars and fifty 33929
cents commencing on January 1, 2004, for conducting the physical 33930
inspection. 33931

The clerk of the court of common pleas shall charge a fee of 33932
one dollar and fifty cents for the processing of each physical 33933
inspection certificate. The clerk shall retain fifty cents of the 33934
one dollar and fifty cents so charged and shall pay the remaining 33935
one dollar to the registrar by monthly returns, which shall be 33936
forwarded to the registrar not later than the fifth day of the 33937
month next succeeding that in which the certificate is received by 33938
the clerk. The registrar shall pay such remaining sums into the 33939
state bureau of motor vehicles fund established by section 4501.25 33940
of the Revised Code. 33941

Sec. 4519.69. If the application for a certificate of title 33942
refers to an off-highway motorcycle or all-purpose vehicle last 33943
previously registered in another state, the application shall be 33944
accompanied by a physical inspection certificate issued by the 33945
department of public safety verifying the make, year, series or 33946
model, if any, body type, and manufacturer's identification number 33947
of the off-highway motorcycle or all-purpose vehicle for which the 33948
certificate of title is desired. The physical inspection 33949
certificate shall be in such form as is designated by the 33950
registrar of motor vehicles. The physical inspection of the 33951
off-highway motorcycle or all-purpose vehicle shall be made at a 33952
deputy registrar's office, or at an established place of business 33953
operated by a licensed motor vehicle dealer. Additionally, the 33954
physical inspection of a salvage off-highway motorcycle or 33955
all-purpose vehicle owned by an insurance company may be made at 33956
an established place of business operated by a salvage motor 33957
vehicle dealer licensed under Chapter 4738. of the Revised Code. 33958

The deputy registrar, the motor vehicle dealer, or the salvage motor vehicle dealer may charge a maximum fee of ~~one dollar and fifty~~ two dollars and seventy-five cents commencing on July 1, 2001, three dollars and twenty-five cents commencing on January 1, 2003, and three dollars and fifty cents commencing on January 1, 2004, for conducting the physical inspection. 33959
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The clerk of the court of common pleas shall charge a fee of one dollar and fifty cents for the processing of each physical inspection certificate. The clerk shall retain fifty cents of the one dollar and fifty cents so charged and shall pay the remaining one dollar to the registrar by monthly returns, which shall be forwarded to the registrar not later than the fifth day of the month next succeeding that in which the certificate is received by the clerk. The registrar shall pay such remaining sums into the state treasury to the credit of the state bureau of motor vehicles fund established in section 4501.25 of the Revised Code. 33965
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Sec. 4701.10. (A) The accountancy board, upon application, shall issue Ohio permits to practice public accounting to holders of the CPA certificate of certified public accountant issued under section 4701.06 or 4701.061 of the Revised Code and to persons registered under sections 4701.07 and 4701.09 of the Revised Code or the PA registration. Subject to division ~~(D)~~(H)(1) of this section, there shall be a triennial Ohio permit fee in an amount to be determined by the board not to exceed one hundred fifty dollars. All Ohio permits shall expire on the last day of December of the year assigned by the board and, subject to division ~~(D)~~(H)(1) of this section, shall be renewed triennially for a period of three years by certificate holders and registrants in good standing upon payment of a triennial renewal fee not to exceed one hundred fifty dollars. ~~For the purpose of implementing this section and enforcing section 4701.11 of the Revised Code, the board may issue an Ohio permit for less than three years'~~ 33975
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~~duration. A prorated fee shall be determined by the board for that Ohio permit.~~ 33991
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(B) The accountancy board may issue Ohio registrations to holders of the CPA certificate and the PA registration who are not engaged in the practice of public accounting. Such persons shall not convey to the general public that they are actively engaged in the practice of public accounting in this state. Subject to division (H)(1) of this section, there shall be a triennial Ohio registration fee in an amount to be determined by the board but not exceeding fifty-five dollars. All Ohio registrations shall expire on the last day of December of the year assigned by the board and, subject to division (H)(1) of this section, shall be renewed triennially for a period of three years upon payment by certificate holders and registrants in good standing of a renewal fee not to exceed fifty-five dollars. 33993
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(C) Any person who receives a CPA certificate and who applies for an initial Ohio permit or Ohio registration more than sixty days after issuance of the CPA certificate may, at the board's discretion, be subject to a late filing fee not exceeding one hundred dollars. 34006
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(D) Any person to whom the board has issued an Ohio permit who is engaged in the practice of public accounting and who fails to renew the permit by the expiration date shall be subject to a late filing fee not exceeding one hundred dollars for each full month or part of a month after the expiration date in which such person did not possess a permit, up to a maximum of one thousand two hundred dollars. The board may waive or reduce the late filing fee for just cause upon receipt of a written request from such person. 34011
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(E) Any person to whom the board has issued an Ohio permit or Ohio registration who is not engaged in the practice of public accounting and who fails to renew the permit or registration by 34020
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the expiration date shall be subject to a late filing fee not 34023
exceeding fifty dollars for each full month or part of a month 34024
after the expiration date in which such person did not possess a 34025
permit or registration, up to a maximum of three hundred dollars. 34026
The board may waive or reduce the late filing fee for just cause 34027
upon receipt of a written request from such person. 34028

(F) Failure of any a CPA certificate holder or registrant PA 34029
registration holder to apply for a triennial either an Ohio permit 34030
to practice or an Ohio registration within three years one year 34031
from the expiration date of the Ohio permit to practice or Ohio 34032
registration last obtained or renewed, or three years one year 34033
from the date upon which the CPA certificate holder or registrant 34034
was granted a CPA certificate or registration, shall result in 34035
suspension of the CPA certificate or PA registration until all 34036
fees required under divisions (D) and (E) of this section have 34037
been paid, unless the board determines the failure to have been 34038
due to excusable neglect. In that case, the renewal fee or the fee 34039
for the issuance or renewal of the original Ohio permit or Ohio 34040
registration, as the case may be, shall be the amount that the 34041
board shall determine, but not in excess of fifty dollars plus the 34042
fee for each triennial period or part of a period the certificate 34043
holder or registrant did not have either an Ohio permit or an Ohio 34044
registration. 34045

~~(B) All certificate holders and registrants who are not in~~ 34046
~~the practice of public accounting in this state shall register~~ 34047
~~with the board every three years at a fee, not to exceed~~ 34048
~~fifty five dollars, established by the board. Such persons shall~~ 34049
~~not convey to the general public that they are actively engaged in~~ 34050
~~the practice of public accounting in this state.~~ 34051

~~(C)(G) The board shall suspend the certificate or~~ 34052
~~registration of any person failing to obtain an Ohio permit in~~ 34053
~~accordance with this section, except that the board by rule may~~ 34054

exempt persons from the requirement of holding an Ohio permit or 34055
Ohio registration for specified reasons, including, but not 34056
limited to, retirement, health reasons, military service, foreign 34057
residency, or other just cause. 34058

~~(D)(H)(1) On and after January 1, 1995, the~~ The board, by 34059
rule ~~adopted in accordance with Chapter 119. of the Revised Code,~~ 34060
~~shall increase:~~ 34061

(a) May provide for the issuance of Ohio permits and Ohio 34062
registrations for less than three years' duration at prorated 34063
fees; 34064

(b) Shall add a surcharge to the ~~triennial~~ Ohio permit and 34065
~~renewal~~ Ohio registration fee imposed pursuant to this section ~~by~~ 34066
~~of~~ at least fifteen dollars but no more than thirty dollars for a 34067
three-year Ohio permit or Ohio registration, at least ten dollars 34068
but no more than twenty dollars for a two-year Ohio permit or Ohio 34069
registration, and at least five dollars but no more than ten 34070
dollars for a one-year Ohio permit or Ohio registration. 34071

~~(2) Beginning with the first quarter of 1995 and each~~ Each 34072
~~quarter thereafter,~~ the board, for the purpose provided in section 34073
4743.05 of the Revised Code, shall certify to the director of 34074
budget and management the number of ~~triennial~~ Ohio permits and 34075
Ohio registrations issued or renewed under this chapter during the 34076
preceding quarter and the amount equal to that number times the 34077
amount ~~by which~~ of the ~~triennial~~ surcharge added to each Ohio 34078
permit and ~~renewal~~ Ohio registration fee ~~is increased~~ by the board 34079
under division ~~(D)(H)(1)~~ of this section. 34080

Sec. 4701.16. (A) After notice and hearing as provided in 34081
Chapter 119. of the Revised Code, the accountancy board may 34082
discipline as described in division (B) of this section a person 34083
holding an Ohio permit, an Ohio registration, a firm registration, 34084
a CPA certificate, or a PA registration or any other person whose 34085

activities are regulated by the board for any one or any	34086
combination of the following causes:	34087
(1) Fraud or deceit in obtaining a firm registration or in	34088
obtaining a CPA certificate, a PA registration, an Ohio permit, or	34089
an Ohio registration;	34090
(2) Dishonesty, fraud, or gross negligence in the practice of	34091
public accounting;	34092
(3) Violation of any of the provisions of section 4701.14 of	34093
the Revised Code;	34094
(4) Violation of a rule of professional conduct promulgated	34095
by the board under the authority granted by this chapter;	34096
(5) Conviction of a felony under the laws of any state or of	34097
the United States;	34098
(6) Conviction of any crime, an element of which is	34099
dishonesty or fraud, under the laws of any state or of the United	34100
States;	34101
(7) Cancellation, revocation, suspension, or refusal to renew	34102
authority to practice as a certified public accountant, a public	34103
accountant, or a public accounting firm by any other state, for	34104
any cause other than failure to pay registration fees in that	34105
other state;	34106
(8) Suspension or revocation of the right to practice before	34107
any state or federal agency;	34108
(9) Failure of a holder of a CPA certificate or PA	34109
registration to obtain an Ohio permit or an Ohio registration, or	34110
the failure of a public accounting firm to obtain a firm	34111
registration;	34112
(10) Conduct discreditable to the public accounting	34113
profession or to the holder of an Ohio permit, Ohio registration,	34114
or foreign certificate;	34115

(11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code.	34116 34117
(B) For any of the reasons specified in division (A) of this section, the board may do any of the following:	34118 34119
(1) Revoke, suspend, or refuse to renew any CPA certificate or PA registration or any Ohio permit, Ohio registration, or firm registration;	34120 34121 34122
(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;	34123 34124 34125
(3) Publicly censure a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration;	34126 34127 34128
(4) Levy against a registered firm or a holder of a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration a penalty or fine not to exceed one <u>five</u> thousand dollars for each offense. Any fine shall be reasonable and in relation to the severity of the offense.	34129 34130 34131 34132 34133
(5) In the case of violations of division (A)(2) or (4) of this section, require completion of remedial continuing education programs prescribed by the board in addition to those required by section 4701.11 of the Revised Code;	34134 34135 34136 34137
(6) In the case of violations of division (A)(2) or (4) of this section, require the holder of a CPA certificate, PA registration, or firm registration to submit to a peer review by a professional committee designated by the board, which committee shall report to the board concerning that holder's compliance with generally accepted accounting principles, generally accepted auditing standards, or other generally accepted technical standards;	34138 34139 34140 34141 34142 34143 34144 34145

(7) Revoke or suspend the privileges to offer or render 34146
attest services in this state or to use a CPA title or designation 34147
in this state of an individual who holds a foreign certificate. 34148

(C) If the board levies a fine against or suspends the 34149
certificate of a person or registration of a person or firm for a 34150
violation of division (A)(2) or (4) of this section, it may waive 34151
all or any portion of the fine or suspension if the holder of the 34152
CPA certificate, PA registration, or firm registration complies 34153
fully with division (B)(5) or (6) of this section. 34154

Sec. 4707.01. As used in sections 4707.01 to 4707.22 and 34155
4707.99 of the Revised Code: 34156

(A) "Auction" means a sale of real or personal property, 34157
goods, or chattels by means of verbal exchange or physical gesture 34158
between an auctioneer or apprentice auctioneer and members of ~~his~~ 34159
the audience, the exchanges and gestures consisting of a series of 34160
invitations for offers made by the auctioneer and offers by 34161
members of the audience, with the right to acceptance of offers 34162
with the auctioneer or apprentice auctioneer. 34163

(B) "Auctioneer" means any person who engages, or who by 34164
advertising or otherwise holds ~~himself~~ self out as being able to 34165
engage, in the calling for, recognition of, and the acceptance of, 34166
offers for the purchase of real or personal property, goods, or 34167
chattels at auction either directly or through the use of other 34168
licensed auctioneers or apprentice auctioneers. 34169

(C) "Apprentice auctioneer" means any individual who is 34170
sponsored by an auctioneer to deal or engage in any activities 34171
mentioned in division (A) of this section. 34172

(D) "Auction company" means any person, excluding licensed 34173
auctioneers, who does business solely in ~~his~~ the auctioneer's 34174
individual name, who sells, either directly or through agents, 34175

real or personal property, goods, or chattels at auction, or who 34176
arranges, sponsors, manages, conducts, or advertises auctions and 34177
who was licensed as an auction company by the department of 34178
~~commerce~~ agriculture as of May 1, 1991. An auction company does 34179
not mean either of the following: 34180

(1) A sale barn or livestock auction market that is used 34181
exclusively for the auctioneering of livestock and is licensed by 34182
the department of agriculture under Chapter 943. of the Revised 34183
Code; 34184

(2) A business that is licensed by the bureau of motor 34185
vehicles under Chapter 4517. of the Revised Code and is 34186
exclusively engaged in the auction sale of motor vehicles to 34187
dealers licensed by either the bureau of motor vehicles or a 34188
bureau of motor vehicles of another jurisdiction or its 34189
equivalent. 34190

(E) "Special auctioneer" means any person who is licensed as 34191
an auction company by the department of ~~commerce~~ agriculture as of 34192
May 1, 1991, and currently is subject to section 4707.071 of the 34193
Revised Code. 34194

Sec. 4707.011. The department of ~~commerce~~ agriculture shall 34195
administer this chapter ~~through the division of real estate and~~ 34196
~~professional licensing and the superintendent of real estate and~~ 34197
~~professional licensing.~~ 34198

Sec. 4707.02. No person shall act as an auctioneer, 34199
apprentice auctioneer, or special auctioneer within this state 34200
without a license issued by the department of ~~commerce~~ 34201
agriculture. No auction shall be conducted in this state except by 34202
an auctioneer licensed by the department. 34203

The department shall not issue or renew a license if the 34204
applicant or licensee has been convicted of a felony or crime 34205

involving fraud in this or another state at any time during the 34206
ten years immediately preceding application or renewal. 34207

This section does not apply to: 34208

(A) Sales at auction conducted by or under the direction of 34209
any public authority, or sales required by law to be at auction 34210
other than sales pursuant to a judicial order or decree; 34211

(B) The owner of any real or personal property desiring to 34212
sell the property at auction, provided that the property was not 34213
acquired for the purpose of resale. 34214

Sec. 4707.03. A state auctioneers commission shall be created 34215
within the department of ~~commerce~~ agriculture as follows: 34216

(A) The governor, with the advice and consent of the senate, 34217
shall appoint a commission consisting of three members, each of 34218
whom immediately prior to the date of ~~his~~ appointment has been a 34219
resident of this state for five years, and whose vocation for a 34220
period of at least five years has been that of an auctioneer. 34221
Terms of office shall be for three years, commencing on the tenth 34222
day of October and ending on the ninth day of October. Each member 34223
shall hold office from the date of ~~his~~ appointment until the end 34224
of the term for which ~~he was~~ appointed. Any member appointed to 34225
fill a vacancy occurring prior to the expiration of the term for 34226
which ~~his~~ the member's predecessor was appointed shall hold office 34227
for the remainder of such term. Any member shall continue in 34228
office subsequent to the expiration date of ~~his~~ the member's term 34229
until ~~his~~ the member's successor takes office, or until a period 34230
of sixty days has elapsed, whichever occurs first. 34231

(B) At no time shall there be more than two members of the 34233
same political party serving on the commission. 34234

Sec. 4707.04. (A) The state auctioneers commission shall, 34235
upon qualification of the member appointed in each year, select 34236
from its members a ~~chairman~~ chairperson, and shall serve in an 34237
advisory capacity to the department of ~~commerce~~ agriculture for 34238
the purpose of carrying out sections 4707.01 to 4707.22 of the 34239
Revised Code. The commission shall meet not less than four times 34240
annually. 34241

(B) Each commissioner shall receive ~~his~~ the commissioner's 34242
actual and necessary expenses incurred in the discharge of such 34243
duties. 34244

Sec. 4707.05. All fees and charges collected by the 34245
department of ~~commerce~~ agriculture pursuant to this chapter shall 34246
be paid into the state treasury to the credit of the auctioneers 34247
fund, which is hereby created. All expenses incurred by the 34248
department in administering this chapter shall be paid out of the 34249
fund. The total expenses incurred by the department in the 34250
administration of this chapter shall not exceed the total fees, 34251
charges, fines, and penalties imposed under sections 4707.08, 34252
4707.10, and 4707.99 of the Revised Code and paid to the treasurer 34253
of state. The department may conduct education programs for the 34254
enlightenment and benefit of all auctioneers who have paid fees 34255
pursuant to sections 4707.08 and 4707.10 of the Revised Code. 34256

Out of the moneys credited pursuant to this section, the fund 34257
shall be assessed a proportionate share of the administrative 34258
costs of the department in accordance with procedures prescribed 34259
by the director of ~~commerce~~ agriculture and approved by the 34260
director of budget and management. The assessment shall be paid 34261
from the auctioneers fund to the division of administration fund. 34262

Sec. 4707.06. The department of ~~commerce~~ agriculture shall 34263
maintain a record of the names and addresses of all auctioneers 34264

and apprentice auctioneers, and special auctioneers licensed by 34265
the department. This record shall also include a list of all 34266
persons whose licenses have been suspended or revoked, as well as 34267
any other information relative to the enforcement of sections 34268
4707.01 to 4707.22 of the Revised Code, as the department may deem 34269
of interest to the public. 34270

Sec. 4707.07. (A) The department of ~~commerce~~ agriculture may 34271
grant auctioneers' licenses to those persons deemed qualified by 34272
the department. Each person who applies for an auctioneer's 34273
license shall furnish to the department, on forms provided by the 34274
department, satisfactory proof that the applicant: 34275

(1) Has a good reputation; 34276

(2) Is of trustworthy character; 34277

(3) Has attained the age of at least eighteen years; 34278

(4) Has done one of the following: 34279

(a) Met the apprenticeship requirements set forth in section 34280
4707.09 of the Revised Code; 34281

(b) Met the requirements of section 4707.12 of the Revised 34282
Code. 34283

(5) Has a general knowledge of the following: 34284

(a) The requirements of the Revised Code relative to 34285
auctioneers; 34286

(b) The auction profession; 34287

(c) The principles involved in conducting an auction. 34288

(B) Auctioneers who served apprenticeships and who hold 34289
licenses issued before May 1, 1991, and who seek renewal of their 34290
licenses, are not subject to the additional apprenticeship 34291
requirements imposed by section 4707.08 of the Revised Code. 34292

(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.

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.

(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 34324
for the purchase of personal property at auction and do not 34325
conduct auctions at any location other than the definite place of 34326
business required in section 4707.14 of the Revised Code. 34327

(B) The principal owner of each auction company which is 34328
licensed as of May 1, 1991, who pays the annual renewal fee 34329
specified in division (A) of section 4707.10 of the Revised Code 34330
during the first renewal period following May 1, 1991, shall be 34331
issued a special auctioneer's license, for the sale of personal 34332
property subject to division (A) of this section. Each principal 34333
owner shall apply for an annual license. In applying for an annual 34334
license, each person licensed as an auction company on May 1, 34335
1991, shall designate an individual as principal owner by 34336
submitting documentation substantiating that the individual is in 34337
fact the principal owner and shall identify a definite place of 34338
business as required in section 4707.14 of the Revised Code. A 34339
person licensed as an auctioneer shall not be entitled to a 34340
special auctioneer's license. 34341

(C) A special auctioneer's license issued under this section 34342
to the principal owner of a former auction company does not 34343
entitle the principal owner or former auction company to conduct 34344
auctions at any location other than the definite place of business 34345
required in section 4707.14 of the Revised Code. Notwithstanding 34346
section 4707.10 of the Revised Code, the department of agriculture 34347
shall not issue a new special auctioneer's license if the definite 34348
place of business identified by the licensee in the licensee's 34349
initial application for a special auctioneer license has changed 34350
or if the name under which the licensee is doing business has 34351
changed. No person other than an owner, officer, member, or agent 34352
of the former auction company who personally has himself passed 34353
the examination prescribed in section 4707.08 of the Revised Code 34354
and been licensed as an auctioneer shall engage in the calling 34355

for, recognition of, and the acceptance of, offers for the 34356
purchase of real or personal property, goods, or chattels at 34357
auction in connection with a former auction company that has been 34358
issued a special auctioneer's license. 34359

(D) A person licensed as a special auctioneer shall not 34360
engage in the sale of real property at auction. 34361

Sec. 4707.072. The department of ~~commerce~~ agriculture may 34362
grant one-auction licenses to any nonresident person deemed 34363
qualified by the department. Any person who applies for a 34364
one-auction license shall attest, on forms provided by the 34365
department, and furnish to the department, satisfactory proof that 34366
the license applicant or any auctioneer affiliated with the 34367
applicant meets the following requirements: 34368

(A) Has a good reputation; 34369

(B) Is of trustworthy character; 34370

(C) Has attained the age of at least eighteen years; 34371

(D) Has a general knowledge of the requirements of the 34372
Revised Code relative to auctioneers, the auction profession, and 34373
the principles involved in conducting an auction; 34374

(E) Has two years of professional auctioneering experience 34375
immediately preceding the date of application and the experience 34376
includes the personal conduct by the applicant of at least twelve 34377
auction sales in any state, or has met the requirements of section 34378
4707.12 of the Revised Code; 34379

(F) Has paid a fee of one hundred dollars, which shall be 34380
credited to the auctioneers fund; 34381

(G) Has provided proof of the bond required under section 34382
4707.11 of the Revised Code. 34383

Sec. 4707.08. (A) The department of ~~commerce~~ agriculture 34384

shall hold written examinations four times each year for the 34385
purpose of testing the qualifications required for obtaining a 34386
license under section 4707.07 of the Revised Code and twelve times 34387
each year for obtaining a license under section 4707.09 of the 34388
Revised Code. In addition to the written examination, auctioneer 34389
license applicants shall pass an oral examination administered by 34390
the state auctioneers commission on the same date and at the same 34391
location as the written examination. An examination shall not be 34392
required for the renewal of any license unless such license has 34393
been revoked, suspended, or allowed to expire without renewal, in 34394
which case the applicant shall take and pass the appropriate 34395
examinations offered by the department. 34396

An examination fee of twenty-five dollars shall be collected 34397
from each person taking the auctioneer examination and fifteen 34398
dollars from each person taking the apprentice auctioneer 34399
examination to defray expenses of holding such examinations. 34400

(B) All applications and proofs must be filed by each 34401
applicant before the scheduled date of examination, and must be 34402
accompanied by a bond and license fee. 34403

Sec. 4707.09. The department of ~~commerce~~ agriculture may 34404
grant apprentice auctioneers' licenses to those persons deemed 34405
qualified by the department. Every applicant for an apprentice 34406
auctioneer's license must pass an examination relating to the 34407
skills, knowledge, and statutes and regulations governing 34408
auctioneers. Every applicant for an apprentice auctioneer's 34409
license shall furnish to the department, on forms provided by the 34410
department, satisfactory proof that the applicant: 34411

(A) Has a good reputation; 34412

(B) Is of trustworthy character; 34413

(C) Has attained the age of at least eighteen years; 34414

(D) Has obtained a written promise of a licensed auctioneer 34415
to sponsor the applicant during ~~his~~ the applicant's 34416
apprenticeship. 34417

Before an apprentice may take the auctioneer's license 34418
examination, ~~he~~ the apprentice shall serve an apprenticeship of at 34419
least twelve months, successfully complete a course of study in 34420
auctioneering at an institution that is approved every three years 34421
by the state auctioneers commission, and conduct, as a bid caller, 34422
at least twelve auction sales under the direct supervision of the 34423
sponsoring licensed auctioneer, which sales shall be certified by 34424
the licensed auctioneer on the apprentice's application for an 34425
auctioneer's license. 34426

If an auctioneer intends to terminate ~~his~~ sponsorship of an 34427
apprentice auctioneer, the sponsoring auctioneer shall notify the 34428
apprentice auctioneer of ~~his~~ the sponsoring auctioneer's intention 34429
by certified mail, return receipt requested, at least ten days 34430
prior to the effective date of termination and, at the same time, 34431
shall deliver or mail by certified mail to the department of 34432
~~commerce~~ agriculture a copy of the termination notice and the 34433
license of the apprentice auctioneer. No apprentice auctioneer 34434
shall perform any acts under authority of ~~his~~ the apprentice's 34435
license after the effective date of the termination until ~~he~~ the 34436
apprentice receives a new license bearing the name and address of 34437
~~his~~ the apprentice's new sponsor. No more than one license shall 34438
be issued to any apprentice auctioneer for the same period of 34439
time. 34440

No licensed auctioneer shall have under ~~his~~ the licensed 34441
auctioneer's sponsorship more than two apprentice auctioneers at 34442
one time. 34443

An apprentice auctioneer may terminate ~~his~~ the apprentice's 34444
sponsorship with an auctioneer by notifying the auctioneer of ~~his~~ 34445
the apprentice's intention by certified mail, return receipt 34446

requested, at least ten days prior to the effective date of 34447
termination. At the same time, ~~he~~ the apprentice shall deliver or 34448
mail by certified mail to the department of ~~commerce~~ agriculture a 34449
copy of the termination notice. Upon receiving the termination 34450
notice, the sponsoring auctioneer shall promptly deliver or mail 34451
by certified mail to the department the license of the apprentice 34452
auctioneer. 34453

The termination of a sponsorship, regardless of who initiates 34454
the termination, shall not be cause for an apprentice auctioneer 34455
to lose credit for any certified sales ~~he~~ the apprentice conducted 34456
or apprenticeship time ~~he~~ the apprentice served under the direct 34457
supervision of the former sponsor. 34458

Sec. 4707.10. (A) The fee for each auctioneer's, apprentice 34459
auctioneer's, or special auctioneer's license issued by the 34460
department of ~~commerce~~ agriculture is one hundred dollars, and the 34461
annual renewal fee for any such license is one hundred dollars. 34462
All licenses expire annually on the last day of June of each year 34463
and shall be renewed according to the standard renewal procedures 34464
of Chapter 4745. of the Revised Code, or the procedures of this 34465
section. Any licensee under this chapter who wishes to renew ~~his~~ 34466
the licensee's license but fails to do so before the first day of 34467
July shall reapply for licensure in the same manner and pursuant 34468
to the same requirements as for initial licensure, unless before 34469
the first day of September of the year of expiration, the former 34470
licensee pays to the department, in addition to the regular 34471
renewal fee, a late renewal penalty of one hundred dollars. 34472

(B) Any person who fails to renew ~~his~~ the person's license 34473
before the first day of July is prohibited from engaging in any 34474
activity specified or comprehended in section 4707.01 of the 34475
Revised Code until such time as ~~his~~ the person's license is 34476
renewed or a new license is issued. Renewal of a license between 34477
the first day of July and the first day of September does not 34478

relieve any person from complying with this division. The 34479
department may refuse to renew the license of or issue a new 34480
license to any person who violates this division. 34481

(C) The department shall prepare and deliver to each licensee 34482
a permanent license certificate and an annual renewal card, the 34483
appropriate portion of which shall be carried on the person of the 34484
licensee at all times when engaged in any type of auction 34485
activity, and part of which shall be posted with the permanent 34486
certificate in a conspicuous location at the licensee's place of 34487
business. 34488

(D) Notice in writing shall be given to the department by 34489
each auctioneer or apprentice auctioneer licensee of any change of 34490
principal business location or any change or addition to the name 34491
or names under which business is conducted, whereupon the 34492
department shall issue a new license for the unexpired period. Any 34493
change of business location or change or addition of names without 34494
notification to the department shall automatically cancel any 34495
license previously issued. For each new auctioneer or apprentice 34496
auctioneer license issued upon the occasion of a change in 34497
business location or a change in or an addition of names under 34498
which business is conducted, the department may collect a fee of 34499
ten dollars for each change in location, or name or each added 34500
name unless the notification of the change occurs concurrently 34501
with the renewal application. 34502

Sec. 4707.11. Each application for an auctioneer's, 34503
apprentice auctioneer's, or auction company license shall be 34504
accompanied by a bond in the sum of ten thousand dollars, except 34505
that: 34506

(A) An individual licensed as an auctioneer under this 34507
chapter that applies for an auction company license shall not be 34508
required to file a bond for the auction company license if the 34509

applicant has filed a bond in connection with the auctioneer's 34510
license. 34511

(B) A partnership, association, or corporation that applies 34512
for an auction company license shall file a blanket bond in the 34513
name of such partnership, association, or corporation in an amount 34514
equal to ten thousand dollars times the number of members, 34515
employees, or officers thereof who are authorized to perform the 34516
functions of an auctioneer as agents of the applicant. The maximum 34517
total amount payable under such blanket bond for a failure of each 34518
such individual member or officer of the applicant to conduct 34519
business in accordance with sections 4707.01 to 4707.22 of the 34520
Revised Code shall be ten thousand dollars. 34521

(C) A licensed auctioneer member, employee, or officer of a 34522
partnership, association, or corporation licensed as an auction 34523
company under this chapter shall not be required to file a bond in 34524
~~his~~ the licensee's own name in connection with ~~his~~ the 34525
auctioneer's license; except that if such auctioneer acts at any 34526
time in any auction capacity other than as an agent for such 34527
auction company, the auctioneer must file an individual bond, as 34528
set forth in this section. The bond may be either a cash bond or a 34529
surety bond and, if a surety bond, it shall be executed by a 34530
surety company authorized to do business in this state. Such 34531
surety bond shall be made to the department of agriculture and the 34532
bond shall be conditioned that the applicant shall conduct ~~his~~ the 34533
applicant's business in accordance with sections 4707.01 to 34534
4707.22 of the Revised Code. All bonds shall be in a form approved 34535
by the department. 34536

The department shall not issue an auctioneer's, apprentice 34537
auctioneer's, or auction company license until bond has been filed 34538
in accordance with this section. 34539

Sec. 4707.111. The state, through the department of ~~commerce~~ 34540

agriculture and in accordance with this chapter, shall solely 34541
regulate auctioneers and the conduct of auction sales. 34542

By enactment of this chapter, it is the intent of the general 34543
assembly to preempt municipal corporations and other political 34544
subdivisions from the regulation and licensing of auctioneers and 34545
auction sales. 34546

At least twenty-four hours prior to an auction, the person 34547
licensed under this chapter to conduct the auction shall notify 34548
the chief of police of the municipal corporation in which the 34549
auction site is located, or if the site is in the unincorporated 34550
area of a county, the county sheriff as to the location and time 34551
of the auction and give to that officer a general description of 34552
the items offered for sale. 34553

Sec. 4707.12. A nonresident may operate as an auctioneer, 34554
apprentice auctioneer, or special auctioneer within the state by 34555
conforming to this chapter. 34556

The department of ~~commerce~~ agriculture may, within its 34557
discretion, waive the testing and schooling requirements for a 34558
nonresident, provided ~~he~~ the nonresident holds a valid auctioneer 34559
or apprentice auctioneer license issued by a state with which the 34560
department has entered into a reciprocal licensing agreement. 34561
Nonresidents wishing to so operate in this state shall make 34562
application in writing to the department and furnish the 34563
department with proof of their ability to conduct an auction, 34564
proof of license and bond if they reside in a state with these 34565
requirements, as well as other information which the department 34566
may request. 34567

This section does not apply to nonresident auctioneers who 34568
reside in states under the laws of which similar recognition and 34569

courtesies are not extended to licensed auctioneers of this state. 34570

Sec. 4707.13. Any nonresident who applies for permission to 34571
operate as an auctioneer within this state shall file an 34572
irrevocable consent with the department of ~~commerce~~ agriculture 34573
that suits and actions may be commenced against such applicant in 34574
any court of competent jurisdiction within this state by service 34575
of process upon the secretary of state. Said consent shall agree 34576
that the service of such process shall be held in all courts to be 34577
valid and binding as if service had been made upon the applicant 34578
within this state. 34579

Sec. 4707.15. The department of ~~commerce~~ agriculture may 34580
suspend or revoke the license of any auctioneer, apprentice 34581
auctioneer, or special auctioneer for any of the following causes: 34582

(A) Obtaining a license through false or fraudulent 34583
representation; 34584

(B) Making any substantial misrepresentation in an 34585
application for an auctioneer's, apprentice auctioneer's, or 34586
special auctioneer's license; 34587

(C) A continued course of misrepresentation or for making 34588
false promises through agents, advertising, or otherwise; 34589

(D) Failing to account for or remit, within a reasonable 34590
time, any money belonging to others that comes into ~~his~~ the 34591
licensee's possession, and for commingling funds of others with 34592
~~his~~ the licensee's own, or failing to keep such funds of others in 34593
an escrow or trustee account, except that in the case of a 34594
transaction involving real estate, such funds shall be maintained 34595
in accordance with division (A)(26) of section 4735.18 of the 34596
Revised Code; 34597

(E) Paying valuable consideration to any person who has 34598

violated this chapter;	34599
(F) Conviction in a court of competent jurisdiction of this state or any other state of a criminal offense involving fraud or a felony;	34600 34601 34602
(G) Violation of this chapter;	34603
(H) Failure to furnish voluntarily at the time of execution, copies of all written instruments prepared by the auctioneer;	34604 34605
(I) Any conduct of an auctioneer which demonstrates bad faith, dishonesty, incompetency, or untruthfulness;	34606 34607
(J) Any other conduct that constitutes improper, fraudulent, or dishonest dealings;	34608 34609
(K) Failing prior to the sale at public auction to enter into a written contract with the owner or consignee of any property to be sold, containing the terms and conditions upon which such licensee received the property for sale;	34610 34611 34612 34613
(L) The use of any power of attorney to circumvent this chapter;	34614 34615
(M) Failure to display a notice conspicuously at the clerk's desk or on a bid card that clearly states the terms and conditions of the sale, the name of the auctioneer or special auctioneer conducting the sale, and that the auctioneer or special auctioneer is licensed by the department of commerce <u>agriculture</u> and has filed a bond;	34616 34617 34618 34619 34620 34621
(N) Failure to notify the department of any conviction of a felony or crime involving fraud within fifteen days of conviction;	34622 34623
(O) Acting in the capacity of an auctioneer, whether for valuable consideration or not, for any special auctioneer that is not licensed under this chapter.	34624 34625 34626
Sec. 4707.152. In lieu of suspending or revoking a license	34627

under section 4707.15 of the Revised Code, the department of 34628
~~commerce~~ agriculture may issue a written reprimand to any licensee 34629
who violates any provision of this chapter. 34630

Sec. 4707.16. (A) The department of ~~commerce~~ agriculture may, 34631
upon its own motion, and shall upon the verified written complaint 34632
of any person, investigate the actions of any auctioneer, 34633
apprentice auctioneer, or special auctioneer, any applicant for an 34634
auctioneer's, apprentice auctioneer's, or special auctioneer's 34635
license, or any person who assumes to act in that capacity, if the 34636
complaint, together with other evidence presented in connection 34637
with it, makes out a prima-facie case. 34638

If the department determines that any such applicant is not 34639
entitled to receive a license, a license shall not be granted to 34640
such applicant, and if the department determines that any licensee 34641
is guilty of a violation of section 4707.14 or 4707.15 of the 34642
Revised Code, the department may suspend or revoke the license. 34643
Any auctioneer, apprentice auctioneer, or special auctioneer who 34644
has had ~~his~~ the auctioneer's, apprentice auctioneer's, or special 34645
auctioneer's license revoked shall not be issued another such 34646
license for a period of two years from the date of revocation. 34647

(B) The department of ~~commerce~~ may investigate complaints 34648
concerning the violation of sections 4707.02 and 4707.15 of the 34649
Revised Code and may subpoena witnesses in connection with such 34650
investigations as provided in this section. The department may 34651
make application to the court of common pleas for an order 34652
enjoining the violation of sections 4707.02 and 4707.15 of the 34653
Revised Code, and upon a showing by the department that any 34654
licensed auctioneer, apprentice auctioneer, or special auctioneer 34655
has violated or is about to violate section 4707.15 of the Revised 34656
Code, or any person has violated or is about to violate section 34657
4707.02 of the Revised Code, an injunction, restraining order, or 34658
other order as may be appropriate shall be granted by the court. 34659

(C) The department of ~~commerce~~ may compel by subpoena the 34660
attendance of witnesses to testify in relation to any matter over 34661
which it has jurisdiction and which is the subject of inquiry and 34662
investigation by it, and require the production of any book, 34663
paper, or document pertaining to such matter. In case any person 34664
fails to file any statement or report, obey any subpoena, give 34665
testimony, or produce any books, records, or papers as required by 34666
such a subpoena, the court of common pleas of any county in the 34667
state, upon application made to it by the department, shall compel 34668
obedience by attachment proceedings for contempt, as in the case 34669
of disobedience of the requirements of a subpoena issued from such 34670
court, or a refusal to testify therein. 34671

(D) When the department determines that a person not licensed 34672
under this chapter is engaged in or is believed to be engaged in 34673
activities for which a license is required under this chapter, the 34674
department may issue an order to that person requiring ~~him~~ the 34675
person to show cause as to why ~~he~~ the person should not be subject 34676
to licensing under this chapter. If the department, after a 34677
hearing, determines that the activities in which the person is 34678
engaged are subject to licensing under this chapter, the 34679
department may issue a cease-and-desist order which shall describe 34680
the person and activities which are subject to the order. A 34681
cease-and-desist order issued under this section shall be 34682
enforceable in and may be appealed to the common pleas courts of 34683
this state under Chapter 119. of the Revised Code. 34684

Sec. 4707.19. The department of ~~commerce~~ agriculture may make 34685
reasonable rules necessary for the implementation of the 34686
provisions of this chapter pursuant to Chapter 119. of the Revised 34687
Code. The department may hear testimony in matters relating to the 34688
duties imposed on it, and any person authorized by the director of 34689
~~commerce~~ agriculture may administer oaths. The department may 34690
require other proof of the honesty, truthfulness, and good 34691

reputation of any person named in the application for an 34692
auctioneer's, apprentice auctioneer's, or special auctioneer's 34693
license before admitting the applicant to an examination or 34694
issuing a license. 34695

Sec. 4707.20. (A) No person shall act as an auctioneer or 34696
special auctioneer on a sale at auction until the person has first 34697
entered into a written contract or agreement in duplicate with the 34698
owner or consignee of any property to be sold, containing the 34699
terms and conditions upon which the licensee receives or accepts 34700
the property for sale at auction. The contracts or agreements 34701
shall, for a period of two years, be kept on file in the office of 34702
every person so licensed. No apprentice auctioneer shall be 34703
authorized to enter into such contract or agreement without the 34704
written consent of the apprentice auctioneer's sponsoring 34705
auctioneer and all contracts or agreements shall be made in the 34706
name of and on behalf of the sponsoring auctioneer. 34707

(B) On all contracts or agreements between an auctioneer or 34708
special auctioneer and the owner or consignee, there shall appear 34709
a prominent statement indicating that the auctioneer or special 34710
auctioneer is licensed by the department of ~~commerce~~ agriculture, 34711
and is bonded in favor of the state. 34712

(C) The auctioneer or special auctioneer who contracts with 34713
the owner is liable for the settlement of all money received, 34714
including the payment of all expenses incurred only by the 34715
licensee and the distribution of all funds, in connection with an 34716
auction. 34717

Sec. 4707.21. No auctioneer, apprentice auctioneer, or 34718
special auctioneer shall willfully neglect or refuse to furnish 34719
the department of ~~commerce~~ agriculture statistics or other 34720
information in ~~his~~ the auctioneer's, apprentice auctioneer's, or 34721
special auctioneer's possession or under ~~his~~ the auctioneer's, 34722

apprentice auctioneer's, or special auctioneer's control, which ~~he~~ 34723
the auctioneer, apprentice auctioneer, or special auctioneer is 34724
authorized to collect; nor shall ~~he~~ the auctioneer, apprentice 34725
auctioneer, or special auctioneer neglect or refuse, for more than 34726
thirty days, to answer questions submitted on circulars; nor shall 34727
~~he~~ the auctioneer, apprentice auctioneer, or special auctioneer 34728
knowingly answer any such questions falsely; nor shall ~~he~~ the 34729
auctioneer, apprentice auctioneer, or special auctioneer refuse to 34730
obey subpoenas and give testimony. Licensees shall keep records 34731
relative to any auction sale for at least two years from the date 34732
of sale. These records shall include settlement sheets, written 34733
contracts, and copies of any advertising that lists the items for 34734
sale. 34735

Sec. 4707.23. On receipt of a notice pursuant to section 34736
3123.43 of the Revised Code, the department of ~~commerce~~ 34737
agriculture shall comply with sections 3123.41 to 3123.50 of the 34738
Revised Code and any applicable rules adopted under section 34739
3123.63 of the Revised Code with respect to a license issued 34740
pursuant to this chapter. 34741

Sec. 4707.99. (A) Whoever acts as an auctioneer, apprentice 34742
auctioneer, or special auctioneer as defined in section 4707.01 of 34743
the Revised Code, without first obtaining a license, upon 34744
conviction thereof, shall be fined not less than one hundred nor 34745
more than one thousand dollars, or imprisoned not more than ninety 34746
days, or both. 34747

(B) Whoever violates this chapter or any rule promulgated by 34748
the department of ~~commerce~~ agriculture in the administration of 34749
this chapter, for the violation of which no penalty is provided, 34750
shall be fined not less than fifty nor more than two hundred 34751
dollars. 34752

(C) Whoever violates section 4707.151 of the Revised Code 34753

shall be fined not more than fifty thousand dollars, or imprisoned 34754
not more than one year, or both. 34755

Sec. 4713.10. The state board of cosmetology shall charge and 34756
collect the following fees: 34757

(A) For application to take the examination for a license to 34758
practice cosmetology, or any branch thereof, twenty-one dollars; 34759

(B) For the re-examination of any applicant who has 34760
previously failed to pass the examination, ~~fourteen~~ twenty-one 34761
dollars; 34762

(C) For the issuance or renewal of a cosmetology, manicurist, 34763
or esthetics instructor's license, thirty dollars; 34764

(D) For the issuance or renewal of a managing 34765
cosmetologist's, managing manicurist's, or managing esthetician's 34766
license, thirty dollars; 34767

(E) For the issuance or renewal of a cosmetology school 34768
license, two hundred fifty dollars; 34769

(F) For the inspection and issuance of a new beauty salon, 34770
nail salon, or esthetics salon or the change of name or ownership 34771
of a beauty salon, nail salon, or esthetics salon license, sixty 34772
dollars; 34773

(G) For the renewal of a beauty salon, nail salon, or 34774
esthetics salon license, fifty dollars; 34775

(H) For the issuance or renewal of a cosmetologist's, 34776
manicurist's, or esthetician's license, thirty dollars; 34777

(I) For the restoration of any lapsed license which may be 34778
restored pursuant to section 4713.11 of the Revised Code, and in 34779
addition to the payments required by that section, thirty dollars; 34780

(J) For the issuance of a license under section 4713.09 of 34781
the Revised Code, sixty dollars; 34782

(K) For the issuance of a duplicate of any license, fifteen 34783
dollars; 34784

(L) For the preparation and mailing of a licensee's records 34785
to another state for a reciprocity license, fifty dollars; 34786

(M) For the processing of any fees related to a check from a 34787
licensee returned to the board for insufficient funds, an 34788
additional twenty dollars. 34789

Each applicant shall, in addition to the fees specified, 34790
furnish the applicant's own models. 34791

Sec. 4715.03. (A) The state dental board shall organize by 34792
the election from its members of a president and a secretary. It 34793
shall hold meetings monthly at least eight months a year at such 34794
times and places as the board designates. A majority of the 34795
members of the board shall constitute a quorum. The board shall 34796
make such reasonable rules as it determines necessary pursuant to 34797
Chapter 119. of the Revised Code. 34798

(B) A concurrence of a majority of the members of the board 34799
shall be required to grant, refuse, suspend, place on probationary 34800
status, revoke, refuse to renew, or refuse to reinstate a license 34801
or censure a license holder. 34802

(C) The board shall adopt rules establishing standards for 34803
the safe practice of dentistry and dental hygiene by qualified 34804
practitioners and shall, through its policies and activities, 34805
promote such practice. 34806

The board shall adopt rules in accordance with Chapter 119. 34807
of the Revised Code establishing universal blood and body fluid 34808
precautions that shall be used by each person licensed under this 34809
chapter who performs exposure prone invasive procedures. The rules 34810
shall define and establish requirements for universal blood and 34811
body fluid precautions that include the following: 34812

(1) Appropriate use of hand washing;	34813
(2) Disinfection and sterilization of equipment;	34814
(3) Handling and disposal of needles and other sharp instruments;	34815 34816
(4) Wearing and disposal of gloves and other protective garments and devices.	34817 34818
(D) The board shall administer and enforce the provisions of this chapter. The board shall investigate evidence which appears to show that any person has violated any provision of this chapter. Any person may report to the board under oath any information such person may have appearing to show a violation of any provision of this chapter. In the absence of bad faith, any person who reports such information or who testifies before the board in any disciplinary proceeding conducted pursuant to Chapter 119. of the Revised Code is not liable for civil damages as a result of <u>his making the report or providing</u> testimony. If after investigation the board determines that there are reasonable grounds to believe that a violation of this chapter has occurred, the board shall conduct disciplinary proceedings pursuant to Chapter 119. of the Revised Code <u>or provide for a license holder to participate in the quality intervention program established under section 4715.031 of the Revised Code.</u> The board shall not dismiss any complaint or terminate any investigation except by a majority vote of its members. For the purpose of any disciplinary proceeding or any investigation conducted prior to a disciplinary proceeding <u>under this division</u> , the board may administer oaths, order the taking of depositions, issue subpoenas, compel the attendance and testimony of persons at depositions and compel the production of books, accounts, papers, documents, or other tangible things. The hearings and investigations of the board shall be considered civil actions for the purposes of section 2305.251 of the Revised Code. Notwithstanding section 121.22 of	34819 34820 34821 34822 34823 34824 34825 34826 34827 34828 34829 34830 34831 34832 34833 34834 34835 34836 34837 34838 34839 34840 34841 34842 34843 34844

the Revised Code, proceedings of the board relative to the 34845
investigation of a complaint or the determination whether there 34846
are reasonable grounds to believe that a violation of this chapter 34847
has occurred are confidential and are not subject to discovery in 34848
any civil action. 34849

(E) The board shall examine or cause to be examined eligible 34850
applicants to practice dentistry and dental hygiene. The board may 34851
distinguish by rule different classes of qualified personnel 34852
according to skill levels and require all or only certain of these 34853
classes of qualified personnel to be examined and certified by the 34854
board. 34855

(F) In accordance with Chapter 119. of the Revised Code, the 34856
board shall adopt, and may amend or rescind, rules establishing 34857
the eligibility criteria, the application and permit renewal 34858
procedures, and safety standards applicable to a dentist licensed 34859
under this chapter who applies for a permit to employ or use 34860
conscious intravenous sedation. These rules shall include all of 34861
the following: 34862

(1) The eligibility requirements and application procedures 34863
for an eligible dentist to obtain a conscious intravenous sedation 34864
permit; 34865

(2) The minimum educational and clinical training standards 34866
required of applicants, which shall include satisfactory 34867
completion of an advanced cardiac life support course; 34868

(3) The facility equipment and inspection requirements; 34869

(4) Safety standards; 34870

(5) Requirements for reporting adverse occurrences. 34871

Sec. 4715.031. (A) The state dental board shall develop and 34872
implement a quality intervention program. The board may propose 34873
that the holder of a license issued by the board participate in 34874

the program if the board determines pursuant to an investigation 34875
conducted under section 4715.03 of the Revised Code that there are 34876
reasonable grounds to believe the license holder has violated a 34877
provision of this chapter due to a clinical or communication 34878
problem that could be improved through participation in the 34879
program and determines that the license holder's participation in 34880
the program is appropriate. The board shall refer a license holder 34881
who agrees to participate in the program to an educational and 34882
assessment service provider selected by the board. 34883

The board shall select educational and assessment service 34884
providers, which may include quality intervention program panels 34885
of case reviewers. A provider selected by the board to provide 34886
services to a license holder shall recommend to the board the 34887
educational and assessment services the license holder should 34888
receive under the program. The license holder may begin 34889
participation in the program if the board approves the services 34890
the provider recommends. The license holder shall pay the amounts 34891
charged by the provider for the services. 34892

The board shall monitor a license holder's progress in the 34893
program and determine whether the license holder has successfully 34894
completed the program. If the board determines that the license 34895
holder has successfully completed the program, it may continue to 34896
monitor the license holder, take other action it considers 34897
appropriate, or both. If the board determines that the license 34898
holder has not successfully completed the program, it shall 34899
commence disciplinary proceedings against the license holder under 34900
section 4715.03 of the Revised Code. 34901

The board may adopt rules in accordance with Chapter 119. of 34902
the Revised Code to further implement the quality intervention 34903
program. 34904

Sec. 4715.13. Applicants for licenses to practice dentistry 34905
or for a general anesthesia permit or a conscious intravenous 34906
sedation permit shall pay to the secretary of the state dental 34907
board the following fees: 34908

(A) For license by examination, one hundred ~~forty-one~~ ninety 34909
dollars if issued in an odd-numbered year or ~~two~~ three hundred 34910
~~thirty-five~~ seventeen dollars if issued in an even-numbered year; 34911

(B) For license by endorsement, one hundred ~~forty-one~~ ninety 34912
dollars if issued in an odd-numbered year or ~~two~~ three hundred 34913
~~thirty-five~~ seventeen dollars if issued in an even-numbered year; 34914

(C) For duplicate license, to be granted upon proof of loss 34915
of the original, ~~fifteen~~ twenty dollars; 34916

(D) For a general anesthesia permit, ~~ninety-four~~ one hundred 34917
twenty-seven dollars; 34918

(E) For a conscious intravenous sedation permit, ~~ninety-four~~ 34919
one hundred twenty-seven dollars. 34920

The fee in division (A) of this section may be refunded to an 34921
applicant who is unavoidably prevented from attending the 34922
examination, or the applicant may be examined at the next regular 34923
or special meeting of the board without an additional fee. 34924

An applicant who fails the first examination may be 34925
re-examined at the next regular or special meeting of the board 34926
without an additional fee. 34927

Sec. 4715.14. (A) Each person who is licensed to practice 34928
dentistry in Ohio shall, on or before the first day of January of 34929
each even-numbered year, register with the state dental board. The 34930
registration shall be made on a form prescribed by the board and 34931
furnished by the secretary, shall include the licensee's name, 34932
address, license number, and such other reasonable information as 34933
the board may consider necessary, and shall include payment of a 34934

biennial registration fee of ~~one~~ two hundred ~~sixty-three~~ twenty 34935
dollars. This fee shall be paid to the treasurer of state. All 34936
such registrations shall be in effect for the two-year period 34937
beginning on the first day of January of the even-numbered year 34938
and ending on the last day of December of the following 34939
odd-numbered year, and shall be renewed in accordance with the 34940
standard renewal procedure of sections 4745.01 to 4745.03 of the 34941
Revised Code. The failure of a licensee to renew the licensee's 34942
registration in accordance with this section shall result in an 34943
automatic suspension of the licensee's license to practice 34944
dentistry. 34945

(B) Any dentist whose license has been suspended under this 34946
section may be reinstated by the payment of the biennial 34947
registration fee and in addition thereto ~~sixty~~ eighty-one dollars 34948
to cover costs of the reinstatement; excepting that to any 34949
licensed dentist who desires to temporarily retire from practice, 34950
and who has given the board notice in writing to that effect, the 34951
board shall grant such a retirement, provided only that at that 34952
time all previous registration fees and additional costs of 34953
reinstatement have been paid. 34954

(C) Each dentist licensed to practice, whether a resident or 34955
not, shall notify the secretary in writing of any change in the 34956
dentist's office address or employment within ten days after such 34957
change has taken place. On the first day of July of every 34958
even-numbered year, the secretary shall issue a printed roster of 34959
the names and addresses so registered. 34960

Sec. 4715.16. (A) Upon payment of a fee of ~~seven~~ ten dollars 34961
~~and fifty cents~~, the state dental board may without examination 34962
issue a limited resident's license to any person who is a graduate 34963
of a dental college, is authorized to practice in another state or 34964
country or qualified to take the regular licensing examination in 34965
this state, and furnishes the board satisfactory proof of having 34966

been appointed a dental resident at an accredited dental college 34967
in this state or at an accredited program of a hospital in this 34968
state, but has not yet been licensed as a dentist by the board. 34969
Any person receiving a limited resident's license may practice 34970
dentistry only in connection with programs operated by the dental 34971
college or hospital at which the person is appointed as a resident 34972
as designated on the person's limited resident's license, and only 34973
under the direction of a licensed dentist who is a member of the 34974
dental staff of the college or hospital or a dentist holding a 34975
current limited teaching license issued under division (B) of this 34976
section, and only on bona fide patients of such programs. The 34977
holder of a limited resident's license may be disciplined by the 34978
board pursuant to section 4715.30 of the Revised Code. 34979
34980

(B) Upon payment of ~~seventy-five~~ one hundred one dollars and 34981
upon application endorsed by an accredited dental college in this 34982
state, the board may without examination issue a limited teaching 34983
license to a dentist who is a graduate of a dental college, is 34984
authorized to practice dentistry in another state or country, and 34985
has full-time appointment to the faculty of the endorsing dental 34986
college. A limited teaching license is subject to annual renewal 34987
in accordance with the standard renewal procedure of Chapter 4745. 34988
of the Revised Code, and automatically expires upon termination of 34989
the full-time faculty appointment. A person holding a limited 34990
teaching license may practice dentistry only in connection with 34991
programs operated by the endorsing dental college. The board may 34992
discipline the holder of a limited teaching license pursuant to 34993
section 4715.30 of the Revised Code. 34994

(C)(1) As used in this division: 34995

(a) "Continuing dental education practicum" or "practicum" 34996
means a course of instruction, approved by the American dental 34997
association, Ohio dental association, or academy of general 34998

dentistry, that is designed to improve the clinical skills of a 34999
dentist by requiring the dentist to participate in clinical 35000
exercises on patients. 35001

(b) "Director" means the person responsible for the operation 35002
of a practicum. 35003

(2) Upon payment of ~~seventy-five~~ one hundred one dollars and 35004
application endorsed by the director of a continuing dental 35005
education practicum, the board shall, without examination, issue a 35006
temporary limited continuing education license to a resident of a 35007
state other than Ohio who is licensed to practice dentistry in 35008
such state and is in good standing, is a graduate of an accredited 35009
dental college, and is registered to participate in the endorsing 35010
practicum. The determination of whether a dentist is in good 35011
standing shall be made by the board. 35012

A dentist holding a temporary limited continuing education 35013
license may practice dentistry only on residents of the state in 35014
which the dentist is permanently licensed or on patients referred 35015
by a dentist licensed pursuant to section 4715.12 or 4715.15 of 35016
the Revised Code to an instructing dentist licensed pursuant to 35017
one of those sections, and only while participating in a required 35018
clinical exercise of the endorsing practicum on the premises of 35019
the facility where the practicum is being conducted. 35020

Practice under a temporary limited continuing education 35021
license shall be under the direct supervision and full 35022
professional responsibility of an instructing dentist licensed 35023
pursuant to section 4715.12 or 4715.15 of the Revised Code, shall 35024
be limited to the performance of those procedures necessary to 35025
complete the endorsing practicum, and shall not exceed thirty days 35026
of actual patient treatment in any year. 35027

(3) A director of a continuing dental education practicum who 35028
endorses an application for a temporary limited continuing 35029

education license shall, prior to making the endorsement, notify 35030
the state dental board in writing of the identity of the sponsors 35031
and the faculty of the practicum and the dates and locations at 35032
which it will be offered. The notice shall also include a brief 35033
description of the course of instruction. The board may prohibit a 35034
continuing dental education practicum from endorsing applications 35035
for temporary limited continuing education licenses if the board 35036
determines that the practicum is engaged in activities that 35037
constitute a threat to public health and safety or do not 35038
constitute bona fide continuing dental education, or that the 35039
practicum permits activities which otherwise violate this chapter. 35040
Any continuing dental education practicum prohibited from 35041
endorsing applications may request an adjudication pursuant to 35042
Chapter 119. of the Revised Code. 35043

A temporary limited continuing education license shall be 35044
valid only when the dentist is participating in the endorsing 35045
continuing dental education practicum and shall expire at the end 35046
of one year. If the dentist fails to complete the endorsing 35047
practicum in one year, the board may, upon the dentist's 35048
application and payment of a fee of seventy-five dollars, renew 35049
the temporary limited continuing education license for a 35050
consecutive one-year period. Only two renewals may be granted. The 35051
holder of a temporary limited continuing education license may be 35052
disciplined by the board pursuant to section 4715.30 of the 35053
Revised Code. 35054

(D) The board shall act either to approve or to deny any 35055
application for a limited license pursuant to division (A), (B), 35056
or (C) of this section not later than sixty days of the date the 35057
board receives the application. 35058

Sec. 4715.21. Each person who desires to practice as a dental 35059
hygienist shall file with the secretary of the state dental board 35060

a written application for a license, under oath, upon the form 35061
prescribed. Such applicant shall furnish satisfactory proof of 35062
being at least eighteen years of age and of good moral character. 35063
An applicant shall present a diploma or certificate of graduation 35064
from an accredited dental hygiene school and shall pay the 35065
examination fee of ~~seventy-one~~ ninety-six dollars if the license 35066
is issued in an odd-numbered year or one hundred ~~nine~~ forty-seven 35067
dollars if issued in an even-numbered year. Those passing such 35068
examination as the board prescribes relating to dental hygiene 35069
shall receive a certificate of registration entitling them to 35070
practice. If an applicant fails to pass the first examination the 35071
applicant may apply for a re-examination at the next regular or 35072
special examination meeting of the board. 35073

No applicant shall be admitted to more than two examinations 35074
without first presenting satisfactory proof that the applicant has 35075
successfully completed such refresher courses in an accredited 35076
dental hygiene school as the state dental board may prescribe. 35077

An accredited dental hygiene school shall be one accredited 35078
by the council on dental education of the American dental 35079
association or whose educational standards are recognized by the 35080
council on dental education of the American dental association and 35081
approved by the state dental board. 35082

Sec. 4715.24. (A) Each person who is licensed to practice as 35083
a dental hygienist in Ohio shall, on or before the first day of 35084
January of each even-numbered year, register with the state dental 35085
board. The registration shall be made on a form prescribed by the 35086
board and furnished by the secretary, shall include the licensee's 35087
name, address, license number, and such other reasonable 35088
information as the board may consider necessary, and shall include 35089
payment of a biennial registration fee of ~~seventy-five~~ one hundred 35090
one dollars. This fee shall be paid to the treasurer of state. All 35091
such registrations shall be in effect for the two-year period 35092

beginning on the first day of January of each even-numbered year 35093
and ending on the last day of December of the following 35094
odd-numbered year, and shall be renewed in accordance with the 35095
standard renewal procedure of sections 4745.01 to 4745.03 of the 35096
Revised Code. The failure of a licensee to renew registration in 35097
accordance with this section shall result in the automatic 35098
suspension of the licensee's license to practice as a dental 35099
hygienist. 35100

(B) Any dental hygienist whose license has been suspended 35101
under this section may be reinstated by the payment of the 35102
biennial registration fee and in addition thereto ~~twenty-three~~ 35103
thirty-one dollars to cover the costs of reinstatement. 35104

(C) The license of a dental hygienist shall be exhibited in a 35105
conspicuous place in the room in which the dental hygienist 35106
practices. Each dental hygienist licensed to practice, whether a 35107
resident or not, shall notify the secretary in writing of any 35108
change in the dental hygienist's office address or employment 35109
within ten days after the change takes place. 35110

Sec. 4715.27. The state dental board may issue a license to 35111
an applicant who furnishes satisfactory proof of being at least 35112
eighteen years of age, of good moral character and who 35113
demonstrates, to the satisfaction of the board, knowledge of the 35114
laws, regulations, and rules governing the practice of a dental 35115
hygienist; who proves, to the satisfaction of the board, intent to 35116
practice as a dental hygienist in this state; who is a graduate 35117
from an accredited school of dental hygiene and who holds a 35118
license by examination from a similar dental board, and who passes 35119
an examination as prescribed by the board relating to dental 35120
hygiene. 35121

Upon payment of ~~forty-three~~ fifty-eight dollars and upon 35122
application endorsed by an accredited dental hygiene school in 35123

this state, the state dental board may without examination issue a 35124
teacher's certificate to a dental hygienist, authorized to 35125
practice in another state or country. A teacher's certificate 35126
shall be subject to annual renewal in accordance with the standard 35127
renewal procedure of sections 4745.01 to 4745.03 of the Revised 35128
Code, and shall not be construed as authorizing anything other 35129
than teaching or demonstrating the skills of a dental hygienist in 35130
the educational programs of the accredited dental hygiene school 35131
which endorsed the application. 35132

Sec. 4717.02. (A) There is hereby created the board of 35133
embalmers and funeral directors consisting of seven members to be 35134
appointed by the governor with the advice and consent of the 35135
senate. ~~Four~~ Five members shall be licensed embalmers and 35136
practicing funeral directors, each with at least ten consecutive 35137
years of experience in this state immediately preceding the date 35138
of the person's appointment. ~~One member; one of these members~~ 35139
shall be knowledgeable and experienced in operating a crematory 35140
~~and is not required to be, but may be, a licensed embalmer or~~ 35141
~~funeral director.~~ Two members shall represent the public; at least 35142
one of ~~the two~~ these members shall be at least sixty years of age. 35143
35144

(B) Terms of office are for five years, commencing on the 35145
first day of July and ending on the last day of June. Each member 35146
shall hold office from the date of the member's appointment until 35147
the end of the term for which the member was appointed. Before 35148
entering upon the duties of the office, each member shall take and 35149
file with the secretary of state an oath of office as required by 35150
Section 7 of Article XV, Ohio Constitution. 35151

(C) The governor may remove a member of the board for neglect 35152
of duty, incompetency, or immoral conduct. Vacancies shall be 35153
filled in the manner provided for original appointments. Any 35154
member appointed to fill a vacancy occurring prior to the 35155

expiration date of the term for which the member's predecessor was 35156
appointed shall hold office as a member for the remainder of that 35157
term. A member shall continue in office subsequent to the 35158
expiration date of the member's term until the member's successor 35159
takes office, or until a period of sixty days has elapsed, 35160
whichever occurs first. 35161

(D) Each member of the board shall receive an amount fixed 35162
under division (J) of section 124.15 of the Revised Code for each 35163
day, not to exceed sixty days per year, employed in the discharge 35164
of the member's duties as a board member, together with any 35165
necessary expenses incurred in the performance of those duties. 35166

Sec. 4717.07. (A) The board of embalmers and funeral 35167
directors shall charge and collect the following fees: 35168

(1) For the issuance of an initial embalmer's or funeral 35169
director's license, five dollars; 35170

(2) For the issuance of an embalmer or funeral director 35171
registration, twenty-five dollars; 35172

(3) For filing an embalmer or funeral director certificate of 35173
apprenticeship, ten dollars; 35174

(4) For the application to take the examination for a license 35175
to practice as an embalmer or funeral director, or to retake a 35176
section of the examination, thirty-five dollars; 35177

(5) For the biennial renewal of an embalmer's or funeral 35178
director's license, ~~sixty~~ one hundred twenty dollars; 35179

(6) For the initial issuance ~~and renewal~~ of a license to 35180
operate a funeral home, one hundred twenty-five dollars and 35181
biennial renewal of a license to operate a funeral home, two 35182
hundred fifty dollars; 35183

(7) For the reinstatement of a lapsed embalmer's or funeral 35184

director's license, the renewal fee prescribed in division (A)(5)	35185
of this section plus fifty dollars for each month or portion of a	35186
month the license is lapsed until reinstatement;	35187
(8) For the reinstatement of a lapsed license to operate a	35188
funeral home, the renewal fee prescribed in division (A)(6) of	35189
this section plus fifty dollars for each month or portion of a	35190
month the license is lapsed until reinstatement;	35191
(9) For the <u>initial</u> issuance and renewal of a license to	35192
operate an embalming facility, one hundred dollars <u>and biennial</u>	35193
<u>renewal of a license to operate an embalming facility, two hundred</u>	35194
<u>dollars;</u>	35195
(10) For the reinstatement of a lapsed license to operate an	35196
embalming facility, the renewal fee prescribed in division (A)(9)	35197
of this section plus fifty dollars for each month or portion of a	35198
month the license is lapsed until reinstatement;	35199
(11) For the <u>initial</u> issuance and renewal of a license to	35200
operate a crematory facility, one hundred dollars <u>and biennial</u>	35201
<u>renewal of a license to operate a crematory facility, two hundred</u>	35202
<u>dollars;</u>	35203
(12) For the reinstatement of a lapsed license to operate a	35204
crematory facility, the renewal fee prescribed in division (A)(11)	35205
of this section plus fifty dollars for each month or portion of a	35206
month the license is lapsed until reinstatement;	35207
(13) For the issuance of a duplicate of a license issued	35208
under this chapter, four dollars.	35209
(B) In addition to the fees set forth in division (A) of this	35210
section, an applicant shall pay the examination fee assessed by	35211
any examining agency the board uses for any section of an	35212
examination required under this chapter.	35213
(C) Subject to the approval of the controlling board, the	35214

board of embalmers and funeral directors may establish fees in 35215
excess of the amounts set forth in this section, provided that 35216
these fees do not exceed the amounts set forth in this section by 35217
more than fifty per cent. 35218

Sec. 4717.08. (A) Every license issued under this chapter 35219
expires on the last day of December of ~~the~~ each even-numbered year 35220
~~of its issuance~~ and shall be renewed on or before that date 35221
according to the standard license renewal procedure set forth in 35222
Chapter 4745. of the Revised Code. Licenses not renewed by the 35223
last day of December of each even-numbered year are lapsed. 35224

(B) A holder of a lapsed license to operate a funeral home, 35225
license to operate an embalming facility, or license to operate a 35226
crematory facility may reinstate the license with the board by 35227
paying the lapsed license fee established under section 4717.07 of 35228
the Revised Code. 35229

(C) A holder of a lapsed embalmer's or funeral director's 35230
license may reinstate the license with the board by paying the 35231
lapsed license fee established under section 4717.07 of the 35232
Revised Code, except that if the license is lapsed for more than 35233
one hundred eighty days after its expiration date, the holder also 35234
shall take and pass the Ohio laws examination for each license as 35235
a condition for reinstatement. 35236

Sec. 4717.09. (A) Every two years, licensed embalmers and 35237
funeral directors shall attend between twelve and thirty hours of 35238
educational programs as a condition for renewal of their licenses. 35239
The board of embalmers and funeral directors shall ~~determine, by~~ 35240
~~rule, the educational programs that meet the continuing education~~ 35241
~~requirements and the number of hours a licensee shall attend~~ adopt 35242
rules governing the administration and enforcement of the 35243
continuing education requirements of this section. The board may 35244

contract with a professional organization or association or other 35245
third party to assist it in performing functions necessary to 35246
administer and enforce the continuing education requirements of 35247
this section. A professional organization or association or other 35248
third party with whom the board so contracts may charge a 35249
reasonable fee for performing these functions to licensees or to 35250
the persons who provide continuing education programs. 35251

(B) A person holding both an embalmer's license and a funeral 35252
director's license need meet only the continuing education 35253
requirements established by the board for one or the other of 35254
those licenses in order to satisfy the requirement of division (A) 35255
of this section. 35256

(C) The board shall not renew the license of a licensee who 35257
fails to meet the continuing education requirements of this 35258
section and who has not been granted a waiver or exemption under 35259
division (D) of this section. 35260

(D) Any licensee who fails to meet the continuing education 35261
requirements of this section because of undue hardship or 35262
disability, or who is not actively engaged in the practice of 35263
funeral directing or embalming in this state, may apply to the 35264
board for a waiver or an exemption. The board shall determine, by 35265
rule, the procedures for applying for a waiver or an exemption 35266
from continuing education requirements under this section and 35267
under what conditions a waiver or an exemption may be granted. 35268

Sec. 4723.062. The board of nursing may solicit and accept 35269
grants and services to develop and maintain a program that 35270
addresses patient safety and health care issues related to the 35271
supply of and demand for nurses and other health care workers. The 35272
board shall not solicit or accept a grant or service that 35273
interferes with the board's independence or objectivity. 35274

All money received by the board under this section shall be 35275

<u>deposited into the nursing special issue fund which is hereby</u>	35276
<u>created in the state treasury. The board shall use money in the</u>	35277
<u>fund to pay the costs it incurs in implementing this section.</u>	35278
Sec. 4723.08. (A) The board of nursing may impose fees not to	35279
exceed the following limits:	35280
(1) For application for licensure by examination to practice	35281
nursing as a registered nurse or as a licensed practical nurse,	35282
fifty dollars;	35283
(2) For application for licensure by endorsement to practice	35284
nursing as a registered nurse or as a licensed practical nurse,	35285
fifty dollars;	35286
(3) For application for a certificate of authority to	35287
practice nursing as a certified registered nurse anesthetist,	35288
clinical nurse specialist, certified nurse-midwife, or certified	35289
nurse practitioner, one hundred dollars;	35290
(4) For application for a temporary dialysis technician	35291
certificate, the amount specified in rules adopted under section	35292
4723.79 of the Revised Code;	35293
(5) For application for a full dialysis technician	35294
certificate, the amount specified in rules adopted under section	35295
4723.79 of the Revised Code;	35296
(6) For application for a certificate to prescribe, fifty	35297
dollars;	35298
(7) For verification of a nursing license, certificate of	35299
authority, or dialysis technician certificate to another	35300
jurisdiction, fifteen dollars;	35301
(8) For providing a replacement copy of a nursing license,	35302
certificate of authority, or dialysis technician certificate,	35303
fifteen dollars;	35304

(9) For biennial renewal of a nursing license <u>that expires on or before August 31, 2003</u> , thirty-five dollars;	35305 35306
(10) Except as provided in division (C) of this section, for <u>For biennial renewal of a nursing license that expires on or after September 1, 2003, forty-five dollars;</u>	35307 35308 35309
<u>(11) For biennial renewal of a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse mid-wife, or certified nurse practitioner that expires on or before August 31, 2005, one hundred dollars;</u>	35310 35311 35312 35313 35314
<u>(12) For biennial renewal of a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner that expires on or after September 1, 2005, eighty-five dollars;</u>	35315 35316 35317 35318 35319
(11) <u>(13) For renewal of a certificate to prescribe, fifty dollars;</u>	35320 35321
(12) <u>(14) For biennial renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;</u>	35322 35323 35324
(13) <u>(15) For processing a late application for renewal of a nursing license, certificate of authority, or dialysis technician certificate, fifty dollars;</u>	35325 35326 35327
(14) <u>(16) For application for authorization to approve continuing nursing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;</u>	35328 35329 35330 35331
(15) <u>(17) For application for authorization to approve continuing nursing education programs and courses from an applicant not accredited by a national accreditation system for</u>	35332 35333 35334

nursing, one thousand dollars;	35335
(16) (18) For each year for which authorization to approve continuing nursing education programs and courses is renewed, one hundred fifty dollars;	35336 35337 35338
(17) (19) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	35339 35340 35341
(18) (20) For reinstatement of a lapsed <u>nursing license or</u> , certificate of authority, <u>or dialysis technician certificate</u> , one hundred dollars;	35342 35343 35344
(19) (21) For written verification of a nursing license, certificate of authority, or dialysis technician certificate, other than verification to another jurisdiction, five dollars. The board may contract for services pertaining to this verification process and the collection of the fee, and may permit the contractor to retain a portion of the fees as compensation, before any amounts are deposited into the state treasury.	35345 35346 35347 35348 35349 35350 35351
<u>(22) For processing a check returned to the board by a financial institution as noncollectible, twenty-five dollars.</u>	35352 35353
(B) Each quarter, for purposes of transferring funds under section 4743.05 of the Revised Code to the nurse education assistance fund created in section 3333.28 of the Revised Code, the board of nursing shall certify to the director of budget and management the number of biennial licenses renewed under this chapter during the preceding quarter and the amount equal to that number times five dollars.	35354 35355 35356 35357 35358 35359 35360
(C) The fee for biennial renewal of a certificate of authority to practice nursing as a certified nurse-midwife, certified registered nurse anesthetist, certified nurse practitioner, or clinical nurse specialist that expires on or before August 31, 2005, is one hundred dollars.	35361 35362 35363 35364 35365

Sec. 4723.32. This chapter does not prohibit any of the 35366
following: 35367

(A) The practice of nursing by a student currently enrolled 35368
in and actively pursuing completion of a prelicensure nursing 35369
education program approved by the board of nursing, if the 35370
student's practice is under the auspices of the program and the 35371
student acts under the supervision of a registered nurse serving 35372
for the program as a faculty member, teaching assistant, or 35373
preceptor; 35374

(B) The rendering of medical assistance to a licensed 35375
physician, licensed dentist, or licensed podiatrist by a person 35376
under the direction, supervision, and control of such licensed 35377
physician, dentist, or podiatrist; 35378

(C) The activities of persons employed as nursing aides, 35379
attendants, orderlies, or other auxiliary workers in patient 35380
homes, nurseries, nursing homes, hospitals, home health agencies, 35381
or other similar institutions; 35382

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(D) The provision of nursing services to family members or in 35384
emergency situations; 35385

(E) The care of the sick when done in connection with the 35386
practice of religious tenets of any church and by or for its 35387
members; 35388

(F) The practice of nursing as a certified registered nurse 35389
anesthetist, clinical nurse specialist, certified nurse-midwife, 35390
or certified nurse practitioner by a student currently enrolled in 35391
and actively pursuing completion of a program of study leading to 35392
initial authorization by the board to practice nursing in the 35393
specialty, if both of the following are the case: 35394

(1) The program qualifies the student to sit for the 35395

examination of a national certifying organization listed in 35396
division (A)(3) of section 4723.41 of the Revised Code or approved 35397
by the board under section 4723.46 of the Revised Code, or the 35398
program prepares the student to receive a master's degree in 35399
accordance with division (A)(2) of section 4723.41 of the Revised 35400
Code; 35401

(2) The student's practice is under the auspices of the 35402
program and the student acts under the supervision of a registered 35403
nurse serving for the program as a faculty member, teaching 35404
assistant, or preceptor. 35405

(G) The activities of an individual who currently holds a 35406
license to practice nursing in another jurisdiction, if the 35407
individual's license has not been revoked, the individual is not 35408
currently under suspension or on probation, the individual does 35409
not represent the individual as being licensed under this chapter, 35410
and one of the following is the case: 35411

(1) The individual is engaging in the practice of nursing by 35412
discharging official duties while employed by or under contract 35413
with the United States government or any agency thereof; 35414

(2) The individual is engaging in the practice of nursing as 35415
an employee of an individual, agency, or corporation located in 35416
the other jurisdiction in a position with employment 35417
responsibilities that include transporting patients into, out of, 35418
or through this state, as long as each trip in this state does not 35419
exceed seventy-two hours; 35420

(3) The individual is consulting with an individual licensed 35421
in this state to practice any health-related profession; 35422

(4) The individual is engaging in activities associated with 35423
teaching in this state as a guest lecturer at or for a nursing 35424
education program, continuing nursing education program, or 35425
in-service presentation; 35426

(5) The individual is conducting evaluations of nursing care 35427
that are undertaken on behalf of an accrediting organization, 35428
including the national league for nursing accrediting committee, 35429
the joint commission on accreditation of healthcare organizations, 35430
or any other nationally recognized accrediting organization; 35431

(6) The individual is providing nursing care to an individual 35432
who is in this state on a temporary basis, not to exceed six 35433
months in any one calendar year, if the nurse is directly employed 35434
by or under contract with the individual or a guardian or other 35435
person acting on the individual's behalf; 35436

(7) The individual is providing nursing care during any 35437
disaster, natural or otherwise, that has been officially declared 35438
to be a disaster by a public announcement issued by an appropriate 35439
federal, state, county, or municipal official. 35440

Sec. 4723.79. The board of nursing shall adopt rules to 35441
administer and enforce sections 4723.71 to 4723.79 of the Revised 35442
Code. The board shall adopt the rules in accordance with Chapter 35443
119. of the Revised Code. The rules shall establish or specify all 35444
of the following: 35445

(A) The application process, fee, and requirements for 35446
approval, reapproval, and withdrawing the approval of a dialysis 35447
training program under section 4723.74 of the Revised Code. The 35448
requirements shall include standards that must be satisfied 35449
regarding curriculum, length of training, and instructions in 35450
patient care. 35451

(B) The application process, fee, and requirements for 35452
issuance of a certificate under section 4723.75 of the Revised 35453
Code, except that the amount of the fee shall be no greater than 35454
the fee charged under division (A)(1) of section 4723.08 of the 35455
Revised Code; 35456

(C) The application process, fee, and requirements for issuance of a temporary certificate under section 4723.76 of the Revised Code;	35457 35458 35459
(D) The process for approval of testing organizations under section 4723.751 of the Revised Code;	35460 35461
(E) Subjects to be included in a certification examination provided for in division (B)(1) of section 4723.75 of the Revised Code;	35462 35463 35464
(F) The schedule, fees, and continuing education requirements for renewal of a certificate under section 4723.77 of the Revised Code, except that the fee for the renewal of a certificate shall be no greater than the fee charged under division (A)(9) of section 4723.08 of the Revised Code <u>or, effective September 1, 2003, division (A)(10) of that section;</u>	35465 35466 35467 35468 35469 35470
(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;	35471 35472 35473 35474 35475
(H) Standards for the administration of medication by dialysis technicians under section 4723.72 of the Revised Code;	35476 35477
(I) The information a dialysis provider is to provide to the board when attesting to a person's competence to perform dialysis;	35478 35479
(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;	35480 35481 35482 35483
(K) Any other procedures or requirements necessary for the administration and enforcement of sections 4723.71 to 4723.79 of the Revised Code.	35484 35485 35486

Sec. 4725.44. (A) The Ohio optical dispensers board shall be 35487
responsible for the administration of sections 4725.40 to 4725.59 35488
of the Revised Code and, in particular, shall process applications 35489
for licensure as licensed dispensing opticians; schedule, 35490
administer, and supervise the qualifying examinations for 35491
licensure or contract with a testing service to schedule, 35492
administer, and supervise the qualifying examination for 35493
licensure; issue licenses to qualified individuals; revoke and 35494
suspend licenses; and maintain adequate records with respect to 35495
its operations and responsibilities. 35496

(B) The board shall adopt, amend, or rescind rules, pursuant 35497
to Chapter 119. of the Revised Code, for the licensure of 35498
dispensing opticians, and such other rules as are required by or 35499
necessary to carry out the responsibilities imposed by sections 35500
4725.40 to 4725.59 of the Revised Code. 35501

(C) The board shall have no authority to adopt rules 35502
governing the employment of dispensing opticians, the location or 35503
number of optical stores, advertising of optical products or 35504
services, or the manner in which such products can be displayed. 35505

Sec. 4725.48. (A) Any person who desires to engage in optical 35506
dispensing, except as provided in section 4725.47 of the Revised 35507
Code, shall file a properly completed written application for an 35508
examination with the Ohio optical dispensers board or with the 35509
testing service the board has contracted with pursuant to section 35510
4725.49 of the Revised Code. The application for examination shall 35511
be made on a form provided by the board or testing service and 35512
shall be accompanied by an examination fee the board shall 35513
establish by rule. Applicants must return the application to the 35514
board or testing service at least sixty days prior to the date the 35515
examination is scheduled to be administered. 35516

(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. 35517
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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.~~ 35522
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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 take the qualifying examination for such practice, if, in addition to satisfying the criteria of division (A) of this section, he and~~ has successfully completed either of the following: 35530
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(1) Two years of supervised experience under a licensed dispensing optician, optometrist, or physician engaged in the practice of ophthalmology, up to one year of which may be continuous experience of not less than thirty hours a week in an optical laboratory; 35535
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(2) A two-year college level program in optical dispensing that has been approved by the board and that includes, but is not limited to, courses of study in mathematics, science, English, anatomy and physiology of the eye, applied optics, ophthalmic optics, measurement and inspection of lenses, lens grinding and edging, ophthalmic lens design, keratometry, and the fitting and adjusting of spectacle lenses and frames and contact lenses, including methods of fitting contact lenses and post-fitting care. 35540
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~~(C) A registered apprentice or a student in an approved college level program in optical dispensing may take the qualifying examination after completion of one year of the apprenticeship or program but shall not be eligible for licensure until he has completed the second year of the apprenticeship or program.~~

~~(D)~~ Any person who desires to obtain a license to practice as an ocularist shall file a properly completed written application with the board accompanied by the appropriate fee and proof that the applicant has met the requirements for licensure. The board shall establish, by rule, the application fee and the minimum requirements for licensure, including education, examination, or experience standards recognized by the board as national standards for ocularists. The board shall issue a license to practice as an ocularist to an applicant who satisfies the requirements of this division and rules adopted pursuant to this division.

Sec. 4725.49. (A) The Ohio optical dispensers board shall examine each applicant eligible for examination under section 4725.48 of the Revised Code. The board may provide for the examination of applicants by designing, preparing, and administering the qualifying examinations or by contracting with a testing service that is nationally recognized as being capable of determining competence to dispense optical aids as a licensed spectacle dispensing optician, a licensed contact lens dispensing optician, or a licensed spectacle-contact lens dispensing optician. Any examination used shall be designed to measure specific performance requirements, be professionally constructed and validated, and be independently and objectively administered and scored in order to determine the applicant's competence to dispense optical aids.

(B) The board shall ensure that it, or the testing service it contracts with, does all of the following: 35579
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(1) Provides public notice as to the date, time, and place for each examination at least ninety days prior to the examination; 35581
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(2) Offers each qualifying examination at least twice each year in Columbus, except as provided in division (C) of this section; 35584
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(3) Provides to each applicant all forms necessary to apply for examination; 35587
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(4) Provides all materials and equipment necessary for the applicant to take the examination. 35589
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(C) If the number of applicants for any qualifying examination is less than ten, the examination may be postponed. The board or testing service shall provide the applicant with written notification of the postponement and of the next date the examination is scheduled to be administered. 35591
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(D) No limitation shall be placed upon the number of times that an applicant may repeat any qualifying examination, except that, if an applicant fails an examination for a third time, the board may require that the applicant, prior to retaking the examination, undergo additional study in the areas of the examination in which ~~he~~ the applicant experienced difficulty. 35596
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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. 35602
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(B) The state medical board shall issue its certificate to practice medicine and surgery or osteopathic medicine and surgery as follows: 35605
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(1) The board shall issue its certificate to each individual 35608
who was admitted to the board's examination by meeting the 35609
educational requirements specified in division (B)(1) or (3) of 35610
section 4731.091 of the Revised Code if the individual passes the 35611
examination, pays a certificate issuance fee of three hundred 35612
dollars, and submits evidence satisfactory to the board that the 35613
individual has successfully completed not less than twelve months 35614
of graduate medical education or its equivalent as determined by 35615
the board. 35616

(2) Except as provided in section 4731.142 of the Revised 35617
Code, the board shall issue its certificate to each individual who 35618
was admitted to the board's examination by meeting the educational 35619
requirements specified in division (B)(2) of section 4731.091 of 35620
the Revised Code if the individual passes the examination, pays a 35621
certificate issuance fee of three hundred dollars, submits 35622
evidence satisfactory to the board that the individual has 35623
successfully completed not less than twenty-four months of 35624
graduate medical education through the second-year level of 35625
graduate medical education or its equivalent as determined by the 35626
board, and, if the individual passed the examination prior to 35627
completing twenty-four months of graduate medical education or its 35628
equivalent, the individual continues to meet the moral character 35629
requirements for admission to the board's examination. 35630

(C) Each certificate issued by the board shall be signed by 35631
its president and secretary, and attested by its seal. The 35632
certificate shall be on a form prescribed by the board and shall 35633
indicate the medical degree held by the individual to whom the 35634
certificate is issued. If the individual holds the degree of 35635
doctor of medicine, the certificate shall state that the 35636
individual is authorized to practice medicine and surgery pursuant 35637
to the laws of this state. If the individual holds the degree of 35638
doctor of osteopathic medicine, the certificate shall state that 35639

the individual is authorized to practice osteopathic medicine and surgery pursuant to the laws of this state. If the individual holds a medical degree other than the degree of doctor of medicine or doctor of osteopathic medicine, the certificate shall indicate the diploma, degree, or other document issued by the medical school or institution the individual attended and shall state that the individual is authorized to practice medicine and surgery pursuant to the laws of this state.

(D) The certificate shall be prominently displayed in the certificate holder's office or place where a major portion of the certificate holder's practice is conducted and shall entitle the holder to practice either medicine and surgery or osteopathic medicine and surgery provided the certificate holder maintains current registration as required by section 4731.281 of the Revised Code and provided further that such certificate has not been revoked, suspended, or limited by action of the state medical board pursuant to this chapter.

(E) An affirmative vote of not less than six members of the board is required for the issuance of a certificate.

~~(F) If an individual receives an initial or renewed training certificate under section 4731.291 of the Revised Code and not later than four months thereafter applies for a certificate under this section, the fee required by division (B)(1) of this section shall be reduced by the amount of the fee paid for the training certificate.~~

Sec. 4731.281. (A) On or before the deadline established under division (B) of this section for applying for renewal of a certificate of registration, each person holding a certificate under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery shall certify to the state medical board that in the preceding two years

the person has completed one hundred hours of continuing medical 35672
education. The certification shall be made upon the application 35673
for biennial registration submitted pursuant to division (B) of 35674
this section. The board shall adopt rules providing for pro rata 35675
reductions by month of the number of hours of continuing education 35676
required for persons who are in their first registration period, 35677
who have a registration period of less than two years due to 35678
initial implementation of the staggered renewal schedule 35679
established under division (B) of this section, who have been 35680
disabled due to illness or accident, or who have been absent from 35681
the country. 35682

In determining whether a course, program, or activity 35683
qualifies for credit as continuing medical education, the board 35684
shall approve all continuing medical education taken by persons 35685
holding a certificate to practice medicine and surgery that is 35686
certified by the Ohio state medical association, all continuing 35687
medical education taken by persons holding a certificate to 35688
practice osteopathic medicine and surgery that is certified by the 35689
Ohio osteopathic association, and all continuing medical education 35690
taken by persons holding a certificate to practice podiatry that 35691
is certified by the Ohio podiatric medical association. Each 35692
person holding a certificate to practice under this chapter shall 35693
be given sufficient choice of continuing education programs to 35694
ensure that the person has had a reasonable opportunity to 35695
participate in continuing education programs that are relevant to 35696
the person's medical practice in terms of subject matter and 35697
level. 35698

The board may require a random sample of persons holding a 35699
certificate to practice under this chapter to submit materials 35700
documenting completion of the continuing medical education 35701
requirement during the preceding registration period, but this 35702
provision shall not limit the board's authority to investigate 35703

pursuant to section 4731.22 of the Revised Code. 35704

(B)(1) Every person holding a certificate under this chapter 35705
to practice medicine and surgery, osteopathic medicine and 35706
surgery, or podiatric medicine and surgery wishing to renew that 35707
certificate shall apply to the board for a certificate of 35708
registration upon an application furnished by the board, and pay 35709
to the board at the time of application a fee of three hundred 35710
five dollars, according to the following schedule: 35711

(a) Persons whose last name begins with the letters "A" 35712
through "B," on or before April 1, 2001, and the first day of 35713
April of every odd-numbered year thereafter; 35714

(b) Persons whose last name begins with the letters "C" 35715
through "D," on or before January 1, 2001, and the first day of 35716
January of every odd-numbered year thereafter; 35717

(c) Persons whose last name begins with the letters "E" 35718
through "G," on or before October 1, 2000, and the first day of 35719
October of every even-numbered year thereafter; 35720

(d) Persons whose last name begins with the letters "H" 35721
through "K," on or before July 1, 2000, and the first day of July 35722
of every even-numbered year thereafter; 35723

(e) Persons whose last name begins with the letters "L" 35724
through "M," on or before April 1, 2000, and the first day of 35725
April of every even-numbered year thereafter; 35726

(f) Persons whose last name begins with the letters "N" 35727
through "R," on or before January 1, 2000, and the first day of 35728
January of every even-numbered year thereafter; 35729

(g) Persons whose last name begins with the letters "S," on 35730
or before October 1, 1999, and the first day of October of every 35731
odd-numbered year thereafter; 35732

(h) Persons whose last name begins with the letters "T" 35733

through "Z," on or before July 1, 1999, and the first day of July 35734
of every odd-numbered year thereafter. 35735

The board shall deposit the fee in accordance with section 35736
4731.24 of the Revised Code, except that, ~~until July 30, 2001,~~ the 35737
board shall deposit twenty dollars of the fee into the state 35738
treasury to the credit of the physician loan repayment fund 35739
created by section 3702.78 of the Revised Code. 35740

(2) The board shall mail or cause to be mailed to every 35741
person registered to practice medicine and surgery, osteopathic 35742
medicine and surgery, or podiatric medicine and surgery, an 35743
application for registration addressed to the person's last known 35744
post-office address or may cause the application to be sent to the 35745
person through the secretary of any recognized medical, 35746
osteopathic, or podiatric society, according to the following 35747
schedule: 35748

(a) To persons whose last name begins with the letters "A" 35749
through "B," on or before January 1, 2001, and the first day of 35750
January of every odd-numbered year thereafter; 35751

(b) To persons whose last name begins with the letters "C" 35752
through "D," on or before October 1, 2000, and the first day of 35753
October of every even-numbered year thereafter; 35754

(c) To persons whose last name begins with the letters "E" 35755
through "G," on or before July 1, 2000, and the first day of July 35756
of every even-numbered year thereafter; 35757

(d) To persons whose last name begins with the letters "H" 35758
through "K," on or before April 1, 2000, and the first day of 35759
April of every even-numbered year thereafter; 35760

(e) To persons whose last name begins with the letters "L" 35761
through "M," on or before January 1, 2000, and the first day of 35762
January of every even-numbered year thereafter; 35763

(f) To persons whose last name begins with the letters "N" 35764
through "R," on or before October 1, 1999, and the first day of 35765
October of every odd-numbered year thereafter; 35766

(g) To persons whose last name begins with the letters "S," 35767
on or before July 1, 1999, and the first day of July of every 35768
odd-numbered year thereafter; 35769

(h) To persons whose last name begins with the letters "T" 35770
through "Z," on or before April 1, 1999, and the first day of 35771
April of every odd-numbered year thereafter; 35772

Failure of any person to receive an application from the 35773
board shall not excuse the person from the requirements contained 35774
in this section. The application shall contain proper spaces for 35775
the applicant's signature and the insertion of the required 35776
information, including a statement that the person has fulfilled 35777
the continuing education requirements imposed by this section. 35778

The applicant shall write or cause to be written upon the 35779
application so furnished the applicant's full name, principal 35780
practice address and residence address, the number of the 35781
applicant's certificate to practice, and any other facts for the 35782
identification of the applicant as a person holding a certificate 35783
to practice under this chapter as the board considers necessary. 35784
The applicant shall include with the application a list of the 35785
names and addresses of any clinical nurse specialists, certified 35786
nurse-midwives, or certified nurse practitioners with whom the 35787
applicant is currently collaborating, as defined in section 35788
4723.01 of the Revised Code. The applicant shall execute and 35789
deliver the application to the board by mail or in person. Every 35790
person registered under this section shall give written notice to 35791
the board of any change of principal practice address or residence 35792
address or in the list within thirty days of the change. 35793

The applicant shall report any criminal offense that 35794

constitutes grounds for refusal of registration under section 35795
4731.22 of the Revised Code to which the applicant has pleaded 35796
guilty, of which the applicant has been found guilty, or for which 35797
the applicant has been found eligible for intervention in lieu of 35798
conviction, since last signing an application for a certificate of 35799
registration. 35800

(C) The board shall issue to any person holding a certificate 35801
under this chapter to practice medicine and surgery, osteopathic 35802
medicine and surgery, or podiatric medicine and surgery, upon 35803
application and qualification therefor in accordance with this 35804
section, a certificate of registration under the seal of the 35805
board. A certificate of registration shall be valid for a two-year 35806
period, commencing on the first day of the third month after the 35807
registration fee is due and expiring on the last day of the month 35808
two years thereafter. 35809

The board shall publish and cause to be mailed to each person 35810
registered under this section, upon request, a printed list of the 35811
persons so registered. 35812

(D) Failure of any certificate holder to register and comply 35813
with this section shall operate automatically to suspend the 35814
holder's certificate to practice. Continued practice after the 35815
suspension of the certificate to practice shall be considered as 35816
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 35817
the Revised Code. If the certificate has been suspended pursuant 35818
to this division for two years or less, it may be reinstated. The 35819
board shall reinstate a certificate to practice for failure to 35820
register upon an applicant's submission of the biennial 35821
registration fee, the applicable monetary penalty, and 35822
certification by signature of the applicant that the applicant has 35823
completed the requisite continuing medical education. The penalty 35824
for reinstatement shall be fifty dollars. If the certificate has 35825
been suspended pursuant to this division for more than two years, 35826

it may be restored. In accordance with section 4731.222 of the Revised Code, the board may restore a certificate to practice for failure to register upon an applicant's submission of a restoration application, the biennial registration fee, and the applicable monetary penalty. The penalty for restoration shall be one hundred dollars. The board shall deposit the penalties in accordance with section 4731.24 of the Revised Code.

(E) If an individual certifies completion of the number of hours and type of continuing medical education required to receive a certificate of registration or reinstatement of a certificate to practice, and the board finds through the random samples it conducts under this section or through any other means that the individual did not complete the requisite continuing medical education, the board may impose a civil penalty of not more than five thousand dollars. The board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six members.

A civil penalty imposed under this division may be in addition to or in lieu of any other action the board may take under section 4731.22 of the Revised Code. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.

(F) The state medical board may obtain information not protected by statutory or common law privilege from courts and other sources concerning malpractice claims against any person holding a certificate to practice under this chapter or practicing as provided in section 4731.36 of the Revised Code.

Sec. 4731.53. At the time an applicant files an application, the applicant shall file with the secretary of the state medical board evidence of preliminary education showing that the applicant has satisfactorily completed at least two years of collegiate work

in an approved college of arts and sciences in addition to high 35858
school graduation. When the entrance examiner finds the 35859
preliminary education of the applicant sufficient, the entrance 35860
examiner shall issue a certificate of preliminary examination upon 35861
the payment to the treasurer of the board of a fee of thirty-five 35862
dollars. Such certificate shall be attested by the secretary. 35863

The applicant shall also present a diploma from a college of 35864
podiatric medicine and surgery in good standing as defined by the 35865
board at the time the diploma was issued. The applicant shall 35866
present an affidavit that the applicant is the person named in the 35867
diploma and is the lawful possessor thereof stating the 35868
applicant's age, residence, the school at which the applicant 35869
obtained education in podiatric medicine and surgery, the time 35870
spent in the study of podiatric medicine and surgery, and such 35871
other facts as the board may require. 35872

The applicant shall also present proof of completion of one 35873
year of postgraduate training in a podiatric internship, 35874
residency, or clinical fellowship program accredited by the 35875
council on podiatric medical education or the American podiatric 35876
medical association. 35877

Sec. 4731.573. (A) An individual seeking to pursue an 35878
internship, residency, or clinical fellowship program in podiatric 35879
medicine and surgery in this state, who does not hold a 35880
certificate to practice podiatric medicine and surgery issued 35881
under this chapter, shall apply to the state medical board for a 35882
training certificate. The application shall be made on forms that 35883
the board shall furnish and shall be accompanied by an application 35884
fee of seventy-five dollars. 35885

An applicant for a training certificate shall furnish to the 35886
board all of the following: 35887

<u>(1) Evidence satisfactory to the board that the applicant is</u>	35888
<u>at least eighteen years of age and is of good moral character;</u>	35889
<u>(2) Evidence satisfactory to the board that the applicant has</u>	35890
<u>been accepted or appointed to participate in this state in one of</u>	35891
<u>the following:</u>	35892
<u>(a) An internship or residency program accredited by either</u>	35893
<u>the council on podiatric medical education or the American</u>	35894
<u>podiatric medical association;</u>	35895
<u>(b) A clinical fellowship program at an institution with a</u>	35896
<u>residency program accredited by either the council on podiatric</u>	35897
<u>medical education or the American podiatric medical association</u>	35898
<u>that is in a clinical field the same as or related to the clinical</u>	35899
<u>field of the fellowship program.</u>	35900
<u>(3) Information identifying the beginning and ending dates of</u>	35901
<u>the period for which the applicant has been accepted or appointed</u>	35902
<u>to participate in the internship, residency, or clinical</u>	35903
<u>fellowship program;</u>	35904
<u>(4) Any other information that the board requires.</u>	35905
<u>(B) If no grounds for denying a certificate under section</u>	35906
<u>4731.22 of the Revised Code apply and the applicant meets the</u>	35907
<u>requirements of division (A) of this section, the board shall</u>	35908
<u>issue a training certificate to the applicant. The board shall not</u>	35909
<u>require an examination as a condition of receiving a training</u>	35910
<u>certificate.</u>	35911
<u>A training certificate issued pursuant to this section shall</u>	35912
<u>be valid only for the period of one year, but may in the</u>	35913
<u>discretion of the board and upon application duly made, be renewed</u>	35914
<u>annually for a maximum of five years. The fee for renewal of a</u>	35915
<u>training certificate shall be thirty-five dollars.</u>	35916
<u>The board shall maintain a register of all individuals who</u>	35917

hold training certificates. 35918

(C) The holder of a valid training certificate shall be 35919
entitled to perform such acts as may be prescribed by or 35920
incidental to the holder's internship, residency, or clinical 35921
fellowship program, but the holder shall not be entitled otherwise 35922
to engage in the practice of podiatric medicine and surgery in 35923
this state. The holder shall limit activities under the 35924
certificate to the programs of the hospitals or facilities for 35925
which the training certificate is issued. The holder shall train 35926
only under the supervision of the podiatrists responsible for 35927
supervision as part of the internship, residency, or clinical 35928
fellowship program. A training certificate may be revoked by the 35929
board upon proof, satisfactory to the board, that the holder 35930
thereof has engaged in practice in this state outside the scope of 35931
the internship, residency, or clinical fellowship program for 35932
which the training certificate has been issued, or upon proof, 35933
satisfactory to the board, that the holder thereof has engaged in 35934
unethical conduct or that there are grounds for action against the 35935
holder under section 4731.22 of the Revised Code. 35936

(D) The board may adopt rules as the board finds necessary to 35937
effect the purpose of this section. 35938

Sec. 4734.20. (A) Except for persons seeking to practice 35940
chiropractic under a special limited license issued pursuant to 35941
section 4734.27 of the Revised Code, each person seeking to 35942
practice chiropractic in this state shall apply in writing to the 35943
state chiropractic board for a license to practice chiropractic. 35944
The application shall be made under oath, on a form prescribed by 35945
the board, and shall be accompanied by a fee of two hundred fifty 35946
dollars. 35947

(B) Except as provided in sections 4734.23 and 4734.24 of the 35948
Revised Code, to receive a chiropractic license, an applicant must 35949

meet the following conditions: 35950

(1) The applicant must be at least twenty-one years of age, 35951
be of good moral character, and possess a high school education or 35952
its equivalent. 35953

(2) The applicant must have successfully completed, prior to 35954
matriculation at a school or college of chiropractic, at least two 35955
years of college credit in the arts and sciences at a college or 35956
university accredited by a state or regional accrediting 35957
organization recognized by the board, except that the board may 35958
adopt rules in accordance with Chapter 119. of the Revised Code 35959
that require completion of additional years of college credit or 35960
receipt of a college degree in an area specified in the rules. 35961

(3) The applicant must be a graduate of and hold the degree 35962
of doctor of chiropractic from a school or college of chiropractic 35963
approved by the board under section 4734.21 of the Revised Code. 35964
35965

(4) The applicant must have received one of the following 35966
from the national board of chiropractic examiners, as appropriate 35967
according to the date of the applicant's graduation from a school 35968
or college of chiropractic: 35969

(a) If the applicant graduated on or after January 1, 1970, 35970
but before January 1, 1989, a "diplomate certificate" or 35971
"certificate of attainment" evidencing passage of parts I and II 35972
and the physiotherapy section of the national board's 35973
examinations; 35974

(b) If the applicant graduated on or after January 1, 1989, 35975
but before January 1, ~~2000~~ 2002, a "certificate of attainment" 35976
evidencing passage of parts I, II, and III and the physiotherapy 35977
section of the national board's examinations; 35978

(c) If the applicant graduated on or after January 1, ~~2000~~ 35979
2002, a "certificate of attainment" evidencing passage of parts I, 35980

II, III, and IV and the physiotherapy section of the national board's examinations. 35981
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(5) The applicant must have passed the board's jurisprudence examination conducted under section 4734.22 of the Revised Code. 35983
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(C) The board shall issue a license to practice chiropractic to each applicant who files a complete application, pays all applicable fees, and meets the conditions specified in division (B) of this section. The burden of proof is on the applicant, to prove by clear and convincing evidence to the board, that the applicant meets the conditions for receipt of the license. 35985
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The board may conduct any investigation it considers appropriate to verify an applicant's credentials, moral character, and fitness to receive a license. In conducting an investigation, the board may request information from the records maintained by the federal bureau of investigation, the bureau of criminal identification and investigation, and any other repositories of criminal records held in this or another state. The board may charge the applicant a fee for conducting the investigation. The amount of the fee shall not exceed the expenses the board incurs in conducting the investigation and may include any fees that must be paid to obtain information in the criminal record. 35991
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Sec. 4736.12. (A) The state board of sanitarian registration shall charge the following fees: 36002
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(1) To apply as a sanitarian-in-training, ~~fifty-five~~ fifty-seven dollars; 36004
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(2) For sanitarians-in-training to apply for registration as sanitarians, ~~fifty-five~~ fifty-seven dollars. The applicant shall pay this fee only once regardless of the number of times the applicant takes an examination required under section 4736.08 of the Revised Code. 36006
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(3) For persons other than sanitarians-in-training to apply for registration as sanitarians, including persons meeting the requirements of section 4736.16 of the Revised Code, one hundred ~~ten~~ fourteen dollars. The applicant shall pay this fee only once regardless of the number of times the applicant takes an examination required under section 4736.08 of the Revised Code.

(4) The renewal fee for registered sanitarians shall be fixed by the board and shall not exceed ~~fifty-eight~~ sixty-one dollars.

(5) The renewal fee for sanitarians-in-training shall be fixed by the board and shall not exceed ~~fifty-eight~~ sixty-one dollars.

(6) For late application for renewal, twenty-five dollars.

The board of sanitarian registration, with the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed the amounts permitted by this section by more than fifty per cent.

(B) The board of sanitarian registration shall charge separate fees for examinations as required by section 4736.08 of the Revised Code, provided that the fees are not in excess of the actual cost to the board of conducting the examinations.

(C) The board of sanitarian registration may adopt rules establishing fees for all of the following:

(1) Application for the registration of a training agency approved under rules adopted by the board pursuant to section 4736.11 of the Revised Code and for the annual registration renewal of an approved training agency.

(2) Application for the review of continuing education hours submitted for the board's approval by approved training agencies or by registered sanitarians or sanitarians-in-training.

Sec. 4736.14. The state board of sanitarian registration may, 36041
upon application and proof of valid registration, issue a 36042
certificate of registration to any ~~resident of this state~~ person 36043
who is or has been registered as a sanitarian by any other state, 36044
if the requirements of that state at the time of such registration 36045
are determined by the board to be at least equivalent to the 36046
requirements of this chapter. 36047

Sec. 4743.05. Except as otherwise provided in sections 36048
4701.20~~7~~ and 4729.65 of the Revised Code, all money collected 36049
under Chapters 3773., 4701., 4703., 4709., 4713., 4715., 4717., 36050
4723., 4725., 4729., 4732., 4733., 4734., 4736., 4741., 4753., 36051
4755., 4757., 4759., and 4761. of the Revised Code, and until 36052
December 31, 2004, money collected under Chapter 4779. of the 36053
Revised Code, shall be paid into the state treasury to the credit 36054
of the occupational licensing and regulatory fund, which is hereby 36055
created for use in administering such chapters. ~~Money deposited to~~ 36056
~~the credit of the fund under section 4731.24 of the Revised Code~~ 36057
~~shall be used until July 1, 1998, for administering Chapters 4730.~~ 36058
~~and 4731. of the Revised Code.~~ 36059

At the end of each quarter, the director of budget and 36060
management shall transfer from the occupational licensing and 36061
regulatory fund to the nurse education assistance fund created in 36062
section 3333.28 of the Revised Code the amount certified to the 36063
director under division (B) of section 4723.08 of the Revised 36064
Code. 36065

~~At the end of the first quarter of 1995 and at the end of~~ 36066
each quarter ~~thereafter~~, the director shall transfer from the 36067
occupational licensing and regulatory fund to the certified public 36068
accountant education assistance fund created in section 4701.26 of 36069
the Revised Code the amount certified to the director under 36070
division ~~(D)~~(H)(2) of section 4701.10 of the Revised Code. 36071

Sec. 4755.01. As used in sections 4755.01 to 4755.12 and 36072
section 4755.99 of the Revised Code: 36073

(A) "Occupational therapy" means the evaluation of learning 36074
and performance skills and the analysis, selection, and adaptation 36075
of activities for an individual whose abilities to cope with daily 36076
living, perform tasks normally performed at ~~his~~ the individual's 36077
stage of development, and perform vocational tasks are threatened 36078
or impaired by developmental deficiencies, the aging process, 36079
environmental deprivation, or physical, psychological, or social 36080
injury or illness, through specific techniques which include: 36081

(1) Planning and implementing activities and programs to 36082
improve sensory and motor functioning at the level of performance 36083
normal for the individual's stage of development; 36084

(2) Teaching skills, behaviors, and attitudes crucial to the 36085
individual's independent, productive, and satisfying social 36086
functioning; 36087

(3) Designing, fabricating, applying, recommending, and 36088
instructing in the use of selected orthotic or prosthetic devices 36089
and other equipment which assists the individual to adapt to ~~his~~ 36090
the individual's potential or actual impairment; 36091

(4) Analyzing, selecting, and adapting activities to maintain 36092
the individual's optimal performance of tasks and to prevent 36093
further disability; 36094

(5) Administration of topical drugs that have been prescribed 36095
by a licensed health professional authorized to prescribe drugs, 36096
as defined in section 4729.01 of the Revised Code. 36097

(B) "Occupational therapist" means a person who is licensed 36098
to practice occupational therapy and who offers such services to 36099
the public under any title incorporating the words "occupational 36100
therapy," "occupational therapist," or any similar title or 36101

description of services. 36102

(C) "Occupational therapy assistant" means a person licensed 36103
to apply the more standard occupational therapy techniques under 36104
the general supervision of an occupational therapist. 36105

Sec. 4761.05. (A) The Ohio respiratory care board shall issue 36106
a license to any applicant who complies with the requirements of 36107
section 4761.04 of the Revised Code, files the prescribed 36108
application form, and pays the fee or fees required under section 36109
4761.07 of the Revised Code. The license entitles the holder to 36110
practice respiratory care. The licensee shall display the license 36111
in a conspicuous place at the licensee's principal place of 36112
business. 36113

(B)(1) The board shall issue a limited permit to any 36114
applicant who meets the requirements of division (A)(1) of section 36115
4761.04 of the Revised Code, files the prescribed application 36116
form, pays the fee required under section 4761.07 of the Revised 36117
Code, and meets either of the following requirements: 36118

(a) Is enrolled in and is in good standing in a respiratory 36119
care educational program approved by the board that meets the 36120
requirements of division (A)(2) of section 4761.04 of the Revised 36121
Code leading to a degree or certificate of completion or is a 36122
graduate of the program; 36123

(b) Is employed as a provider of respiratory care in this 36124
state and was employed as a provider of respiratory care in this 36125
state prior to March 14, 1989. 36126

(2) The limited permit authorizes the holder to provide 36127
respiratory care under the supervision of a respiratory care 36128
professional. A person issued a limited permit under division 36129
(B)(1)(a) of this section may practice respiratory care under the 36130
limited permit for not more than the earliest of the following: 36131

(a) Three years after the date the limited permit is issued;	36132
(b) One year following the date of receipt of a certificate of completion from a board-approved respiratory care education program;	36133 36134 36135
(c) Until the holder completes or discontinues participation in the educational program.	36136 36137
The board may extend the term of a limited permit in cases of unusual hardship. The holder seeking an extension shall petition the board in the form and manner prescribed by the board in rules adopted under section 4761.03 of the Revised Code. This division does not require a student enrolled in an educational program leading to a degree or certificate of completion in respiratory care approved by the board to obtain a limited permit to perform any duties that are part of the required course of study.	36138 36139 36140 36141 36142 36143 36144 36145
(3) A person issued a limited permit under division (B)(1)(b) of this section may practice under a limited permit for not more than three years, except that this restriction does not apply to a permit holder who, on March 14, 1989, has been employed as a provider of respiratory care for an average of not less than twenty-five hours per week for a period of not less than five years by a hospital.	36146 36147 36148 36149 36150 36151 36152
(C) All holders of licenses and limited permits issued under this section shall display, in a conspicuous place on their persons, information that identifies the type of authorization under which they practice.	36153 36154 36155 36156
<u>Sec. 4771.22. The Ohio athletic commission shall deposit all money it receives under this chapter to the credit of the athlete agents registration fund, which is hereby created in the state treasury. The commission shall use the fund to administer and enforce this chapter.</u>	36157 36158 36159 36160 36161

Sec. 4775.01. As used in this chapter:	36162
(A) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.	36163 36164
(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>	36165 36166 36167 36168 36169
(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>	36170 36171 36172 36173 36174 36175 36176 36177 36178 36179
(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>	36180 36181 36182 36183 36184 36185 36186 36187 36188
(1) An employee, other than a manager, of a motor vehicle collision repair operator;	36189 36190
(2) A motor vehicle dealer licensed pursuant to sections	36191

4517.01 to 4517.45 of the Revised Code;	36192
(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;	36193 36194 36195
(4) A motor vehicle auction owner licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code;	36196 36197
(5) A motor vehicle leasing dealer licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code;	36198 36199
(6) A motor vehicle salvage dealer licensed pursuant to sections 4738.01 to 4738.18 <u>Chapter 4738.</u> of the Revised Code;	36200 36201
(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;	36202 36203 36204 36205 36206
(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;	36207 36208 36209 36210 36211
(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;	36212 36213 36214 36215
(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.	36216 36217 36218 36219 36220
(C) <u>(E)</u> "Motor vehicle collision repair facility" means a	36221

~~business~~ location ~~in~~ from which five or more separate motor 36222
vehicle collision repairs are performed ~~for the general public on~~ 36223
motor vehicles in a twelve-month period, commencing with the day 36224
of the month in which the first such repair is made. 36225

Sec. 4775.02. (A) No person shall act as a motor vehicle 36226
collision repair operator unless the person is registered in 36227
accordance with this chapter. 36228

(B) Any person or entity that conducts or attempts to conduct 36229
business as a motor vehicle collision repair operator in violation 36230
of this chapter performs an unfair and deceptive act or practice 36231
in violation of section 1345.02 of the Revised Code. 36232

Sec. 4775.08. (A) The initial and annual renewal fee for a 36233
motor vehicle collision repair registration certificate and for a 36234
temporary motor vehicle collision repair registration certificate 36235
is one hundred fifty dollars for each business location at which 36236
the motor vehicle collision repair operator conducts business as 36237
an operator, except that the board of motor vehicle collision 36238
repair registration, with the approval of the controlling board, 36239
may establish fees in excess of or less than that amount, provided 36240
that such fees do not exceed or are not less than that amount by 36241
more than fifty per cent. 36242

The board shall adjust the fees as necessary in order to 36243
provide for the expenses associated with carrying out this chapter 36244
without causing an excessive build-up of surplus funds in the 36245
motor vehicle collision repair registration fund, which is hereby 36246
created in the state treasury. 36247

(B) If the board has notified or attempted to notify a motor 36248
vehicle collision repair operator that the operator is required to 36249
be registered under this chapter, and the operator fails to 36250
register, the initial fee for the registration of such an 36251

unregistered operator for each business location at which the 36252
operator conducts business as an operator, is the initial fee then 36253
in effect plus an additional amount equal to the initial fee then 36254
in effect for each calendar year that the operator is not 36255
registered after the board has notified or attempted to notify the 36256
operator. 36257

(C) The board shall deposit all fees and fines collected 36258
under this chapter into the motor vehicle collision repair 36259
registration fund, which is hereby created in the state treasury. 36260
The board shall use the fund solely for the administration and 36261
enforcement of this chapter. 36262

Sec. 4775.99. (A) Whoever violates section 4775.02 of the 36263
Revised Code shall be fined not more than one thousand dollars on 36264
a first offense. On each subsequent offense, the offender shall be 36265
fined not less than one thousand nor more than five thousand 36266
dollars. 36267

(B) After conducting an investigation and upon establishing 36268
that a violation of section 4775.02 of the Revised Code has 36269
occurred, the board of motor vehicle collision repair 36270
registration, in addition to any other action it may take or any 36271
other penalty imposed pursuant to this chapter, may impose an 36272
administrative fine on the person or entity that committed the 36273
violation in an amount of not more than one thousand dollars on a 36274
first offense. On each subsequent offense, the board may impose an 36275
administrative fine of not less than one thousand dollars nor more 36276
than five thousand dollars. If the administrative fine is not 36277
paid, the attorney general, upon the board's request, shall 36278
commence a civil action to collect the administrative fine. 36279

Sec. 4779.01. As used in this chapter: 36280

(A) "Accommodative" means designed with the primary goal of 36281

conforming to the anatomy of a particular individual.	36282
(B) "Full-time" means not less than one thousand six hundred hours per year.	36283 36284
(C) "Inlay" means any removable material on which the foot rests inside a shoe and that may be an integral design component of the shoe.	36285 36286 36287
(D) "Orthotics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of an orthotic or pedorthic device, or the repair, replacement, adjustment, or service of an existing orthotic or pedorthic device. It does not include upper extremity adaptive equipment used to facilitate the activities of daily living, finger splints, <u>wrist splints, prefabricated elastic or fabric abdominal supports with or without metal or plastic reinforcing stays and other prefabricated soft goods requiring minimal fitting</u> , nontherapeutic accommodative inlays, shoes that are not manufactured or modified for a particular individual, prefabricated foot care products, durable medical equipment, dental appliances, pedorthic devices, or devices implanted into the body by a physician.	36288 36289 36290 36291 36292 36293 36294 36295 36296 36297 36298 36299 36300 36301
(E) "Orthotic device" means a custom fabricated or fitted medical device used to support, correct, or alleviate neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity.	36302 36303 36304 36305
(F) "Pedorthics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of a pedorthic device, or the repair, replacement, adjustment, or servicing of a pedorthic device.	36306 36307 36308 36309
(G) "Pedorthics device" means a custom fabricated or fitted therapeutic shoe, shoe modification for therapeutic purposes, prosthetic filler of the forefoot, or foot orthosis for use from	36310 36311 36312

the apex of the ~~medical malleus~~ medial malleolus and below. It 36313
does not include an arch support, a nontherapeutic accommodative 36314
inlay, nontherapeutic accommodative footwear, prefabricated 36315
footcare products, or unmodified, over-the-counter shoes. 36316

(H) "Prosthetics" means the evaluation, measurement, design, 36317
fabrication, assembly, fitting, adjusting, servicing, or training 36318
in the use of a prosthesis or pedorthic device, or the repair, 36319
replacement, adjustment, or service of a prosthesis or pedorthic 36320
device. 36321

(I) "Prosthesis" means a custom fabricated or fitted medical 36322
device used to replace a missing appendage or other external body 36323
part. It includes an artificial limb, hand, or foot, but does not 36324
include devices implanted into the body by a physician, artificial 36325
eyes, intraocular lenses, dental appliances, ostomy products, 36326
cosmetic devices such as breast prostheses, eyelashes, wigs, or 36327
other devices that do not have a significant impact on the 36328
musculoskeletal functions of the body. 36329

Sec. 4779.02. (A) Except as provided in division (B) of this 36330
section, no person shall practice or represent that the person is 36331
authorized to practice orthotics, prosthetics, or pedorthics 36332
unless the person holds a current, valid license issued or renewed 36333
under this chapter. 36334

(B) Division (A) of this section does not apply to any of the 36335
following: 36336

(1) An individual who holds a current, valid license, 36337
certificate, or registration issued under Chapter 4723., 4730., 36338
4731., 4734., or 4755. of the Revised Code and is practicing 36339
within the individual's scope of practice under statutes and rules 36340
regulating the individual's profession; 36341

(2) An individual who practices orthotics, prosthetics, or 36342

pedorthics as an employee of the federal government and is engaged 36343
in the performance of duties prescribed by statutes and 36344
regulations of the United States; 36345

(3) An individual who provides orthotic, prosthetic, or 36346
pedorthic services under the supervision of a licensed orthotist, 36347
prosthetist, or pedorthist in accordance with section 4779.04 of 36348
the Revised Code; 36349

(4) An individual who provides orthotic, prosthetic, or 36350
pedorthic services as part of an educational, certification, or 36351
residency program approved by the board under sections 4779.25 to 36352
4779.27 of the Revised Code; 36353

(5) An individual who provides orthotic, prosthetic, or 36354
pedorthic services under the direct supervision of an individual 36355
authorized under Chapter 4731. of the Revised Code to practice 36356
medicine and surgery or osteopathic medicine and surgery. 36357

Sec. 4779.16. The state board of orthotics, prosthetics, and 36358
pedorthics shall issue a license under section 4779.09 of the 36359
Revised Code to practice orthotics, prosthetics, orthotics and 36360
prosthetics, or pedorthics without examination to an applicant who 36361
meets the requirements of divisions (A) and (B) of this section: 36362

(A) Not later than July 27, 2001, applies to the board in 36363
accordance with section 4779.09 of the Revised Code; 36364

(B)(1) In the case of an applicant for a license to practice 36365
orthotics, is actively practicing or teaching orthotics on October 36366
27, 2000, and complies with division (B)~~(2)~~(1)(a) or (b) of this 36367
section: 36368

(a) The applicant meets all of the following requirements: 36369

(i) Holds a bachelor's degree or higher from a nationally 36370
accredited college or university in the United States; 36371

(ii) Has completed a certificate program in orthotics	36372
approved by the board under section 4779.26 of the Revised Code;	36373
(iii) Is certified in orthotics by the American board for	36374
certification in orthotics and prosthetics, the board of	36375
orthotist/prosthetist certification, or an equivalent successor	36376
organization recognized by the board;	36377
(iv) Has completed a residency program approved by the board	36378
under section 4779.27 of the Revised Code.	36379
(b) The individual meets both of the following requirements:	36380
(i) Has a minimum of three years of documented, full-time	36381
experience practicing or teaching orthotics;	36382
(ii) Has passed the certification examination in orthotics	36383
developed by the American board of certification in orthotics and	36384
prosthetics, the board of orthotist/prosthetist certification, or	36385
an equivalent organization recognized by the board.	36386
(2) In the case of an applicant for a license to practice	36387
prosthetics, is actively practicing or teaching prosthetics on	36388
October 27, 2000, and complies with division (B)(2)(a) or (b) of	36389
this section:	36390
(a) The applicant meets all of the following requirements:	36391
(i) Holds a bachelor's degree or higher from a nationally	36392
accredited college or university in the United States;	36393
(ii) Has completed a certificate program in prosthetics	36394
approved by the board under section 4779.26 of the Revised Code;	36395
(iii) Is certified in prosthetics by the American board for	36396
certification in orthotics and prosthetics, the board of	36397
orthotist/prosthetist certification, or an equivalent successor	36398
organization recognized by the board;	36399
(iv) Has completed a residency program approved by the board	36400

under section 4779.27 of the Revised Code.	36401
(b) The applicant meets both of the following requirements:	36402
(i) Has a minimum of three years of documented, full-time experience practicing or teaching prosthetics;	36403 36404
(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.	36405 36406 36407 36408
(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:	36409 36410 36411
(a) The applicant meets all of the following requirements:	36412
(i) Holds a bachelor's degree or higher from an accredited college or university in the United States;	36413 36414
(ii) Has completed a certificate program in orthotics and prosthetics approved by the board under section 4779.26 of the Revised Code;	36415 36416 36417
(iii) Has completed a residency program in orthotics and prosthetics approved under section 4779.27 of the Revised Code;	36418 36419
(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;	36420 36421 36422 36423
(b) The applicant meets both of the following requirements:	36424
(i) Has a minimum of six years of documented, full-time experience practicing or teaching orthotics and prosthetics;	36425 36426
(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	36427 36428 36429

certification, or an equivalent organization recognized by the board. 36430
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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. 36432
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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. 36436
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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. 36443
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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. 36450
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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 36457
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following: 36460

(1) In the case of an individual licensed as an orthotist or 36461
prosthetist, the individual has completed within the preceding 36462
three years forty-five continuing education units granted by the 36463
board under section 4779.24 of the Revised Code; 36464

(2) In the case of an individual licensed as a prosthetist 36465
and orthotist, the individual has completed within the preceding 36466
three years seventy-five continuing education units granted by the 36467
board under section 4779.24 of the Revised Code; 36468

(3) In the case of an individual licensed as a pedorthist, 36469
the individual has completed within the previous three years the 36470
continuing education courses required by the board for 36471
certification in pedorthics or an equivalent organization 36472
recognized by the board. 36473

Sec. 4779.26. The state board of orthotics, prosthetics, and 36474
pedorthics shall recognize a certificate program in orthotics, 36475
prosthetics, or orthotics and prosthetics if the program satisfies 36476
all of the following requirements: 36477

(A) Meets the requirements in divisions (B), (C), (D), (E), 36478
(F), (K), and (L) of section ~~4779.24~~ 4779.25 of the Revised Code; 36479

(B) In the case of a certificate program in orthotics, the 36480
program does all of the following: 36481

(1) Provides not less than two semesters or three quarters of 36482
instruction in orthotics; 36483

(2) Requires students to complete not less than two hundred 36484
fifty hours of supervised clinical experience that focuses on 36485
patient-related activities, recommendation, measurement, 36486
impression-taking, model rectification, fabrication, fitting, and 36487
evaluating patients in the use and function of orthotics; 36488

(3) Meets the requirements in divisions (G) and (H) of 36489

section 4779.25 of the Revised Code. 36490

(C) In the case of a certificate program in prosthetics, the 36491
program does all of the following: 36492

(1) Provides not less than two semesters or three quarters of 36493
instruction in prosthetics; 36494

(2) Requires students to complete not less than two hundred 36495
fifty hours of supervised clinical experience that focuses on 36496
patient-related activities, recommendation, measurement, 36497
impression-taking, model rectification, fabrication, fitting, and 36498
evaluating patients in the use and function of prosthetics; 36499

(3) Meets the requirements in divisions (F) and (I) of 36500
section 4779.25 of the Revised Code. 36501

(D) In the case of a certificate program in orthotics and 36502
prosthetics, the program does both of the following: 36503

(1) Provides not less than two semesters or three quarters of 36504
instruction in orthotics and two semesters or three quarters of 36505
instruction in prosthetics; 36506

(2) Meets the requirements in divisions (H) and (I) of 36507
section 4779.25 of the Revised Code. 36508

Sec. 4905.87. (A) To the extent funding is available in the 36509
biomass energy program fund, the public utilities commission shall 36510
maintain a program to promote the development and use of biomass 36511
energy. 36512

(B) The biomass energy program fund is hereby created in the 36513
state treasury. Money received by the commission for the program 36514
maintained under this section shall be credited to the fund, and 36515
used for that program. 36516

Sec. 4911.17. There is hereby created a nine-member 36518

consumers' counsel governing board consisting of three 36519
representatives of organized groups representing each of the 36520
following areas: labor; residential consumers; and family farmers. 36521
No more than five members of this board may be members of the same 36522
political party. 36523

The members of the board shall be appointed by the attorney 36524
general with the advice and consent of the senate. 36525

No later than January 1, 1977, the attorney general shall 36526
make initial appointments to the board. Of the initial 36527
appointments made to the board, three shall be for a term ending 36528
one year after September 1, 1976, three shall be for a term ending 36529
two years after that date, and three shall be for a term ending 36530
three years after that date. Thereafter, terms of office shall be 36531
for three years, each term ending on the same day of the same 36532
month of the year as did the term that it succeeds. Each member 36533
shall hold office from the date of the member's appointment until 36534
the end of the term for which the member was appointed. Any member 36535
appointed to fill a vacancy occurring prior to the expiration of 36536
the term for which the member's predecessor was appointed shall 36537
hold office for the remainder of that term. Any member shall 36538
continue in office subsequent to the expiration date of the 36539
member's term until the member's successor takes office. 36540

The governing board ~~shall meet within thirty days after all~~ 36541
~~appointments have been made and select from among its membership a~~ 36542
~~chairperson and vice-chairperson.~~ The board shall meet at least 36543
every ~~other~~ third month ~~thereafter~~ of the year. Meetings may be 36544
held more often at the request of a majority of the members or 36545
upon call of the chairperson. A At the first meeting of each year, 36546
the board shall select a chairperson and vice-chairperson. With 36547
the approval of the board, the chairperson may designate the 36548
vice-chairperson to perform the duties of the chairperson, 36549
including those provided in section 4901.021 of the Revised Code. 36550

A majority of the members constitutes a quorum. No action shall be taken without the concurrence of a majority of the full membership of the board. The consumers' counsel shall at all times remain responsible to the governing board. Members of the board shall be compensated at the rate of one hundred fifty dollars per board meeting attended in person, not to exceed one thousand two hundred dollars per year. All members shall be reimbursed for actual and necessary expenses incurred in the performance of ~~the~~ their official duties.

The board shall submit to the general assembly no later than the first day of April, annually, a report outlining the expenditures of the office of consumers' counsel, a full record of participation in any and all proceedings, and an outline of other relevant activities of the office.

Sec. 4921.18. (A) Every motor transportation company or common carrier by motor vehicle operating in this state shall, at the time of the issuance of a certificate of public convenience and necessity to it and annually thereafter on or between the first and the fifteenth days of July of each year, pay to the public utilities commission, for and on behalf of the treasurer of state, the following taxes:

(1) For each motor-propelled or motor-drawn vehicle used for transporting persons, ~~multiply the normal number of passengers that can be seated at one time in each such vehicle by four~~ thirty dollars;

(2) For each commercial tractor, as defined in section 4501.01 of the Revised Code, used for transporting property, thirty dollars;

(3) For each motor truck transporting property, twenty dollars;

~~(4) For each motor-propelled vehicle used for transporting both persons and property simultaneously, the tax shall be computed on the basis of either property transportation or passenger capacity, and the basis which yields the greater revenue shall apply.~~

(B) A trailer used by a motor transportation company or common carrier by motor vehicle shall not be taxed under this section.

(C) The annual tax levied by this section does not apply in those cases where the commission finds that the movement of agricultural commodities or foodstuffs produced therefrom requires a temporary and seasonal use of vehicular equipment for a period of not more than ninety days. In such event the tax on such vehicular equipment shall be twenty-five per cent of the annual tax levied by this section. If any vehicular equipment is used in excess of such ninety-day period the annual tax levied by this section shall be paid.

(D) Any motor-propelled or motor-drawn vehicle used for transporting persons, commercial tractor as defined in section 4501.01 of the Revised Code, or motor truck used for the transportation of property, with respect to which the tax imposed by this section has been paid, may be used by another motor transportation company or common carrier, or by a private motor carrier or contract carrier, without further payment of the tax imposed by this section or by section 4923.11 of the Revised Code.

(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.

(F) All taxes levied upon the issuance of a certificate to

any motor transportation company or common carrier by motor 36612
vehicle shall be reckoned as from the beginning of the quarter in 36613
which such certificate is issued or the use of equipment under any 36614
existing certificate began. 36615

Sec. 4923.11. (A) Every private motor carrier or contract 36616
carrier by motor vehicle operating in this state shall, at the 36617
time of the issuance of its permit, and annually thereafter on or 36618
between the first and fifteenth days of July of each year, pay to 36619
the public utilities commission for and on behalf of the treasurer 36620
of state, the following taxes: 36621

(1) For each motor-propelled or motor-drawn vehicle used for 36622
transporting persons, ~~multiply the normal number of passengers~~ 36623
~~that can be seated at one time in each such vehicle by four thirty~~ 36624
dollars; 36625

(2) For each commercial tractor, as defined in section 36626
4501.01 of the Revised Code, used for transporting property, 36627
thirty dollars; 36628

(3) For each motor truck transporting property, twenty 36629
dollars; 36630

~~(4) For each motor-propelled vehicle used for transporting 36631
both persons and property simultaneously, the tax shall be 36632
computed on the basis of either property transportation or 36633
passenger capacity, and the basis which yields the greater revenue 36634
shall apply. 36635~~

(B) A trailer used by a private motor carrier or contract 36636
carrier by motor vehicle shall not be taxed under this section. 36637

(C) The annual tax levied by this section does not apply in 36638
those cases where the commission finds that the movement of 36639
agricultural commodities or foodstuffs produced from agricultural 36640
commodities requires a temporary and seasonal use of vehicular 36641

equipment for a period of not more than ninety days. In that event 36642
the tax on such vehicular equipment shall be twenty-five per cent 36643
of the annual tax levied by this section. If any vehicular 36644
equipment is used in excess of such ninety-day period the annual 36645
tax levied by this section shall be paid. 36646

(D) Any motor-propelled or motor-drawn vehicle used for 36647
transporting persons, commercial tractor as defined in section 36648
4501.01 of the Revised Code, or motor truck used for the 36649
transportation of property, with respect to which the tax imposed 36650
by this section has been paid, may be used by a motor 36651
transportation company or common carrier, or by another private 36652
motor carrier or contract carrier, without further payment of the 36653
tax imposed by this section or by section 4921.18 of the Revised 36654
Code. 36655

(E) The commission shall account for the taxes collected 36656
pursuant to this section, and shall pay such taxes to the 36657
treasurer of state pursuant to section 4923.12 of the Revised Code 36658
on or before the fifteenth day of each month for the taxes 36659
collected in each preceding month. 36660

(F) All taxes levied upon the issuance of a permit to any 36661
private motor carrier or contract carrier by motor vehicle shall 36662
be reckoned as from the beginning of the quarter in which such 36663
permit is issued or the use of equipment under any existing permit 36664
began. 36665

Sec. 5101.14. (A) Within available funds, the department of 36666
job and family services shall make payments to the counties within 36667
thirty days after the beginning of each calendar quarter for a 36668
part of their costs for services to children performed pursuant to 36669
Chapter 5153. of the Revised Code. 36670

Funds provided to the county under this section shall be 36671
deposited into the children services fund created pursuant to 36672

section 5101.144 of the Revised Code.	36673
(B)(1) The funds distributed under this section shall be used	36674
for the following:	36675
(a) Home-based services to children and families;	36676
(b) Protective services to children;	36677
(c) To find, develop, and approve adoptive homes;	36678
(d) Short-term, out-of-home care and treatment for children;	36679
(e) Costs for the care of a child who resides with a	36680
caretaker relative, other than the child's parent, and is in the	36681
legal custody of a public children services agency pursuant to a	36682
voluntary temporary custody agreement entered into under division	36683
(A) of section 5103.15 of the Revised Code or in the legal custody	36684
of a public children services agency or the caretaker relative	36685
pursuant to an allegation or adjudication of abuse, neglect, or	36686
dependency made under Chapter 2151. of the Revised Code;	36687
(f) Other services a public children services agency	36688
considers necessary to protect children from abuse, neglect, or	36689
dependency.	36690
(2) No funds distributed under this section shall be used for	36691
the costs of maintaining a child in a children's home owned and	36692
operated by the county.	36693
(C) In each fiscal year, the amount of funds available for	36694
distribution under this section shall be allocated to counties as	36695
follows:	36696
(1) If the amount is less than the amount initially	36697
appropriated for the immediately preceding fiscal year, each	36698
county shall receive an amount equal to the percentage of the	36699
funding it received in the immediately preceding fiscal year,	36700
exclusive of any releases from or additions to the allocation or	36701
any sanctions imposed under this section;	36702

(2) If the amount is equal to the amount initially 36703
appropriated for the immediately preceding fiscal year, each 36704
county shall receive an amount equal to the amount it received in 36705
the preceding fiscal year, exclusive of any releases from or 36706
additions to the allocation or any sanctions imposed under this 36707
section; 36708

(3) If the amount is greater than the amount initially 36709
appropriated for the immediately preceding fiscal year, each 36710
county shall receive the amount determined under division (C)(2) 36711
of this section as a base allocation, plus a percentage of the 36712
amount that exceeds the amount initially appropriated for the 36713
immediately preceding fiscal year. The amount exceeding the amount 36714
initially appropriated in the immediately preceding fiscal year 36715
shall be allocated to the counties as follows: 36716

(a) Twelve per cent divided equally among all counties; 36717

(b) Forty-eight per cent in the ratio that the number of 36718
residents of the county under the age of eighteen bears to the 36719
total number of such persons residing in this state; 36720

(c) Forty per cent in the ratio that the number of residents 36721
of the county with incomes under the federal poverty guideline 36722
bears to the total number of such persons in this state. 36723

As used in division (C)(3)(c) of this section, "federal 36724
poverty guideline" means the poverty guideline as defined by the 36725
United States office of management and budget and revised by the 36726
United States secretary of health and human services in accordance 36727
with section 673 of the "Community Services Block Grant Act," 95 36728
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 36729

(D) The director of job and family services may adopt rules 36730
as necessary for the allocation of funds under this section. The 36731
rules shall be adopted in accordance with section 111.15 of the 36732
Revised Code. 36733

(E)(1) As used in this division, "services to children" 36734
~~includes only~~ means children's protective services, home-based 36735
services to children and families, foster home services, 36736
residential treatment services, adoptive services, and independent 36737
living services. 36738

(2) Except as otherwise provided in this section, the 36739
allocation of funds for a fiscal year to a county under this 36740
section shall be reduced by the department if in the preceding 36741
calendar year the total amount expended for services to children 36742
from local funds ~~and funds distributed to the county under section~~ 36743
~~5101.46 of the Revised Code~~ was less than the total expended from 36744
~~those sources~~ that source in the second preceding calendar year. 36745
The reduction shall be equal to the difference between the total 36746
expended in the preceding calendar year and the total expended in 36747
the second preceding calendar year. 36748

The determination of whether the amount expended for services 36749
to children was less in the preceding calendar year than in the 36750
second preceding calendar year shall not include a difference due 36751
to any of the following factors to the extent that the difference 36752
does not exceed the amount attributable to that factor: 36753

(a) An across-the-board reduction in the county budget as a 36754
whole; 36755

(b) A reduced or failed levy specifically earmarked for 36756
children services; 36757

(c) ~~A reduced allocation of funds to the county under section~~ 36758
~~5101.24 of the Revised Code;~~ 36759

~~(d)~~ The closure of, or a reduction in the operating capacity 36760
of, a children's home owned and operated by the county. 36761

(3) Funds withheld under this division may be reallocated by 36762
the department to other counties. The department may grant whole 36763
or partial waivers of the provisions of this division. 36764

(F) Children who are in the temporary or permanent custody of a certified public or private nonprofit agency or institution, or who are in adoptions subsidized under division (B) of section 5153.163 of the Revised Code are eligible for medical assistance through the medical assistance program established under section 5111.01 of the Revised Code.

(G) Within ninety days after the end of each fiscal year, each county shall return any unspent funds to the department.

~~(H) The department shall prepare an annual report detailing on a county-by-county basis the services provided with funds distributed under this section. The report shall be submitted to the general assembly by the thirtieth day of September each year and also shall be made available to the public.~~

~~(I)~~ In accordance with Chapter 119. of the Revised Code, the director shall adopt, and may amend and rescind, rules prescribing reports on expenditures to be submitted by the counties as necessary for the implementation of this section.

Sec. 5101.141. (A) The department of job and family services shall act as the single state agency to administer federal payments for foster care and adoption assistance made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended. The director of job and family services shall adopt rules to implement this authority. Internal management rules governing financial and administrative requirements applicable to public children services agencies, private child placing agencies, and private noncustodial agencies shall be adopted in accordance with section 111.15 of the Revised Code. Rules establishing eligibility, program participation, and other requirements shall be adopted in accordance with Chapter 119. of the Revised Code. A public children services agency to which the department distributes Title IV-E funds shall administer the funds

in accordance with those rules. 36796

(B)(1) The county, on behalf of each child eligible for 36797
foster care maintenance payments under Title IV-E of the "Social 36798
Security Act," shall make payments to cover the cost of providing 36799
all of the following: 36800

(a) The child's food, clothing, shelter, daily supervision, 36801
and school supplies; 36802

(b) The child's personal incidentals; 36803

(c) Reasonable travel to the child's home for visitation. 36804

(2) In addition to payments made under division (B)(1) of 36805
this section, the county may, on behalf of each child eligible for 36806
foster care maintenance payments under Title IV-E of the "Social 36807
Security Act," make payments to cover the cost of providing the 36808
following: 36809

(a) Liability insurance with respect to the child; 36810

(b) If the county is participating in the demonstration 36811
project established under division (A) of section 5101.142 of the 36812
Revised Code, services provided under the project. 36813

(3) With respect to a child who is in a child-care 36814
institution, including any type of group home designed for the 36815
care of children or any privately operated program consisting of 36816
two or more certified foster homes operated by a common 36817
administrative unit, the foster care maintenance payments made by 36818
the county on behalf of the child shall include the reasonable 36819
cost of the administration and operation of the institution, group 36820
home, or program, as necessary to provide the items described in 36821
divisions (B)(1) and (2) of this section. 36822

(C) To the extent that either foster care maintenance 36823
payments under division (B) of this section or Title IV-E adoption 36824
assistance payments for maintenance costs require the expenditure 36825

of county funds, the board of county commissioners shall report 36826
the nature and amount of each expenditure of county funds to the 36827
department. 36828

(D) The department shall distribute to public children 36829
services agencies that incur and report such expenditures federal 36830
financial participation received for administrative and training 36831
costs incurred in the operation of foster care maintenance and 36832
adoption assistance programs. The department may withhold not more 36833
than ~~two~~ three per cent of the federal financial participation 36834
received. The funds withheld may be used only to fund the Ohio 36835
child welfare training program established under section 5153.60 36836
of the Revised Code and the university partnership program for 36837
college and university students majoring in social work who have 36838
committed to work for a public children services agency upon 36839
graduation. The funds withheld shall be in addition to any 36840
administration and training cost for which the department is 36841
reimbursed through its own cost allocation plan. 36842

(E) All federal financial participation funds received by a 36843
county pursuant to this section shall be deposited into the 36844
county's children services fund created pursuant to section 36845
5101.144 of the Revised Code. 36846

(F) The department shall periodically publish and distribute 36847
the maximum amounts that the department will reimburse public 36848
children services agencies for making payments on behalf of 36849
children eligible for foster care maintenance payments. 36850

(G) The department, by and through its director, is hereby 36851
authorized to develop, participate in the development of, 36852
negotiate, and enter into one or more interstate compacts on 36853
behalf of this state with agencies of any other states, for the 36854
provision of medical assistance and other social services to 36855
children in relation to whom all of the following apply: 36856

(1) They have special needs.	36857
(2) This state or another state that is a party to the interstate compact is providing adoption assistance on their behalf.	36858 36859 36860
(3) They move into this state from another state or move out of this state to another state.	36861 36862
Sec. 5101.145. (A) For the purposes of this section, "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980).	36863 36864 36865
(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:	36866 36867 36868 36869 36870
(1) A single form for the agencies to report costs reimbursable under Title IV-E and costs reimbursable under medicaid;	36871 36872 36873
(2) Procedures to monitor cost reports submitted by the agencies.	36874 36875
<u>(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:</u>	36876 36877 36878
<u>(1) Determine which of the costs are reimbursable under Title IV-E;</u>	36879 36880
<u>(2) Ensure that costs reimbursable under medicaid are excluded from determinations made under division (C)(1) of this section.</u>	36881 36882 36883
Sec. 5101.184. (A) The director of job and family services	36884

shall work with the tax commissioner to collect overpayments of 36885
assistance under Chapter 5107., 5111., or 5115., former Chapter 36886
5113., or ~~sections~~ section 5101.54 to ~~5101.543~~ of the Revised Code 36887
from refunds of state income taxes for taxable year 1992 and 36888
thereafter that are payable to the recipients of such 36889
overpayments. 36890

Any overpayment of assistance, whether obtained by fraud or 36891
misrepresentation, as the result of an error by the recipient or 36892
by the agency making the payment, or in any other manner, may be 36893
collected under this section. Any reduction under section 5747.12 36894
or 5747.121 of the Revised Code to an income tax refund shall be 36895
made before a reduction under this section. No reduction shall be 36896
made under this section if the amount of the refund is less than 36897
twenty-five dollars after any reduction under section 5747.12 of 36898
the Revised Code. A reduction under this section shall be made 36899
before any part of the refund is contributed under section 36900
5747.113 of the Revised Code to the natural areas and preserves 36901
fund or the nongame and endangered wildlife fund, or is credited 36902
under section 5747.12 of the Revised Code against tax due in any 36903
subsequent year. 36904

The director and the tax commissioner, by rules adopted in 36905
accordance with Chapter 119. of the Revised Code, shall establish 36906
procedures to implement this division. The procedures shall 36907
provide for notice to a recipient of assistance and an opportunity 36908
for the recipient to be heard before the recipient's income tax 36909
refund is reduced. 36910

(B) The director of job and family services may enter into 36911
agreements with the federal government to collect overpayments of 36912
assistance from refunds of federal income taxes that are payable 36913
to recipients of the overpayments. 36914

Sec. ~~5101.071~~ 5101.251. (A) Not later than ninety days after 36915

~~the effective date of this section December 8, 1994, the director of job and family services shall develop and provide a training program to assist caseworkers in county departments of job and family services and public children services agencies in understanding the dynamics of domestic violence and the relationship domestic violence has to child abuse. The program shall be coordinated with other department of job and family services programs regarding family violence.~~

(B) Not later than ninety days after ~~the effective date of this section December 9, 1994,~~ the director of job and family services shall adopt internal management rules in accordance with section 111.15 of the Revised Code establishing policies for dealing with domestic violence and the victims of domestic violence. The rules shall include all of the following:

(1) A rule designating types and categories of employees of county departments of job and family services and employees of public children services agencies to receive training in the handling of domestic violence cases and a policy for the training of the designated types and categories of employees in the handling of those cases.

(2) Guidelines directing how county departments of job and family services and county children services boards shall respond to identified domestic violence problems and to the needs of children directly or indirectly involved in situations involving domestic violence.

(C) Each county department of job and family services and each public children services agency shall require its employees to complete the training described in divisions (A) and (B) of this section in accordance with the rules adopted by the director of job and family services pursuant to division (B) of this section.

Sec. 5101.35. (A) As used in this section:	36947
(1) "Agency" means the following entities that administer a family services program:	36948
(a) The department of job and family services;	36949
(b) A county department of job and family services;	36950
(c) A public children services agency;	36951
(d) A private or government entity administering, in whole or in part, a family services program for or on behalf of the department of job and family services or a county department of job and family services or public children services agency.	36952
(2) "Appellant" means an applicant, participant, former participant, recipient, or former recipient of a family services program who is entitled by federal or state law to a hearing regarding a decision or order of the agency that administers the program.	36953
(3) "Family services program" means assistance provided under a Title IV-A program as defined in section 5101.80 of the Revised Code or under Chapter 5104., 5107., 5108., 5111., or 5115. or section 173.35, 5101.141, 5101.46, 5101.54, 5153.163, or 5153.165 of the Revised Code, other than assistance provided under section 5101.46 of the Revised Code by the department of mental health, the department of mental retardation and developmental disabilities, a board of alcohol, drug addiction, and mental health services, or a county board of mental retardation and developmental disabilities.	36954
(B) An <u>Except as provided in by division (G) of this section,</u> an appellant who appeals under federal or state law a decision or order of an agency administering a family services program shall, at the appellant's request, be granted a state hearing by the department of job and family services. This state hearing shall be	36955
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conducted in accordance with rules adopted under this section. The 36977
state hearing shall be tape-recorded, but neither the recording 36978
nor a transcript of the recording shall be part of the official 36979
record of the proceeding. A state hearing decision is binding upon 36980
the agency and department, unless it is reversed or modified on 36981
appeal to the director of job and family services or a court of 36982
common pleas. 36983

(C) An Except as provided by division (G) of this section, an 36984
appellant who disagrees with a state hearing decision may make an 36985
administrative appeal to the director of job and family services 36986
in accordance with rules adopted under this section. This 36987
administrative appeal does not require a hearing, but the director 36988
or the director's designee shall review the state hearing decision 36989
and previous administrative action and may affirm, modify, remand, 36990
or reverse the state hearing decision. Any person designated to 36991
make an administrative appeal decision on behalf of the director 36992
shall have been admitted to the practice of law in this state. An 36993
administrative appeal decision is the final decision of the 36994
department and is binding upon the department and agency, unless 36995
it is reversed or modified on appeal to the court of common pleas. 36996

(D) An agency shall comply with a decision issued pursuant to 36997
division (B) or (C) of this section within the time limits 36998
established by rules adopted under this section. If a county 36999
department of job and family services or a public children 37000
services agency fails to comply within these time limits, the 37001
department may take action pursuant to section 5101.24 of the 37002
Revised Code. If another agency fails to comply within the time 37003
limits, the department may force compliance by withholding funds 37004
due the agency or imposing another sanction established by rules 37005
adopted under this section. 37006

(E) An appellant who disagrees with an administrative appeal 37007
decision of the director of job and family services or the 37008

director's designee issued under division (C) of this section may
appeal from the decision to the court of common pleas pursuant to
section 119.12 of the Revised Code. The appeal shall be governed
by section 119.12 of the Revised Code except that:

(1) The person may appeal to the court of common pleas of the
county in which the person resides, or to the court of common
pleas of Franklin county if the person does not reside in this
state.

(2) The person may apply to the court for designation as an
indigent and, if the court grants this application, the appellant
shall not be required to furnish the costs of the appeal.

(3) The appellant shall mail the notice of appeal to the
department of job and family services and file notice of appeal
with the court within thirty days after the department mails the
administrative appeal decision to the appellant. For good cause
shown, the court may extend the time for mailing and filing notice
of appeal, but such time shall not exceed six months from the date
the department mails the administrative appeal decision. Filing
notice of appeal with the court shall be the only act necessary to
vest jurisdiction in the court.

(4) The department shall be required to file a transcript of
the testimony of the state hearing with the court only if the
court orders the department to file the transcript. The court
shall make such an order only if it finds that the department and
the appellant are unable to stipulate to the facts of the case and
that the transcript is essential to a determination of the appeal.
The department shall file the transcript not later than thirty
days after the day such an order is issued.

(F) The department of job and family services shall adopt
rules in accordance with Chapter 119. of the Revised Code to
implement this section, including rules governing the following:

(1) State hearings under division (B) of this section. The 37040
rules shall include provisions regarding notice of eligibility 37041
termination and the opportunity of an appellant appealing a 37042
decision or order of a county department of job and family 37043
services to request a county conference with the county department 37044
before the state hearing is held. 37045

(2) Administrative appeals under division (C) of this 37046
section; 37047

(3) Time limits for complying with a decision issued under 37048
division (B) or (C) of this section; 37049

(4) Sanctions that may be applied against an agency under 37050
division (D) of this section. 37051

(G) The department of job and family services may adopt rules 37052
in accordance with Chapter 119. of the Revised Code establishing 37053
in appeals process for an appellant who appeals a decision or 37054
order regarding a Title IV-A program identified under division 37055
(A)(3)(c) or (d) of section 5101.80 of the Revised Code that is 37056
different from the appeals process established by this section. 37057
The different appeals process may include having a state agency 37058
that administers the Title IV-A program pursuant to an interagency 37059
agreement entered into under section 5101.801 of the Revised Code 37060
administer the appeals process. 37061

(H) The requirements of Chapter 119. of the Revised Code 37062
apply to a state hearing or administrative appeal under this 37063
section only to the extent, if any, specifically provided by rules 37064
adopted under this section. 37065

Sec. 5101.36. Any application for public assistance gives a 37066
right of subrogation to the department of job and family services 37067
for any workers' compensation benefits payable to a person who is 37068
subject to a support order, as defined in section 3119.01 of the 37069

Revised Code, on behalf of the applicant, to the extent of any 37070
public assistance payments made on the applicant's behalf. If the 37071
director of job and family services, in consultation with a child 37072
support enforcement agency and the administrator of the bureau of 37073
workers' compensation, determines that a person responsible for 37074
support payments to a recipient of public assistance is receiving 37075
workers' compensation, the director shall notify the administrator 37076
of the amount of the benefit to be paid to the department of job 37077
and family services. 37078

For purposes of this section, "public assistance" means 37079
medical assistance provided through the medical assistance program 37080
established under section 5111.01 of the Revised Code⁷ⁱ Ohio works 37081
first provided under Chapter 5107. of the Revised Code⁷ⁱ 37082
prevention, retention, and contingency ~~assistance~~ benefits and 37083
services provided under Chapter 5108. of the Revised Code⁷ⁱ or 37084
disability assistance provided under Chapter 5115. of the Revised 37085
Code. 37086

Sec. 5101.50. (A) As used in this section and in sections 37087
5101.51 to ~~5101.518~~ 5101.5110 of the Revised Code: 37088

(1) "Children's health insurance program" means the program 37089
~~authorized~~ authorized by Title XXI of the "Social Security Act," 37090
111 Stat. 552 (1997), 42 U.S.C.A. 1397aa. 37091

(2) "Federal poverty guidelines" has the same meaning as in 37092
section 5101.46 of the Revised Code. 37093

(B) The director of job and family services may continue to 37094
operate the children's health insurance program initially 37095
authorized by an executive order issued under section 107.17 of 37096
the Revised Code as long as federal financial participation is 37097
available for the program. If operated, the program shall provide 37098
health assistance to uninsured individuals under nineteen years of 37099

age with family incomes not exceeding one hundred fifty per cent 37100
of the federal poverty guidelines. In accordance with 42 U.S.C.A. 37101
1397aa, the director may provide for the health assistance to meet 37102
the requirements of 42 U.S.C.A. 1397cc, to be provided under the 37103
medicaid program established under Chapter 5111. of the Revised 37104
Code, or to be a combination of both. 37105

Sec. 5101.5110. (A) The director of job and family services 37106
may submit a waiver request to the United States secretary of 37107
health and human services to provide health assistance to any 37108
individual who meets all of the following requirements: 37109

(1) Is the parent of a child under nineteen years of age who 37110
resides with the parent and is eligible for health assistance 37111
under the children's health insurance program part I or II or the 37112
medicaid program established under Chapter 5111. of the Revised 37113
Code; 37114

(2) Is uninsured; 37115

(3) Has a family income that does not exceed one hundred per 37116
cent of the federal poverty guidelines. 37117

(B) A waiver request the director submits under division (A) 37118
of this section may seek federal funds allotted to the state under 37119
Title XXI of the "Social Security Act," 111 Stat. 558 (1997), 42 37120
U.S.C.A. 1397dd, as amended, that are not otherwise used to fund 37121
the children's health insurance program parts I and II. 37122

(C) If a waiver request the director submits under division 37123
(A) of this section is granted, the director may adopt rules in 37124
accordance with Chapter 119. of the Revised Code as necessary for 37125
the efficient administration of the program authorization by the 37126
waiver. 37127

Sec. 5101.521. When the body of a dead person is found in a 37128

township or municipal corporation, and such person was not an 37129
inmate of a correctional, benevolent, or charitable institution of 37130
this state, and the body is not claimed by any person for private 37131
interment or cremation at the person's own expense, or delivered 37132
for the purpose of medical or surgical study or dissection in 37133
accordance with section 1713.34 of the Revised Code, ~~or the person~~ 37134
~~was not eligible for burial assistance under section 5101.52 of~~ 37135
~~the Revised Code,~~ it shall be disposed of as follows: 37136

(A) If the person was a legal resident of the county, the 37137
proper officers of the township or municipal corporation in which 37138
the person's body was found shall cause it to be buried or 37139
cremated at the expense of the township or municipal corporation 37140
in which the person had a legal residence at the time of death. 37141

(B) If the person had a legal residence in any other county 37142
of the state at the time of death, the superintendent of the 37143
county home of the county in which such body was found shall cause 37144
it to be buried or cremated at the expense of the township or 37145
municipal corporation in which the person had a legal residence at 37146
the time of death. 37147

(C) If the person was an inmate of a correctional institution 37148
of the county or a patient or resident of a benevolent institution 37149
of the county, the person had no legal residence in the state, or 37150
the person's legal residence is unknown, the superintendent shall 37151
cause the person to be buried or cremated at the expense of the 37152
county. 37153

Such officials shall provide, at the grave of the person or, 37154
if the person's cremated remains are buried, at the grave of the 37155
person's cremated remains, a stone or concrete marker on which the 37156
person's name and age, if known, and date of death shall be 37157
inscribed. 37158

A political subdivision is not relieved of its duty to bury 37159
or cremate a person at its expense under this section when the 37160

body is claimed by an indigent person. 37161

Sec. 5101.54. (A) The director of job and family services 37162
shall administer the food stamp program in accordance with the 37163
"Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 37164
amended. The department may: 37165

(1) Prepare and submit to the secretary of the United States 37166
department of agriculture a plan for the administration of the 37167
food stamp program; 37168

(2) Prescribe forms for applications, certificates, reports, 37169
records, and accounts of county departments of job and family 37170
services, and other matters; 37171

(3) Require such reports and information from each county 37172
department of job and family services as may be necessary and 37173
advisable; 37174

(4) Administer and expend any sums appropriated by the 37175
general assembly for the purposes of this section and all sums 37176
paid to the state by the United States as authorized by the Food 37177
Stamp Act of 1977; 37178

(5) Conduct such investigations as are necessary; 37179

(6) Enter into interagency agreements and cooperate with 37180
investigations conducted by the department of public safety, 37181
including providing information for investigative purposes, 37182
exchanging property and records, passing through federal financial 37183
participation, modifying any agreements with the United States 37184
department of agriculture, providing for the supply, security, and 37185
accounting of food stamp ~~coupons~~ benefits for investigative 37186
purposes, and meeting any other requirements necessary for the 37187
detection and deterrence of illegal activities in the state food 37188
stamp program; 37189

(7) Adopt rules in accordance with Chapter 119. of the 37190

Revised Code governing employment and training requirements of 37191
recipients of food stamp benefits, including rules specifying 37192
which recipients are subject to the requirements and establishing 37193
sanctions for failure to satisfy the requirements. The rules shall 37194
be consistent with 7 U.S.C.A. 2015 and, to the extent practicable, 37195
may provide for food stamp benefit recipients to participate in 37196
work activities, developmental activities, and alternative work 37197
activities established under sections 5107.40 to 5107.69 of the 37198
Revised Code that are comparable to programs authorized by 7 37199
U.S.C.A. 2015(d)(4). The rules may reference rules adopted under 37200
section 5107.05 of the Revised Code governing work activities, 37201
developmental activities, and alternative work activities 37202
established under sections 5107.40 to 5107.69 of the Revised Code. 37203
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(8) Adopt rules in accordance with section 111.15 of the 37205
Revised Code that are consistent with the Food Stamp Act of 1977, 37206
as amended, and regulations adopted thereunder governing the 37207
following: 37208

(a) Eligibility requirements for the food stamp program; 37209

(b) Sanctions for failure to comply with eligibility 37210
requirements; 37211

(c) Allotment of food stamp ~~coupons~~ benefits; 37212

(d) To the extent permitted under federal statutes and 37213
regulations, a system under which some or all recipients of food 37214
stamp benefits subject to employment and training requirements 37215
established by rules adopted under division (A)(7) of this section 37216
receive food stamp benefits after satisfying the requirements; 37217

(e) Administration of the program by county departments of 37218
job and family services; 37219

(f) Other requirements necessary for the efficient 37220
administration of the program. 37221

(9) Submit a plan to the United States secretary of agriculture for the department of job and family services to operate a simplified food stamp program pursuant to 7 U.S.C.A. 2035 under which requirements governing the Ohio works first program established under Chapter 5107. of the Revised Code also govern the food stamp program in the case of households receiving food stamp benefits and participating in Ohio works first.

(B) Except while in the custody of the United States postal service, food stamps and any document necessary to obtain food stamps are the property of the department of job and family services from the time they are received in accordance with federal regulations by the department from the federal agency responsible for such delivery until they are received by a household entitled to receive them or by the authorized representative of the household.

(C) A household that is entitled to receive food stamps under the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended, and that is determined to be in immediate need of food assistance, shall receive certification of eligibility for program benefits, pending verification, within twenty-four hours, or, if mitigating circumstances occur, within seventy-two hours, after application, if:

(1) The results of the application interview indicate that the household will be eligible upon full verification;

(2) Information sufficient to confirm the statements in the application has been obtained from at least one additional source, not a member of the applicant's household. Such information shall be recorded in the case file, and shall include:

(a) The name of the person who provided the name of the information source;

(b) The name and address of the information source;

(c) A summary of the information obtained. 37253

The period of temporary eligibility shall not exceed one 37254
month from the date of certification of temporary eligibility. If 37255
eligibility is established by full verification, benefits shall 37256
continue without interruption as long as eligibility continues. 37257

At the time of application, the county department of job and 37258
family services shall provide to a household described in this 37259
division a list of community assistance programs that provide 37260
emergency food. 37261

(D) All applications shall be approved or denied through full 37262
verification within thirty days from receipt of the application by 37263
the county department of job and family services. 37264

(E) Nothing in this section shall be construed to prohibit 37265
the certification of households that qualify under federal 37266
regulations to receive food stamps without charge under the "Food 37267
Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended. 37268

(F) Any person who applies for food stamps under this section 37269
shall receive a voter registration application under section 37270
3503.10 of the Revised Code. 37271

Sec. 5101.80. (A) As used in this section and in section 37272
5101.801 of the Revised Code: 37273

(1) "County family services agency" has the same meaning as 37274
in section 307.981 of the Revised Code. 37275

(2) "State agency" has the same meaning as in section 9.82 of 37276
the Revised Code. 37277

(3) "Title IV-A program" means all of the following that are 37278
funded in part with funds provided under the temporary assistance 37279
for needy families block grant established by Title IV-A of the 37280
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 37281

<u>amended:</u>	37282
<u>(a) The Ohio works first program established under Chapter 5107. of the Revised Code;</u>	37283
	37284
<u>(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;</u>	37285
	37286
<u>(c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services pursuant to section 5101.801 of the Revised Code;</u>	37287
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<u>(d) A component of a Title IV-A program identified under divisions (A)(3)(a) to (c) of this section that the Title IV-A state plan prepared under division (C)(1) of this section identifies as a component.</u>	37291
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<u>(B) The department of job and family services shall act as the single state agency to administer and supervise the administration of Title IV-A programs. The Title IV-A state plan and amendments to the plan prepared under division (C) of this section are binding on county family services agencies and state agencies that administer a Title IV-A program. No county family services agency or state agency administering a Title IV-A program may establish, by rule or otherwise, a policy governing the Title IV-A program that is inconsistent with a Title IV-A program policy established, in rule or otherwise, by the director of job and family services.</u>	37295
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<u>(C) The department of job and family services shall do all of the following:</u>	37306
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<u>(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</u>	37308
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established under Chapter 5108. of the Revised Code <u>Title IV-A</u>	37313
<u>programs;</u>	37314
(2) <u>Prepare and submit to the United States secretary of</u>	37315
<u>health and human services amendments to the Title IV-A state plan</u>	37316
<u>that the department determines necessary, including amendments</u>	37317
<u>necessary to implement Title IV-A programs identified in division</u>	37318
<u>(A)(3)(c) and (d) of this section;</u>	37319
(3) <u>Prescribe forms for applications, certificates, reports,</u>	37320
<u>records, and accounts of county departments of job and family</u>	37321
<u>services agencies and state agencies administering a Title IV-A</u>	37322
<u>program, and other matters related to the Ohio works first program</u>	37323
<u>and the prevention, retention, and contingency program Title IV-A</u>	37324
<u>programs;</u>	37325
(3) (4) <u>Make such reports, in such form and containing such</u>	37326
<u>information as the department may find necessary to assure the</u>	37327
<u>correctness and verification of such reports, regarding the Ohio</u>	37328
<u>works first program and the prevention, retention, and contingency</u>	37329
<u>program Title IV-A programs;</u>	37330
(4) (5) <u>Require reports and information from each county</u>	37331
<u>department of job and family services agency and state agency</u>	37332
<u>administering a Title IV-A program as may be necessary or</u>	37333
<u>advisable regarding the Ohio works first program and the</u>	37334
<u>prevention, retention, and contingency program the Title IV-A</u>	37335
<u>program;</u>	37336
(5) (6) <u>Afford a fair hearing in accordance with section</u>	37337
<u>5101.35 of the Revised Code to any applicant for, or participant</u>	37338
<u>or former participant of, the Ohio works first program or the</u>	37339
<u>prevention, retention, and contingency program a Title IV-A</u>	37340
<u>program aggrieved by a decision regarding either the program;</u>	37341
(6) (7) <u>Administer and expend, pursuant to Chapters 5107. and</u>	37342
<u>5108. of the Revised Code and section 5101.801 of the Revised</u>	37343

Code, any sums appropriated by the general assembly for the 37344
purpose of those chapters and section and all sums paid to the 37345
state by the secretary of the treasury of the United States as 37346
authorized by Title IV-A of the "Social Security Act," ~~49~~ 110 37347
Stat. ~~620~~ 2113 (~~1935~~ 1996), 42 U.S.C. ~~301~~ 601, as amended; 37348

~~(7)~~(8) Conduct investigations and audits as are necessary 37349
regarding ~~the Ohio works first program and the prevention,~~ 37350
~~retention, and contingency program~~ Title IV-A programs; 37351

~~(8)~~(9) Enter into reciprocal agreements with other states 37352
relative to the provision of Ohio works first and prevention, 37353
retention, and contingency to residents and nonresidents; 37354

~~(9)~~(10) Contract with a private entity to conduct an 37355
independent on-going evaluation of the Ohio works first program 37356
and the prevention, retention, and contingency program. The 37357
contract must require the private entity to do all of the 37358
following: 37359

(a) Examine issues of process, practice, impact, and 37360
outcomes; 37361

(b) Study former participants of Ohio works first who have 37362
not participated in Ohio works first for at least one year to 37363
determine whether they are employed, the type of employment in 37364
which they are engaged, the amount of compensation they are 37365
receiving, whether their employer provides health insurance, 37366
whether and how often they have received ~~assistance~~ benefits or 37367
services under the prevention, retention, and contingency program, 37368
and whether they are successfully self sufficient; 37369

(c) Provide the department ~~an initial report of the~~ 37370
~~evaluation not later than two years after October 1, 1997, and~~ 37371
~~provide subsequent~~ with reports at times the department specifies. 37372

~~(10)~~ Not later than March 1, 1998, and the first day of each 37373
September and March thereafter until September 1, 2001, prepare a 37374

~~county by county report concerning individuals who cease to~~ 37375
~~participate in Ohio works first that contains the reasons the~~ 37376
~~individuals ceased to participate, including employment, marital~~ 37377
~~status, and relocation.~~ 37378

(11) Not later than January 1, 2001, and the first day of 37379
each January and July thereafter, prepare a report containing 37380
information on the following: 37381

(a) ~~A county by county breakdown of individuals who cease to~~ 37382
~~participate in Ohio works first and the reasons the individuals~~ 37383
~~ceased to participate, including Individuals exhausting the time~~ 37384
limits for participation in Ohio works first set forth in section 37385
5107.18 of the Revised Code. 37386

(b) Individuals who have been exempted from the time limits 37387
set forth in section 5107.18 of the Revised Code and the reasons 37388
for the exemption. 37389

(12) Not later than January 1, 2001, and on a quarterly basis 37390
thereafter until December 1, 2003, prepare, to the extent the 37391
necessary data is available to the department, a report based on 37392
information determined under section 5107.80 of the Revised Code 37393
that states how many former Ohio works first participants entered 37394
the workforce during the most recent previous quarter for which 37395
the information is known and includes information regarding the 37396
earnings of those former participants. The report shall include a 37397
county-by-county breakdown and shall not contain the names or 37398
social security numbers of former participants. 37399

~~(B)~~(13) To the extent authorized by section 5101.801 of the 37400
Revised Code, enter into interagency agreements with state 37401
agencies for the administration of Title IV-A programs identified 37402
under division (A)(3)(c) and (d) of this section. 37403

(D) The department shall provide copies of the reports it 37404
receives under division ~~(A)(9)(C)(10)~~ of this section and prepares 37405

under divisions ~~(A)(10)~~, ~~(C)(11)~~, and (12) of this section to the 37406
governor, the president and minority leader of the senate, and the 37407
speaker and minority leader of the house of representatives. The 37408
department shall provide copies of the reports to any private or 37409
government entity on request. 37410

~~(C)~~(E) An authorized representative of the department or a 37411
county ~~department of job and family services~~ agency or state 37412
agency administering a Title IV-A program shall have access to all 37413
records and information bearing thereon for the purposes of 37414
investigations conducted pursuant to this section. 37415

Sec. 5101.801. (A) Except as otherwise provided by the law 37416
enacted by the general assembly or executive order issued by the 37417
governor establishing the Title IV-A program, a Title IV-A program 37418
identified under division (A)(3)(c) or (d) of section 5101.80 of 37419
the Revised Code shall provide benefits and services that are not 37420
"assistance" as defined in 45 C.F.R. 260.31(a) and are benefits 37421
and services that 45 C.F.R. 260.31(b) excludes from the definition 37422
of assistance. 37423

(B) Except as otherwise provided by the law enacted by the 37424
general assembly or executive order issued by the governor 37425
establishing the Title IV-A program, the department of job and 37426
family services shall do either of the following regarding a Title 37427
IV-A program identified under division (A)(3)(c) or (d) of section 37428
5101.80 of the Revised Code: 37429

(1) Administer the program or supervise a county family 37430
services agency's administration of the program; 37431

(2) Enter into an interagency agreement with a state agency 37432
for the state agency to administer the program under the 37433
department's supervision. 37434

(C) If the department administers or supervises the 37435
administration of a Title IV-A program identified under division 37436

(A)(3)(c) or (d) of section 5101.80 of the Revised Code pursuant 37437
to division (B)(1) of this section, the department may adopt rules 37438
governing the program. Rules governing financial and operational 37439
matters of the department or between the department and the county 37440
family services agency shall be adopted as internal management 37441
rules adopted in accordance with section 111.15 of the Revised 37442
Code. All other rules shall be adopted in accordance with Chapter 37443
119. of the Revised Code. 37444

(D) If the department enters into an interagency agreement 37445
regarding a Title IV-A program identified under division (A)(3)(c) 37446
or (d) of section 5101.80 of the Revised Code pursuant to division 37447
(B)(2) of this section, the agreement shall include at least all 37448
of the following: 37449

(1) A requirement that the state agency comply with the 37450
requirements for the program, including all of the following 37451
requirements established by federal statutes and regulations, 37452
state statutes and rules, the United States office of management 37453
and budget, and the Title IV-A state plan prepared under section 37454
5101.80 of the Revised Code: 37455

(a) Eligibility; 37456

(b) Reports; 37457

(c) Benefits and services; 37458

(d) Use of funds; 37459

(e) Appeals for applicants for, and recipients and former 37460
recipients of, the benefits and services; 37461

(f) Audits. 37462

(2) A complete description of all of the following: 37463

(a) The benefits and services that the program is to provide; 37464

37465

(b) The methods of program administration; 37466

<u>(c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program's benefits and services;</u>	37467
	37468
	37469
<u>(d) Other program and administrative requirements that the department requires be included.</u>	37470
	37471
<u>(3) Procedures for the department to approve a policy, established by rule or otherwise, that the state agency establishes for the program before the policy is established;</u>	37472
	37473
	37474
<u>(4) Provisions regarding how the department is to reimburse the state agency for allowable expenditures under the program that the department approves, including all of the following:</u>	37475
	37476
	37477
<u>(a) Limitations on administrative costs;</u>	37478
<u>(b) The department, at its discretion, withholding no more than five per cent of the funds that the department would otherwise provide to the state agency for the program or charging the state agency for the costs to the department of performing, or contracting for the performance of, audits and other administrative functions associated with the program.</u>	37479
	37480
	37481
	37482
	37483
	37484
<u>(5) If the state agency arranges by contract, grant, or other agreement for another entity to perform a function the state agency would otherwise perform regarding the program, the state agency's responsibilities for both of the following:</u>	37485
	37486
	37487
	37488
<u>(a) Ensuring that the entity complies with the interagency agreement between the state agency and department and federal statutes and regulations and state statutes and rules governing the use of funds for the program;</u>	37489
	37490
	37491
	37492
<u>(b) Auditing the entity in accordance with requirements established by the United States office of management and budget.</u>	37493
	37494
<u>(6) The state agency's responsibilities regarding the prompt payment, including any interest assessed, of any adverse audit</u>	37495
	37496

finding, final disallowance of federal funds, or other sanction or 37497
penalty imposed by the federal government, auditor of state, 37498
department, a court, or other entity regarding funds for the 37499
program; 37500

(7) Provisions for the department to terminate the 37501
interagency agreement or withhold reimbursement from the state 37502
agency if either of the following occur: 37503

(a) The federal government disapproves the program or reduces 37504
federal funds for the program; 37505

(b) The state agency fails to comply with the terms of the 37506
interagency agreement. 37507

(E) To the extent consistent with the law enacted by the 37508
general assembly or executive order issued by the governor 37509
establishing the Title IV-A program and subject to the approval of 37510
the director of budget and management, the director of job and 37511
family services may terminate a Title IV-A program identified 37512
under division (A)(3)(c) or (d) of section 5101.80 of the Revised 37513
Code or reduce funding for the program if the director of job and 37514
family services determines that federal or state funds are 37515
insufficient to fund the program. If the director of budget and 37516
management approves the termination or reduction in funding for 37517
such a program, the director of job and family services shall 37518
issue instructions for the termination or funding reduction. If a 37519
county family services agency or state agency is administering the 37520
program, the county family services agency or state agency is 37521
bound by the termination or funding reduction and shall comply 37522
with the director's instructions. 37523

(F) The director of job and family services may adopt 37524
internal management rules in accordance with section 111.15 of the 37525
Revised Code as necessary to implement this section. The rules are 37526
binding on each county family services agency and state agency 37527

administering, pursuant to this section, a Title IV-A program 37528
identified in division (A)(3)(c) or (d) of section 5101.80 of the 37529
Revised Code. 37530

Sec. 5101.821. Except as otherwise approved by the director 37531
of budget and management, the department of job and family 37532
services shall deposit federal funds received under Title IV-A of 37533
the "Social Security Act," 42 U.S.C.A. 601, 110 Stat. 2113 (1996), 37534
into the temporary assistance for needy families (TANF) federal 37535
fund, which is hereby created in the state treasury. The 37536
department shall use money in the fund for the Ohio works first 37537
program established under Chapter 5107. of the Revised Code; the 37538
prevention, retention, and contingency program established under 37539
Chapter 5108. of the Revised Code; and any other purposes 37540
consistent with Title IV-A, federal regulations, federal waivers 37541
granted by the United States secretary of health and human 37542
services, state law, the Title IV-A state plan and amendments 37543
submitted to the United States secretary of health and human 37544
services under section 5101.80 of the Revised Code, and rules 37545
adopted by the department under section 5107.05 of the Revised 37546
Code. 37547

Sec. 5101.83. (A) As used in this section: 37548

(1) "Assistance group" has the same meaning as in sections 37549
5107.02 and 5108.01 of the Revised Code, except that it also means 37550
a group provided benefits and services under the prevention, 37551
retention, and contingency program because the members of the 37552
group share a common need for benefits and services. 37553

(2) "Fraudulent assistance" means assistance and service, 37554
including cash assistance, provided under the Ohio works first 37555
program established under Chapter 5107., or benefits and services 37556
provided under the prevention, retention, and contingency program 37557
established under Chapter 5108. of the Revised Code, to or on 37558

behalf of an assistance group that is provided as a result of 37559
fraud by a member of the assistance group, including an 37560
intentional violation of the program's requirements. "Fraudulent 37561
assistance" does not include assistance or ~~services~~ services to or 37562
on ~~be half~~ behalf of an assistance group that is provided as a 37563
result of an error that is the fault of a county department of job 37564
and family services or the state department of job and family 37565
services. 37566

(B) If a county director of job and family services 37567
determines that an assistance group has received fraudulent 37568
assistance, the assistance group is ineligible to participate in 37569
the Ohio works first program or the prevention, retention, and 37570
contingency program until a member of the assistance group repays 37571
the cost of the fraudulent assistance. If a member repays the cost 37572
of the fraudulent assistance and the assistance group otherwise 37573
meets the eligibility requirements for the Ohio works first 37574
program or the prevention, retention, and contingency program, the 37575
assistance group shall not be denied the opportunity to 37576
participate in the program. 37577

This section does not limit the ability of a county 37578
department of job and family services to recover erroneous 37579
payments under section 5107.76 of the Revised Code. 37580

The state department of job and family services shall adopt 37581
rules in accordance with Chapter 119. of the Revised Code to 37582
implement this section. 37583

Sec. 5101.85. As used in sections 5101.851 to ~~5101.854~~ 37584
5101.853 of the Revised Code, "kinship caregiver" means any of the 37585
following who is eighteen years of age or older and is caring for 37586
a child in place of the child's parents: 37587

(A) The following individuals related by blood or adoption to 37588
the child: 37589

(1) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";	37590 37591
(2) Siblings;	37592
(3) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";	37593 37594 37595
(4) First cousins and first cousins once removed.	37596
(B) Stepparents and stepsiblings of the child;	37597
(C) Spouses and former spouses of individuals named in divisions (A) and (B) of this section;	37598 37599
(D) A legal guardian of the child;	37600
(E) A legal custodian of the child.	37601
Sec. 5101.853 5101.851. (A) As used in this section, "qualified state expenditures" has the meaning provided by section 409(a)(7)(B)(i) of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42 U.S.C.A. 609(a)(7)(B)(i).	37602 37603 37604 37605 37606
(B) Using qualified state expenditures and based on the recommendations of the kinship care services planning council, the The department of job and family services shall <u>may</u> establish a <u>program providing support services to kinship caregivers statewide</u> <u>program of kinship care navigators to assist kinship caregivers</u> <u>who are seeking information regarding, or assistance obtaining,</u> <u>services and benefits available at the state and local level that</u> <u>addresses address the needs of those caregivers residing in each</u> <u>county.</u> The department shall establish the program no later than March 31, 2000. The program shall provide <u>to kinship caregivers</u> <u>information and referral services and assistance obtaining support</u> <u>services that include including</u> the following:	37607 37608 37609 37610 37611 37612 37613 37614 37615 37616 37617 37618

+1)(A) Publicly funded child day-care;	37619
+2)(B) Respite care;	37620
+3)(C) Training related to caring for special needs children;	37621
	37622
+4)(D) A toll-free telephone number that may be called to	37623
obtain basic information about the rights of, and services	37624
available to, kinship caregivers;	37625
+5)(E) Legal services.	37626
<u>Sec. 5101.852. Within available funds, the department of job</u>	37627
<u>and family services shall make payments to public children</u>	37628
<u>services agencies for the purpose of permitting the agencies to</u>	37629
<u>provide kinship care navigator information and referral services</u>	37630
<u>and assistance obtaining support services to kinship caregivers</u>	37631
<u>pursuant to the kinship care navigator program. The department may</u>	37632
<u>provide training and technical assistance concerning the needs of</u>	37633
<u>kinship caregivers to employees of public children services</u>	37634
<u>agencies and to persons or entities that serve kinship caregivers</u>	37635
<u>or perform the duties of a kinship care navigator and are under</u>	37636
<u>contract with an agency.</u>	37637
Sec. 5101.854 <u>5101.853.</u> The department of job and family	37638
services shall <u>may</u> adopt rules in accordance with Chapter 119. of	37639
the Revised Code to implement the <u>kinship care navigators</u> program	37640
to provide support services to kinship caregivers. To the extent	37641
permitted by federal law and the Revised Code, the rules may	37642
expand eligibility for programs administered by the department in	37643
a manner making kinship caregivers eligible for the programs. <u>The</u>	37644
<u>rules shall be adopted under Chapter 119. of the Revised Code,</u>	37645
<u>except that rules governing fiscal and administrative matters</u>	37646
<u>related to implementation of the navigators program are internal</u>	37647
<u>management rules and shall be adopted under section 111.15 of the</u>	37648

Revised Code. 37649

Sec. 5103.031. (A) Except as provided in section 5103.033 of 37650
the Revised Code, the department of job and family services may 37651
not issue a certificate under section 5103.03 of the Revised Code 37652
to a foster home unless the foster caregiver successfully 37653
completes the following amount of preplacement training through 37654
the Ohio child welfare training program or a preplacement training 37655
program operated under section 5103.034 of the Revised Code: 37656

(1) If the foster home is a family foster home, at least 37657
twelve hours; 37658

(2) If the foster home is a specialized foster home, at least 37659
thirty-six hours. 37660

(B) No child may be placed in a family foster home unless the 37661
foster caregiver completes at least twelve additional hours of 37662
preplacement training through the Ohio child welfare training 37663
program or a preplacement training program operated under section 37664
5103.034 of the Revised Code. 37665

Sec. 5103.033. The department of job and family services may 37666
issue or renew a certificate under section 5103.03 of the Revised 37667
Code to a foster home for the care of a child who is in the 37668
custody of a public children services agency or private child 37669
placing agency pursuant to an agreement entered into under section 37670
5103.15 of the Revised Code regarding a child who was less than 37671
six months of age on the date the agreement was executed if the 37672
foster caregiver successfully completes the following amount of 37673
training: 37674

(A) For an initial certificate, at least twelve hours of 37675
preplacement training through the Ohio child welfare training 37676
program or a preplacement training program operated under section 37677
5103.034 of the Revised Code; 37678

(B) For renewal of a certificate, at least twelve hours each 37679
year of continuing training in accordance with the foster 37680
caregiver's needs assessment and continuing training plan 37681
developed and implemented under section ~~5103.034~~ 5103.035 of the 37682
Revised Code. 37683

Sec. 5103.036. For the purpose of determining whether a 37684
foster caregiver has satisfied the requirement of section 5103.031 37685
or 5103.032 of the Revised Code, a recommending agency shall 37686
accept training obtained from the Ohio child welfare training 37687
program or pursuant to a preplacement training program or 37688
continuing training program operated under section 5103.034 of the 37689
Revised Code regardless of whether the agency operated the 37690
preplacement training program or continuing training program. The 37691
agency may require that the foster caregiver successfully complete 37692
additional training as a condition of the agency recommending that 37693
the department of job and family services certify or recertify the 37694
foster caregiver's foster home under section 5103.03 of the 37695
Revised Code. 37696

Sec. 5103.0312. ~~The department of job and family services~~ A 37697
public children services agency, private child placing agency, or 37698
private noncustodial agency acting as a recommending agency for 37699
foster caregivers who hold certificates issued under section 37700
5103.03 of the Revised Code shall pay those foster caregivers who 37701
have ~~been issued a foster home certificate and~~ had at least one 37702
foster child placed in their home a stipend to reimburse them for 37703
attending training courses provided by the Ohio child welfare 37704
training program or pursuant to a preplacement training program or 37705
continuing training program operated under section 5103.034 of the 37706
Revised Code. The payment shall be based on a ~~per diem~~ stipend 37707
rate established by the department of job and family services. The 37708
~~payment to foster caregivers~~ stipend rate shall be the same 37709

regardless of the type of recommending agency from which a foster 37710
caregiver seeks a recommendation. The department shall ~~pay a~~ 37711
~~foster caregiver for attending preplacement training courses~~ 37712
~~during the first month a foster child is placed in the foster~~ 37713
~~caregiver's home, pursuant to rules adopted under section~~ 37714
5103.0316 of the Revised Code, reimburse the recommending agency 37715
for stipend payments it makes in accordance with this section. 37716

Sec. 5103.0313. The department of job and family services 37717
shall reimburse ~~a~~ the following for the cost of providing 37718
preplacement and continuing training to foster caregivers: 37719

(A) The Ohio child welfare training program; 37720

(B) A public children services agency, private child placing 37721
agency, or private noncustodial agency for the cost to the agency 37722
of providing training to a foster caregiver through a preplacement 37723
training program or continuing training program operated under 37724
section 5103.034 of the Revised Code. ~~The~~ 37725

The reimbursement shall be on a per diem basis and limited to 37726
the cost associated with the trainer, obtaining a site at which 37727
the training is provided, and the administration of the training. 37728
A reimbursement rate shall be the same regardless of whether the 37729
training program is operated by the Ohio child welfare training 37730
program or a public children services agency, private child 37731
placing agency, or private noncustodial agency. 37732

Sec. 5103.0314. The department of job and family services 37733
shall not reimburse a recommending agency for the cost of any 37734
training the agency requires a foster caregiver to undergo as a 37735
condition of the agency recommending the department certify or 37736
recertify the foster caregiver's foster home under section 5103.03 37737
of the Revised Code if the training is in addition to the minimum 37738
training required by section 5103.031 or 5103.032 of the Revised 37739

Code. 37740

Sec. 5103.0316. Not later than ninety days after ~~the~~ 37741
~~effective date of this section~~ January 1, 2001, the department of 37742
job and family services shall adopt rules in accordance with 37743
Chapter 119. of the Revised Code as necessary for the efficient 37744
administration of sections 5103.031 to 5103.0316 of the Revised 37745
Code. The rules shall provide for all of the following: 37746

(A) For the purpose of section 5103.038 of the Revised Code, 37747
the date by which a public children services agency, private child 37748
placing agency, or private noncustodial agency that seeks to 37749
operate a preplacement training program or continuing training 37750
program under section 5103.034 of the Revised Code must submit to 37751
the department a proposal outlining the program; 37752

(B) Requirements governing the department's reimbursement of 37753
~~the Ohio child welfare training program and~~ public children 37754
services agencies, private child placing agencies, and private 37755
noncustodial agencies under ~~section~~ sections 5103.0312 and 37756
5103.0313 of the Revised Code; 37757

(C) Any other matter the department considers appropriate. 37758

Sec. 5103.07. The department of job and family services shall 37759
administer funds received under Title IV-B of the "Social Security 37760
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 620, as amended, and the 37761
"Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 37762
U.S.C.A. 5101, as amended, ~~and the "Family Violence Prevention and~~ 37763
~~Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10401, as~~ 37764
~~amended.~~ In administering these funds, the department may 37765
establish a child welfare services program, and a child abuse and 37766
neglect prevention and adoption reform program, ~~and a family~~ 37767
~~violence prevention program.~~ The department has all powers 37768
necessary for the adequate administration of these funds and 37769

programs. The director of job and family services may adopt 37770
internal management rules in accordance with section 111.15 of the 37771
Revised Code and ~~issue appropriate orders~~ as necessary for the 37772
~~adequate administration of these funds and programs~~ to carry out 37773
the purposes of this section. 37774

Sec. 5104.32. (A) Except as provided in division (C) of this 37775
section, all purchases of publicly funded child day-care shall be 37776
made under a contract entered into by a licensed child day-care 37777
center, licensed type A family day-care home, certified type B 37778
family day-care home, certified in-home aide, approved child day 37779
camp, licensed preschool program, licensed school child program, 37780
or border state child day-care provider and the county department 37781
of job and family services. A county department of job and family 37782
services may enter into a contract with a provider for publicly 37783
funded child day-care for a specified period of time or upon a 37784
continuous basis for an unspecified period of time. All contracts 37785
for publicly funded child day-care shall be contingent upon the 37786
availability of state and federal funds. The department of job and 37787
family services shall prescribe a standard form to be used for all 37788
contracts for the purchase of publicly funded child day-care, 37789
regardless of the source of public funds used to purchase the 37790
child day-care. To the extent permitted by federal law and 37791
notwithstanding any other provision of the Revised Code that 37792
regulates state or county contracts or contracts involving the 37793
expenditure of state, county, or federal funds, all contracts for 37794
publicly funded child day-care shall be entered into in accordance 37795
with the provisions of this chapter and are exempt from any other 37796
provision of the Revised Code that regulates state or county 37797
contracts or contracts involving the expenditure of state, county, 37798
or federal funds. 37799

(B) Each contract for publicly funded child day-care shall 37800
specify at least the following: 37801

(1) Except as provided in division (B)(2) of this section, 37802
that the provider of publicly funded child day-care agrees to be 37803
paid for rendering services at the lower of the rate customarily 37804
charged by the provider for children enrolled for child day-care 37805
or the rate of reimbursement established pursuant to section 37806
5104.30 of the Revised Code; 37807

(2) If the provider provides publicly funded child day-care 37808
to caretaker parents who work nontraditional hours, that the 37809
provider is to be paid for rendering services to those caretaker 37810
parents at the rate of reimbursement established pursuant to 37811
section 5104.30 of the Revised Code regardless of whether that 37812
rate is higher than the rate the provider customarily charges for 37813
children enrolled for child day-care; 37814

(3) That, if a provider provides child day-care to an 37815
individual potentially eligible for publicly funded child day-care 37816
who is subsequently determined to be eligible, the county 37817
department agrees to pay for all child day-care provided between 37818
the date the county department receives the individual's completed 37819
application and the date the individual's eligibility is 37820
determined; 37821

(4) Whether the county department of job and family services, 37822
the provider, or a child day-care resource and referral service 37823
organization will make eligibility determinations, whether the 37824
provider or a child day-care resource and referral service 37825
organization will be required to collect information to be used by 37826
the county department to make eligibility determinations, and the 37827
time period within which the provider or child day-care resource 37828
and referral service organization is required to complete required 37829
eligibility determinations or to transmit to the county department 37830
any information collected for the purpose of making eligibility 37831
determinations; 37832

(5) That the provider, other than a border state child 37833

day-care provider, shall continue to be licensed, approved, or 37834
certified pursuant to this chapter or sections 3301.52 to 3301.59 37835
of the Revised Code and shall comply with all standards and other 37836
requirements in this chapter and those sections and in rules 37837
adopted pursuant to this chapter or those sections for maintaining 37838
the provider's license, approval, or certification; 37839

(6) That, in the case of a border state child day-care 37840
provider, the provider shall continue to be licensed, certified, 37841
or otherwise approved by the state in which the provider is 37842
located and shall comply with all standards and other requirements 37843
established by that state for maintaining the provider's license, 37844
certificate, or other approval; 37845

(7) Whether the provider will be paid by the county 37846
department of job and family services or the state department of 37847
job and family services; 37848

(8) That the contract is subject to the availability of state 37849
and federal funds; 37850

~~(9) That, for each six-month period the provider provides 37851
publicly funded child day-care to a child, the provider will be 37852
paid for up to ten days, or, at the option of the county 37853
department, a greater number of days, the provider would have 37854
provided the child publicly funded child day-care had the child 37855
been present. 37856~~

(C) Unless specifically prohibited by federal law, the county 37857
department of job and family services shall give individuals 37858
eligible for publicly funded child day-care the option of 37859
obtaining certificates for payment that the individual may use to 37860
purchase services from any provider qualified to provide publicly 37861
funded child day-care under section 5104.31 of the Revised Code. 37862
Providers of publicly funded child day-care may present these 37863
certificates for payment for reimbursement in accordance with 37864

rules that the director of job and family services shall adopt. 37865
Only providers may receive reimbursement for certificates for 37866
payment. The value of the certificate for payment shall be based 37867
on the lower of the rate customarily charged by the provider or 37868
the rate of reimbursement established pursuant to section 5104.30 37869
of the Revised Code, unless the provider provides publicly funded 37870
child day-care to caretaker parents who work nontraditional hours, 37871
in which case the value of the certificate for payment for the 37872
services to those caretaker parents shall be based on the rate of 37873
reimbursement established pursuant to that section regardless of 37874
whether that rate is higher than the rate customarily charged by 37875
the provider. The county department may provide the certificates 37876
for payment to the individuals or may contract with child day-care 37877
providers or child day-care resource and referral service 37878
organizations that make determinations of eligibility for publicly 37879
funded child day-care pursuant to contracts entered into under 37880
section 5104.34 of the Revised Code for the providers or resource 37881
and referral service organizations to provide the certificates for 37882
payment to individuals whom they determine are eligible for 37883
publicly funded child day-care. 37884
37885

For each six-month period a provider of publicly funded child 37886
day-care provides publicly funded child day-care to the child of 37887
an individual given certificates of payment, the individual shall 37888
provide the provider certificates for days the provider would have 37889
provided publicly funded child day-care to the child had the child 37890
been present. County departments shall specify the maximum number 37891
of days providers will be provided certificates of payment for 37892
days the provider would have provided publicly funded child 37893
day-care had the child been present. The maximum number of days 37894
shall ~~be at least~~ not exceed ten days in a six-month period during 37895
which publicly funded child day-care is provided to the child 37896
regardless of the number of providers that provide publicly funded 37897

child day-care to the child during that period. 37898

Sec. 5104.341. (A) Except as provided in division (B) of this section, both of the following apply: 37899
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(1) An eligibility determination made under section 5104.34 of the Revised Code for publicly funded child day-care is valid for one year; 37901
37902
37903

(2) ~~A~~ The county department of job and family services shall redetermine the appropriate level of a fee charged under division (B) of section 5104.34 of the Revised Code shall not be changed every six months during the one-year period, unless a caretaker parent requests that the fee be reduced due to changes in income, family size, or both and the county department of job and family services approves the reduction. 37904
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(B) Division (A) of this section does not apply in either of the following circumstances: 37911
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(1) The publicly funded child day-care is provided under division (B)(4) of section 5104.35 of the Revised Code; 37913
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(2) The recipient of the publicly funded child day-care ceases to be eligible for publicly funded child day-care. 37915
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Sec. 5107.02. As used in this chapter: 37917

(A) "Adult" means an individual who is not a minor child. 37918

(B) "Assistance group" means a group of individuals treated as a unit for purposes of determining eligibility for and the amount of assistance provided under Ohio works first. 37919
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(C) "Custodian" means an individual who has legal custody, as defined in section 2151.011 of the Revised Code, of a minor child or comparable status over a minor child created by a court of competent jurisdiction in another state. 37922
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(D) "Guardian" means an individual that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code, or a court of competent jurisdiction in another state, to exercise parental rights over a minor child to the extent provided in the court's order and subject to residual parental rights of the minor child's parents.

(E) "Minor child" means either of the following:

(1) An individual who has not attained age eighteen;

(2) An individual who has not attained age nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.

(F) "Minor head of household" means a minor child who is a either of the following:

(1) At least six months pregnant and a member of an assistance group that does not include an adult;

(2) A parent of a child included in the same assistance group that does not include an adult.

(G) "Ohio works first" means the program established by this chapter known as temporary assistance for needy families in Title IV-A.

(H) "Payment standard" means the amount specified in rules adopted under section 5107.05 of the Revised Code that is the maximum amount of cash assistance an assistance group may receive under Ohio works first from state and federal funds.

(I) "Specified relative" means the following individuals who are age eighteen or older:

(1) The following individuals related by blood or adoption:

(a) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";

(b) Siblings;	37955
(c) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";	37956 37957 37958
(d) First cousins and first cousins once removed.	37959
(2) Stepparents and stepsiblings;	37960
(3) Spouses and former spouses of individuals named in division (I)(1) or (2) of this section.	37961 37962
(J) "Title IV-A" or "Title IV-D" means Title IV-A or Title IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.	37963 37964 37965
Sec. 5107.10. (A) As used in this section:	37966
(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.	37967 37968 37969
(2) "Gross income" means gross earned income and gross unearned income.	37970 37971
(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.	37972 37973 37974 37975 37976 37977 37978 37979 37980
(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	37981 37982 37983

that includes a minor head of household or adult, assistance shall 37984
be provided in accordance with the self-sufficiency contract 37985
entered into under section 5107.14 of the Revised Code. 37986

(C) To be eligible to participate in Ohio works first, an 37987
assistance group must meet all of the following requirements: 37988

(1) The assistance group, except as provided in division (E) 37989
of this section, must include at least one of the following: 37990

(a) A minor child who, except as provided in section 5107.24 37991
of the Revised Code, resides with a parent, or specified relative 37992
caring for the child, or, to the extent permitted by Title IV-A 37993
and federal regulations adopted until Title IV-A, resides with a 37994
guardian or custodian caring for the child; 37995

(b) A parent residing with and caring for the parent's minor 37996
child who receives supplemental security income under Title XVI of 37997
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 37998
as amended, or federal, state, or local adoption assistance; 37999

(c) A specified relative residing with and caring for a minor 38000
child who is related to the specified relative in a manner that 38001
makes the specified relative a specified relative and receives 38002
supplemental security income or federal, state, or local foster 38003
care or adoption assistance; 38004

(d) A woman at least six months pregnant. 38005

(2) The assistance group must meet the income requirements 38006
established by division (D) of this section. 38007

(3) No member of the assistance group may be involved in a 38008
strike. 38009

(4) The assistance group must satisfy the requirements for 38010
Ohio works first established by this chapter and sections ~~5101.19,~~ 38011
5101.58, 5101.59, and 5101.83 of the Revised Code. 38012

(5) The assistance group must meet requirements for Ohio 38013

works first established by rules adopted under section 5107.05 of the Revised Code. 38014
38015

(D)(1) Except as provided in division (D)(3) of this section, 38016
to determine whether an assistance group is initially eligible to 38017
participate in Ohio works first, a county department of job and 38018
family services shall do the following: 38019

(a) Determine whether the assistance group's gross income 38020
exceeds the following amount: 38021

Size of Assistance Group	Gross Income	
1	\$423	38022
2	\$537	38023
3	\$630	38024
4	\$750	38025
5	\$858	38026
6	\$942	38027
7	\$1,038	38028
8	\$1,139	38029
9	\$1,241	38030
10	\$1,343	38031
11	\$1,440	38032
12	\$1,542	38033
13	\$1,643	38034
14	\$1,742	38035
15	\$1,844	38036

For each person in the assistance group that brings the 38037
assistance group to more than fifteen persons, add one hundred two 38038
dollars to the amount of gross income for an assistance group of 38039
fifteen specified in division (D)(1)(a) of this section. 38040
38041

In making this determination, the county department shall 38042
disregard amounts that federal statutes or regulations and 38043
sections 5101.17 and 5117.10 of the Revised Code require be 38044
disregarded. The assistance group is ineligible to participate in 38045

Ohio works first if the assistance group's gross income, less the 38046
amounts disregarded, exceeds the amount specified in division 38047
(D)(1)(a) of this section. 38048

(b) If the assistance group's gross income, less the amounts 38049
disregarded pursuant to division (D)(1)(a) of this section, does 38050
not exceed the amount specified in that division, determine 38051
whether the assistance group's countable income is less than the 38052
payment standard. The assistance group is ineligible to 38053
participate in Ohio works first if the assistance group's 38054
countable income equals or exceeds the payment standard. 38055

(2) To determine whether an assistance group participating in 38056
Ohio works first continues to be eligible to participate, a county 38057
department of job and family services shall determine whether the 38058
assistance group's countable income continues to be less than the 38059
payment standard. In making this determination, the county 38060
department shall disregard the first two hundred fifty dollars and 38061
fifty per cent of the remainder of the assistance group's gross 38062
earned income. No amounts shall be disregarded from the assistance 38063
group's gross unearned income. The assistance group ceases to be 38064
eligible to participate in Ohio works first if its countable 38065
income, less the amounts disregarded, equals or exceeds the 38066
payment standard. 38067

(3) If an assistance group reapplies to participate in Ohio 38068
works first not more than four months after ceasing to 38069
participate, a county department of job and family services shall 38070
use the income requirement established by division (D)(2) of this 38071
section to determine eligibility for resumed participation rather 38072
than the income requirement established by division (D)(1) of this 38073
section. 38074

(E)(1) An assistance group may continue to participate in 38075
Ohio works first even though a public children services agency 38076
removes the assistance group's minor children from the assistance 38077

group's home due to abuse, neglect, or dependency if the agency 38078
does both of the following: 38079

(a) Notifies the county department of job and family services 38080
at the time the agency removes the children that it believes the 38081
children will be able to return to the assistance group within six 38082
months; 38083

(b) Informs the county department at the end of each of the 38084
first five months after the agency removes the children that the 38085
parent, guardian, custodian, or specified relative of the children 38086
is cooperating with the case plans prepared for the children under 38087
section 2151.412 of the Revised Code and that the agency is making 38088
reasonable efforts to return the children to the assistance group. 38089

(2) An assistance group may continue to participate in Ohio 38090
works first pursuant to division (E)(1) of this section for not 38091
more than six payment months. This division does not affect the 38092
eligibility of an assistance group that includes a woman at least 38093
six months pregnant. 38094

Sec. 5107.14. An assistance group is ineligible to 38095
participate in Ohio works first unless the minor head of household 38096
or each adult member of the assistance group, not later than 38097
thirty days after applying for or undergoing a redetermination of 38098
eligibility for the program, enters into a written 38099
self-sufficiency contract with the county department of job and 38100
family services. The contract shall set forth the rights and 38101
responsibilities of the assistance group as applicants for and 38102
participants of the program, including work responsibilities 38103
established under sections 5107.40 to 5107.69 of the Revised Code 38104
and other requirements designed to assist the assistance group in 38105
achieving self sufficiency and personal responsibility. The county 38106
department shall provide without charge a copy of the contract to 38107
each assistance group member who signs it. 38108

Each self-sufficiency contract shall include, based on 38109
appraisals conducted under section 5107.41 of the Revised Code and 38110
assessments conducted under section 5107.70 of the Revised Code, 38111
the following: 38112

(A) The assistance group's plan, developed under section 38113
5107.41 of the Revised Code, to achieve the goal of self 38114
sufficiency and personal responsibility through unsubsidized 38115
employment within the time limit for participating in Ohio works 38116
first established by section 5107.18 of the Revised Code; 38117

(B) Work activities, developmental activities, and 38118
alternative work activities to which members of the assistance 38119
group are assigned under sections 5107.40 to 5107.69 of the 38120
Revised Code; 38121

(C) The responsibility of a caretaker member of the 38122
assistance group to cooperate in establishing a minor child's 38123
paternity and establishing, modifying, and enforcing a support 38124
order for the child in accordance with section 5107.22 of the 38125
Revised Code; 38126

(D) Other responsibilities that members of the assistance 38127
group must satisfy to participate in Ohio works first and the 38128
consequences for failure or refusal to satisfy the 38129
responsibilities; 38130

(E) An agreement that the assistance group will comply with 38131
the conditions of participating in Ohio works first established by 38132
this chapter and sections ~~5101.19~~, 5101.58, 5101.59, and 5101.83 38133
of the Revised Code; 38134

(F) Assistance and services the county department will 38135
provide to the assistance group; 38136

(G) Assistance and services the child support enforcement 38137
agency and public children services agency will provide to the 38138
assistance group pursuant to a plan of cooperation entered into 38139

under section 307.983 of the Revised Code;	38140
(H) Other provisions designed to assist the assistance group in achieving self sufficiency and personal responsibility;	38141 38142
(I) Procedures for assessing whether responsibilities are being satisfied and whether the contract should be amended;	38143 38144
(J) Procedures for amending the contract.	38145
Sec. 5107.18. (A) Except as provided in divisions (B), (C), (D), and (E) of this section, an assistance group is ineligible to participate in Ohio works first if the assistance group includes an <u>adult individual</u> who has participated in the program for thirty-six months <u>as any of the following: an adult head of household, minor head of household, or spouse of an adult head of household or minor head of household</u> . The time limit applies regardless of whether the thirty-six months are consecutive.	38146 38147 38148 38149 38150 38151 38152 38153
(B) An assistance group that has ceased to participate in Ohio works first pursuant to division (A) of this section for at least twenty-four months, <u>whether consecutive or not</u> , may reapply to participate in the program if good cause exists as determined by the county department of job and family services. Good cause may include losing employment, inability to find employment, divorce, domestic violence considerations, and unique personal circumstances. The assistance group must provide a county department of job and family services verification acceptable to the county department of whether any members of the assistance group had employment during the period the assistance group was not participating in Ohio works first and the amount and sources of the assistance group's income during that period. If a county department is satisfied that good cause exists for the assistance group to reapply to participate in Ohio works first, the assistance group may reapply. Except as provided in divisions (C), (D), and (E) of this section, the assistance group may not	38154 38155 38156 38157 38158 38159 38160 38161 38162 38163 38164 38165 38166 38167 38168 38169 38170

participate in Ohio works first for more than twenty-four 38171
additional months. The time limit applies regardless of whether 38172
the twenty-four months are consecutive. 38173

(C) In determining the number of months a parent or pregnant 38174
woman has received assistance under Title IV-A, a county 38175
department of job and family services shall disregard any month 38176
during which the parent or pregnant woman was a minor child but 38177
was neither a minor head of household nor married to the head of 38178
an assistance group. 38179

(D) In determining the number of months an adult has received 38180
assistance under Title IV-A, a county department of job and family 38181
services shall disregard any month during which the adult lived on 38182
an Indian reservation or in an Alaska native village, as those 38183
terms are used in 42 U.S.C.A. 608(a)(7)(D), if, during the month, 38184
at least one thousand individuals lived on the reservation or in 38185
the village and at least fifty per cent of the adults living on 38186
the reservation or in the village were unemployed. 38187

(E) A county department of job and family services may exempt 38188
not more than twenty per cent of the average monthly number of 38189
Ohio works first ~~participants~~ assistance groups from the time 38190
limit established by this section on the grounds that the county 38191
department determines that the time limit is a hardship. In the 38192
case of the time limit established by division (A) of this 38193
section, a county department may not exempt an assistance group 38194
until the group has exhausted its thirty-six months of cash 38195
assistance. 38196
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(F) The department of job and family services shall 38198
continually monitor the percentage of the average monthly number 38199
of Ohio works first ~~participants~~ assistance groups in each county 38200
that is exempted under division (E) of this section from the time 38201
limit established by this section. On determining that the 38202

percentage in any county equals or exceeds eighteen per cent, the 38203
department shall immediately notify the county department of job 38204
and family services. 38205

(G) Only participation in Ohio works first on or after 38206
October 1, 1997, applies to the time limit established by this 38207
section. The time limit applies regardless of the source of 38208
funding for the program. Assistance under Title IV-A provided by 38209
any state applies to the time limit. The time limit is a lifetime 38210
limit. No assistance group shall receive assistance under the 38211
program in violation of the time limit for assistance under Title 38212
IV-A established by section 408(a)(7) of the "Social Security 38213
Act," as amended by the "Personal Responsibility and Work 38214
Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42 38215
U.S.C.A. 608 (a)(7). 38216

Sec. 5108.01. As used in this chapter: 38217

(A) "Assistance group" means a group of individuals treated 38218
as a unit for purposes of determining eligibility for the 38219
prevention, retention, and contingency program. 38220

~~(B) "Minor child" means either of the following:~~ 38221

~~(1) An individual who has not attained age eighteen;~~ 38222

~~(2) An individual who has not attained age nineteen and is a 38223
full-time student in a secondary school or in the equivalent level 38224
of vocational or technical training. 38225~~

~~(C)~~ "Prevention, retention, and contingency program" means 38226
the program established by this chapter and funded in part with 38227
federal funds provided under Title IV-A. 38228

~~(D)~~(C) "Title IV-A" means Title IV-A of the "Social Security 38229
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 38230

Sec. ~~5108.06~~ 5108.03. Under the prevention, retention, and 38231

contingency program, ~~an assistance group that includes at least~~ 38232
~~one minor child or a pregnant woman and meets the program's~~ 38233
~~eligibility requirements~~ a county department of job and family 38234
services shall receive assistance or provide benefits and services 38235
needed that individuals need to overcome immediate barriers to 38236
achieving or maintaining self sufficiency and personal 38237
responsibility. A county department shall provide the benefits and 38238
services in accordance with either the model design for the 38239
program that the department of job and family services develops 38240
under section 5108.05 of the Revised Code or the county 38241
department's own policies for the program developed under section 38242
5108.06 of the Revised Code. 38243

Sec. ~~5108.07~~ 5108.05. The department of job and family 38244
services shall develop a model design for the prevention, 38245
retention, and contingency program that county departments of job 38246
and family services may adopt under section ~~5108.08~~ 5108.06 of the 38247
Revised Code. ~~The model design must be consistent with Title IV-A,~~ 38248
~~federal regulations, state law, the Title IV-A state plan~~ 38249
~~submitted to the United States secretary of health and human~~ 38250
~~services under section 5101.80 of the Revised Code, and amendments~~ 38251
~~to the plan.~~ No rules shall be adopted to develop the model 38252
design. The department shall provide each county department a 38253
written copy of the model design. 38254

Sec. ~~5108.08~~ 5108.06. Each county department of job and 38255
family services shall either adopt the model design for the 38256
prevention, retention, and contingency program the department of 38257
job and family services develops under section ~~5108.07~~ 5108.05 of 38258
the Revised Code or develop its own policies for the program. To 38259
develop its own policies, a county department shall adopt a 38260
written statement of the policies governing the program. The 38261
policies may be a modification of the model design, different from 38262

~~the model design, or a combination. The policies shall establish 38263
or specify eligibility requirements, assistance or services to be 38264
provided under the program, administrative requirements, and other 38265
matters the county department determines necessary. A county 38266
department may amend its statement of policies to modify, 38267
terminate, and establish new policies. The policies must be 38268
consistent with Title IV-A, federal regulations, state law, the 38269
Title IV-A state plan submitted to the United States secretary of 38270
health and human services under section 5101.80 of the Revised 38271
Code, and amendments to the plan. 38272~~

A county department of job and family services shall inform 38273
the department of job and family services of whether it has 38274
adopted the model design or developed its own policies for the 38275
prevention, retention, and contingency program. If a county 38276
department develops its own policies, it shall provide the 38277
department a written copy of the statement of policies and any 38278
amendments it adopts to the statement. 38279

Sec. 5108.07. The model design for the prevention, retention, 38280
and contingency program that the department of job and family 38281
services develops under section 5108.05 of the Revised Code and 38282
policies for the program that a county department of job and 38283
family services may develop under section 5108.06 of the Revised 38284
Code shall establish or specify eligibility requirements for 38285
assistance groups that apply for the program under section 5108.10 38286
of the Revised Code, benefits and services to be provided under 38287
the program to assistance groups, administrative requirements, and 38288
other matters the department, in the case of the model design, or 38289
a county department, in the case of county policies, determine are 38290
necessary. 38291

The model design and a county department's policies may 38292
establish eligibility requirements for, and specify benefits and 38293
services to be provided to, types of groups, such as students in 38294

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 38326
execution, attachment, garnishment, and other like process. 38327

Sec. 5108.09. When a state hearing under division (B) of 38328
section 5101.35 of the Revised Code or an administrative appeal 38329
under division (C) of that section is held regarding the 38330
prevention, retention, and contingency program, the hearing 38331
officer, director of job and family services, or director's 38332
designee shall base the decision in the hearing or appeal on the 38333
following: 38334

(A) If the county department of job and family services 38335
involved in the hearing or appeal adopted the department of job 38336
and family services' model design for the program developed under 38337
section ~~5108.07~~ 5108.05 of the Revised Code, the model design; 38338

(B) If the county department developed its own policies for 38339
the program, the county department's written statement of policies 38340
adopted under section ~~5108.08~~ 5108.06 of the Revised Code and any 38341
amendments the county department adopted to the statement. 38342

Sec. 5108.10. An assistance group seeking to participate in 38343
the prevention, retention, and contingency program shall apply to 38344
a county department of job and family services using an 38345
application containing information the county department requires. 38346

When a county department receives an application for 38347
participation in the prevention, retention, and contingency 38348
program, it shall promptly make an investigation and record of the 38349
circumstances of the applicant in order to ascertain the facts 38350
surrounding the application and to obtain such other information 38351
as may be required. On completion of the investigation, the county 38352
department shall determine whether the applicant is eligible to 38353
participate, the ~~assistance~~ benefits or services the applicant 38354

should receive, and the approximate date when participation is to begin. 38355
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Sec. 5111.01. As used in this chapter, "medical assistance program" or "medicaid" means the program that is authorized by this ~~section~~ chapter and provided by the department ~~if~~ of job and family services under this chapter, Title XIX of the "Social Security Act," ~~49~~ 79 Stat. ~~620~~ 286 (~~1935~~ 1965), 42 U.S.C.A. ~~301~~ 1396, as amended, and the waivers of Title XIX requirements granted to the department by the health care financing administration of the United States department of health and human services. 38357
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The department of job and family services shall act as the single state agency to supervise the administration of the medicaid program. As the single state agency, the department shall comply with 42 C.F.R. 431.10(e). The department's rules governing medicaid are binding on other agencies that administer components of the medicaid program. No agency may establish, by rule or otherwise, a policy governing medicaid that is inconsistent with a medicaid policy established, in rule or otherwise, by the director of job and family services. 38366
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(A) The department of job and family services may provide medical assistance under the medicaid program as long as federal funds are provided for such assistance, to the following: 38375
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(1) Families with children that meet either of the following conditions: 38378
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(a) The family meets the income, resource, and family composition requirements in effect on July 16, 1996, for the former aid to dependent children program as those requirements were established by Chapter 5107. of the Revised Code, federal waivers granted pursuant to requests made under former section 5101.09 of the Revised Code, and rules adopted by the department 38380
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or any changes the department makes to those requirements in 38386
accordance with paragraph (a)(2) of section 114 of the "Personal 38387
Responsibility and Work Opportunity Reconciliation Act of 1996," 38388
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 38389
implementing section 5111.019 of the Revised Code. An adult loses 38390
eligibility for medical assistance under division (A)(1)(a) of 38391
this section pursuant to division (E) of section 5107.16 of the 38392
Revised Code. 38393

(b) The family does not meet the requirements specified in 38394
division (A)(1)(a) of this section but is eligible for medical 38395
assistance pursuant to section 5101.18 of the Revised Code. 38396

(2) Aged, blind, and disabled persons who meet the following 38397
conditions: 38398

(a) Receive federal aid under Title XVI of the "Social 38399
Security Act," or are eligible for but are not receiving such aid, 38400
provided that the income from all other sources for individuals 38401
with independent living arrangements shall not exceed one hundred 38402
seventy-five dollars per month. The income standards hereby 38403
established shall be adjusted annually at the rate that is used by 38404
the United States department of health and human services to 38405
adjust the amounts payable under Title XVI. 38406

(b) Do not receive aid under Title XVI, but meet any of the 38407
following criteria: 38408

(i) Would be eligible to receive such aid, except that their 38409
income, other than that excluded from consideration as income 38410
under Title XVI, exceeds the maximum under division (A)(2)(a) of 38411
this section, and incurred expenses for medical care, as 38412
determined under federal regulations applicable to section 209(b) 38413
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 38414
U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which 38415
their income exceeds the maximum under division (A)(2)(a) of this 38416

section;	38417
(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;	38418 38419 38420
(iii) Are eligible for medical assistance pursuant to section 5101.18 of the Revised Code.	38421 38422
(3) Persons to whom federal law requires, as a condition of state participation in the medicaid program, that medical assistance be provided;	38423 38424 38425
(4) Persons under age twenty-one who meet the income requirements for the Ohio works first program established under Chapter 5107. of the Revised Code but do not meet other eligibility requirements for the program. The director shall adopt rules in accordance with Chapter 119. of the Revised Code specifying which Ohio works first requirements shall be waived for the purpose of providing medicaid eligibility under division (A)(4) of this section.	38426 38427 38428 38429 38430 38431 38432 38433
(B) If funds are appropriated for such purpose by the general assembly, the department may provide medical assistance to persons in groups designated by federal law as groups to which a state, at its option, may provide medical assistance under the medicaid program.	38434 38435 38436 38437 38438
(C) The department may expand eligibility for medical assistance to include individuals under age nineteen with family incomes at or below one hundred fifty per cent of the federal poverty guidelines, except that the eligibility expansion shall not occur unless the department receives the approval of the federal government. The department may implement the eligibility expansion authorized under this division on any date selected by the department, but not sooner than January 1, 1998.	38439 38440 38441 38442 38443 38444 38445 38446
(D) In addition to any other authority or requirement to	38447

adopt rules under this chapter, the director may adopt rules in accordance with section 111.15 of the Revised Code as the director considers necessary to establish standards, procedures, and other requirements regarding the provision of medical assistance. The rules may establish requirements to be followed in applying for medical assistance, making determinations of eligibility for medical assistance, and verifying eligibility for medical assistance. The rules may include special conditions as the department determines appropriate for making applications, determining eligibility, and verifying eligibility for any medical assistance that the department may provide pursuant to division (C) of this section and section 5111.014 or 5111.019 of the Revised Code.

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, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, monitored, and reviewed;

(2) Partial-hospitalization mental health services of three to fourteen hours per service day, rendered by persons directly supervised by a mental health professional;

(3) Unscheduled, emergency mental health services of a kind ordinarily provided to persons in crisis when rendered by persons supervised by a mental health professional.

(B) Services shall be included in the state plan only when provided by community mental health facilities that have quality assurance programs accredited by the joint commission on accreditation of healthcare organizations or certified by the department of mental health or department of job and family services.

(C) The comprehensive annual plan shall certify the

availability of sufficient unencumbered community mental health 38508
state subsidy and local funds to match Title XIX reimbursement 38509
funds earned by the facilities. Reimbursement for eligible 38510
services shall be based on the prospective cost of providing the 38511
services as developed in standards adopted as part of the 38512
comprehensive annual plan. 38513

(D) As used in this section, "mental health professional" 38514
means a person qualified to work with mentally ill persons under 38515
the ~~minimum~~ standards established by the director of mental health 38516
pursuant to section ~~5119.61~~ 5119.611 of the Revised Code. 38517

(E) With respect to services established by division (A) of 38518
this section, the department of job and family services shall 38519
enter into a separate contract with the department of mental 38520
health. The terms of the contract between the department of job 38521
and family services and the department of mental health shall 38522
specify both of the following: 38523

(1) That the department of mental health and boards of 38524
alcohol, drug addiction, and mental health services shall provide 38525
state and local matching funds for Title XIX of the "Social 38526
Security Act," for reimbursement of services established by 38527
division (A) of this section; 38528

(2) How the community mental health facilities described in 38529
division (B) of this section will be paid for providing the 38530
services established by division (A) of this section. 38531

Sec. 5111.041. (A) As used in this section, ~~"habilitation:~~ 38532

(1) "Habilitation center" means a habilitation center 38533
certified under section 5123.041 of the Revised Code by the 38534
director of mental retardation and developmental disabilities ~~for~~ 38535
~~the provision of to provide~~ habilitation center services under 38536
this section. 38537

(2) "Habilitation center services" means services provided by a habilitation center. 38538
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~~(B) Habilitation centers shall verify the availability of matching funds for Title XIX of the Social Security Act for reimbursement of habilitation services as defined in section 5123.041 of the Revised Code and such matching funds shall be provided in accordance with 42 C.F.R. 433.45~~ To the extent provided in rules adopted under division (C) of this section and permitted by the availability of funds, the medicaid program shall cover habilitation center services. 38540
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(C) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the medicaid program's coverage of habilitation center services. The rules shall establish or provide for all of the following: 38548
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(1) The requirements a habilitation center must meet to obtain certification under section 5123.041 of the Revised Code; 38552
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38554

(2) Making habilitation center services available to medicaid recipients with a medical need for the services; 38555
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(3) The amount, duration, and scope of the medicaid program's coverage of the habilitation center services, including all of the following: 38557
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38559

(a) The conditions under which the medicaid program covers the habilitation center services; 38560
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(b) The amount the medicaid program pays for the habilitation center services or the method by which the amount is determined; 38562
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38564

(c) The manner in which the medicaid program pays for the habilitation center services. 38565
38566

(D) A county board of mental retardation and developmental 38567

disabilities that has medicaid local administrative authority 38568
under division (B) of section 5126.055 of the Revised Code for 38569
habilitation center services shall pay the nonfederal share of 38570
medicaid expenditures for the services if all of the following 38571
apply: 38572

(1) The habilitation center services are provided to a 38573
medicaid recipient who is a current resident of the county that 38574
the county board serves; 38575

(2) The county board has determined, under section 5126.041 38576
of the Revised Code, that the medicaid recipient is eligible for 38577
county board services; 38578

(3) The habilitation center services are provided by a 38579
habilitation center with a medicaid provider agreement. 38580

(4) No school district is required to pay the nonfederal 38581
share under division (E) of this section. 38582

(E) A school district shall pay the nonfederal share of 38583
medicaid expenditures for habilitation center services if all of 38584
the following apply: 38585

(1) The habilitation center services are provided to a 38586
medicaid recipient who is a student enrolled in a school of the 38587
district; 38588

(2) The habilitation center services are included in the 38589
student's individualized education program provided under section 38590
3323.08 of the Revised Code; 38591

(3) The school district has a medicaid provider agreement to 38592
provide habilitation center services; 38593

(4) The habilitation center services are provided by a 38594
habilitation center with a medicaid provider agreement. 38595

(F) The departments of mental retardation and developmental 38596
disabilities and job and family services may approve, reduce, 38597

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.

Sec. 5111.042. The departments of mental retardation and developmental disabilities and job and family services may approve, reduce, deny, or terminate a service included in the individualized service plan developed for a medicaid recipient with mental retardation or other developmental disability who is eligible for medicaid case management services. The departments shall consider the recommendations a county board of mental retardation and developmental disabilities makes under division (B)(1) of section 5126.055 of the Revised Code. If either department 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.

Sec. 5111.081. The prescription drug rebates fund is hereby created in the state treasury. All rebates paid by drug manufacturers to the department of job and family services in accordance with a rebate agreement required by 42 U.S.C.A. 1396r-8 shall be credited to the fund. The department of job and family services shall use money credited to the fund to pay for medicaid services and contracts.

Sec. 5111.17. (A) As used in this section, "community-based

~~clinic" means a clinic that provides prenatal, family planning, 38628
well child, or primary care services and is funded in whole or in 38629
part by the state or federal government. 38630~~

~~(B) On receipt of a waiver from the United States department 38631
of health and human services of any federal requirement that would 38632
otherwise be violated, the department of job and family services 38633
shall may establish in Franklin, Hamilton, and Lucas some or all 38634
counties a managed care system under which designated recipients 38635
of medical assistance are required to obtain ~~medical~~ health care 38636
services from providers designated by the department. The 38637
department ~~may stagger implementation of the managed care system,~~ 38638
but the system shall be implemented in at least one county not 38639
later than January 1, 1995, and in all three counties not later 38640
than July 1, 1996. 38641~~

~~(C)(B) The department, by rule adopted under this section, 38642
may require any recipients in any other county to receive all or 38643
some of their care through managed care organizations that 38644
contract with the department and are paid by the department 38645
pursuant to a capitation or other risk-based methodology 38646
prescribed in the rules, and to receive their care only from 38647
providers designated by the organizations may enter into contracts 38648
with managed care organizations to authorize the organizations to 38649
provide, or arrange for the provision of, health care services to 38650
medical assistance recipients participating in a managed care 38651
system established under this section. 38652~~

~~(D) In accordance with rules adopted under division (G) of 38653
this section, the department may issue requests for proposals from 38654
managed care organizations interested in contracting with the 38655
department to provide managed care to participating medical 38656
assistance recipients. 38657~~

~~(E) A health insuring corporation under contract with the 38658
department under this section may enter into an agreement with any 38659~~

~~community-based clinic for the provision of medical services to
medical assistance recipients participating in the managed care
system if the clinic is willing to accept the terms, conditions,
and payment procedures established by the health insuring
corporation.~~ 38660
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~~(F)~~(C) For the purpose of determining the amount the 38665
department pays hospitals under section 5112.08 of the Revised 38666
Code and the amount of disproportionate share hospital payments 38667
paid by the medicare program established under Title XVIII of the 38668
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 38669
amended, each managed care organization under contract with the 38670
department to provide ~~managed care~~ hospital services to 38671
participating medical assistance recipients shall keep detailed 38672
records for each hospital with which it contracts about the cost 38673
to the hospital of providing the care, payments made by the 38674
organization to the hospital for the care, utilization of hospital 38675
services by medical assistance recipients participating in managed 38676
care, and other utilization data required by the department. 38677

~~(G)~~(D) The director of job and family services ~~shall~~ may 38678
adopt rules in accordance with Chapter 119. of the Revised Code to 38679
implement this section. 38680

Sec. 5111.171. (A) The department of job and family services 38681
may provide financial incentive awards to managed care 38682
organizations that contract with the department under section 38683
5111.17 of the Revised Code to provide health care services to 38684
participating medical assistance recipients and that meet or 38685
exceed performance standards specified in provider agreements or 38686
rules adopted by the department. The department may specify in a 38687
contract with a managed care organization the amounts of financial 38688
incentive awards, methodology for distributing awards, types of 38689
awards, and standards for administration by the department. 38690

(B) There is hereby created in the state treasury the health care compliance fund. The fund shall consist of all fines imposed on and collected from managed care organizations for failure to meet performance standards or other requirements specified in provider agreements or rules adopted by the department. All investment earnings of the fund shall be credited to the fund. Moneys credited to the fund shall be used solely for the following purposes:

(1) To reimburse managed care organizations that have paid fines for failures to meet performance standards or other requirements and that have come into compliance by meeting requirements as specified by the department;

(2) To provide financial incentive awards established pursuant to division (A) of this section and specified in contracts between managed care organizations and the department.

Sec. 5111.22. A provider agreement between the department of job and family services and a nursing facility or intermediate care facility for the mentally retarded shall contain the following provisions:

(A) The department agrees to:

(1) Make payments to the nursing facility or intermediate care facility for the mentally retarded for patients eligible for services under the medical assistance program as provided in sections 5111.20 to 5111.32 of the Revised Code. ~~Payments shall be made no later than the fifteenth day of the month following a month in which care and services are provided to recipients of medical assistance. Such payments shall be retroactive to the first day of the month in which an application for benefits is made or the day a recipient of medical assistance is admitted to the facility. In the case of newly admitted recipients of medical assistance, the first payment shall be made no later than sixty~~

~~days following the date of authorized admission.~~ No payment shall 38722
be made for the day a recipient is discharged from the facility. 38723

(2) Provide copies of rules governing the facility's 38724
participation as a provider in the medical assistance program. 38725
Whenever the director of job and family services files a proposed 38726
rule or proposed rule in revised form under division (D) of 38727
section 111.15 or division (B) of section 119.03 of the Revised 38728
Code, the department shall provide the facility with one copy of 38729
such rule. In the case of a rescission or proposed rescission of a 38730
rule, the department may provide the rule number and title instead 38731
of the rules rescinded or proposed to be rescinded. 38732

(B) The provider agrees to: 38733

(1) Maintain eligibility as provided in section 5111.21 of 38734
the Revised Code; 38735

(2) Keep records relating to a cost reporting period for the 38736
greater of seven years after the cost report is filed or, if the 38737
department issues an audit report in accordance with division (B) 38738
of section 5111.27 of the Revised Code, six years after all appeal 38739
rights relating to the audit report are exhausted; 38740

(3) File reports as required by the department; 38741

(4) Open all records relating to the costs of its services 38742
for inspection and audit by the department; 38743

(5) Open its premises for inspection by the department, the 38744
department of health, and any other state or local authority 38745
having authority to inspect; 38746

(6) Supply to the department such information as it requires 38747
concerning the facility's services to patients who are or are 38748
eligible to be medicaid recipients; 38749

(7) Comply with section 5111.31 of the Revised Code. 38750

The provider agreement may contain other provisions that are 38751

consistent with law and considered necessary by the department. 38752

A provider agreement shall be effective for no longer than 38753
twelve months, except that if federal statute or regulations 38754
authorize a longer term, it may be effective for a longer term so 38755
authorized. A provider agreement may be renewed only if the 38756
facility is certified by the department of health for 38757
participation in the medicaid program. 38758

The department of job and family services, in accordance with 38759
rules adopted by the director pursuant to Chapter 119. of the 38760
Revised Code, may elect not to enter into, not to renew, or to 38761
terminate a provider agreement when the department determines that 38762
such an agreement would not be in the best interests of the 38763
recipients or of the state. 38764

Sec. 5111.231. (A)(1) The department of job and family 38765
services shall determine case-mix scores for nursing facilities 38766
using data for each resident, regardless of payment source, from a 38767
resident assessment instrument specified in rules adopted in 38768
accordance with Chapter 119. of the ~~Revised~~ Revised Code pursuant 38769
to section ~~19119~~ 1919(e)(5) of the "Social Security Act," 49 Stat. 38770
620 (1935), 42 U.S.C.A. 1396r(e)(5), as amended, and the case-mix 38771
values established by the United States department of health and 38772
human services. Except as modified in rules adopted under division 38773
(A)(1)(c) of this section, the department also shall use the 38774
grouper methodology used on June 30, 1999, by the United States 38775
department of health and human services for prospective payment of 38776
skilled nursing facilities under the medicare program established 38777
by Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 38778
42 U.S.C.A. 301, as amended. The director of job and family 38779
services may adopt rules in accordance with Chapter 119. of the 38780
Revised Code that do any of the following: 38781

(a) Adjust the case-mix values to reflect changes in relative 38782

wage differentials that are specific to this state; 38783

(b) Express all of the case-mix values in numeric terms that 38784
are different from the terms specified by the United States 38785
department of health and human services but that do not alter the 38786
relationship of the case-mix values to one another; 38787

(c) Modify the grouper methodology as follows: 38788

(i) Establish a different hierarchy for assigning residents 38789
to case-mix categories under the methodology; 38790

(ii) Prohibit the use of the index maximizer element of the 38791
methodology; 38792

(iii) Incorporate changes to the methodology the United 38793
States department of health and human services makes after June 38794
30, 1999; 38795

(iv) Make other changes the ~~medicaid long term care~~ nursing 38796
facility reimbursement study council established by section 38797
5111.34 of the Revised Code approves. 38798

(2) The department shall determine case-mix scores for 38799
intermediate care facilities for the mentally retarded using data 38800
for each resident, regardless of payment source, from a resident 38801
assessment instrument and grouper methodology prescribed in rules 38802
adopted in accordance with Chapter 119. of the Revised Code and 38803
expressed in case-mix values established by the department in 38804
those rules. ~~The department may change the grouper methodology~~ 38805
~~prescribed in rules in effect on June 30, 1999, only if the~~ 38806
~~medicaid long term care reimbursement study council approves the~~ 38807
~~change.~~ 38808

(B) Not later than fifteen days after the end of each 38809
calendar quarter, each nursing facility and intermediate care 38810
facility for the mentally retarded shall submit to the department 38811
the complete assessment data, from the instrument specified in 38812

rules adopted under division (A) of this section, for each 38813
resident, regardless of payment source, who was in the facility or 38814
on hospital or therapeutic leave from the facility on the last day 38815
of the quarter. 38816

Except as provided in division (C) of this section, the 38817
department, after the end of each calendar year and pursuant to 38818
procedures specified in rules adopted in accordance with Chapter 38819
119. of the Revised Code, shall calculate an annual average 38820
case-mix score for each nursing facility and intermediate care 38821
facility for the mentally retarded using the facility's quarterly 38822
case-mix scores for that calendar year. 38823

(C)(1) If a facility does not timely submit information for a 38824
calendar quarter necessary to calculate its case-mix score, or 38825
submits incomplete or inaccurate information for a calendar 38826
quarter, the department may assign the facility a quarterly 38827
average case-mix score that is five per cent less than the 38828
facility's quarterly average case-mix score for the preceding 38829
calendar quarter. If the facility was subject to an exception 38830
review under division (C) of section 5111.27 of the Revised Code 38831
for the preceding calendar quarter, the department may assign a 38832
quarterly average case-mix score that is five per cent less than 38833
the score determined by the exception review. If the facility was 38834
assigned a quarterly average case-mix score for the preceding 38835
quarter, the department may assign a quarterly average case-mix 38836
score that is five per cent less than that score assigned for the 38837
preceding quarter. 38838

The department may use a quarterly average case-mix score 38839
assigned under division (C)(1) of this section, instead of a 38840
quarterly average case-mix score calculated based on the 38841
facility's submitted information, to calculate the facility's rate 38842
for direct care costs being established under section 5111.23 of 38843
the Revised Code for one or more months, as specified in rules 38844

adopted under division (D) of this section, of the quarter for 38845
which the rate established under section 5111.23 of the Revised 38846
Code will be paid. 38847

Before taking action under division (C)(1) of this section, 38848
the department shall permit the facility a reasonable period of 38849
time, specified in rules adopted under division (D) of this 38850
section, to correct the information. In the case of an 38851
intermediate care facility for the mentally retarded, the 38852
department shall not assign a quarterly average case-mix score due 38853
to late submission of corrections to assessment information unless 38854
the facility fails to submit corrected information prior to the 38855
eighty-first day after the end of the calendar quarter to which 38856
the information pertains. In the case of a nursing facility, the 38857
department shall not assign a quarterly average case-mix score due 38858
to late submission of corrections to assessment information unless 38859
the facility fails to submit corrected information prior to the 38860
earlier of the eighty-first day after the end of the calendar 38861
quarter to which the information pertains or the deadline for 38862
submission of such corrections established by regulations adopted 38863
by the United States department of health and human services under 38864
Titles XVIII and XIX of the Social Security Act. 38865

(2) If a facility is paid a rate calculated using a quarterly 38866
average case-mix score assigned under division (C)(1) of this 38867
section for more than six months in a calendar year, the 38868
department may assign the facility a cost per case-mix unit that 38869
is five per cent less than the facility's actual or assigned cost 38870
per case-mix unit for the preceding calendar year. The department 38871
may use the assigned cost per case-mix unit, instead of 38872
calculating the facility's actual cost per case-mix unit in 38873
accordance with section 5111.23 of the Revised Code, to establish 38874
the facility's rate for direct care costs for the following fiscal 38875
year. 38876

(3) The department shall take action under division (C)(1) or 38877
(2) of this section only in accordance with rules adopted under 38878
division (D) of this section. The department shall not take an 38879
action that affects rates for prior payment periods except in 38880
accordance with sections 5111.27 and 5111.28 of the Revised Code. 38881

(D) The director may adopt rules in accordance with Chapter 38882
119. of the Revised Code that do any of the following: 38883

(1) Specify the medium or media through which the completed 38884
assessment information shall be submitted; 38885

(2) Establish procedures under which the department will 38886
review assessment information for accuracy and notify the facility 38887
of any information that requires correction; 38888

(3) Establish procedures for facilities to correct assessment 38889
information. The procedures may prohibit an intermediate care 38890
facility for the mentally retarded from submitting corrected 38891
assessment information, for the purpose of calculating its annual 38892
average case-mix score, more than two calendar quarters after the 38893
end of the quarter to which the information pertains or, if the 38894
information pertains to the quarter ending the thirty-first day of 38895
December, after the thirty-first day of the following March. The 38896
procedures may limit the content of corrections by nursing 38897
facilities in the manner required by regulations adopted by the 38898
United States department of health and human services under Titles 38899
XVIII and XIX of the Social Security Act and prohibit a nursing 38900
facility from submitting corrected assessment information, for the 38901
purpose of calculating its annual average case-mix score, more 38902
than the earlier of the following: 38903

(a) Two calendar quarters after the end of the quarter to 38905
which the information pertains or, if the information pertains to 38906
the quarter ending the thirty-first day of December, after the 38907

thirty-first day of the following March; 38908

(b) The deadline for submission of such corrections 38909
established by regulations adopted by the United States department 38910
of health and human services under Titles XVIII and XIX of the 38911
Social Security Act. 38912

(4) Specify when and how the department will assign case-mix 38913
scores or costs per case-mix unit under division (C) of this 38914
section if information necessary to calculate the facility's 38915
average annual or quarterly case-mix score is not provided or 38916
corrected in accordance with the procedures established by the 38917
rules. Notwithstanding any other provision of sections 5111.20 to 38918
5111.32 of the Revised Code, the rules also may provide for 38919
exclusion of case-mix scores assigned under division (C) of this 38920
section from calculation of the facility's annual average case-mix 38921
score and the maximum cost per case-mix unit for the facility's 38922
peer group. 38923

Sec. 5111.25. (A) The department of job and family services 38924
shall pay each eligible nursing facility a per resident per day 38925
rate for its reasonable capital costs established prospectively 38926
each fiscal year for each facility. Except as otherwise provided 38927
in sections 5111.20 to 5111.32 of the Revised Code, the rate shall 38928
be based on the facility's capital costs for the calendar year 38929
preceding the fiscal year in which the rate will be paid. The rate 38930
shall equal the sum of divisions (A)(1) to (3) of this section: 38931
38932

(1) The lesser of the following: 38933

(a) Eighty-eight and sixty-five one-hundredths per cent of 38934
the facility's desk-reviewed, actual, allowable, per diem cost of 38935
ownership and eighty-five per cent of the facility's actual, 38936
allowable, per diem cost of nonextensive renovation determined 38937
under division (F) of this section; 38938

(b) Eighty-eight and sixty-five one-hundredths per cent of	38939
the following limitation:	38940
(i) For the fiscal year beginning July 1, 1993, sixteen	38941
dollars per resident day;	38942
(ii) For the fiscal year beginning July 1, 1994, sixteen	38943
dollars per resident day, adjusted to reflect the rate of	38944
inflation for the twelve-month period beginning July 1, 1992, and	38945
ending June 30, 1993, using the consumer price index for shelter	38946
costs for all urban consumers for the north central region,	38947
published by the United States bureau of labor statistics;	38948
(iii) For subsequent fiscal years, the limitation in effect	38949
during the previous fiscal year, adjusted to reflect the rate of	38950
inflation for the twelve-month period beginning on the first day	38951
of July for the calendar year preceding the calendar year that	38952
precedes the fiscal year and ending on the following thirtieth day	38953
of June, using the consumer price index for shelter costs for all	38954
urban consumers for the north central region, published by the	38955
United States bureau of labor statistics.	38956
(2) Any efficiency incentive determined under division (D) of	38957
this section;	38958
(3) Any amounts for return on equity determined under	38959
division (H) of this section.	38960
Buildings shall be depreciated using the straight line method	38961
over forty years or over a different period approved by the	38962
department. Components and equipment shall be depreciated using	38963
the straight-line method over a period designated in rules adopted	38964
by the director of job and family services in accordance with	38965
Chapter 119. of the Revised Code, consistent with the guidelines	38966
of the American hospital association, or over a different period	38967
approved by the department. Any rules adopted under this division	38968
that specify useful lives of buildings, components, or equipment	38969

apply only to assets acquired on or after July 1, 1993. 38970

Depreciation for costs paid or reimbursed by any government agency 38971
shall not be included in cost of ownership or renovation unless 38972
that part of the payment under sections 5111.20 to 5111.32 of the 38973
Revised Code is used to reimburse the government agency. 38974

(B) The capital cost basis of nursing facility assets shall 38975
be determined in the following manner: 38976

(1) For purposes of calculating the rate to be paid for the 38977
fiscal year beginning July 1, 1993, for facilities with dates of 38978
licensure on or before June 30, 1993, the capital cost basis shall 38979
be equal to the following: 38980

(a) For facilities that have not had a change of ownership 38981
during the period beginning January 1, 1993, and ending June 30, 38982
1993, the desk-reviewed, actual, allowable capital cost basis that 38983
is listed on the facility's cost report for the cost reporting 38984
period ending December 31, 1992, plus the actual, allowable 38985
capital cost basis of any assets constructed or acquired after 38986
December 31, 1992, but before July 1, 1993, if the aggregate 38987
capital costs of those assets would increase the facility's rate 38988
for capital costs by twenty or more cents per resident per day. 38989

(b) For facilities that have a date of licensure or had a 38990
change of ownership during the period beginning January 1, 1993, 38991
and ending June 30, 1993, the actual, allowable capital cost basis 38992
of the person or government entity that owns the facility on June 38993
30, 1993. 38994

Capital cost basis shall be calculated as provided in 38995
division (B)(1) of this section subject to approval by the United 38996
States health care financing administration of any necessary 38997
amendment to the state plan for providing medical assistance. 38998

The department shall include the actual, allowable capital 38999
cost basis of assets constructed or acquired during the period 39000

beginning January 1, 1993, and ending June 30, 1993, in the
calculation for the facility's rate effective July 1, 1993, if the
aggregate capital costs of the assets would increase the
facility's rate by twenty or more cents per resident per day and
the facility provides the department with sufficient documentation
of the costs before June 1, 1993. If the facility provides the
documentation after that date, the department shall adjust the
facility's rate to reflect the costs of the assets one month after
the first day of the month after the department receives the
documentation.

(2) Except as provided in division (B)(4) of this section,
for purposes of calculating the rates to be paid for fiscal years
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: 39033

(a) One-half of the change in construction costs during the 39034
time that the transferor held the asset, as calculated by the 39035
department of job and family services using the "Dodge building 39036
cost indexes, northeastern and north central states," published by 39037
Marshall and Swift; 39038

(b) One-half of the change in the consumer price index for 39039
all items for all urban consumers, as published by the United 39040
States bureau of labor statistics, during the time that the 39041
transferor held the asset. 39042

(5) If a provider transfers an interest in a facility to 39043
another provider who is a related party, the capital cost basis of 39044
the asset shall be adjusted as specified in division (B)(4) of 39045
this section for a transfer to a provider that is not a related 39046
party if all of the following conditions are met: 39047

(a) The related party is a relative of owner; 39048

(b) Except as provided in division (B)(5)(c)(ii) of this 39049
section, the provider making the transfer retains no ownership 39050
interest in the facility; 39051

(c) The department of job and family services determines that 39052
the transfer is an arm's length transaction pursuant to rules the 39053
department shall adopt in accordance with Chapter 119. of the 39054
Revised Code no later than December 31, 2000. The rules shall 39055
provide that a transfer is an arm's length transaction if all of 39056
the following apply: 39057

(i) Once the transfer goes into effect, the provider that 39058
made the transfer has no direct or indirect interest in the 39059
provider that acquires the facility or the facility itself, 39060
including interest as an owner, officer, director, employee, 39061
independent contractor, or consultant, but excluding interest as a 39062
creditor. 39063

(ii) The provider that made the transfer does not reacquire 39064
an interest in the facility except through the exercise of a 39065
creditor's rights in the event of a default. If the provider 39066
reacquires an interest in the facility in this manner, the 39067
department shall treat the facility as if the transfer never 39068
occurred when the department calculates its reimbursement rates 39069
for capital costs. 39070

(iii) The transfer satisfies any other criteria specified in 39071
the rules. 39072

(d) Except in the case of hardship caused by a catastrophic 39073
event, as determined by the department, or in the case of a 39074
provider making the transfer who is at least sixty-five years of 39075
age, not less than twenty years have elapsed since, for the same 39076
facility, the capital cost basis was adjusted most recently under 39077
division (B)(5) of this section or actual, allowable cost of 39078
ownership was determined most recently under division (C)(9) of 39079
this section. 39080

(C) As used in this division, "lease expense" means lease 39081
payments in the case of an operating lease and depreciation 39082
expense and interest expense in the case of a capital lease. As 39083
used in this division, "new lease" means a lease, to a different 39084
lessee, of a nursing facility that previously was operated under a 39085
lease. 39086

(1) Subject to the limitation specified in division (A)(1) of 39087
this section, for a lease of a facility that was effective on May 39088
27, 1992, the entire lease expense is an actual, allowable cost of 39089
ownership during the term of the existing lease. The entire lease 39090
expense also is an actual, allowable cost of ownership if a lease 39091
in existence on May 27, 1992, is renewed under either of the 39092
following circumstances: 39093

(a) The renewal is pursuant to a renewal option that was in 39094

existence on May 27, 1992; 39095

(b) The renewal is for the same lease payment amount and 39096
between the same parties as the lease in existence on May 27, 39097
1992. 39098

(2) Subject to the limitation specified in division (A)(1) of 39099
this section, for a lease of a facility that was in existence but 39100
not operated under a lease on May 27, 1992, actual, allowable cost 39101
of ownership shall include the lesser of the annual lease expense 39102
or the annual depreciation expense and imputed interest expense 39103
that would be calculated at the inception of the lease using the 39104
lessor's entire historical capital asset cost basis, adjusted by 39105
the lesser of the following amounts: 39106

(a) One-half of the change in construction costs during the 39107
time the lessor held each asset until the beginning of the lease, 39108
as calculated by the department using the "Dodge building cost 39109
indexes, northeastern and north central states," published by 39110
Marshall and Swift; 39111

(b) One-half of the change in the consumer price index for 39112
all items for all urban consumers, as published by the United 39113
States bureau of labor statistics, during the time the lessor held 39114
each asset until the beginning of the lease. 39115

(3) Subject to the limitation specified in division (A)(1) of 39116
this section, for a lease of a facility with a date of licensure 39117
on or after May 27, 1992, that is initially operated under a 39118
lease, actual, allowable cost of ownership shall include the 39119
annual lease expense if there was a substantial commitment of 39120
money for construction of the facility after December 22, 1992, 39121
and before July 1, 1993. If there was not a substantial commitment 39122
of money after December 22, 1992, and before July 1, 1993, actual, 39123
allowable cost of ownership shall include the lesser of the annual 39124
lease expense or the sum of the following: 39125

(a) The annual depreciation expense that would be calculated 39126
at the inception of the lease using the lessor's entire historical 39127
capital asset cost basis; 39128

(b) The greater of the lessor's actual annual amortization of 39129
financing costs and interest expense at the inception of the lease 39130
or the imputed interest expense calculated at the inception of the 39131
lease using seventy per cent of the lessor's historical capital 39132
asset cost basis. 39133

(4) Subject to the limitation specified in division (A)(1) of 39134
this section, for a lease of a facility with a date of licensure 39135
on or after May 27, 1992, that was not initially operated under a 39136
lease and has been in existence for ten years, actual, allowable 39137
cost of ownership shall include the lesser of the annual lease 39138
expense or the annual depreciation expense and imputed interest 39139
expense that would be calculated at the inception of the lease 39140
using the entire historical capital asset cost basis of the 39141
lessor, adjusted by the lesser of the following: 39142

(a) One-half of the change in construction costs during the 39143
time the lessor held each asset until the beginning of the lease, 39144
as calculated by the department using the "Dodge building cost 39145
indexes, northeastern and north central states," published by 39146
Marshall and Swift; 39147

(b) One-half of the change in the consumer price index for 39148
all items for all urban consumers, as published by the United 39149
States bureau of labor statistics, during the time the lessor held 39150
each asset until the beginning of the lease. 39151

(5) Subject to the limitation specified in division (A)(1) of 39152
this section, for a new lease of a facility that was operated 39153
under a lease on May 27, 1992, actual, allowable cost of ownership 39154
shall include the lesser of the annual new lease expense or the 39155
annual old lease payment. If the old lease was in effect for ten 39156

years or longer, the old lease payment from the beginning of the 39157
old lease shall be adjusted by the lesser of the following: 39158

(a) One-half of the change in construction costs from the 39159
beginning of the old lease to the beginning of the new lease, as 39160
calculated by the department using the "Dodge building cost 39161
indexes, northeastern and north central states," published by 39162
Marshall and Swift; 39163

(b) One-half of the change in the consumer price index for 39164
all items for all urban consumers, as published by the United 39165
States bureau of labor statistics, from the beginning of the old 39166
lease to the beginning of the new lease. 39167

(6) Subject to the limitation specified in division (A)(1) of 39168
this section, for a new lease of a facility that was not in 39169
existence or that was in existence but not operated under a lease 39170
on May 27, 1992, actual, allowable cost of ownership shall include 39171
the lesser of annual new lease expense or the annual amount 39172
calculated for the old lease under division (C)(2), (3), (4), or 39173
(6) of this section, as applicable. If the old lease was in effect 39174
for ten years or longer, the lessor's historical capital asset 39175
cost basis shall be adjusted by the lesser of the following for 39176
purposes of calculating the annual amount under division (C)(2), 39177
(3), (4), or (6) of this section: 39178

(a) One-half of the change in construction costs from the 39179
beginning of the old lease to the beginning of the new lease, as 39180
calculated by the department using the "Dodge building cost 39181
indexes, northeastern and north central states," published by 39182
Marshall and Swift; 39183

(b) One-half of the change in the consumer price index for 39184
all items for all urban consumers, as published by the United 39185
States bureau of labor statistics, from the beginning of the old 39186
lease to the beginning of the new lease. 39187

In the case of a lease under division (C)(3) of this section 39188
of a facility for which a substantial commitment of money was made 39189
after December 22, 1992, and before July 1, 1993, the old lease 39190
payment shall be adjusted for the purpose of determining the 39191
annual amount. 39192

(7) For any revision of a lease described in division (C)(1), 39193
(2), (3), (4), (5), or (6) of this section, or for any subsequent 39194
lease of a facility operated under such a lease, other than 39195
execution of a new lease, the portion of actual, allowable cost of 39196
ownership attributable to the lease shall be the same as before 39197
the revision or subsequent lease. 39198

(8) Except as provided in division (C)(9) of this section, if 39199
a provider leases an interest in a facility to another provider 39200
who is a related party, the related party's actual, allowable cost 39201
of ownership shall include the lesser of the annual lease expense 39202
or the reasonable cost to the lessor. 39203

(9) If a provider leases an interest in a facility to another 39204
provider who is a related party, regardless of the date of the 39205
lease, the related party's actual, allowable cost of ownership 39206
shall include the annual lease expense, subject to the limitations 39207
specified in divisions (C)(1) to (7) of this section, if all of 39208
the following conditions are met: 39209

(a) The related party is a relative of owner; 39210

(b) If the lessor retains an ownership interest, it is, 39211
except as provided in division (C)(9)(c)(ii) of this section, in 39212
only the real property and any improvements on the real property; 39213

(c) The department of job and family services determines that 39214
the lease is an arm's length transaction pursuant to rules the 39215
department shall adopt in accordance with Chapter 119. of the 39216
Revised Code no later than December 31, 2000. The rules shall 39217
provide that a lease is an arm's length transaction if all of the 39218

following apply: 39219

(i) Once the lease goes into effect, the lessor has no direct 39220
or indirect interest in the lessee or, except as provided in 39221
division (C)(9)(b) of this section, the facility itself, including 39222
interest as an owner, officer, director, employee, independent 39223
contractor, or consultant, but excluding interest as a lessor. 39224
39225

(ii) The lessor does not reacquire an interest in the 39226
facility except through the exercise of a lessor's rights in the 39227
event of a default. If the lessor reacquires an interest in the 39228
facility in this manner, the department shall treat the facility 39229
as if the lease never occurred when the department calculates its 39230
reimbursement rates for capital costs. 39231

(iii) The lease satisfies any other criteria specified in the 39232
rules. 39233

(d) Except in the case of hardship caused by a catastrophic 39234
event, as determined by the department, or in the case of a lessor 39235
who is at least sixty-five years of age, not less than twenty 39236
years have elapsed since, for the same facility, the capital cost 39237
basis was adjusted most recently under division (B)(5) of this 39238
section or actual, allowable cost of ownership was determined most 39239
recently under division (C)(9) of this section. 39240

(10) This division does not apply to leases of specific items 39241
of equipment. 39242

(D)(1) Subject to division (D)(2) of this section, the 39243
department shall pay each nursing facility an efficiency incentive 39244
that is equal to fifty per cent of the difference between the 39245
following: 39246

(a) Eighty-eight and sixty-five one-hundredths per cent of 39247
the facility's desk-reviewed, actual, allowable, per diem cost of 39248
ownership; 39249

(b) The applicable amount specified in division (E) of this section.	39250 39251
(2) The efficiency incentive paid to a nursing facility shall not exceed the greater of the following:	39252 39253
(a) The efficiency incentive the facility was paid during the fiscal year ending June 30, 1994;	39254 39255
(b) Three dollars per resident per day, adjusted annually for rates paid beginning July 1, 1994, for the inflation rate for the twelve-month period beginning on the first day of July of the calendar year preceding the calendar year that precedes the fiscal year for which the efficiency incentive is determined and ending on the thirtieth day of the following June, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.	39256 39257 39258 39259 39260 39261 39262 39263 39264
(3) For purposes of calculating the efficiency incentive, depreciation for costs that are paid or reimbursed by any government agency shall be considered as costs of ownership, and renovation costs that are paid under division (F) of this section shall not be considered costs of ownership.	39265 39266 39267 39268 39269
(E) The following amounts shall be used to calculate efficiency incentives for nursing facilities under this section:	39270 39271
(1) For facilities with dates of licensure prior to January 1, 1958, four dollars and twenty-four cents per patient day;	39272 39273
(2) For facilities with dates of licensure after December 31, 1957, but prior to January 1, 1968:	39274 39275
(a) Five dollars and twenty-four cents per patient day if the cost of construction was three thousand five hundred dollars or more per bed;	39276 39277 39278
(b) Four dollars and twenty-four cents per patient day if the	39279

cost of construction was less than three thousand five hundred	39280
dollars per bed.	39281
(3) For facilities with dates of licensure after December 31,	39282
1967, but prior to January 1, 1976:	39283
(a) Six dollars and twenty-four cents per patient day if the	39284
cost of construction was five thousand one hundred fifty dollars	39285
or more per bed;	39286
(b) Five dollars and twenty-four cents per patient day if the	39287
cost of construction was less than five thousand one hundred fifty	39288
dollars per bed, but exceeded three thousand five hundred dollars	39289
per bed;	39290
(c) Four dollars and twenty-four cents per patient day if the	39291
cost of construction was three thousand five hundred dollars or	39292
less per bed.	39293
(4) For facilities with dates of licensure after December 31,	39294
1975, but prior to January 1, 1979:	39295
(a) Seven dollars and twenty-four cents per patient day if	39296
the cost of construction was six thousand eight hundred dollars or	39297
more per bed;	39298
(b) Six dollars and twenty-four cents per patient day if the	39299
cost of construction was less than six thousand eight hundred	39300
dollars per bed but exceeded five thousand one hundred fifty	39301
dollars per bed;	39302
(c) Five dollars and twenty-four cents per patient day if the	39303
cost of construction was five thousand one hundred fifty dollars	39304
or less per bed, but exceeded three thousand five hundred dollars	39305
per bed;	39306
(d) Four dollars and twenty-four cents per patient day if the	39307
cost of construction was three thousand five hundred dollars or	39308
less per bed.	39309

(5) For facilities with dates of licensure after December 31, 1978, but prior to January 1, 1981:	39310
	39311
(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;	39312
	39313
	39314
(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;	39315
	39316
	39317
	39318
(c) Six dollars and twenty-four cents per patient day if the cost of construction was six thousand eight hundred dollars or less per bed but exceeded five thousand one hundred fifty dollars per bed;	39319
	39320
	39321
	39322
(d) Five dollars and twenty-four cents per patient day if the cost of construction was five thousand one hundred fifty dollars or less but exceeded three thousand five hundred dollars per bed;	39323
	39324
	39325
	39326
(e) Four dollars and twenty-four cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	39327
	39328
	39329
(6) For facilities with dates of licensure in 1981 or any year thereafter prior to December 22, 1992, the following amount:	39330
	39331
(a) For facilities with construction costs less than seven thousand six hundred twenty-five dollars per bed, the applicable amounts for the construction costs specified in divisions (E)(5)(b) to (e) of this section;	39332
	39333
	39334
	39335
(b) For facilities with construction costs of seven thousand six hundred twenty-five dollars or more per bed, six dollars per patient day, provided that for 1981 and annually thereafter prior to December 22, 1992, department shall do both of the following to	39336
	39337
	39338
	39339

the six-dollar amount: 39340

(i) Adjust the amount for fluctuations in construction costs 39341
calculated by the department using the "Dodge building cost 39342
indexes, northeastern and north central states," published by 39343
Marshall and Swift, using 1980 as the base year; 39344

(ii) Increase the amount, as adjusted for inflation under 39345
division (E)(6)(b)(i) of this section, by one dollar and 39346
seventy-four cents. 39347

(7) For facilities with dates of licensure on or after 39348
January 1, 1992, seven dollars and ninety-seven cents, adjusted 39349
for fluctuations in construction costs between 1991 and 1993 as 39350
calculated by the department using the "Dodge building cost 39351
indexes, northeastern and north central states," published by 39352
Marshall and Swift, and then increased by one dollar and 39353
seventy-four cents. 39354

For the fiscal year that begins July 1, 1994, each of the 39355
amounts listed in divisions (E)(1) to (7) of this section shall be 39356
increased by twenty-five cents. For the fiscal year that begins 39357
July 1, 1995, each of those amounts shall be increased by an 39358
additional twenty-five cents. For subsequent fiscal years, each of 39359
those amounts, as increased for the prior fiscal year, shall be 39360
adjusted to reflect the rate of inflation for the twelve-month 39361
period beginning on the first day of July of the calendar year 39362
preceding the calendar year that precedes the fiscal year and 39363
ending on the following thirtieth day of June, using the consumer 39364
price index for shelter costs for all urban consumers for the 39365
north central region, as published by the United States bureau of 39366
labor statistics. 39367

If the amount established for a nursing facility under this 39368
division is less than the amount that applied to the facility 39369
under division (B) of former section 5111.25 of the Revised Code, 39370

as the former section existed immediately prior to December 22, 39371
1992, the amount used to calculate the efficiency incentive for 39372
the facility under division (D)(2) of this section shall be the 39373
amount that was calculated under division (B) of the former 39374
section. 39375

(F) Beginning July 1, 1993, regardless of the facility's date 39376
of licensure or the date of the nonextensive renovations, the rate 39377
for the costs of nonextensive renovations for nursing facilities 39378
shall be eighty-five per cent of the desk-reviewed, actual, 39379
allowable, per diem, nonextensive renovation costs. This division 39380
applies to nonextensive renovations regardless of whether they are 39381
made by an owner or a lessee. If the tenancy of a lessee that has 39382
made nonextensive renovations ends before the depreciation expense 39383
for the renovation costs has been fully reported, the former 39384
lessee shall not report the undepreciated balance as an expense. 39385
39386

(1) For a nonextensive renovation made after July 1, 1993, to 39387
qualify for payment under this division, both of the following 39388
conditions must be met: 39389

(a) At least five years have elapsed since the date of 39390
licensure of the portion of the facility that is proposed to be 39391
renovated, except that this condition does not apply if the 39392
renovation is necessary to meet the requirements of federal, 39393
state, or local statutes, ordinances, rules, or policies. 39394

(b) The provider has obtained prior approval from the 39395
department of job and family services, and if required the 39396
director of health has granted a certificate of need for the 39397
renovation under section 3702.52 of the Revised Code. The provider 39398
shall submit a plan that describes in detail the changes in 39399
capital assets to be accomplished by means of the renovation and 39400
the timetable for completing the project. The time for completion 39401
of the project shall be no more than eighteen months after the 39402

renovation begins. The department of job and family services shall 39403
adopt rules in accordance with Chapter 119. of the Revised Code 39404
that specify criteria and procedures for prior approval of 39405
renovation projects. No provider shall separate a project with the 39406
intent to evade the characterization of the project as a 39407
renovation or as an extensive renovation. No provider shall 39408
increase the scope of a project after it is approved by the 39409
department of job and family services unless the increase in scope 39410
is approved by the department. 39411

(2) The payment provided for in this division is the only 39412
payment that shall be made for the costs of a nonextensive 39413
renovation. Nonextensive renovation costs shall not be included in 39414
costs of ownership, and a nonextensive renovation shall not affect 39415
the date of licensure for purposes of calculating the efficiency 39416
incentive under divisions (D) and (E) of this section. 39417

(G) The owner of a nursing facility operating under a 39418
provider agreement shall provide written notice to the department 39419
of job and family services at least forty-five days prior to 39420
entering into any contract of sale for the facility or voluntarily 39421
terminating participation in the medical assistance program. After 39422
the date on which a transaction of sale is closed, the owner shall 39423
refund to the department the amount of excess depreciation paid to 39424
the facility by the department for each year the owner has 39425
operated the facility under a provider agreement and prorated 39426
according to the number of medicaid patient days for which the 39427
facility has received payment. If a nursing facility is sold after 39428
five or fewer years of operation under a provider agreement, the 39429
refund to the department shall be equal to the excess depreciation 39430
paid to the facility. If a nursing facility is sold after more 39431
than five years but less than ten years of operation under a 39432
provider agreement, the refund to the department shall equal the 39433
excess depreciation paid to the facility multiplied by twenty per 39434

cent, multiplied by the difference between ten and the number of 39435
years that the facility was operated under a provider agreement. 39436
If a nursing facility is sold after ten or more years of operation 39437
under a provider agreement, the owner shall not refund any excess 39438
depreciation to the department. The owner of a facility that is 39439
sold or that voluntarily terminates participation in the medical 39440
assistance program also shall refund any other amount that the 39441
department properly finds to be due after the audit conducted 39442
under this division. For the purposes of this division, 39443
"depreciation paid to the facility" means the amount paid to the 39444
nursing facility for cost of ownership pursuant to this section 39445
less any amount paid for interest costs, amortization of financing 39446
costs, and lease expenses. For the purposes of this division, 39447
"excess depreciation" is the nursing facility's depreciated basis, 39448
which is the owner's cost less accumulated depreciation, 39449
subtracted from the purchase price net of selling costs but not 39450
exceeding the amount of depreciation paid to the facility. 39451

39452
A cost report shall be filed with the department within 39453
ninety days after the date on which the transaction of sale is 39454
closed or participation is voluntarily terminated. The report 39455
shall show the accumulated depreciation, the sales price, and 39456
other information required by the department. The department shall 39457
provide for a bank, trust company, or savings and loan association 39458
to hold in escrow the amount of the last two monthly payments to a 39459
nursing facility made pursuant to division (A)(1) of section 39460
5111.22 of the Revised Code before a sale or termination of 39461
participation ~~shall be held in escrow by a bank, trust company, or~~ 39462
~~savings and loan association, except that if or, if the owner~~ 39463
fails, within the time required by this division, to notify the 39464
department before entering into a contract of sale for the 39465
facility, the amount of the first two monthly payments made to the 39466
facility after the department learns of the contract, regardless 39467

of whether a new owner is in possession of the facility. If the 39468
amount the owner will be required to refund under this section is 39469
likely to be less than the amount of the ~~last~~ two monthly payments 39470
otherwise put into escrow under this division, the department 39471
shall take one of the following actions instead of withholding the 39472
amount of the ~~last~~ two monthly payments: 39473

(1) In the case of an owner that owns other facilities that 39474
participate in the medical assistance program, obtain a promissory 39475
note in an amount sufficient to cover the amount likely to be 39476
refunded; 39477

(2) In the case of all other owners, withhold the amount of 39478
the last monthly payment to the nursing facility or, if the owner 39479
fails, within the time required by this division, to notify the 39480
department before entering into a contract of sale for the 39481
facility, the amount of the first monthly payment made to the 39482
facility after the department learns of the contract, regardless 39483
of whether a new owner is in possession of the facility. 39484

The department shall, within ninety days following the filing 39485
of the cost report, audit the cost report and issue an audit 39486
report to the owner. The department also may audit any other cost 39487
report that the facility has filed during the previous three 39488
years. In the audit report, the department shall state its 39489
findings and the amount of any money owed to the department by the 39490
nursing facility. The findings shall be subject to adjudication 39491
conducted in accordance with Chapter 119. of the Revised Code. No 39492
later than fifteen days after the owner agrees to a settlement, 39493
any funds held in escrow less any amounts due to the department 39494
shall be released to the owner and amounts due to the department 39495
shall be paid to the department. If the amounts in escrow are less 39496
than the amounts due to the department, the balance shall be paid 39497
to the department within fifteen days after the owner agrees to a 39498
settlement. If the department does not issue its audit report 39499

within the ninety-day period, the department shall release any
money held in escrow to the owner. For the purposes of this
section, a transfer of corporate stock, the merger of one
corporation into another, or a consolidation does not constitute a
sale.

If a nursing facility is not sold or its participation is not
terminated after notice is provided to the department under this
division, the department shall order any payments held in escrow
released to the facility upon receiving written notice from the
owner that there will be no sale or termination. After written
notice is received from a nursing facility that a sale or
termination will not take place, the facility shall provide notice
to the department at least forty-five days prior to entering into
any contract of sale or terminating participation at any future
time.

(H) The department shall pay each eligible proprietary
nursing facility a return on the facility's net equity computed at
the rate of one and one-half times the average interest rate on
special issues of public debt obligations issued to the federal
hospital insurance trust fund for the cost reporting period,
except that no facility's return on net equity shall exceed ~~one~~
dollar fifty cents per patient day.

When calculating the rate for return on net equity, the
department shall use the greater of the facility's inpatient days
during the applicable cost reporting period or the number of
inpatient days the facility would have had during that period if
its occupancy rate had been ninety-five per cent.

(I) If a nursing facility would receive a lower rate for
capital costs for assets in the facility's possession on July 1,
1993, under this section than it would receive under former
section 5111.25 of the Revised Code, as the former section existed
immediately prior to December 22, 1992, the facility shall receive

for those assets the rate it would have received under the former 39532
section for each fiscal year beginning on or after July 1, 1993, 39533
until the rate it would receive under this section exceeds the 39534
rate it would have received under the former section. Any facility 39535
that receives a rate calculated under the former section 5111.25 39536
of the Revised Code for assets in the facility's possession on 39537
July 1, 1993, also shall receive a rate calculated under this 39538
section for costs of any assets it constructs or acquires after 39539
July 1, 1993. 39540

Sec. 5111.251. (A) The department of job and family services 39541
shall pay each eligible intermediate care facility for the 39542
mentally retarded for its reasonable capital costs, a per resident 39543
per day rate established prospectively each fiscal year for each 39544
intermediate care facility for the mentally retarded. Except as 39545
otherwise provided in sections 5111.20 to 5111.32 of the Revised 39546
Code, the rate shall be based on the facility's capital costs for 39547
the calendar year preceding the fiscal year in which the rate will 39548
be paid. The rate shall equal the sum of the following: 39549

(1) The facility's desk-reviewed, actual, allowable, per diem 39550
cost of ownership for the preceding cost reporting period, limited 39551
as provided in divisions (C) and (F) of this section; 39552

(2) Any efficiency incentive determined under division (B) of 39553
this section; 39554

(3) Any amounts for renovations determined under division (D) 39555
of this section; 39556

(4) Any amounts for return on equity determined under 39557
division (I) of this section. 39558

Buildings shall be depreciated using the straight line method 39559
over forty years or over a different period approved by the 39560
department. Components and equipment shall be depreciated using 39561

the straight line method over a period designated by the director 39562
of job and family services in rules adopted in accordance with 39563
Chapter 119. of the Revised Code, consistent with the guidelines 39564
of the American hospital association, or over a different period 39565
approved by the department of job and family services. Any rules 39566
adopted under this division that specify useful lives of 39567
buildings, components, or equipment apply only to assets acquired 39568
on or after July 1, 1993. Depreciation for costs paid or 39569
reimbursed by any government agency shall not be included in costs 39570
of ownership or renovation unless that part of the payment under 39571
sections 5111.20 to 5111.32 of the Revised Code is used to 39572
reimburse the government agency. 39573

(B) The department of job and family services shall pay to 39574
each intermediate care facility for the mentally retarded an 39575
efficiency incentive equal to fifty per cent of the difference 39576
between any desk-reviewed, actual, allowable cost of ownership and 39577
the applicable limit on cost of ownership payments under division 39578
(C) of this section. For purposes of computing the efficiency 39579
incentive, depreciation for costs paid or reimbursed by any 39580
government agency shall be considered as a cost of ownership, and 39581
the applicable limit under division (C) of this section shall 39582
apply both to facilities with more than eight beds and facilities 39583
with eight or fewer beds. The efficiency incentive paid to a 39584
facility with eight or fewer beds shall not exceed three dollars 39585
per patient day, adjusted annually for the inflation rate for the 39586
twelve-month period beginning on the first day of July of the 39587
calendar year preceding the calendar year that precedes the fiscal 39588
year for which the efficiency incentive is determined and ending 39589
on the thirtieth day of the following June, using the consumer 39590
price index for shelter costs for all urban consumers for the 39591
north central region, as published by the United States bureau of 39592
labor statistics. 39593

(C) Cost of ownership payments to intermediate care facilities for the mentally retarded with more than eight beds shall not exceed the following limits:	39594 39595 39596
(1) For facilities with dates of licensure prior to January 1, 1958, not exceeding two dollars and fifty cents per patient day;	39597 39598 39599
(2) For facilities with dates of licensure after December 31, 1957, but prior to January 1, 1968, not exceeding:	39600 39601
(a) Three dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or more per bed;	39602 39603 39604
(b) Two dollars and fifty cents per patient day if the cost of construction was less than three thousand five hundred dollars per bed.	39605 39606 39607
(3) For facilities with dates of licensure after December 31, 1967, but prior to January 1, 1976, not exceeding:	39608 39609
(a) Four dollars and fifty cents per patient day if the cost of construction was five thousand one hundred fifty dollars or more per bed;	39610 39611 39612
(b) Three dollars and fifty cents per patient day if the cost of construction was less than five thousand one hundred fifty dollars per bed, but exceeds three thousand five hundred dollars per bed;	39613 39614 39615 39616
(c) Two dollars and fifty cents per patient day if the cost of construction was three thousand five hundred dollars or less per bed.	39617 39618 39619
(4) For facilities with dates of licensure after December 31, 1975, but prior to January 1, 1979, not exceeding:	39620 39621
(a) Five dollars and fifty cents per patient day if the cost of construction was six thousand eight hundred dollars or more per	39622 39623

bed;	39624
(b) Four dollars and fifty cents per patient day if the cost	39625
of construction was less than six thousand eight hundred dollars	39626
per bed but exceeds five thousand one hundred fifty dollars per	39627
bed;	39628
(c) Three dollars and fifty cents per patient day if the cost	39629
of construction was five thousand one hundred fifty dollars or	39630
less per bed, but exceeds three thousand five hundred dollars per	39631
bed;	39632
(d) Two dollars and fifty cents per patient day if the cost	39633
of construction was three thousand five hundred dollars or less	39634
per bed.	39635
(5) For facilities with dates of licensure after December 31,	39636
1978, but prior to January 1, 1980, not exceeding:	39637
(a) Six dollars per patient day if the cost of construction	39638
was seven thousand six hundred twenty-five dollars or more per	39639
bed;	39640
(b) Five dollars and fifty cents per patient day if the cost	39641
of construction was less than seven thousand six hundred	39642
twenty-five dollars per bed but exceeds six thousand eight hundred	39643
dollars per bed;	39644
(c) Four dollars and fifty cents per patient day if the cost	39645
of construction was six thousand eight hundred dollars or less per	39646
bed but exceeds five thousand one hundred fifty dollars per bed;	39647
(d) Three dollars and fifty cents per patient day if the cost	39648
of construction was five thousand one hundred fifty dollars or	39649
less but exceeds three thousand five hundred dollars per bed;	39650
(e) Two dollars and fifty cents per patient day if the cost	39651
of construction was three thousand five hundred dollars or less	39652
per bed.	39653

(6) For facilities with dates of licensure after December 31, 1979, but prior to January 1, 1981, not exceeding:	39654 39655
(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;	39656 39657 39658
(b) Six dollars per patient day if the beds were originally licensed as nursing home beds by the department of health.	39659 39660
(7) For facilities with dates of licensure after December 31, 1980, but prior to January 1, 1982, not exceeding:	39661 39662
(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;	39663 39664 39665
(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.	39666 39667 39668
(8) For facilities with dates of licensure after December 31, 1981, but prior to January 1, 1983, not exceeding:	39669 39670
(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;	39671 39672 39673
(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.	39674 39675 39676
(9) For facilities with dates of licensure after December 31, 1982, but prior to January 1, 1984, not exceeding:	39677 39678
(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;	39679 39680 39681
(b) Seven dollars and nine cents per patient day if the beds	39682

were originally licensed as nursing home beds by the department of health. 39683
39684

(10) For facilities with dates of licensure after December 31, 1983, but prior to January 1, 1985, not exceeding: 39685
39686

(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; 39687
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39690

(b) Seven dollars and twenty-three cents per patient day if the beds were originally licensed as nursing home beds by the department of health. 39691
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(11) For facilities with dates of licensure after December 31, 1984, but prior to January 1, 1986, not exceeding: 39694
39695

(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; 39696
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(b) Seven dollars and forty cents per patient day if the beds were originally licensed as nursing home beds by the department of health. 39700
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(12) For facilities with dates of licensure after December 31, 1985, but prior to January 1, 1987, not exceeding: 39703
39704

(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; 39705
39706
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(b) Seven dollars and fifty cents per patient day if the beds were originally licensed as nursing home beds by the department of health. 39708
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(13) For facilities with dates of licensure after December 31, 1986, but prior to January 1, 1988, not exceeding: 39711
39712

(a) Twelve dollars and ninety-nine cents per patient day if 39713
the beds were originally licensed as residential facility beds by 39714
the department of mental retardation and developmental 39715
disabilities; 39716

(b) Seven dollars and sixty-seven cents per patient day if 39717
the beds were originally licensed as nursing home beds by the 39718
department of health. 39719

(14) For facilities with dates of licensure after December 39720
31, 1987, but prior to January 1, 1989, not exceeding thirteen 39721
dollars and twenty-six cents per patient day; 39722

(15) For facilities with dates of licensure after December 39723
31, 1988, but prior to January 1, 1990, not exceeding thirteen 39724
dollars and forty-six cents per patient day; 39725

(16) For facilities with dates of licensure after December 39726
31, 1989, but prior to January 1, 1991, not exceeding thirteen 39727
dollars and sixty cents per patient day; 39728

(17) For facilities with dates of licensure after December 39729
31, 1990, but prior to January 1, 1992, not exceeding thirteen 39730
dollars and forty-nine cents per patient day; 39731

(18) For facilities with dates of licensure after December 39732
31, 1991, but prior to January 1, 1993, not exceeding thirteen 39733
dollars and sixty-seven cents per patient day; 39734

(19) For facilities with dates of licensure after December 39735
31, 1992, not exceeding fourteen dollars and twenty-eight cents 39736
per patient day. 39737

(D) Beginning January 1, 1981, regardless of the original 39738
date of licensure, the department of job and family services shall 39739
pay a rate for the per diem capitalized costs of renovations to 39740
intermediate care facilities for the mentally retarded made after 39741
January 1, 1981, not exceeding six dollars per patient day using 39742

1980 as the base year and adjusting the amount annually until June 30, 1993, for fluctuations in construction costs calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift. The payment provided for in this division is the only payment that shall be made for the capitalized costs of a nonextensive renovation of an intermediate care facility for the mentally retarded. Nonextensive renovation costs shall not be included in cost of ownership, and a nonextensive renovation shall not affect the date of licensure for purposes of division (C) of this section. This division applies to nonextensive renovations regardless of whether they are made by an owner or a lessee. If the tenancy of a lessee that has made renovations ends before the depreciation expense for the renovation costs has been fully reported, the former lessee shall not report the undepreciated balance as an expense.

For a nonextensive renovation to qualify for payment under this division, both of the following conditions must be met:

(1) At least five years have elapsed since the date of licensure or date of an extensive renovation 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.

(2) The provider has obtained prior approval from the department of job and family services. 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 director 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. 39775
No provider shall separate a project with the intent to evade the 39776
characterization of the project as a renovation or as an extensive 39777
renovation. No provider shall increase the scope of a project 39778
after it is approved by the department of job and family services 39779
unless the increase in scope is approved by the department. 39780

(E) The amounts specified in divisions (C) and (D) of this 39781
section shall be adjusted beginning July 1, 1993, for the 39782
estimated inflation for the twelve-month period beginning on the 39783
first day of July of the calendar year preceding the calendar year 39784
that precedes the fiscal year for which rate will be paid and 39785
ending on the thirtieth day of the following June, using the 39786
consumer price index for shelter costs for all urban consumers for 39787
the north central region, as published by the United States bureau 39788
of labor statistics. 39789

(F)(1) For facilities of eight or fewer beds that have dates 39790
of licensure or have been granted project authorization by the 39791
department of mental retardation and developmental disabilities 39792
before July 1, 1993, and for facilities of eight or fewer beds 39793
that have dates of licensure or have been granted project 39794
authorization after that date if the facilities demonstrate that 39795
they made substantial commitments of funds on or before that date, 39796
cost of ownership shall not exceed eighteen dollars and thirty 39797
cents per resident per day. The eighteen-dollar and thirty-cent 39798
amount shall be increased by the change in the "Dodge building 39799
cost indexes, northeastern and north central states," published by 39800
Marshall and Swift, during the period beginning June 30, 1990, and 39801
ending July 1, 1993, and by the change in the consumer price index 39802
for shelter costs for all urban consumers for the north central 39803
region, as published by the United States bureau of labor 39804
statistics, annually thereafter. 39805

(2) For facilities with eight or fewer beds that have dates 39806

of licensure or have been granted project authorization by the 39807
department of mental retardation and developmental disabilities on 39808
or after July 1, 1993, for which substantial commitments of funds 39809
were not made before that date, cost of ownership payments shall 39810
not exceed the applicable amount calculated under division (F)(1) 39811
of this section, if the department of job and family services 39812
gives prior approval for construction of the facility. If the 39813
department does not give prior approval, cost of ownership 39814
payments shall not exceed the amount specified in division (C) of 39815
this section. 39816

(3) Notwithstanding divisions (D) and (F)(1) and (2) of this 39817
section, the total payment for cost of ownership, cost of 39818
ownership efficiency incentive, and capitalized costs of 39819
renovations for an intermediate care facility for the mentally 39820
retarded with eight or fewer beds shall not exceed the sum of the 39821
limitations specified in divisions (C) and (D) of this section. 39822

(G) Notwithstanding any provision of this section or section 39823
5111.24 of the Revised Code, the director of job and family 39824
services may adopt rules in accordance with Chapter 119. of the 39825
Revised Code that provide for a calculation of a combined maximum 39826
payment limit for indirect care costs and cost of ownership for 39827
intermediate care facilities for the mentally retarded with eight 39828
or fewer beds. 39829

(H) After June 30, 1980, the owner of an intermediate care 39830
facility for the mentally retarded operating under a provider 39831
agreement shall provide written notice to the department of job 39832
and family services at least forty-five days prior to entering 39833
into any contract of sale for the facility or voluntarily 39834
terminating participation in the medical assistance program. After 39835
the date on which a transaction of sale is closed, the owner shall 39836
refund to the department the amount of excess depreciation paid to 39837
the facility by the department for each year the owner has 39838

operated the facility under a provider agreement and prorated 39839
according to the number of medicaid patient days for which the 39840
facility has received payment. If an intermediate care facility 39841
for the mentally retarded is sold after five or fewer years of 39842
operation under a provider agreement, the refund to the department 39843
shall be equal to the excess depreciation paid to the facility. If 39844
an intermediate care facility for the mentally retarded is sold 39845
after more than five years but less than ten years of operation 39846
under a provider agreement, the refund to the department shall 39847
equal the excess depreciation paid to the facility multiplied by 39848
twenty per cent, multiplied by the number of years less than ten 39849
that a facility was operated under a provider agreement. If an 39850
intermediate care facility for the mentally retarded is sold after 39851
ten or more years of operation under a provider agreement, the 39852
owner shall not refund any excess depreciation to the department. 39853
For the purposes of this division, "depreciation paid to the 39854
facility" means the amount paid to the intermediate care facility 39855
for the mentally retarded for cost of ownership pursuant to this 39856
section less any amount paid for interest costs. For the purposes 39857
of this division, "excess depreciation" is the intermediate care 39858
facility for the mentally retarded's depreciated basis, which is 39859
the owner's cost less accumulated depreciation, subtracted from 39860
the purchase price but not exceeding the amount of depreciation 39861
paid to the facility. 39862

A cost report shall be filed with the department within 39863
ninety days after the date on which the transaction of sale is 39864
closed or participation is voluntarily terminated for an 39865
intermediate care facility for the mentally retarded subject to 39866
this division. The report shall show the accumulated depreciation, 39867
the sales price, and other information required by the department. 39868
The department shall provide for a bank, trust company, or savings 39869
and loan association to hold in escrow the amount of the last two 39870

monthly payments to an intermediate care facility for the mentally 39871
retarded made pursuant to division (A)(1) of section 5111.22 of 39872
the Revised Code before a sale or voluntary termination of 39873
participation ~~shall be held in escrow by a bank, trust company, or~~ 39874
~~savings and loan association, except that if or, if the owner~~ 39875
fails, within the time required by this division, to notify the 39876
department before entering into a contract of sale for the 39877
facility, the amount of the first two monthly payments made to the 39878
facility after the department learns of the contract, regardless 39879
of whether a new owner is in possession of the facility. If the 39880
amount the owner will be required to refund under this section is 39881
likely to be less than the amount of the ~~last~~ two monthly payments 39882
otherwise put into escrow under this division, the department 39883
shall take one of the following actions instead of withholding the 39884
amount of the ~~last~~ two monthly payments: 39885

(1) In the case of an owner that owns other facilities that 39887
participate in the medical assistance program, obtain a promissory 39888
note in an amount sufficient to cover the amount likely to be 39889
refunded; 39890

(2) In the case of all other owners, withhold the amount of 39891
the last monthly payment to the intermediate care facility for the 39892
mentally retarded or, if the owner fails, within the time required 39893
by this division, to notify the department before entering into a 39894
contract of sale for the facility, the amount of the first monthly 39895
payment made to the facility after the department learns of the 39896
contract, regardless of whether a new owner is in possession of 39897
the facility. 39898

The department shall, within ninety days following the filing 39899
of the cost report, audit the report and issue an audit report to 39900
the owner. The department also may audit any other cost reports 39901
for the facility that have been filed during the previous three 39902

years. In the audit report, the department shall state its
findings and the amount of any money owed to the department by the
intermediate care facility for the mentally retarded. The findings
shall be subject to an adjudication conducted in accordance with
Chapter 119. of the Revised Code. No later than fifteen days after
the owner agrees to a settlement, any funds held in escrow less
any amounts due to the department shall be released to the owner
and amounts due to the department shall be paid to the department.
If the amounts in escrow are less than the amounts due to the
department, the balance shall be paid to the department within
fifteen days after the owner agrees to a settlement. If the
department does not issue its audit report within the ninety-day
period, the department shall release any money held in escrow to
the owner. For the purposes of this section, a transfer of
corporate stock, the merger of one corporation into another, or a
consolidation does not constitute a sale.

If an intermediate care facility for the mentally retarded is
not sold or its participation is not terminated after notice is
provided to the department under this division, the department
shall order any payments held in escrow released to the facility
upon receiving written notice from the owner that there will be no
sale or termination of participation. After written notice is
received from an intermediate care facility for the mentally
retarded that a sale or termination of participation will not take
place, the facility shall provide notice to the department at
least forty-five days prior to entering into any contract of sale
or terminating participation at any future time.

(I) The department of job and family services shall pay each
eligible proprietary intermediate care facility for the mentally
retarded a return on the facility's net equity computed at the
rate of one and one-half times the average of interest rates on

special issues of public debt obligations issued to the federal 39935
hospital insurance trust fund for the cost reporting period. No 39936
facility's return on net equity paid under this division shall 39937
exceed one dollar per patient day. 39938

In calculating the rate for return on net equity, the 39939
department shall use the greater of the facility's inpatient days 39940
during the applicable cost reporting period or the number of 39941
inpatient days the facility would have had during that period if 39942
its occupancy rate had been ninety-five per cent. 39943

(J)(1) Except as provided in division (J)(2) of this section, 39944
if a provider leases or transfers an interest in a facility to 39945
another provider who is a related party, the related party's 39946
allowable cost of ownership shall include the lesser of the 39947
following: 39948

(a) The annual lease expense or actual cost of ownership, 39949
whichever is applicable; 39950

(b) The reasonable cost to the lessor or provider making the 39951
transfer. 39952

(2) If a provider leases or transfers an interest in a 39953
facility to another provider who is a related party, regardless of 39954
the date of the lease or transfer, the related party's allowable 39955
cost of ownership shall include the annual lease expense or actual 39956
cost of ownership, whichever is applicable, subject to the 39957
limitations specified in divisions (B) to (I) of this section, if 39958
all of the following conditions are met: 39959

(a) The related party is a relative of owner; 39960

(b) In the case of a lease, if the lessor retains any 39961
ownership interest, it is, except as provided in division 39962
(J)(2)(d)(ii) of this section, in only the real property and any 39963
improvements on the real property; 39964

(c) In the case of a transfer, the provider making the 39965
transfer retains, except as provided in division (J)(2)(d)(iv) of 39966
this section, no ownership interest in the facility; 39967

(d) The department of job and family services determines that 39968
the lease or transfer is an arm's length transaction pursuant to 39969
rules the department shall adopt in accordance with Chapter 119. 39970
of the Revised Code no later than December 31, 2000. The rules 39971
shall provide that a lease or transfer is an arm's length 39972
transaction if all of the following, as applicable, apply: 39973

(i) In the case of a lease, once the lease goes into effect, 39974
the lessor has no direct or indirect interest in the lessee or, 39975
except as provided in division (J)(2)(b) of this section, the 39976
facility itself, including interest as an owner, officer, 39977
director, employee, independent contractor, or consultant, but 39978
excluding interest as a lessor. 39979

(ii) In the case of a lease, the lessor does not reacquire an 39980
interest in the facility except through the exercise of a lessor's 39981
rights in the event of a default. If the lessor reacquires an 39982
interest in the facility in this manner, the department shall 39983
treat the facility as if the lease never occurred when the 39984
department calculates its reimbursement rates for capital costs. 39985

(iii) In the case of a transfer, once the transfer goes into 39987
effect, the provider that made the transfer has no direct or 39988
indirect interest in the provider that acquires the facility or 39989
the facility itself, including interest as an owner, officer, 39990
director, employee, independent contractor, or consultant, but 39991
excluding interest as a creditor. 39992

(iv) In the case of a transfer, the provider that made the 39993
transfer does not reacquire an interest in the facility except 39994
through the exercise of a creditor's rights in the event of a 39995

default. If the provider reacquires an interest in the facility in 39996
this manner, the department shall treat the facility as if the 39997
transfer never occurred when the department calculates its 39998
reimbursement rates for capital costs. 39999

(v) The lease or transfer satisfies any other criteria 40000
specified in the rules. 40001

(e) Except in the case of hardship caused by a catastrophic 40002
event, as determined by the department, or in the case of a lessor 40003
or provider making the transfer who is at least sixty-five years 40004
of age, not less than twenty years have elapsed since, for the 40005
same facility, allowable cost of ownership was determined most 40006
recently under this division. 40007

~~Sec. 5111.262. Costs~~ For costs incurred during calendar year 40008
2000 and thereafter, costs reported in nursing facilities' cost 40009
reports for purchased nursing services shall be allowable direct 40010
care costs up to ~~the following amounts:~~ 40011

~~(A) For costs incurred during calendar year 1992, twenty per~~ 40012
~~cent of the nursing facility's direct care costs specified in the~~ 40013
~~cost report for services provided that year by registered nurses,~~ 40014
~~licensed practical nurses, and nurse aides who are employees of~~ 40015
~~the facility, plus one-half of the amount by which the reported~~ 40016
~~costs for purchased nursing services exceed that percentage;~~ 40017

~~(B) For costs incurred during calendar year 1993, fifteen per~~ 40018
~~cent of the nursing facility's costs specified in the cost report~~ 40019
~~for services provided that year by registered nurses, licensed~~ 40020
~~practical nurses, and nurse aides who are employees of the~~ 40021
~~facility, plus one-half of the amount by which the reported costs~~ 40022
~~for purchased nursing services exceed that percentage;~~ 40023

~~(C) For costs incurred during calendar year 1994 and each~~ 40024
~~calendar year thereafter, ten twenty per cent of the nursing~~ 40025

facility's costs specified in the cost report for services 40026
provided that year by registered nurses, licensed practical 40027
nurses, and nurse aides who are employees of the facility, plus 40028
one-half of the amount by which the reported costs for purchased 40029
nursing services exceed that percentage. 40030

Sec. 5111.28. (A) If a provider properly amends its cost 40031
report under section 5111.27 of the Revised Code and the amended 40032
report shows that the provider received a lower rate under the 40033
original cost report than it was entitled to receive, the 40034
department shall adjust the provider's rate prospectively to 40035
reflect the corrected information. The department shall pay the 40036
adjusted rate beginning two months after the first day of the 40037
month after the provider files the amended cost report. If the 40038
department finds, from an exception review of resident assessment 40039
information conducted after the effective date of the rate for 40040
direct care costs that is based on the assessment information, 40041
that inaccurate assessment information resulted in the provider 40042
receiving a lower rate than it was entitled to receive, the 40043
department prospectively shall adjust the provider's rate 40044
accordingly and shall make payments using the adjusted rate for 40045
the remainder of the calendar quarter for which the assessment 40046
information is used to determine the rate, beginning one month 40047
after the first day of the month after the exception review is 40048
completed. 40049

(B) If the provider properly amends its cost report under 40050
section 5111.27 of the Revised Code, the department makes a 40051
finding based on an audit under that section, or the department 40052
makes a finding based on an exception review of resident 40053
assessment information conducted under that section after the 40054
effective date of the rate for direct care costs that is based on 40055
the assessment information, any of which results in a 40056
determination that the provider has received a higher rate than it 40057

was entitled to receive, the department shall recalculate the
provider's rate using the revised information. The department
shall apply the recalculated rate to the periods when the provider
received the incorrect rate to determine the amount of the
overpayment. The provider shall refund the amount of the
overpayment.

In addition to requiring a refund under this division, the
department may charge the provider interest at the applicable rate
specified in this division from the time the overpayment was made.

(1) If the overpayment resulted from costs reported for
calendar year 1993, the interest shall be no greater than one and
one-half times the average bank prime rate.

(2) If the overpayment resulted from costs reported for
subsequent calendar years:

(a) The interest shall be no greater than two times the
average bank prime rate if the overpayment was equal to or less
than one per cent of the total medicaid payments to the provider
for the fiscal year for which the incorrect information was used
to establish a rate.

(b) The interest shall be no greater than two and one-half
times the current average bank prime rate if the overpayment was
greater than one per cent of the total medicaid payments to the
provider for the fiscal year for which the incorrect information
was used to establish a rate.

~~(3) The department shall determine the average bank prime
rate using statistical release H.15, "selected interest rates," a
weekly publication of the federal reserve board, or any successor
publication. If statistical release H.15, or its successor, ceases
to contain the bank prime rate information or ceases to be
published, the department shall request a written statement of the
average bank prime rate from the federal reserve bank of Cleveland~~

~~or the federal reserve board.~~

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(C) The department also may impose the following penalties:

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(1) If a provider does not furnish invoices or other documentation that the department requests during an audit within sixty days after the request, no more than the greater of one thousand dollars per audit or twenty-five per cent of the cumulative amount by which the costs for which documentation was not furnished increased the total medicaid payments to the provider during the fiscal year for which the costs were used to establish a rate;

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(2) If an owner fails to provide notice of sale of the facility or voluntary termination of participation in the medical assistance program, as required by section 5111.25 or 5111.251 of the Revised Code, no more than ~~two~~ the current average bank prime rate plus four per cent of the last two monthly payments.

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(D) If the provider continues to participate in the medical assistance program, the department shall deduct any amount that the provider is required to refund under this section, and the amount of any interest charged or penalty imposed under this section, from the next available payment from the department to the provider. The department and the provider may enter into an agreement under which the amount, together with interest, is deducted in installments from payments from the department to the provider.

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(E) The department shall transmit refunds and penalties to the treasurer of state for deposit in the general revenue fund.

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(F) For the purpose of this section, the department shall determine the average bank prime rate using statistical release H.15, "selected interest rates," a weekly publication of the federal reserve board, or any successor publication. If statistical release H.15, or its successor, ceases to contain the

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bank prime rate information or ceases to be published, the 40120
department shall request a written statement of the average bank 40121
prime rate from the federal reserve bank of Cleveland or the 40122
federal reserve board. 40123

Sec. 5111.29. (A) The director of job and family services 40124
shall adopt rules in accordance with Chapter 119. of the Revised 40125
Code that establish a process under which a nursing facility or 40126
intermediate care facility for the mentally retarded, or a group 40127
or association of facilities, may seek reconsideration of rates 40128
established under sections 5111.23 to 5111.28 of the Revised Code, 40129
including a rate for direct care costs recalculated before the 40130
effective date of the rate as a result of an exception review of 40131
resident assessment information conducted under section 5111.27 of 40132
the Revised Code. 40133

(1) Except as provided in divisions (A)(2) to (4) of this 40134
section, the only issue that a facility, group, or association may 40135
raise in the rate reconsideration shall be whether the rate was 40136
calculated in accordance with sections 5111.23 to 5111.28 of the 40137
Revised Code and the rules adopted under those sections. The rules 40138
shall permit a facility, group, or association to submit written 40139
arguments or other materials that support its position. The rules 40140
shall specify time frames within which the facility, group, or 40141
association and the department must act. If the department 40142
determines, as a result of the rate reconsideration, that the rate 40143
established for one or more facilities is less than the rate to 40144
which it is entitled, the department shall increase the rate. If 40145
the department has paid the incorrect rate for a period of time, 40146
the department shall pay the facility the difference between the 40147
amount it was paid for that period and the amount it should have 40148
been paid. 40149

(2) The rules shall provide that during a fiscal year, the 40150

department, by means of the rate reconsideration process, may
increase a facility's rate as calculated under sections 5111.23 to
5111.28 of the Revised Code if the facility demonstrates that its
actual, allowable costs have increased because of extreme
circumstances. A facility may qualify for a rate increase only if
its per diem, actual, allowable costs have increased to a level
that exceeds its total rate, including any efficiency incentive
and return on equity payment. The rules shall specify the
circumstances that would justify a rate increase under division
(A)(2) of this section. The In the case of nursing facilities, the
rules shall provide that the extreme circumstances include
increased security costs for an inner-city nursing facility and an
increase in workers' compensation experience rating of greater
than five per cent for a facility that has an appropriate claims
management program but do not include a change of ownership that
results from bankruptcy, foreclosure, or findings of violations of
certification requirements by the department of health. In the
case of intermediate care facilities for the mentally retarded,
the rules shall provide that the extreme circumstances include,
but are not limited to, renovations approved under division (D) of
section 5111.251 of the Revised Code, an increase in workers'
compensation experience rating of greater than five per cent for a
facility that has an appropriate claims management program,
increased security costs for an inner-city facility, and a change
of ownership that results from bankruptcy, foreclosure, or
findings of violations of certification requirements by the
department of health. An increase under division (A)(2) of this
section is subject to any rate limitations or maximum rates
established by sections 5111.23 to 5111.28 of the Revised Code for
specific cost centers. Any rate increase granted under division
(A)(2) of this section shall take effect on the first day of the
first month after the department receives the request.

(3) The rules shall provide that the department, through the rate reconsideration process, may increase a facility's rate as calculated under sections 5111.23 to 5111.28 of the Revised Code if the department, in its sole discretion, determines that the rate as calculated under those sections works an extreme hardship on the facility.

(4) The rules shall provide that when beds certified for the medical assistance program are added to an existing facility, replaced at the same site, or subject to a change of ownership or lease, the department, through the rate reconsideration process, shall increase the facility's rate for capital costs proportionately, as limited by any applicable limitation under section 5111.25 or 5111.251 of the Revised Code, to account for the costs of the beds that are added, replaced, or subject to a change of ownership or lease. The department shall make this increase one month after the first day of the month after the department receives sufficient documentation of the costs. Any rate increase granted under division (A)(4) of this section after June 30, 1993, shall remain in effect until the effective date of a rate calculated under section 5111.25 or 5111.251 of the Revised Code that includes costs incurred for a full calendar year for the bed addition, bed replacement, or change of ownership or lease. The facility shall report double accumulated depreciation in an amount equal to the depreciation included in the rate adjustment on its cost report for the first year of operation. During the term of any loan used to finance a project for which a rate adjustment is granted under division (A)(4) of this section, if the facility is operated by the same provider, the facility shall subtract from the interest costs it reports on its cost report an amount equal to the difference between the following:

(a) The actual, allowable interest costs for the loan during the calendar year for which the costs are being reported;

(b) The actual, allowable interest costs attributable to the 40215
loan that were used to calculate the rates paid to the facility 40216
during the same calendar year. 40217

(5) The department's decision at the conclusion of the 40218
reconsideration process shall not be subject to any administrative 40219
proceedings under Chapter 119. or any other provision of the 40220
Revised Code. 40221

(B) Any audit disallowance that the department makes as the 40222
result of an audit under section 5111.27 of the Revised Code, any 40223
adverse finding that results from an exception review of resident 40224
assessment information conducted under that section after the 40225
effective date of the facility's rate that is based on the 40226
assessment information, and any penalty the department imposes 40227
under division (C) of section 5111.28 of the Revised Code shall be 40228
subject to an adjudication conducted in accordance with Chapter 40229
119. of the Revised Code. 40230

Sec. 5111.34. (A) There is hereby created the nursing 40231
facility reimbursement study council consisting of the following 40232
fifteen members: 40233

(1) The director of job and family services; 40234

(2) The deputy director of the office of Ohio health plans of 40235
the department of job and family services; 40236

(3) An employee of the governor's office; 40237

(4) The director of health; 40238

(5) The director of aging; 40239

(6) Two members of the house of representatives, appointed by 40240
the speaker of the house of representatives; 40241

(7) Two members of the senate, appointed by the president of 40242
the senate; 40243

<u>(8) Two representatives of each of the following</u>	40244
<u>organizations, appointed by their respective governing bodies:</u>	40245
<u>(a) The Ohio academy of nursing homes;</u>	40246
<u>(b) The association of Ohio philanthropic homes and housing</u>	40247
<u>for the aging;</u>	40248
<u>(c) The Ohio health care association.</u>	40249
<u>Initial appointments of members described in divisions</u>	40250
<u>(A)(6), (7), and (8) of this section shall be made no later than</u>	40251
<u>ninety days after the effective date of this section. Vacancies in</u>	40252
<u>any of those appointments shall be filled in the same manner as</u>	40253
<u>original appointments. The members described in divisions (A)(6),</u>	40254
<u>(7), and (8) of this section shall serve at the pleasure of the</u>	40255
<u>official or governing body appointing the member. The members</u>	40256
<u>described in divisions (A)(1), (2), (3), (4), and (5) of this</u>	40257
<u>section shall serve for as long as they hold the position that</u>	40258
<u>qualifies them for membership on the council. The speaker of the</u>	40259
<u>house of representatives and the president of the senate jointly</u>	40260
<u>shall appoint the chairperson of the council. Members of the</u>	40261
<u>council shall serve without compensation.</u>	40262
<u>(B) The council shall review, on an ongoing basis, the system</u>	40263
<u>established by sections 5111.20 to 5111.32 of the Revised Code for</u>	40264
<u>reimbursing nursing facilities under the medical assistance</u>	40265
<u>program. The council shall recommend any changes it determines are</u>	40266
<u>necessary. The council periodically shall report its activities,</u>	40267
<u>findings, and recommendations to the governor, the speaker of the</u>	40268
<u>house of representatives, and the president of the senate.</u>	40269
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<u>Sec. 5111.63. For the purposes of this section, "facility,"</u>	40271
<u>"medicare," and "medicaid" have the same meanings as in section</u>	40272
<u>3721.10 of the Revised Code.</u>	40273

The department of health shall be the designee of the 40274
department of job and family services for the purpose of 40275
conducting a hearing pursuant to section 3721.162 of the Revised 40276
Code concerning a facility's decision to transfer or discharge a 40277
resident if the resident is a medicaid recipient or medicare 40278
beneficiary. 40279

Sec. 5111.85. (A) As used in this section, "medicaid waiver 40280
component" means a component of the medicaid program authorized by 40281
a waiver granted by the United States department of health and 40282
human services under section 1115 or 1915 of the "Social Security 40283
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1315 or 1396n. "Medicaid 40284
waiver component" does not include a managed care system 40285
established under section 5111.17 of the Revised Code. 40286

(B) The director of job and family services may adopt rules 40287
under Chapter 119. of the Revised Code governing medicaid waiver 40288
components that establish all of the following: 40289

(1) Eligibility requirements for the medicaid waiver 40290
components; 40291

(2) The type, amount, duration, and scope of services the 40292
medicaid waiver components provide; 40293

(3) The conditions under which the medicaid waiver components 40294
cover services; 40295

(4) The amount the medicaid waiver components pay for 40296
services or the method by which the amount is determined; 40297

(5) The manner in which the medicaid waiver components pay 40298
for services; 40299

(6) Safeguards for the health and welfare of medicaid 40300
recipients receiving services under a medicaid waiver component; 40301

(7) Procedures for enforcing the rules, including 40302

establishing corrective action plans for, and imposing financial 40303
and administrative sanctions on, persons and government entities 40304
that violate the rules. Sanctions shall include terminating 40305
medicaid provider agreements. The procedures shall include due 40306
process protections. 40307

(8) Other policies necessary for the efficient administration 40308
of the medicaid waiver components. 40309

(C) The director of job and family services may adopt 40310
different rules for the different medicaid waiver components. The 40311
rules shall be consistent with the terms of the waiver authorizing 40312
the medicaid waiver component. 40313

(D) The director of job and family services may conduct 40314
reviews of the medicaid waiver components. The reviews may include 40315
physical inspections of records and sites where services are 40316
provided under the medicaid waiver components and interviews of 40317
providers and recipients of the services. If the director 40318
determines pursuant to a review that a person or government entity 40319
has violated a rule governing a medicaid waiver component, the 40320
director may establish a corrective action plan for the violator 40321
and impose fiscal, administrative, or both types of sanctions on 40322
the violator in accordance with rules adopted under division (B) 40323
of this section. 40324

Sec. 5111.86. The department of job and family services may 40325
enter into interagency agreements with one or more other state 40326
agencies to have the state agency administer one or more 40327
components of the medicaid program, or one or more aspects of a 40328
component, under the department's supervision. A state agency that 40329
enters into such an interagency agreement shall comply with any 40330
rules the director of job and family services has adopted 40331
governing the component, or aspect of the component, that the 40332
state agency is to administer, including any rules establishing 40333

review, audit, and corrective action plan requirements. 40334

A state agency that enters into an interagency agreement with 40335
the department under this section shall reimburse the department 40336
for the nonfederal share of the cost to the department of 40337
performing, or contracting for the performance of, a fiscal audit 40338
of the component of the medicaid program, or aspect of the 40339
component, that the state agency administers if rules governing 40340
the component, or aspect of the component, require that a fiscal 40341
audit be conducted. 40342

There is hereby created in the state treasury the medicaid 40343
administrative reimbursement fund. The department shall use money 40344
in the fund to pay for the nonfederal share of the cost of a 40345
fiscal audit for which a state agency is required by this section 40346
to reimburse the department. The department shall deposit the 40347
reimbursements into the fund. 40348

Sec. 5111.87. As used in this section and section 5111.871 of 40349
the Revised Code, "intermediate care facility for the mentally 40350
retarded" has the same meaning as in section 5111.20 of the 40351
Revised Code. 40352

The director of job and family services may apply to the 40353
United States secretary of health and human services for one or 40354
more medicaid waivers under which home and community-based 40355
services are provided to individuals with mental retardation or 40356
other developmental disability as an alternative to placement in 40357
an intermediate care facility for the mentally retarded. Before 40358
the director applies for a waiver under this section, the director 40359
shall seek, accept, and consider public comments. 40360

Sec. ~~5111.87~~ 5111.871. The department of job and family 40361
services shall enter into an interagency agreement with the 40362

department of mental retardation and developmental disabilities 40363
under section 5111.86 of the Revised Code with regard to the 40364
component of the medicaid program established by the department of 40365
job and family services under ~~a waiver~~ one or more waivers from 40366
the United States secretary of health and human services pursuant 40367
to section 1915 of the "Social Security Act," 49 Stat. 620 (1935), 40368
42 U.S.C.A. 1396n, as amended, to provide eligible ~~medical~~ 40369
~~assistance~~ medicaid recipients with home ~~or~~ and community-based 40370
services as an alternative to placement in an intermediate care 40371
facility for the mentally retarded ~~as defined in section 5111.20~~ 40372
~~of the Revised Code~~. The agreement shall provide for the 40373
department of mental retardation and developmental disabilities to 40374
administer the ~~program~~ component in accordance with the terms of 40375
the waiver. The ~~departments~~ directors of job and family services 40376
and mental retardation and developmental disabilities shall adopt 40377
rules in accordance with Chapter 119. of the Revised Code 40378
governing the ~~program~~ component. 40379

If the department of mental retardation and developmental 40380
disabilities or the department of job and family services denies 40381
an individual's application for home and community-based services 40382
provided under this medicaid component, the department that denied 40383
the services shall give timely notice to the individual that the 40384
individual may request a hearing under section 5101.35 of the 40385
Revised Code. 40386

The departments of mental retardation and developmental 40387
disabilities and job and family services may approve, reduce, 40388
deny, or terminate a service included in the individualized 40389
service plan developed for a medicaid recipient eligible for home 40390
and community-based services provided under this medicaid 40391
component. The departments shall consider the recommendations a 40392
county board of mental retardation and developmental disabilities 40393
makes under division (A)(1)(c) of section 5126.055 of the Revised 40394

Code. If either department approves, reduces, denies, or 40395
terminates a service, that department shall give timely notice to 40396
the medicaid recipient that the recipient may request a hearing 40397
under section 5101.35 of the Revised Code. 40398

If supported living or residential services, as defined in 40399
section 5126.01 of the Revised Code, are to be provided under this 40400
component, any person or government entity with a current, valid 40401
medicaid provider agreement and a current, valid license under 40402
section 5123.19 or certificate under section 5123.045 or 5126.431 40403
of the Revised Code may provide the services. 40404

Sec. 5111.872. When the department of mental retardation and 40405
developmental disabilities allocates enrollment numbers to a 40406
county board of mental retardation and developmental disabilities 40407
for home and community-based services provided under the component 40408
of the medicaid program that the department administers under 40409
section 5111.871 of the Revised Code, the department shall 40410
consider all of the following: 40411

(A) The number of individuals with mental retardation or 40412
other developmental disability who are on a waiting list the 40413
county board establishes under division (C) of section 5126.042 of 40414
the Revised Code for those services and are given priority on the 40415
waiting list pursuant to division (D) of that section; 40416

(B) The implementation component required by division (A)(3) 40417
of section 5126.054 of the Revised Code of the county board's plan 40418
approved under section 5123.046 of the Revised Code; 40419

(C) Anything else the department considers necessary to 40420
enable county boards to provide those services to individuals in 40421
accordance with the priority requirements of division (D) of 40422
section 5126.042 of the Revised Code. 40423

Sec. 5111.873. (A) Not later than the effective date of the 40424

first of any medicaid waivers the United States secretary of 40425
health and human services grants pursuant to a request made under 40426
section 5111.87 of the Revised Code, the director of job and 40427
family services shall adopt rules in accordance with Chapter 119. 40428
of the Revised Code establishing statewide fee schedules for home 40429
and community-based services provided under the component of the 40430
medicaid program that the department of mental retardation and 40431
developmental disabilities administers under section 5111.871 of 40432
the Revised Code. The rules shall provide for all of the 40433
following: 40434

(1) The department of mental retardation and developmental 40435
disabilities arranging for the initial and ongoing collection of 40436
cost information from a comprehensive, statistically valid sample 40437
of persons and government entities providing the services at the 40438
time the information is obtained; 40439

(2) The collection of consumer-specific information through 40440
an assessment instrument the department of mental retardation and 40441
developmental disabilities shall provide to the department of job 40442
and family services; 40443

(3) With the information collected pursuant to divisions 40444
(A)(1) and (2) of this section, an analysis of that information, 40445
and other information the director determines relevant, methods 40446
and standards for calculating the fee schedules that do all of the 40447
following: 40448

(a) Assure that the fees are consistent with efficiency, 40449
economy, and quality of care; 40450

(b) Consider the intensity of consumer resource need; 40451

(c) Recognize variations in different geographic areas 40452
regarding the resources necessary to assure the health and welfare 40453
of consumers; 40454

(d) Recognize variations in environmental supports available 40455

to consumers.

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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.

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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.

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Sec. 5119.01. The director of mental health is the chief executive and administrative officer of the department of mental health. The director may establish procedures for the governance of the department, conduct of its employees and officers, performance of its business, and custody, use, and preservation of departmental records, papers, books, documents, and property. Whenever the Revised Code imposes a duty upon or requires an action of the department or any of its institutions, the director shall perform the action or duty in the name of the department, except that the medical director appointed pursuant to section 5119.07 of the Revised Code shall be responsible for decisions relating to medical diagnosis, treatment, rehabilitation, quality assurance, and the clinical aspects of the following: licensure of hospitals and residential facilities, research, community mental health plans, and delivery of mental health services.

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The director shall:

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(A) Adopt rules for the proper execution of the powers and

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duties of the department with respect to the institutions under
its control, and require the performance of additional duties by
the officers of the institutions as necessary to fully meet the
requirements, intents, and purposes of this chapter. In case of an
apparent conflict between the powers conferred upon any managing
officer and those conferred by such sections upon the department,
the presumption shall be conclusive in favor of the department.

(B) Adopt rules for the nonpartisan management of the
institutions under the department's control. An officer or
employee of the department or any officer or employee of any
institution under its control who, by solicitation or otherwise,
exerts influence directly or indirectly to induce any other
officer or employee of the department or any of its institutions
to adopt the exerting officer's or employee's political views or
to favor any particular person, issue, or candidate for office
shall be removed from the exerting officer's or employee's office
or position, by the department in case of an officer or employee,
and by the governor in case of the director.

(C) Appoint such employees, including the medical director,
as are necessary for the efficient conduct of the department, and
prescribe their titles and duties;

(D) Prescribe the forms of affidavits, applications, medical
certificates, orders of hospitalization and release, and all other
forms, reports, and records that are required in the
hospitalization or admission and release of all persons to the
institutions under the control of the department, or are otherwise
required under this chapter or Chapter 5122. of the Revised Code;

(E) Contract with hospitals licensed by the department under
section 5119.20 of the Revised Code for the care and treatment of
mentally ill patients, or with persons, organizations, or agencies
for the custody, supervision, care, or treatment of mentally ill

persons receiving services elsewhere than within the enclosure of 40519
a hospital operated under section 5119.02 of the Revised Code; 40520

(F) Exercise the powers and perform the duties relating to 40521
community mental health facilities and services that are assigned 40522
to the director under this chapter and Chapter 340. of the Revised 40523
Code; 40524

~~(G) Adopt rules under Chapter 119. of the Revised Code for 40525
the establishment of minimum standards, including standards for 40526
use of seclusion and restraint, of mental health services that are 40527
not inconsistent with nationally recognized applicable standards 40528
and that facilitate participation in federal assistance programs; 40529~~

~~(H)~~ Develop and implement clinical evaluation and monitoring 40530
of services that are operated by the department; 40531

~~(I)~~(H) At the director's discretion, adopt rules establishing 40532
standards for the adequacy of services provided by community 40533
mental health facilities, and certify the compliance of such 40534
facilities with the standards for the purpose of authorizing their 40535
participation in the health care plans of health insuring 40536
corporations under Chapter 1751. and sickness and accident 40537
insurance policies issued under Chapter 3923. of the Revised 40538
Code~~. The director shall cease to certify such compliance two 40539
years after the effective date of this amendment. The director 40540
shall rescind the rules after the date the director ceases to 40541
certify such compliance. 40542~~

~~(J)~~(I) Adopt rules establishing standards for the performance 40543
of evaluations by a forensic center or other psychiatric program 40544
or facility of the mental condition of defendants ordered by the 40545
court under section 2919.271, or 2945.371 of the Revised Code, and 40546
for the treatment of defendants who have been found incompetent to 40547
stand trial and ordered by the court under section 2945.38, 40548
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 40549

treatment in facilities; 40550

~~(K)~~(J) On behalf of the department, have the authority and 40551
responsibility for entering into contracts and other agreements; 40552

~~(L)~~(K) Prepare and publish regularly a state mental health 40553
plan that describes the department's philosophy, current 40554
activities, and long-term and short-term goals and activities; 40555

~~(M)~~(L) Adopt rules in accordance with Chapter 119. of the 40556
Revised Code specifying the supplemental services that may be 40557
provided through a trust authorized by section 1339.51 of the 40558
Revised Code; 40559

~~(N)~~(M) Adopt rules in accordance with Chapter 119. of the 40560
Revised Code establishing standards for the maintenance and 40561
distribution to a beneficiary of assets of a trust authorized by 40562
section 1339.51 of the Revised Code; 40563

~~(O) As used in division (I) of this section:~~ 40564

~~(1) "Community mental health facility" means a facility that 40565
provides community mental health services and is included in the 40566
community mental health plan for the alcohol, drug addiction, and 40567
mental health service district in which it is located.~~ 40568

~~(2) "Community mental health service" means services, other 40569
than inpatient services, provided by a community mental health 40570
facility.~~ 40571

Sec. 5119.06. (A) The department of mental health shall: 40572

(1) Establish and support a program at the state level to 40573
promote a community support system in accordance with section 40574
340.03 of the Revised Code to be available for every alcohol, drug 40575
addiction, and mental health service district. The department 40576
shall define the essential elements of a community support system, 40577
shall assist in identifying resources and coordinating the 40578
planning, evaluation, and delivery of services to facilitate the 40579

access of mentally ill people to public services at federal, 40580
state, and local levels, and shall operate inpatient and other 40581
mental health services pursuant to the approved community mental 40582
health plan. 40583

(2) Provide training, consultation, and technical assistance 40584
regarding mental health programs and services and appropriate 40585
prevention and mental health promotion activities, including those 40586
that are culturally sensitive, to employees of the department, 40587
community mental health agencies and boards, and other agencies 40588
providing mental health services; 40589

(3) Promote and support a full range of mental health 40590
services that are available and accessible to all residents of 40591
this state, especially for severely mentally disabled children, 40592
adolescents, and adults, and other special target populations, 40593
including racial and ethnic minorities, as determined by the 40594
department. 40595

(4) Design and set criteria for the determination of severe 40596
mental disability; 40597

(5) Establish ~~criteria~~ standards for evaluation of mental 40598
health programs; 40599

(6) Promote, direct, conduct, and coordinate scientific 40600
research, taking ethnic and racial differences into consideration 40601
concerning the causes and prevention of mental illness, methods of 40602
providing effective services and treatment, and means of enhancing 40603
the mental health of all residents of this state; 40604

(7) Foster the establishment and availability of vocational 40605
rehabilitation services and the creation of employment 40606
opportunities for consumers of mental health services, including 40607
members of racial and ethnic minorities; 40608

(8) Establish a program to protect and promote the rights of 40609
persons receiving mental health services, including the issuance 40610

of guidelines on informed consent and other rights; 40611

(9) Establish, in consultation with board of alcohol, drug 40612
addiction, and mental health services representatives and after 40613
consideration of the recommendations of the medical director, 40614
guidelines for the development of community mental health plans 40615
and the review and approval or disapproval of such plans submitted 40616
pursuant to section 340.03 of the Revised Code; 40617

(10) Promote the involvement of persons who are receiving or 40618
have received mental health services, including families and other 40619
persons having a close relationship to a person receiving mental 40620
health services, in the planning, evaluation, delivery, and 40621
operation of mental health services. 40622

(11) Notify and consult with the relevant constituencies that 40623
may be affected by rules, standards, and guidelines issued by the 40624
department of mental health. These constituencies shall include 40625
consumers of mental health services and their families, and may 40626
include public and private providers, employee organizations, and 40627
others when appropriate. Whenever the department proposes the 40628
adoption, amendment, or rescission of rules under Chapter 119. of 40629
the Revised Code, the notification and consultation required by 40630
this division shall occur prior to the commencement of proceedings 40631
under Chapter 119. The department shall adopt rules under Chapter 40632
119. of the Revised Code that establish procedures for the 40633
notification and consultation required by this division. 40634
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(12) In cooperation with board of alcohol, drug addiction, 40636
and mental health services representatives, provide training 40637
regarding the provision of community-based mental health services 40638
to those department employees who are utilized in state-operated, 40639
community-based mental health services; 40640

(13) Provide ~~oversight and~~ consultation to the department of 40641

rehabilitation and correction ~~for~~ concerning the delivery of 40642
mental health services in state correctional institutions; 40643

~~(14) Audit mental health programs in state correctional 40644
institutions operated by the department of rehabilitation and 40645
correction for compliance with standards that have been jointly 40646
developed and promulgated by the department of mental health and 40647
the department of rehabilitation and correction. The standards 40648
shall include monitoring mechanisms to provide for quality of 40649
services in these programs. 40650~~

(B) The department of mental health may negotiate and enter 40651
into agreements with other agencies and institutions, both public 40652
and private, for the joint performance of its duties. 40653

Sec. 5119.22. (A)(1) As used in this section: 40654

(a) ~~Mental~~ "Community mental health agency" means a community 40655
mental health agency as defined in division (H) of section 5122.01 40656
of the Revised Code, or, until two years after the effective date 40657
of this amendment, a community mental health facility certified by 40658
the department of mental health pursuant to division ~~(I)~~(H) of 40659
section 5119.01 of the Revised Code. 40660

(b) ~~Mental~~ "Community mental health services" means any of 40661
the services listed in section 340.09 of the Revised Code. 40662

(c) "Personal care services" means services including, but 40663
not limited to, the following: 40664

(i) Assisting residents with activities of daily living; 40665

(ii) Assisting residents with self-administration of 40666
medication in accordance with rules adopted under this section; 40667

(iii) Preparing special diets, other than complex therapeutic 40668
diets, for residents pursuant to the instructions of a physician 40669
or a licensed dietitian, in accordance with rules adopted under 40670
this section. 40671

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(1)(c) of this section to be considered to be providing personal care services.

(d) "Residential facility" means a publicly or privately operated home or facility that provides one of the following:

(i) Room and board, personal care services, and community mental health services to one or more persons with mental illness or persons with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner;

(ii) Room and board and personal care services to one or two persons with mental illness or persons with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner;

(iii) Room and board to five or more persons with mental illness or persons with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner.

The following are not residential facilities: the residence of a relative or guardian of a mentally ill individual, a hospital subject to licensure under section 5119.20 of the Revised Code, a residential facility as defined in section 5123.19 of the Revised Code, a facility providing care for a child in the custody of a public children services agency or a private agency certified under section 5103.03 of the Revised Code, a foster care facility subject to section 5103.03 of the Revised Code, an adult care facility subject to licensure under Chapter 3722. of the Revised Code, and a nursing home, residential care facility, or home for

the aging subject to licensure under section 3721.02 of the Revised Code. 40703
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(2) Nothing in division (A)(1)(d) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance. 40705
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(3) Except in the case of a residential facility described in division (A)(1)(d)(i) of this section, members of the staff of a residential facility shall not administer medication to residents, all medication taken by residents of a residential facility shall be self-administered, and no person shall be admitted to or retained by a residential facility unless the person is capable of taking the person's own medication and biologicals, as determined in writing by the person's personal physician. Members of the staff of a residential facility may do any of the following: 40709
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(a) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container; 40718
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(b) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this section, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident. 40721
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(c) Assist a physically impaired but mentally alert resident, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and 40727
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place the container to the mouth of the resident.

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(B) Every person operating or desiring to operate a residential facility shall apply for licensure of the facility to the department of mental health and shall send a copy of the application to the board of alcohol, drug addiction, and mental health services whose service district includes the county in which the person operates or desires to operate a residential facility. The board shall review such applications and recommend approval or disapproval to the department. Each recommendation shall be consistent with the board's community mental health plan.

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(C) The department of mental health shall inspect and license the operation of residential facilities. The department shall consider the past record of the facility and the applicant or licensee in arriving at its licensure decision. The department may issue full, probationary, and interim licenses. A full license shall expire two years after the date of issuance, a probationary license shall expire in a shorter period of time as prescribed by rule adopted by the director of mental health pursuant to Chapter 119. of the Revised Code, and an interim license shall expire ninety days after the date of issuance. The department may refuse to issue or renew and may revoke a license if it finds the facility is not in compliance with rules adopted by the department pursuant to division (G) of this section or if any facility operated by the applicant or licensee has had repeated violations of statutes or rules during the period of previous licenses. Proceedings initiated to deny applications for full or probationary licenses or to revoke such licenses are governed by Chapter 119. of the Revised Code.

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(D) The department may issue an interim license to operate a residential facility if both of the following conditions are met:

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(1) The department determines that the closing of or the need to remove residents from another residential facility has created

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an emergency situation requiring immediate removal of residents 40766
and an insufficient number of licensed beds are available. 40767
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(2) The residential facility applying for an interim license 40769
meets standards established for interim licenses in rules adopted 40770
by the director under Chapter 119. of the Revised Code. 40771

An interim license shall be valid for ninety days and may be 40772
renewed by the director no more than twice. Proceedings initiated 40773
to deny applications for or to revoke interim licenses under this 40774
division are not subject to Chapter 119. of the Revised Code. 40775

(E) The department of mental health may conduct an inspection 40776
of a residential facility: 40777

(1) Prior to the issuance of a license to a prospective 40778
operator; 40779

(2) Prior to the renewal of any operator's license; 40780

(3) To determine whether a facility has completed a plan of 40781
correction required pursuant to this division and corrected 40782
deficiencies to the satisfaction of the department and in 40783
compliance with this section and rules adopted pursuant to it; 40784

(4) Upon complaint by any individual or agency; 40785

(5) At any time the director considers an inspection to be 40786
necessary in order to determine whether a residential facility is 40787
in compliance with this section and rules adopted pursuant to this 40788
section. 40789

In conducting inspections the department may conduct an 40790
on-site examination and evaluation of the residential facility, 40791
its personnel, activities, and services. The department shall have 40792
access to examine all records, accounts, and any other documents 40793
relating to the operation of the residential facility, and shall 40794
have access to the facility in order to conduct interviews with 40795

the operator, staff, and residents. Following each inspection and
review, the department shall complete a report listing any
deficiencies, and including, when appropriate, a time table within
which the operator shall correct the deficiencies. The department
may require the operator to submit a plan of correction describing
how the deficiencies will be corrected.

(F) No person shall do any of the following:

(1) Operate a residential facility unless the facility holds
a valid license;

(2) Violate any of the conditions of licensure after having
been granted a license;

(3) Interfere with a state or local official's inspection or
investigation of a residential facility;

(4) Violate any of the provisions of this section or any
rules adopted pursuant to this section.

(G) The director shall adopt and may amend and rescind rules
pursuant to Chapter 119. of the Revised Code, prescribing minimum
standards for the health, safety, adequacy, and cultural
specificity and sensitivity of treatment of and services for
persons in residential facilities; establishing procedures for the
issuance, renewal or revocation of the licenses of such
facilities; establishing the maximum number of residents of a
facility; establishing the rights of residents and procedures to
protect such rights; and requiring an affiliation agreement
approved by the board between a residential facility and a mental
health agency. Such affiliation agreement must be consistent with
the residential portion of the community mental health plan
submitted pursuant to section 340.03 of the Revised Code.

(H) The department may investigate any facility that has been
reported to the department or that the department has reasonable
cause to believe is operating as a residential facility without a

valid license. 40827

(I) The department may withhold the source of any complaint 40828
reported as a violation of this act when the department determines 40829
that disclosure could be detrimental to the department's purposes 40830
or could jeopardize the investigation. The department may disclose 40831
the source of any complaint if the complainant agrees in writing 40832
to such disclosure and shall disclose the source upon order by a 40833
court of competent jurisdiction. 40834

(J) The director of mental health may petition the court of 40835
common pleas of the county in which a residential facility is 40836
located for an order enjoining any person from operating a 40837
residential facility without a license or from operating a 40838
licensed facility when, in the director's judgment, there is a 40839
real and present danger to the health or safety of any of the 40840
occupants of the facility. The court shall have jurisdiction to 40841
grant such injunctive relief upon a showing that the respondent 40842
named in the petition is operating a facility without a license or 40843
there is a real and present danger to the health or safety of any 40844
residents of the facility. 40845

(K) Whoever violates division (F) of this section or any rule 40846
adopted under this section is liable for a civil penalty of one 40847
hundred dollars for the first offense; for each subsequent 40848
offense, such violator is liable for a civil penalty of five 40849
hundred dollars. If the violator does not pay, the attorney 40850
general, upon the request of the director of mental health, shall 40851
bring a civil action to collect the penalty. Fines collected 40852
pursuant to this section shall be deposited into the state 40853
treasury to the credit of the mental health sale of goods and 40854
services fund. 40855

Sec. 5119.61. Any provision in this chapter that refers to a 40856
board of alcohol, drug addiction, and mental health services also 40857

refers to the community mental health board in an alcohol, drug 40858
addiction, and mental health service district that has a community 40859
mental health board. 40860

The director of mental health with respect to all facilities 40861
and programs established and operated under Chapter 340. of the 40862
Revised Code for mentally ill and emotionally disturbed persons, 40863
shall do all of the following: 40864

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 40865
that may be necessary to carry out the purposes of Chapter 340. 40866
and sections 5119.61 to 5119.63 of the Revised Code. 40867

(1) The rules shall include all of the following: 40868

(a) Rules governing a community mental health agency's 40869
services under section 340.091 of the Revised Code to an 40870
individual referred to the agency under division (C)(2) of section 40871
173.35 of the Revised Code; 40872

(b) For the purpose of division (A)~~(14)~~(16) of section 340.03 40873
of the Revised Code, rules governing the duties of mental health 40874
agencies and boards of alcohol, drug addiction, and mental health 40875
services under section 3722.18 of the Revised Code regarding 40876
referrals of individuals with mental illness or severe mental 40877
disability to adult care facilities and effective arrangements for 40878
ongoing mental health services for the individuals. The rules 40879
shall do at least the following: 40880

(i) Provide for agencies and boards to participate fully in 40881
the procedures owners and managers of adult care facilities must 40882
follow under division (A)(2) of section 3722.18 of the Revised 40883
Code; 40884

(ii) Specify the manner in which boards are accountable for 40885
ensuring that ongoing mental health services are effectively 40886
arranged for individuals with mental illness or severe mental 40887
disability who are referred by the board or mental health agency 40888

under contract with the board to an adult care facility. 40889

(c) Rules governing a board of alcohol, drug addiction, and 40890
mental health services when making a report to the director of 40891
health under section 3722.17 of the Revised Code regarding the 40892
quality of care and services provided by an adult care facility to 40893
a person with mental illness or a severe mental disability. 40894

(2) Rules may be adopted to govern the method of paying a 40895
community mental health facility described in division (B) of 40896
section 5111.022 of the Revised Code for providing services 40897
established by division (A) of that section. Such rules must be 40898
consistent with the contract entered into between the departments 40899
of human job and family services and mental health under division 40900
(E) of that section and include requirements ensuring appropriate 40901
service utilization. 40902

~~(B) Adopt rules requiring each public or private agency 40903
providing mental health services or facilities under a contract 40904
with a board of alcohol, drug addiction, and mental health 40905
services and any program operated by such a board to have a 40906
written policy that addresses the rights of clients including all 40907
of the following: 40908~~

~~(1) The right to a copy of the agency's policy of client 40909
rights; 40910~~

~~(2) The right at all times to be treated with consideration 40911
and respect for the client's privacy and dignity; 40912~~

~~(3) The right to have access to the client's own psychiatric, 40913
medical, or other treatment records unless access is specifically 40914
restricted in the client's treatment plan for clear treatment 40915
reasons; 40916~~

~~(4) The right to have a client rights officer provided by the 40917
board or agency advise the client of the client's rights, 40918
including the client's rights under Chapter 5122. of the Revised 40919~~

~~Code if the client is committed to the board or agency.~~ 40920

~~(C) Require each board of alcohol, drug addiction, and mental health services to ensure that each contract agency establishes grievance procedures available to all recipients of services or applicants for services;~~ 40921
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~~(D) Define minimum standards for qualifications of personnel, professional services, and mental health professionals as defined in section 340.02 of the Revised Code;~~ 40925
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~~(E) Review and evaluate, and, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district served by the program and the requirements and priorities of the state mental health plan, including the needs of residents of the district now residing in state mental institutions, approve and allocate funds to support community programs, and make recommendations for needed improvements to boards of alcohol, drug addiction, and mental health services;~~ 40928
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~~(F)(C) Withhold state and federal funds for any program, in whole or in part, from a board of alcohol, drug addiction, and mental health services in the event of failure of that program to comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, or 5119.62 of the Revised Code or rules of the department of mental health. The director shall identify the areas of noncompliance and the action necessary to achieve compliance. The director shall offer technical assistance to the board to achieve compliance. The director shall give the board a reasonable time within which to comply or to present its position that it is in compliance. Before withholding funds, a hearing shall be conducted to determine if there are continuing violations and that either assistance is rejected or the board is unable to achieve compliance. Subsequent to the hearing process, if it is determined that compliance has not been achieved, the director may allocate~~ 40937
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all or part of the withheld funds to a public or private agency to 40952
provide the services not in compliance until the time that there 40953
is compliance. The director shall establish rules pursuant to 40954
Chapter 119. of the Revised Code to implement this division. 40955

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~~(G)~~(D) Withhold state or federal funds from a board of 40957
alcohol, drug addiction, and mental health services that denies 40958
available service on the basis of religion, race, color, creed, 40959
sex, national origin, age, disability as defined in section 40960
4112.01 of the Revised Code, developmental disability, or the 40961
inability to pay; 40962

~~(H)~~(E) Provide consultative services to community mental 40963
health ~~programs~~ agencies with the knowledge and cooperation of the 40964
board of alcohol, drug addiction, and mental health services; 40965

~~(I)~~(F) Provide to boards of alcohol, drug addiction, and 40966
mental health services state or federal funds, in addition to 40967
those allocated under section 5119.62 of the Revised Code, for 40968
special programs or projects the director considers necessary but 40969
for which local funds are not available; 40970

~~(J)~~(G) Establish criteria by which a board of alcohol, drug 40971
addiction, and mental health services reviews and evaluates the 40972
quality, effectiveness, and efficiency of services provided 40973
through its community mental health plan. The criteria shall 40974
include requirements ensuring appropriate service utilization. The 40975
department shall assess a board's evaluation of services and the 40976
compliance of each board with this section, Chapter 340. or 40977
section 5119.62 of the Revised Code, and other state or federal 40978
law and regulations. The department, in cooperation with the 40979
board, periodically shall review and evaluate the quality, 40980
effectiveness, and efficiency of services provided through each 40981
board. The department shall collect information that is necessary 40982
to perform these functions. 40983

~~(K)~~(H) Develop and operate a community mental health information system. 40984
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Boards of alcohol, drug abuse, and mental health services shall submit information requested by the department in the form and manner prescribed by the department. Information collected by the department shall include, but not be limited to, all of the following: 40986
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(1) Information regarding units of services provided in whole or in part under contract with a board, including diagnosis and special needs, demographic information, the number of units of service provided, past treatment, financial status, and service dates in accordance with rules adopted by the department in accordance with Chapter 119. of the Revised Code; 40991
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(2) Financial information other than price or price-related data regarding expenditures of boards and community mental health agencies, including units of service provided, budgeted and actual expenses by type, and sources of funds. 40997
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Boards shall submit the information specified in division ~~(K)~~(H)(1) of this section no less frequently than annually for each client, and each time the client's case is opened or closed. The department shall not collect any information for the purpose of identifying by name any person who receives a service through a board of alcohol, drug addiction, and mental health services, except as required by state or federal law to validate appropriate reimbursement. For the purposes of division ~~(K)~~(H)(1) of this section, the department shall use an identification system that is consistent with applicable nationally recognized standards. 41001
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~~(L)~~(I) Review each board's community mental health plan submitted pursuant to section 340.03 of the Revised Code and approve or disapprove it in whole or in part. Periodically, in consultation with representatives of boards and after considering 41011
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the recommendations of the medical director, the director shall 41015
issue criteria for determining when a plan is complete, criteria 41016
for plan approval or disapproval, and provisions for conditional 41017
approval. The factors that the director considers may include, but 41018
are not limited to, the following: 41019

(1) The mental health needs of all persons residing within 41020
the board's service district, especially severely mentally 41021
disabled children, adolescents, and adults; 41022

(2) The demonstrated quality, effectiveness, efficiency, and 41023
cultural relevance of the services provided in each service 41024
district, the extent to which any services are duplicative of 41025
other available services, and whether the services meet the needs 41026
identified above; 41027

(3) The adequacy of the board's accounting for the 41028
expenditure of funds. 41029

If the director disapproves all or part of any plan, the 41030
director shall provide the board an opportunity to present its 41031
position. The director shall inform the board of the reasons for 41032
the disapproval and of the criteria that must be met before the 41033
plan may be approved. The director shall give the board a 41034
reasonable time within which to meet the criteria, and shall offer 41035
technical assistance to the board to help it meet the criteria. 41036

If the approval of a plan remains in dispute thirty days 41037
prior to the conclusion of the fiscal year in which the board's 41038
current plan is scheduled to expire, the board or the director may 41039
request that the dispute be submitted to a mutually agreed upon 41040
third-party mediator with the cost to be shared by the board and 41041
the department. The mediator shall issue to the board and the 41042
department recommendations for resolution of the dispute. Prior to 41043
the conclusion of the fiscal year in which the current plan is 41044
scheduled to expire, the director, taking into consideration the 41045
recommendations of the mediator, shall make a final determination 41046

and approve or disapprove the plan, in whole or in part. 41047

~~(M) Visit and evaluate any community mental health program, 41048
agency, or facility, in cooperation with a board of alcohol, drug 41049
addiction, and mental health services, to determine if the 41050
services meet minimum standards pursuant to division (G) of 41051
section 5119.01 of the Revised Code. If the director determines 41052
that the services meet minimum standards, the director shall so 41053
certify. 41054~~

~~If the director determines that the services of any program, 41055
agency, or facility that has a contract with a board do not meet 41056
minimum standards, the director shall identify the areas of 41057
noncompliance, specify what action is necessary to meet the 41058
standards, and offer technical assistance to the board so that it 41059
may assist the program, agency, or facility to meet minimum 41060
standards. The director shall give the board a reasonable time 41061
within which to demonstrate that the services meet minimum 41062
standards or to bring the program or facility into compliance with 41063
the standards. If the director concludes that the services 41064
continue to fail to meet minimum standards, the director may 41065
request that the board reallocate the funds for those services to 41066
another program, agency, or facility which meets minimum 41067
standards. If the board does not reallocate those funds in a 41068
reasonable period of time, the director may withhold state and 41069
federal funds for the services and allocate those funds directly 41070
to a public or private agency that meets minimum standards. 41071~~

~~Each program, agency, and facility shall pay a fee for the 41072
certification review required by this division. Fees shall be paid 41073
into the sale of goods and services fund created pursuant to 41074
section 5119.161 of the Revised Code. 41075~~

~~The director shall adopt rules under Chapter 119. of the 41076
Revised Code to implement this division. The rules shall do all of 41077
the following: 41078~~

~~(1) Establish the process for certification of services of programs, agencies, or facilities;~~ 41079
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~~(2) Set the amount of certification review fees based on a portion of the cost of performing the review;~~ 41081
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~~(3) Specify the type of notice and hearing to be provided prior to a decision whether to reallocate funds.~~ 41083
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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. 41085
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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 whether its services satisfy the standards established by rules adopted under division (C) of this section. The director shall make the evaluation, and, if the director visits the agency, shall make the visit, in cooperation with the board of alcohol, drug addiction, and mental health services with which the agency seeks to contract. 41091
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If the director determines that a community mental health agency's services satisfy the standards, the director shall certify the services. 41101
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If the director determines that a community mental health agency's services do not satisfy the standards, the director shall identify the areas of noncompliance, specify what action is necessary to satisfy the standards, and offer technical assistance to the board of alcohol, drug addiction, and mental health 41104
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services so that the board may assist the agency in satisfying the 41109
standards. The director shall give the agency a reasonable time 41110
within which to demonstrate that its services satisfy the 41111
standards or to bring the services into compliance with the 41112
standards. If the director concludes that the services continue to 41113
fail to satisfy the standards, the director may request that the 41114
board reallocate the funds for the community mental health 41115
services the agency was to provide to another community mental 41116
health agency whose community mental health services satisfy the 41117
standards. If the board does not reallocate those funds in a 41118
reasonable period of time, the director may withhold state and 41119
federal funds for the community mental health services and 41120
allocate those funds directly to a community mental health agency 41121
whose community mental health services satisfy the standards. 41122

(B) Each community mental health agency seeking certification 41123
of its community mental health services under this section shall 41124
pay a fee for the certification review required by this section. 41125
Fees shall be paid into the sale of goods and services fund 41126
created pursuant to section 5119.161 of the Revised Code. 41127

(C) The director shall adopt rules in accordance with Chapter 41129
119. of the Revised Code to implement this section. The rules 41130
shall do all of the following: 41131

(1) Establish certification standards for community mental 41132
health services that are consistent with nationally recognized 41133
applicable standards and facilitate participation in federal 41134
assistance programs. The rules shall include as certification 41135
standards only requirements that improve the quality of services 41136
or the health and safety of clients of community mental health 41137
services. The standards shall address at a minimum all of the 41138
following: 41139

(a) Reporting major unusual incidents to the director; 41140

<u>(b) Procedures for applicants for and clients of community mental health services to file grievances and complaints;</u>	41141
<u>(c) Seclusion;</u>	41142
<u>(d) Restraint;</u>	41143
<u>(e) Development of written policies addressing the rights of clients, including all of the following:</u>	41144
<u>(i) The right to a copy of the written policies addressing client rights;</u>	41145
<u>(ii) The right at all times to be treated with consideration and respect for the client's privacy and dignity;</u>	41147
<u>(iii) The right to have access to the client's own psychiatric, medical, or other treatment records unless access is specifically restricted in the client's treatment plan for clear treatment reasons;</u>	41148
<u>(iv) The right to have a client rights officer provided by 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.</u>	41149
<u>(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;</u>	41150
<u>(3) Establish the process for certification of community mental health services;</u>	41151
<u>(4) Set the amount of certification review fees based on a portion of the cost of performing the review;</u>	41152
<u>(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.</u>	41153
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Sec. 5119.612. The director of mental health shall require 41169
that each board of alcohol, drug addiction, and mental health 41170
services ensure that each community mental health agency with 41171
which it contracts under division (A)(8)(a) of section 340.03 of 41172
the Revised Code to provide community mental health services 41173
establish grievance procedures consistent with rules adopted under 41174
section 5119.611 of the Revised Code that are available to all 41175
applicants for and clients of the community mental health 41176
services. 41177

Sec. 5122.31. All certificates, applications, records, and 41178
reports made for the purpose of this chapter and sections 2945.38, 41179
2945.39, 2945.40, 2945.401, and 2945.402 of the Revised Code, 41180
other than court journal entries or court docket entries, and 41181
directly or indirectly identifying a patient or former patient or 41182
person whose hospitalization has been sought under this chapter, 41183
shall be kept confidential and shall not be disclosed by any 41184
person except: 41185

(A) If the person identified, or the person's legal guardian, 41186
if any, or if the person is a minor, the person's parent or legal 41187
guardian, consents, and if the disclosure is in the best interests 41188
of the person, as may be determined by the court for judicial 41189
records and by the chief clinical officer for medical records; 41190
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(B) When disclosure is provided for in this chapter or 41192
section 5123.60 of the Revised Code; 41193

(C) That hospitals, boards of alcohol, drug addiction, and 41194
mental health services, and community mental health agencies may 41195
release necessary medical information to insurers and other 41196
third-party payers, including government entities responsible for 41197
processing and authorizing payment, to obtain payment for goods 41198
and services furnished to the patient; 41199

(D) Pursuant to a court order signed by a judge; 41200

(E) That a patient shall be granted access to the patient's 41201
own psychiatric and medical records, unless access specifically is 41202
restricted in a patient's treatment plan for clear treatment 41203
reasons; 41204

(F) That hospitals and other institutions and facilities 41205
within the department of mental health may exchange psychiatric 41206
records and other pertinent information with other hospitals, 41207
institutions, and facilities of the department, and with community 41208
mental health agencies and boards of alcohol, drug addiction, and 41209
mental health services with which the department has a current 41210
agreement for patient care or services. Records and information 41211
that may be released pursuant to this division shall be limited to 41212
medication history, physical health status and history, financial 41213
status, summary of course of treatment in the hospital, summary of 41214
treatment needs, and a discharge summary, if any. 41215

(G) That a patient's family member who is involved in the 41216
provision, planning, and monitoring of services to the patient may 41217
receive medication information, a summary of the patient's 41218
diagnosis and prognosis, and a list of the services and personnel 41219
available to assist the patient and the patient's family, if the 41220
patient's treating physician determines that the disclosure would 41221
be in the best interests of the patient. No such disclosure shall 41222
be made unless the patient is notified first and receives the 41223
information and does not object to the disclosure. 41224

(H) That community mental health agencies may exchange 41225
psychiatric records and certain other information with the board 41226
of alcohol, drug addiction, and mental health services and other 41227
agencies in order to provide services to a person involuntarily 41228
committed to a board. Release of records under this division shall 41229
be limited to medication history, physical health status and 41230
history, financial status, summary of course of treatment, summary 41231

of treatment needs, and discharge summary, if any. 41232

(I) That information may be disclosed to the executor or the 41233
administrator of an estate of a deceased patient when the 41234
information is necessary to administer the estate; 41235

(J) That records in the possession of the Ohio historical 41236
society may be released to the closest living relative of a 41237
deceased patient upon request of that relative; 41238

(K) That information may be disclosed to staff members of the 41239
appropriate board or to staff members designated by the director 41240
of mental health for the purpose of evaluating the quality, 41241
effectiveness, and efficiency of services and determining if the 41242
services meet minimum standards. Information obtained during such 41243
evaluations shall not be retained with the name of any patient. 41244
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(L) That records pertaining to the patient's diagnosis, 41246
course of treatment, treatment needs, and prognosis shall be 41247
disclosed and released to the appropriate prosecuting attorney if 41248
the patient was committed pursuant to section 2945.38, 2945.39, 41249
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 41250
attorney designated by the board for proceedings pursuant to 41251
involuntary commitment under this chapter. 41252

(M) That the department of mental health may exchange 41253
psychiatric hospitalization records, other mental health treatment 41254
records, and other pertinent information with the department of 41255
rehabilitation and correction to ensure continuity of care for 41256
inmates who are receiving mental health services in an institution 41257
of the department of rehabilitation and correction. The department 41258
shall not disclose those records unless the inmate is notified, 41259
receives the information, and does not object to the disclosure. 41260
The release of records under this division is limited to records 41261
regarding an inmate's medication history, physical health status 41262

and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any. 41263
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(N) That a community mental health agency that ceases to operate may transfer to either a community mental health agency that assumes its caseload or to the board of alcohol, drug addiction, and mental health services of the service district in which the patient resided at the time services were most recently provided any treatment records that have not been transferred elsewhere at the patient's request. 41265
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(O) Before records are disclosed pursuant to divisions (C), (F), and (H) of this section, the custodian of the records shall attempt to obtain the patient's consent for the disclosure. No person shall reveal the contents of a medical record of a patient except as authorized by law. 41272
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Sec. 5123.01. As used in this chapter: 41277

(A) "Chief medical officer" means the licensed physician appointed by the managing officer of an institution for the mentally retarded with the approval of the director of mental retardation and developmental disabilities to provide medical treatment for residents of the institution. 41278
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(B) "Chief program director" means a person with special training and experience in the diagnosis and management of the mentally retarded, certified according to division (C) of this section in at least one of the designated fields, and appointed by the managing officer of an institution for the mentally retarded with the approval of the director to provide habilitation and care for residents of the institution. 41283
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(C) "Comprehensive evaluation" means a study, including a sequence of observations and examinations, of a person leading to conclusions and recommendations formulated jointly, with 41290
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dissenting opinions if any, by a group of persons with special 41293
training and experience in the diagnosis and management of persons 41294
with mental retardation or a developmental disability, which group 41295
shall include individuals who are professionally qualified in the 41296
fields of medicine, psychology, and social work, together with 41297
such other specialists as the individual case may require. 41298

(D) "Education" means the process of formal training and 41299
instruction to facilitate the intellectual and emotional 41300
development of residents. 41301

(E) "Habilitation" means the process by which the staff of 41302
the institution assists the resident in acquiring and maintaining 41303
those life skills that enable the resident to cope more 41304
effectively with the demands of the resident's own person and of 41305
the resident's environment and in raising the level of the 41306
resident's physical, mental, social, and vocational efficiency. 41307
Habilitation includes but is not limited to programs of formal, 41308
structured education and training. 41309

(F) "Habilitation center services" means services provided by 41310
a habilitation center certified by the department of mental 41311
retardation and developmental disabilities under section 5123.041 41312
of the Revised Code and covered by the medicaid program pursuant 41313
to rules adopted under section 5111.041 of the Revised Code. 41314

(G) "Health officer" means any public health physician, 41315
public health nurse, or other person authorized or designated by a 41316
city or general health district. 41317

~~(G)~~(H) "Home and community-based services" means 41318
medicaid-funded home and community-based services provided under a 41319
medicaid component the department of mental retardation and 41320
developmental disabilities administers pursuant to section 41321
5111.871 of the Revised Code. 41322

(I) "Indigent person" means a person who is unable, without 41323

substantial financial hardship, to provide for the payment of an attorney and for other necessary expenses of legal representation, including expert testimony.

~~(H)~~(J) "Institution" means a public or private facility, or a part of a public or private facility, that is licensed by the appropriate state department and is equipped to provide residential habilitation, care, and treatment for the mentally retarded.

~~(I)~~(K) "Licensed physician" means a person who holds a valid certificate issued under Chapter 4731. of the Revised Code authorizing the person to practice medicine and surgery or osteopathic medicine and surgery, or a medical officer of the government of the United States while in the performance of the officer's official duties.

~~(J)~~(L) "Managing officer" means a person who is appointed by the director of mental retardation and developmental disabilities to be in executive control of an institution for the mentally retarded under the jurisdiction of the department.

~~(K)~~(M) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.

(N) "Medicaid case management services" means case management services provided to an individual with mental retardation or other developmental disability that the state medicaid plan requires.

(O) "Mentally retarded person" means a person having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

~~(L)~~(P) "Mentally retarded person subject to institutionalization by court order" means a person eighteen years of age or older who is at least moderately mentally retarded and

in relation to whom, because of the person's retardation, either 41355
of the following conditions exist: 41356

(1) The person represents a very substantial risk of physical 41357
impairment or injury to self as manifested by evidence that the 41358
person is unable to provide for and is not providing for the 41359
person's most basic physical needs and that provision for those 41360
needs is not available in the community; 41361

(2) The person needs and is susceptible to significant 41362
habilitation in an institution. 41363

~~(M)~~(Q) "A person who is at least moderately mentally 41364
retarded" means a person who is found, following a comprehensive 41365
evaluation, to be impaired in adaptive behavior to a moderate 41366
degree and to be functioning at the moderate level of intellectual 41367
functioning in accordance with standard measurements as recorded 41368
in the most current revision of the manual of terminology and 41369
classification in mental retardation published by the American 41370
association on mental retardation. 41371

~~(N)~~(R) As used in this division, "substantial functional 41372
limitation," "developmental delay," and "established risk" have 41373
the meanings established pursuant to section 5123.011 of the 41374
Revised Code. 41375

"Developmental disability" means a severe, chronic disability 41376
that is characterized by all of the following: 41377

(1) It is attributable to a mental or physical impairment or 41378
a combination of mental and physical impairments, other than a 41379
mental or physical impairment solely caused by mental illness as 41380
defined in division (A) of section 5122.01 of the Revised Code. 41381

(2) It is manifested before age twenty-two. 41382

(3) It is likely to continue indefinitely. 41383

(4) It results in one of the following: 41384

(a) In the case of a person under three years of age, at least one developmental delay or an established risk; 41385
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(b) In the case of a person at least three years of age but under six years of age, at least two developmental delays or an established risk; 41387
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(c) In the case of a person six years of age or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least sixteen years of age, capacity for economic self-sufficiency. 41390
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(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person. 41397
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~~(O)~~(S) "Developmentally disabled person" means a person with a developmental disability. 41401
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~~(P)~~(T) "State institution" means an institution that is tax-supported and under the jurisdiction of the department. 41403
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~~(Q)~~(U) "Residence" and "legal residence" have the same meaning as "legal settlement," which is acquired by residing in Ohio for a period of one year without receiving general assistance prior to July 17, 1995, under former Chapter 5113. of the Revised Code, disability assistance under Chapter 5115. of the Revised Code, or assistance from a private agency that maintains records of assistance given. A person having a legal settlement in the state shall be considered as having legal settlement in the assistance area in which the person resides. No adult person coming into this state and having a spouse or minor children residing in another state shall obtain a legal settlement in this 41405
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state as long as the spouse or minor children are receiving public 41416
assistance, care, or support at the expense of the other state or 41417
its subdivisions. For the purpose of determining the legal 41418
settlement of a person who is living in a public or private 41419
institution or in a home subject to licensing by the department of 41420
job and family services, the department of mental health, or the 41421
department of mental retardation and developmental disabilities, 41422
the residence of the person shall be considered as though the 41423
person were residing in the county in which the person was living 41424
prior to the person's entrance into the institution or home. 41425
Settlement once acquired shall continue until a person has been 41426
continuously absent from Ohio for a period of one year or has 41427
acquired a legal residence in another state. A woman who marries a 41428
man with legal settlement in any county immediately acquires the 41429
settlement of her husband. The legal settlement of a minor is that 41430
of the parents, surviving parent, sole parent, parent who is 41431
designated the residential parent and legal custodian by a court, 41432
other adult having permanent custody awarded by a court, or 41433
guardian of the person of the minor, provided that: 41434

(1) A minor female who marries shall be considered to have 41435
the legal settlement of her husband and, in the case of death of 41436
her husband or divorce, she shall not thereby lose her legal 41437
settlement obtained by the marriage. 41438

(2) A minor male who marries, establishes a home, and who has 41439
resided in this state for one year without receiving general 41440
assistance prior to July 17, 1995, under former Chapter 5113. of 41441
the Revised Code, disability assistance under Chapter 5115. of the 41442
Revised Code, or assistance from a private agency that maintains 41443
records of assistance given shall be considered to have obtained a 41444
legal settlement in this state. 41445

(3) The legal settlement of a child under eighteen years of 41446
age who is in the care or custody of a public or private child 41447

caring agency shall not change if the legal settlement of the 41448
parent changes until after the child has been in the home of the 41449
parent for a period of one year. 41450

No person, adult or minor, may establish a legal settlement 41451
in this state for the purpose of gaining admission to any state 41452
institution. 41453

~~(R)~~(V)(1) "Resident" means, subject to division (R)(2) of 41454
this section, a person who is admitted either voluntarily or 41455
involuntarily to an institution or other facility pursuant to 41456
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 41457
Code subsequent to a finding of not guilty by reason of insanity 41458
or incompetence to stand trial or under this chapter who is under 41459
observation or receiving habilitation and care in an institution. 41460

(2) "Resident" does not include a person admitted to an 41461
institution or other facility under section 2945.39, 2945.40, 41462
2945.401, or 2945.402 of the Revised Code to the extent that the 41463
reference in this chapter to resident, or the context in which the 41464
reference occurs, is in conflict with any provision of sections 41465
2945.37 to 2945.402 of the Revised Code. 41466

~~(S)~~(W) "Respondent" means the person whose detention, 41467
commitment, or continued commitment is being sought in any 41468
proceeding under this chapter. 41469

~~(T)~~(X) "Working day" and "court day" mean Monday, Tuesday, 41470
Wednesday, Thursday, and Friday, except when such day is a legal 41471
holiday. 41472

~~(U)~~(Y) "Prosecutor" means the prosecuting attorney, village 41473
solicitor, city director of law, or similar chief legal officer 41474
who prosecuted a criminal case in which a person was found not 41475
guilty by reason of insanity, who would have had the authority to 41476
prosecute a criminal case against a person if the person had not 41477
been found incompetent to stand trial, or who prosecuted a case in 41478

which a person was found guilty. 41479

~~(V)~~(Z) "Court" means the probate division of the court of 41480
common pleas. 41481

Sec. 5123.041. (A) As used in this section, "habilitation 41482
center" means a habilitation center certified under division (C) 41483
of this section for the provision of that provides habilitation 41484
center services under section 5111.041 of the Revised Code. 41485

(B) The department of mental retardation and developmental 41486
disabilities shall do all of the following pursuant to an 41487
interagency agreement with the department of job and family 41488
services entered into under section 5111.86 of the Revised Code: 41489

(1) Certify habilitation centers that meet the certification 41490
requirements established by rules adopted by the director of job 41491
and family services under section 5111.041 of the Revised Code; 41492

(2) Accept and process medicaid reimbursement claims from 41493
habilitation centers providing habilitation center services to 41494
medicaid recipients under section 5111.041 of the Revised Code; 41495

(3) With medicaid funds provided to the department from the 41496
department of job and family services, pay the medicaid 41497
reimbursement claims accepted and processed under division (B)(2) 41498
of this section; 41499

(4) Perform the other duties included in the interagency 41500
agreement. 41501

(C) The director of mental retardation and developmental 41502
disabilities shall adopt rules in accordance with Chapter 119. of 41503
the Revised Code that do all of the following: 41504

(1) Specify standards Establish procedures for certification 41505
of habilitation centers; 41506

(2) Define habilitation services and programs, other than 41507

~~services provided by the department of education;~~ 41508

~~(3) Establish the fee that may be assessed under division (D)~~ 41509
~~of this section;~~ 41510

~~(4)(3) Specify how the department of mental retardation and~~ 41511
~~developmental disabilities will implement and administer the~~ 41512
~~habilitation services program perform its duties under this~~ 41513
~~section.~~ 41514

~~(C) The director shall certify habilitation centers that meet~~ 41515
~~the standards specified by rules adopted under this section.~~ 41516

(D) The department of mental retardation and developmental 41517
disabilities may assess the fee established by rule under division 41518
~~(B)(3)(C)(2)~~ of this section for ~~providing services related to the~~ 41519
~~habilitation services program performing its duties under this~~ 41520
section. The fee may be retained from any funds payment the 41521
department ~~receives for a habilitation center under Title XIX of~~ 41522
~~the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301,~~ 41523
~~as amended makes under division (B)(3) of this section.~~ 41524

Sec. 5123.043. (A) The director of mental retardation and 41525
developmental disabilities shall adopt rules establishing 41526
procedures for administrative resolution of complaints filed under 41527
division (B) of this section and section 5126.06 of the Revised 41528
Code. The rules shall be adopted in accordance with Chapter 119. 41529
of the Revised Code. 41530

(B) Except as provided in division (C) of this section, any 41531
person who has a complaint involving any of the programs, 41532
services, policies, or administrative practices of the department 41533
of mental retardation and developmental disabilities or any of the 41534
entities under contract with the department, may file a complaint 41535
with the department. Prior to commencing a civil action regarding 41536
the complaint, a person shall attempt to have the complaint 41537
resolved through the administrative resolution process established 41538

in the rules adopted under this section. After exhausting the
administrative resolution process, the person may commence a civil
action if the complaint is not settled to the person's
satisfaction.

(C) An employee of the department may not file under this
section a complaint related to the terms and conditions of
employment for the employee.

(D) This section does not apply to a conflict between a
county board of mental retardation and developmental disabilities
and a person or government entity that provides or seeks to
provide services to an individual with mental retardation or other
developmental disability. Section 5126.036 of the Revised Code
applies to such a conflict.

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.

Sec. 5123.045. (A) No person or government entity shall
receive payment for providing home and community-based services
unless the person or government entity is one of the following:

(1) Certified under this section;

(2) Certified as a supported living provider under section
5126.431 of the Revised Code;

(3) Licensed as a residential facility under section 5123.19 of the Revised Code. Division (A)(3) of this section does not apply to an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code. 41569
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(B) The department of mental retardation and developmental disabilities shall do all of the following in accordance with Chapter 119. of the Revised Code: 41573
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(1) Certify a person or government entity to provide home and community-based services if the person or government entity satisfies the requirements for certification established by rules adopted under division (C) of this section; 41576
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(2) Revoke a certificate when required to do so by rules adopted under division (C) of this section; 41580
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(3) Hold hearings when there is a dispute between the department and a person or government entity concerning actions the department takes or does not take under division (B)(1) or (2) of this section. 41582
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(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 or licensed as a residential facility under section 5123.19 of the Revised Code. The rules shall specify the program areas for which certification is required and include procedures for all of the following: 41586
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(1) Ensuring that providers comply with section 5126.28 or 5126.281 of the Revised Code, as appropriate; 41596
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(2) Evaluating the services provided to ensure that they are provided in a quality manner advantageous to the individual 41598
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receiving the services. The procedures shall require that all of 41600
the following be considered as part of an evaluation: 41601

(a) The provider's experience and financial responsibility; 41602
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(b) The provider's ability to comply with standards for the 41604
home and community-based services that the provider provides; 41605

(c) The provider's ability to meet the needs of the 41606
individuals served; 41607

(d) Any other factor the director considers relevant. 41608

(3) Determining when to revoke a provider's certificate. The 41609
reasons for which a certificate may be revoked may include good 41610
cause, including misfeasance, malfeasance, nonfeasance, confirmed 41611
abuse or neglect, financial irresponsibility, or other conduct the 41612
director determines is injurious to individuals being served. 41613
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(D) The records of an evaluation conducted in accordance with 41615
rules adopted under division (C)(2) of this section are public 41616
records for purposes of section 149.43 of the Revised Code and 41617
shall be made available on request of any person, including 41618
individuals being served, individuals seeking home and 41619
community-based services, and county boards of mental retardation 41620
and developmental disabilities. 41621

Sec. 5123.046. The department of mental retardation and 41622
developmental disabilities shall review each plan it receives from 41623
a county board of mental retardation and developmental 41624
disabilities under section 5126.054 of the Revised Code and, in 41625
consultation with the department of job and family services and 41626
office of budget and management, approve each plan that includes 41627
all the information and conditions specified in that section. A 41628
plan shall be approved or disapproved not later than forty-five 41629

days after the last of the plan's components are submitted to the 41630
department under division (B) of section 5126.054 of the Revised 41631
Code. 41632

In approving plans under this section, the department shall 41633
ensure that the aggregate of all plans provide for the increased 41634
enrollment into home and community-based services during each 41635
state fiscal year of at least five hundred individuals who did not 41636
receive residential services, supported living, or home and 41637
community-based services the prior state fiscal year if the 41638
department has enough additional enrollment available for this 41639
purpose. 41640

If a county board fails to submit all the components of the 41641
plan to the department within the time required by division (B) of 41642
section 5126.054 of the Revised Code or the department disapproves 41643
a county board's plan, the department may withhold all or part of 41644
any funds the department would otherwise allocate to the county 41645
board. The department may not withhold any funds the department 41646
allocates to the county board prior to the date the last of the 41647
plan's components are due or the department disapproves the plan. 41648

The department shall establish protocols that the department 41649
shall use to determine whether a county board is complying with 41650
the programmatic and financial accountability mechanisms and 41651
achieving outcomes specified in its approved plan. If the 41652
department determines that a county board is not in compliance 41653
with the mechanisms or achieving the outcomes specified in its 41654
approved plan, the department may take action under division (G) 41655
of section 5126.055 of the Revised Code. 41656

Sec. 5123.047. (A) The department of mental retardation and 41657
developmental disabilities shall pay the nonfederal share of 41658
medicaid expenditures for habilitation center services provided to 41659
an individual with mental retardation or other developmental 41660

disability unless section 5111.041 of the Revised Code requires a 41661
county board of mental retardation and developmental disabilities 41662
or a school district to pay the nonfederal share. 41663

(B) The department shall pay the nonfederal share of medicaid 41664
expenditures for medicaid case management services if either of 41665
the following apply: 41666

(1) The services are provided to an individual with mental 41667
retardation or other developmental disability who a county board 41668
has determined under section 5126.041 of the Revised Code is not 41669
eligible for county board services; 41670

(2) The services are provided to an individual with mental 41671
retardation or other developmental disability by a public or 41672
private agency with which the department has contracted under 41673
section 5123.56 of the Revised Code to provide protective services 41674
to the individual. 41675

(C) The department shall pay the nonfederal share of medicaid 41676
expenditures for home and community-based services if either of 41677
the following apply: 41678

(1) The services are provided to an individual with mental 41679
retardation or other developmental disability who a county board 41680
has determined under section 5126.041 of the Revised Code is not 41681
eligible for county board services; 41682

(2) The services are provided to an individual with mental 41683
retardation or other developmental disability given priority for 41684
the services pursuant to division (D)(3) of section 5126.042 of 41685
the Revised Code. The department shall pay the nonfederal share of 41686
medicaid expenditures for home and community-based services 41687
provided to such an individual for as long as the individual 41688
continues to be eligible for and receive the services, regardless 41689
of whether the services are provided after June 30, 2003. 41690

Sec. 5123.048. (A) For state fiscal year 2002, the department 41691
of mental retardation and developmental disabilities shall assign 41692
to a county board of mental retardation and developmental 41693
disabilities the nonfederal share of medicaid expenditures for 41694
habilitation center services that a private habilitation center 41695
provides if all of the following apply: 41696

(1) The individuals who receive the services also received 41697
the services from the center pursuant to a contract the center had 41698
with the department in state fiscal year 2001; 41699

(2) The county board determined under section 5126.041 of the 41700
Revised Code that the individuals who receive the services are 41701
eligible for county board services; 41702

(3) The county board contracts with the center to provide the 41703
services after the center's contract with the department ends. 41704

(B) The department shall also make the assignment under 41705
division (A) of this section for each successive state fiscal year 41706
that the county board contracts with the private habilitation 41707
center to provide the habilitation center services to the 41708
individuals who received the services pursuant to the contract the 41709
department had with the center in state fiscal year 2001. 41710

(C) The amount the department shall assign under divisions 41711
(A) and (B) of this section shall be adequate to ensure that the 41712
habilitation center services the individuals receive are 41713
comparable in scope to the habilitation center services they 41714
received when the private habilitation center was under contract 41715
with the department. The amount that the department assigns shall 41716
not be less than the amount the department paid the private 41717
habilitation center for the individuals under the contract the 41718
department had with the center in fiscal year 2001. 41719

(D) A county board shall use the assignment it receives under 41720

divisions (A) and (B) of this section to pay the nonfederal share 41721
of the medicaid expenditures for the habilitation center services 41722
the county board is required by division (D) of section 5111.041 41723
of the Revised Code to pay. 41724

Sec. 5123.049. The director of mental retardation and 41725
developmental disabilities shall adopt rules in accordance with 41726
Chapter 119. of the Revised Code governing the authorization and 41727
payment of home and community-based services, medicaid case 41728
management services, and habilitation center services. The rules 41729
shall provide for private providers of the services to receive one 41730
hundred per cent of the medicaid allowable payment amount and for 41731
government providers of the services to receive the federal share 41732
of the medicaid allowable payment, less the amount withheld as a 41733
fee under section 5123.0412 of the Revised Code and any amount 41734
that may be required by rules adopted under section 5123.0413 of 41735
the Revised Code to be deposited into the state MR/DD risk fund. 41736
The rules shall establish the process by which county boards of 41737
mental retardation and developmental disabilities shall certify 41738
and provide the nonfederal share of medicaid expenditures that the 41739
county board is required by division (A) of section 5126.056 of 41740
the Revised Code to pay. The process shall require a county board 41741
to certify that the county board has funding available at one time 41742
for two months costs for those expenditures. The process may 41743
permit a county board to certify that the county board has funding 41744
available at one time for more than two months costs for those 41745
expenditures. 41746

Sec. 5123.0410. An individual with mental retardation or 41747
other developmental disability who moves from one county in this 41748
state to another county in this state shall receive home and 41749
community-based services in the new county that are comparable in 41750
scope to the home and community-based services the individual 41751

receives in the prior county at the time the individual moves. If 41752
the county board serving the county to which the individual moves 41753
determines under section 5126.041 of the Revised Code that the 41754
individual is eligible for county board services, the county board 41755
shall ensure that the individual receives the comparable services. 41756
If the county board determines that the individual is not eligible 41757
for county board services, the department of mental retardation 41758
and developmental disabilities shall ensure that the individual 41759
receives the comparable services. 41760

If the home and community-based services that the individual 41761
receives at the time the individual moves include supported living 41762
or residential services, the department shall reduce the amount 41763
the department allocates to the county board serving the county 41764
the individual left for those supported living or residential 41765
services by an amount that equals the payment the department 41766
authorizes or projects, or both, for those supported living or 41767
residential services from the last day the individual resides in 41768
the county to the last day of the state fiscal year in which the 41769
individual moves. The department shall increase the amount the 41770
department allocates to the county board serving the county the 41771
individual moves to by the same amount. The department shall make 41772
the reduction and increase effective the day the department 41773
determines the individual has residence in the new county. The 41774
department shall determine the amount that is to be reduced and 41775
increased in accordance with the department's rules for 41776
authorizing payments for home and community-based services 41777
established adopted under section 5123.049 of the Revised Code. 41778
The department shall annualize the reduction and increase for the 41779
subsequent state fiscal year as necessary. 41780

Sec. 5123.0411. The department of mental retardation and 41781
developmental disabilities may bring a mandamus action against a 41782
county board of mental retardation and developmental disabilities 41783

that fails to pay the nonfederal share of medicaid expenditures 41784
that the county board is required by division (A) of section 41785
5126.056 of the Revised Code to pay. The department may bring the 41786
mandamus action in the court of common pleas of the county served 41787
by the county board or in the Franklin county court of common 41788
pleas. 41789

Sec. 5123.0412. (A) The department of mental retardation and 41790
developmental disabilities shall charge each county board of 41791
mental retardation and developmental disabilities an annual fee 41792
equal to one per cent of the total value of all medicaid paid 41793
claims for medicaid case management services and home and 41794
community-based services for which the county board contracts or 41795
provides itself. No county board shall pass the cost of a fee 41796
charged to the county board under this section on to a person or 41797
government entity with which the county board contracts to provide 41798
the services. 41799

(B) The fees collected under this section shall be deposited 41800
into the ODMR/DD administration and oversight fund and the ODJFS 41801
administration and oversight fund, both of which are hereby 41802
created in the state treasury. The portion of the fees to be 41803
deposited into the ODMR/DD administration and oversight fund and 41804
the portion of the fees to be deposited into the ODJFS 41805
administration and oversight fund shall be the portion specified 41806
in an interagency agreement entered into under division (C) of 41807
this section. The department of mental retardation and 41808
developmental disabilities shall use the money in the ODMR/DD 41809
administration and oversight fund and the department of job and 41810
family services shall use the money in the ODJFS administration 41811
and oversight fund for both of the following purposes: 41812

(1) The administrative and oversight costs of habilitation 41813
center services, medicaid case management services, and home and 41814

community-based services that a county board develops and monitors 41815
and the county board or a person or government entity under 41816
contract with the county board provides. The administrative and 41817
oversight costs shall include costs for staff, systems, and other 41818
resources the departments need and dedicate solely to the 41819
following duties associated with the services: 41820

(a) Eligibility determinations; 41821

(b) Training; 41822

(c) Fiscal management; 41823

(d) Claims processing; 41824

(e) Quality assurance oversight; 41825

(f) Other duties the departments identify. 41826

(2) Providing technical support to county boards' local 41827
administrative authority under section 5126.055 of the Revised 41828
Code for the services. 41829

(C) The departments of mental retardation and developmental 41830
disabilities and job and family services shall enter into an 41831
interagency agreement to do both of the following: 41832

(1) Specify which portion of the fees collected under this 41833
section is to be deposited into the ODMR/DD administration and 41834
oversight fund and which portion is to be deposited into the ODJFS 41835
administration and oversight fund; 41836

(2) Provide for the departments to coordinate the staff whose 41837
costs are paid for with money in the ODMR/DD administration and 41838
oversight fund and the ODJFS administration and oversight fund. 41839
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(D) The departments shall submit an annual report to the 41841
director of budget and management certifying how the departments 41842
spent the money in the ODMR/DD administration and oversight fund 41843

and the ODJFS administration and oversight fund for the purposes 41844
specified in division (B) of this section. 41845

Sec. 5123.0413. (A) The department of mental retardation and 41846
developmental disabilities, in consultation with the department of 41847
job and family services, office of budget and management, and 41848
county boards of mental retardation and developmental 41849
disabilities, shall adopt rules in accordance with Chapter 119. of 41850
the Revised Code no later than January 1, 2002, establishing a 41851
method of paying for extraordinary costs, including extraordinary 41852
costs for services to individuals with mental retardation or other 41853
developmental disability, and ensure the availability of adequate 41854
funds in the event a county property tax levy for services for 41855
individuals with mental retardation or other developmental 41856
disability fails. The rules may provide for using and managing one 41857
or more of the following: 41858

(1) County MR/DD medicaid reserve funds established in 41859
accordance with section 5705.091 of the Revised Code; 41860

(2) A state MR/DD risk fund, which is hereby created in the 41861
state treasury; 41862

(3) A state insurance against MR/DD risk fund, which is 41863
hereby created in the state treasury. 41864

(B) Beginning January 1, 2002, the department of job and 41865
family services may not request approval from the United States 41866
secretary of health and human services to increase the number of 41867
slots for home and community-based services until the rules 41868
required by division (A) of this section are in effect. 41869

Sec. 5123.082. (A) The director of mental retardation and 41870
developmental disabilities shall adopt rules in accordance with 41871
Chapter 119. of the Revised Code: 41872

(1) Designating positions of employment for which the director determines that certification or evidence of registration is required as a condition of employment in the department of mental retardation and developmental disabilities, entities that contract with the department or county boards of mental retardation and developmental disabilities to operate programs or provide services to persons with mental retardation and developmental disabilities, or other positions of employment in programs that serve those persons⁷. The rules shall designate the position of investigative agent, as defined in section 5126.20 of the Revised Code, as a position for which certification is required.

(2) Establishing levels of certification or registration for each position for which certification or registration is required;

(3) Establishing for each level of each position the requirements that must be met to obtain certification or registration, including standards regarding education, specialized training, and experience. The standards shall take into account the nature and needs of persons with mental retardation or a developmental disability and the specialized techniques needed to serve them. The requirements for an investigative agent shall be the same as the certification requirements for an investigative agent under section 5126.25 of the Revised Code.

(4) Establishing renewal schedules and renewal requirements for certification and registration, including standards regarding education, specialized training, and experience⁷. The renewal requirements for an investigative agent shall be the same as the renewal requirements for an investigative agent under section 5126.25 of the Revised Code.

(5) Establishing procedures for denial, suspension, and revocation of a certificate or evidence of registration, including appeal procedures;

(6) Establishing other requirements needed to carry out this section. 41905
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(B) The director shall issue, renew, deny, suspend, or revoke a certificate or evidence of registration in accordance with rules 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 an applicant for or holder of a 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 after 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 listed or 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 must 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 the procedures established in rules adopted under this section. 41907
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(C) A person holding a valid certificate or evidence of registration under this section on the effective date of any rules adopted under this section that increase the certification or registration standards shall have the period that the rules prescribe, but not less than one year after the effective date of 41932
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the rules, to meet the new standards.

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(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.

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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.

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(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

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Revised Code, and those voluntarily detained, hospitalized, or 41968
institutionalized who are minors, who have been adjudicated 41969
incompetent, who have been detained, hospitalized, or 41970
institutionalized in a public hospital, or who have requested 41971
representation by the legal rights service. If a person referred 41972
to in division (A) of this section voluntarily requests in writing 41973
that the legal rights service terminate participation in the 41974
person's case, such involvement shall cease. 41975

(C) Any person voluntarily hospitalized or institutionalized 41976
in a public hospital under division (A) of section 5122.02 of the 41977
Revised Code, after being fully informed of the person's rights 41978
~~pursuant to~~ under division (A) of this section, may, by written 41979
request, waive assistance by the legal rights service if the 41980
waiver is knowingly and intelligently made, without duress or 41981
coercion. 41982

The waiver may be rescinded at any time by the voluntary 41983
patient or resident, or by the voluntary patient's or resident's 41984
legal guardian. 41985

(D)(1) The legal rights service commission is hereby created 41986
for the purposes of appointing an administrator of the legal 41987
rights service, advising the administrator, assisting the 41988
administrator in developing a budget, and establishing general 41989
policy guidelines for the legal rights service. The commission may 41990
receive and act upon appeals of personnel decisions by the 41991
administrator. 41992

(2) The commission shall consist of seven members. One 41993
member, who shall serve as chairperson, shall be appointed by the 41994
chief justice of the supreme court, three members shall be 41995
appointed by the speaker of the house of representatives, and 41996
three members shall be appointed by the president of the senate. 41997
At least two members shall have experience in the field of 41998
developmental disabilities, and at least two members shall have 41999

experience in the field of mental health. No member shall be a 42000
provider or related to a provider of services to mentally 42001
retarded, developmentally disabled, or mentally ill persons. ~~Terms~~ 42002

(3) Terms of office of the members of the commission shall be 42003
for three years, each term ending on the same day of the month of 42004
the year as did the term which it succeeds. Each member shall 42005
serve subsequent to the expiration of the member's term until a 42006
successor is appointed and qualifies, or until sixty days has 42007
elapsed, whichever occurs first. ~~All~~ No member shall serve more 42008
than two consecutive terms. 42009

All vacancies in the membership of the commission shall be 42010
filled in the manner prescribed for the regular appointments to 42011
the commission and shall be limited to the unexpired terms. ~~No 42012~~
~~member shall serve more than two consecutive terms.~~ 42013

(4) The commission shall meet at least four times each year. 42014
Members shall be reimbursed for their necessary and actual 42015
expenses incurred in the performance of their official duties. 42016

(5) The administrator of the legal rights service shall be 42017
appointed for a five-year term, subject to removal for mental or 42018
physical incapacity to perform the duties of the office, 42019
conviction of violation of any law relating to the administrator's 42020
powers and duties, or other good cause shown. 42021

The administrator shall be a person who has had special 42022
training and experience in the type of work with which the legal 42023
rights service is charged. If the administrator is not an 42024
attorney, the administrator shall seek legal counsel when 42025
appropriate. The salary of the administrator shall be established 42026
in accordance with section 124.14 of the Revised Code. 42027

(E) The legal rights service shall be completely independent 42028
of the department of mental health and the department of mental 42029
retardation and developmental disabilities and, notwithstanding 42030

section 109.02 of the Revised Code, shall also be independent of 42031
the office of the attorney general. The administrator of the legal 42032
rights service, staff, and attorneys designated by the 42033
administrator to represent persons detained, hospitalized, or 42034
institutionalized under this chapter or Chapter 5122. of the 42035
Revised Code shall have ready access to the following: 42036

(1) During normal business hours and at other reasonable 42037
times, ~~to~~ all records relating to expenditures of state and 42038
federal funds or to the commitment, care, treatment, and 42039
habilitation of all persons represented by the legal rights 42040
service, including those who may be represented pursuant to 42041
division (L) of this section, or persons detained, hospitalized, 42042
institutionalized, or receiving services under this chapter or 42043
Chapter 340., 5119., 5122., or 5126. of the Revised Code that are 42044
records maintained by the following entities providing services 42045
for those persons: departments; institutions; hospitals; community 42046
residential facilities; boards of alcohol, drug addiction, and 42047
mental health services; county boards of mental retardation and 42048
developmental disabilities; contract agencies of those boards; and 42049
any other entity providing services to persons who may be 42050
represented by the service pursuant to division (L) of this 42051
section; 42052

(2) ~~To any~~ Any records maintained in computerized data banks 42053
of the departments or boards or, in the case of persons who may be 42054
represented by the service pursuant to division (L) of this 42055
section, any other entity that provides services to those persons; 42056

(3) During their normal working hours, ~~to~~ personnel of the 42057
departments, facilities, boards, agencies, institutions, 42058
hospitals, and other service-providing entities; 42059

(4) At any time, ~~to~~ all persons detained, hospitalized, or 42060
institutionalized; persons receiving services under this chapter 42061
or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and 42062

persons who may be represented by the service pursuant to division 42063
(L) of this section. 42064

(F) The administrator of the legal rights service shall do 42065
the following: 42066

(1) Administer and organize the work of the legal rights 42067
service and establish administrative or geographic divisions as 42068
the administrator considers necessary, proper, and expedient; 42069

(2) Adopt and promulgate rules and prescribe duties for the 42070
efficient conduct of the business and general administration of 42071
the legal rights service; 42072

(3) Appoint and discharge employees, and hire ~~such~~ experts, 42073
consultants, advisors, or other professionally qualified persons 42074
as the administrator considers necessary to carry out the duties 42075
of the legal rights service; 42076

(4) Apply for and accept grants of funds, and accept 42077
charitable gifts and bequests; 42078

(5) Prepare and submit a budget to the general assembly for 42079
the operation of the legal rights service; 42080

(6) Enter into contracts and make ~~such~~ expenditures ~~as are~~ 42081
necessary for the efficient operation of the legal rights service; 42082

(7) Annually prepare a report of activities and submit copies 42083
of the report to the governor, the chief justice of the supreme 42084
court, the president of the senate, the speaker of the house of 42085
representatives, the director of mental health, and the director 42086
of mental retardation and developmental disabilities, and make the 42087
report available to the public. 42088

(G)(1) The legal rights service may act directly or contract 42089
with other organizations or individuals for the provision of the 42090
services envisioned under this section. ~~Whenever~~ 42091

(2) Whenever possible, the administrator shall attempt to 42092

facilitate the resolution of complaints through administrative channels. ~~If~~ Subject to division (G)(3) of this section, if attempts at administrative resolution prove unsatisfactory, the administrator may pursue any legal, administrative, and other appropriate remedies or approaches that may be necessary to accomplish the purposes of this section. ~~Relationships~~

(3) The administrator may not pursue a class action lawsuit under division (G)(2) of this section when attempts at administrative resolution of a complaint prove unsatisfactory under that division unless both of the following have first occurred:

(a) At least four members of the commission, by their affirmative vote, have consented to the pursuit of the class action lawsuit;

(b) At least five members of the commission are present at the meeting of the commission at which that consent is obtained.

(4) 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 42124
of the legal rights service, a member of the staff of the legal 42125
rights service, or an attorney designated by the administrator to 42126
perform legal services under division (E) of this section, the 42127
state shall, when the administrator, member, or attorney has acted 42128
in good faith and in the scope of employment, indemnify the 42129
administrator, member, or attorney for any judgment awarded or 42130
amount negotiated in settlement, and for any court costs or legal 42131
fees incurred in defense of the claim. 42132

This division does not limit or waive, and shall not be 42133
construed to limit or waive, any defense that is available to the 42134
legal rights service, its administrator or employees, persons 42135
under a personal services contract with it, or persons designated 42136
under division (E) of this section, including, but not limited to, 42137
any defense available under section 9.86 of the Revised Code. 42138

(L) In addition to providing services to mentally ill, 42139
mentally retarded, or developmentally disabled persons, when a 42140
grant authorizing the provision of services to other individuals 42141
is accepted pursuant to division (F)(4) of this section, the legal 42142
rights service and its ombudsperson section may provide advocacy 42143
or ombudsperson services to those other individuals and exercise 42144
any other authority granted by this section or sections 5123.601 42145
to 5123.604 of the Revised Code on behalf of those individuals. 42146
Determinations of whether an individual is eligible for services 42147
under this division shall be made by the legal rights service. 42148

Sec. 5123.71. (A)(1) Proceedings for the involuntary 42149
institutionalization of a person pursuant to sections 5123.71 to 42150
5123.76 of the Revised Code shall be commenced by the filing of an 42151
affidavit with the probate division of the court of common pleas 42152
of the county where the person ~~person's is located~~ resides or 42153
where the person is institutionalized, in the manner and form 42154

prescribed by the department of mental retardation and 42155
developmental disabilities either on information or actual 42156
knowledge, whichever is determined to be proper by the court. The 42157
affidavit may be filed only by a person who has custody of the 42158
individual as a parent, guardian, or service provider or by a 42159
person acting on behalf of the department or a county board of 42160
mental retardation and developmental disabilities. This section 42161
does not apply regarding the institutionalization of a person 42162
pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 42163
Revised Code. 42164

The affidavit shall contain an allegation setting forth the 42165
specific category or categories under division ~~(L)~~(P) of section 42166
5123.01 of the Revised Code upon which the commencement of 42167
proceedings is based and a statement of the factual ground for the 42168
belief that the person is a mentally retarded person subject to 42169
institutionalization by court order. Except as provided in 42170
division (A)(2) of this section, the affidavit shall be 42171
accompanied by both of the following: 42172

(a) A comprehensive evaluation report prepared by the 42173
person's evaluation team that includes a statement by the members 42174
of the team certifying that they have performed a comprehensive 42175
evaluation of the person and that they are of the opinion that the 42176
person is a mentally retarded person subject to 42177
institutionalization by court order; 42178

(b) An assessment report prepared by the county board of 42179
mental retardation and developmental disabilities under section 42180
5123.711 of the Revised Code specifying that the individual is in 42181
need of services on an emergency or priority basis. 42182

(2) ~~A~~ In lieu of the comprehensive evaluation report, the 42183
affidavit may be accompanied by a written and sworn statement that 42184
the person or the guardian of a person adjudicated incompetent has 42185
refused to allow a comprehensive evaluation and county board 42186

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.

A written report of the evaluation team's findings and the county board's assessment shall be filed with the court. The reports shall, consistent with the rules of evidence, be accepted as probative evidence in any proceeding under section 5123.75 or 5123.76 of the Revised Code. If the counsel for the person who is evaluated or assessed is known, the court shall send to the counsel a copy of the reports as soon as possible after they are filed and prior to any proceedings under section 5123.75 or 5123.76 of the Revised Code.

(B) ~~, if the division may the,,~~ Any person who is involuntarily detained in an institution or otherwise is in custody under this chapter shall be informed ~~the person~~ of the right to do the following:

(1) Immediately make a reasonable number of telephone calls or use other reasonable means to contact an attorney, a physician, or both, to contact any other person or persons to secure representation by counsel, or to obtain medical assistance, and be provided assistance in making calls if the assistance is needed and requested;

(2) Retain counsel and have independent expert evaluation and, if the person is an indigent person, be represented by

court-appointed counsel and have independent expert evaluation at 42219
court expense; 42220

(3) Upon request, have a hearing to determine whether there 42221
is probable cause to believe that the person is a mentally 42222
retarded person subject to institutionalization by court order. 42223

(C) No person who is being treated by spiritual means through 42224
prayer alone in accordance with a recognized religious method of 42225
healing may be ordered detained or involuntarily committed unless 42226
the court has determined that the person represents a very 42227
substantial risk of self-impairment, self-injury, or impairment or 42228
injury to ~~self~~ to others. 42229

Sec. 5123.76. (A) The full hearing shall be conducted in a 42230
manner consistent with the procedures outlined in this chapter and 42231
with due process of law. The hearing shall be held by a judge of 42232
the probate division or, upon transfer by the judge of the probate 42233
division, by another judge of the court of common pleas, or a 42234
referee designated by the judge of the probate division. Any 42235
referee designated by the judge of the probate division must be an 42236
attorney. 42237

(1) The following shall be made available to counsel for the 42238
respondent: 42239

(a) All relevant documents, information, and evidence in the 42240
custody or control of the state or prosecutor; 42241

(b) All relevant documents, information, and evidence in the 42242
custody or control of the institution, facility, or program in 42243
which the respondent currently is held or in which the respondent 42244
has been held pursuant to these proceedings; 42245

(c) With the consent of the respondent, all relevant 42246
documents, information, and evidence in the custody or control of 42247
any institution or person other than the state. 42248

(2) The respondent has the right to be represented by counsel 42249
of the respondent's choice and has the right to attend the hearing 42250
except if unusual circumstances of compelling medical necessity 42251
exist that render the respondent unable to attend and the 42252
respondent has not expressed a desire to attend. 42253

(3) If the respondent is not represented by counsel and the 42254
court determines that the conditions specified in division (A)(2) 42255
of this section justify the respondent's absence and the right to 42256
counsel has not been validly waived, the court shall appoint 42257
counsel forthwith to represent the respondent at the hearing, 42258
reserving the right to tax costs of appointed counsel to the 42259
respondent unless it is shown that the respondent is indigent. If 42260
the court appoints counsel, or if the court determines that the 42261
evidence relevant to the respondent's absence does not justify the 42262
absence, the court shall continue the case. 42263

(4) The respondent shall be informed of the right to retain 42264
counsel, to have independent expert evaluation, and, if an 42265
indigent person, to be represented by court appointed counsel and 42266
have expert independent evaluation at court expense. 42267

(5) The hearing may be closed to the public unless counsel 42268
for the respondent requests that the hearing be open to the 42269
public. 42270

(6) Unless objected to by the respondent, the respondent's 42271
counsel, or the designee of the director of mental retardation and 42272
developmental disabilities, the court, for good cause shown, may 42273
admit persons having a legitimate interest in the proceedings. 42274

(7) The affiant under section 5123.71 of the Revised Code 42275
shall be subject to subpoena by either party. 42276

(8) The court shall examine the sufficiency of all documents 42277
filed and shall inform the respondent, if present, and the 42278
respondent's counsel of the nature of the content of the documents 42279

and the reason for which the respondent is being held or for which 42280
the respondent's placement is being sought. 42281

(9) The court shall receive only relevant, competent, and 42282
material evidence. 42283

(10) The designee of the director shall present the evidence 42284
for the state. In proceedings under this chapter, the attorney 42285
general shall present the comprehensive evaluation, assessment, 42286
diagnosis, prognosis, record of habilitation and care, if any, and 42287
less restrictive habilitation plans, if any. The attorney general 42288
does not have a similar presentation responsibility in connection 42289
with a person who has been found not guilty by reason of insanity 42290
and who is the subject of a hearing under section 2945.40 of the 42291
Revised Code to determine whether the person is a mentally 42292
retarded person subject to institutionalization by court order. 42293

(11) The respondent has the right to testify and the 42294
respondent or the respondent's counsel has the right to subpoena 42295
witnesses and documents and to present and cross-examine 42296
witnesses. 42297

(12) The respondent shall not be compelled to testify and 42298
shall be so advised by the court. 42299

(13) On motion of the respondent or the respondent's counsel 42300
for good cause shown, or upon the court's own motion, the court 42301
may order a continuance of the hearing. 42302

(14) To an extent not inconsistent with this chapter, the 42303
Rules of Civil Procedure shall be applicable. 42304

(B) Unless, upon completion of the hearing, the court finds 42305
by clear and convincing evidence that the respondent named in the 42306
affidavit is a mentally retarded person subject to 42307
institutionalization by court order, it shall order the 42308
respondent's discharge forthwith. 42309

(C) If, upon completion of the hearing, the court finds by clear and convincing evidence that the respondent is a mentally retarded person subject to institutionalization by court order, the court may order the respondent's discharge or order the respondent, for a period not to exceed ninety days, to any of the following:

(1) A public institution, provided that commitment of the respondent to the institution will not cause the institution to exceed its licensed capacity determined in accordance with section 5123.19 of the Revised Code and provided that such a placement is indicated by the comprehensive evaluation report filed pursuant to section 5123.71 of the Revised Code;

(2) A private institution;

(3) A county mental retardation program;

(4) Receive private habilitation and care;

(5) Any other suitable facility, program, or the care of any person consistent with the comprehensive evaluation, assessment, diagnosis, prognosis, and habilitation needs of the respondent.

(D) Any order made pursuant to division (C)(2), (4), or (5) of this section shall be conditional upon the receipt by the court of consent by the facility, program, or person to accept the respondent.

(E) In determining the place to which, or the person with whom, the respondent is to be committed, the court shall consider the comprehensive evaluation, assessment, diagnosis, and projected habilitation plan for the respondent, and shall order the implementation of the least restrictive alternative available and consistent with habilitation goals.

(F) If, at any time it is determined by the director of the facility or program to which, or the person to whom, the

respondent is committed that the respondent could be equally well 42340
habilitated in a less restrictive environment that is available, 42341
the following shall occur: 42342

(1) The respondent shall be released by the director of the 42343
facility or program or by the person forthwith and referred to the 42344
court together with a report of the findings and recommendations 42345
of the facility, program, or person. 42346

(2) The director of the facility or program or the person 42347
shall notify the respondent's counsel and the designee of the 42348
director of mental retardation and developmental disabilities. 42349

(3) The court shall dismiss the case or order placement in 42350
the less restrictive environment. 42351

(G)(1) Except as provided in divisions (G)(2) and (3) of this 42352
section, any person who has been committed under this section may 42353
apply at any time during the ninety-day period for voluntary 42354
admission to an institution under section 5123.69 of the Revised 42355
Code. Upon admission of a voluntary resident, the managing officer 42356
immediately shall notify the court, the respondent's counsel, and 42357
the designee of the director in writing of that fact by mail or 42358
otherwise, and, upon receipt of the notice, the court shall 42359
dismiss the case. ~~is admitted~~ 42360

(2) ~~admitted~~ A person who is found incompetent to stand trial 42361
or not guilty by reason of insanity and who is committed pursuant 42362
to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 42363
Code shall not be voluntarily admitted to an institution pursuant 42364
to division (G)(1) of this section until after the termination of 42365
the commitment, as described in division (J) of section 2945.401 42366
of the Revised Code. 42367

(H) If, at the end of any commitment period, the respondent 42368
has not already been discharged or has not requested voluntary 42369
admission status, the director of the facility or program, or the 42370

person to whose care the respondent has been committed, shall 42371
discharge the respondent forthwith, unless at least ten days 42372
before the expiration of that period the designee of the director 42373
of mental retardation and developmental disabilities or the 42374
prosecutor files an application with the court requesting 42375
continued commitment. 42376

(1) An application for continued commitment shall include a 42377
written report containing a current comprehensive evaluation and 42378
assessment, a diagnosis, a prognosis, an account of progress and 42379
past habilitation, and a description of alternative habilitation 42380
settings and plans, including a habilitation setting that is the 42381
least restrictive setting consistent with the need for 42382
habilitation. A copy of the application shall be provided to 42383
respondent's counsel. The requirements for notice under section 42384
5123.73 of the Revised Code and the provisions of divisions (A) to 42385
(E) of this section apply to all hearings on such applications. 42386

(2) A hearing on the first application for continued 42387
commitment shall be held at the expiration of the first ninety-day 42388
period. The hearing shall be mandatory and may not be waived. 42389

(3) Subsequent periods of commitment not to exceed one 42390
hundred eighty days each may be ordered by the court if the 42391
designee of the director of mental retardation and developmental 42392
disabilities files an application for continued commitment, after 42393
a hearing is held on the application or without a hearing if no 42394
hearing is requested and no hearing required under division (H)(4) 42395
of this section is waived. Upon the application of a person 42396
involuntarily committed under this section, supported by an 42397
affidavit of a licensed physician alleging that the person is no 42398
longer a mentally retarded person subject to institutionalization 42399
by court order, the court for good cause shown may hold a full 42400
hearing on the person's continued commitment prior to the 42401
expiration of any subsequent period of commitment set by the 42402

court. 42403

(4) A mandatory hearing shall be held at least every two 42404
years after the initial commitment. 42405

(5) If the court, after a hearing upon a request to continue 42406
commitment, finds that the respondent is a mentally retarded 42407
person subject to institutionalization by court order, the court 42408
may make an order pursuant to divisions (C), (D), and (E) of this 42409
section. 42410

(I) Notwithstanding the provisions of division (H) of this 42411
section, no person who is found to be a mentally retarded person 42412
subject to institutionalization by court order pursuant to 42413
division ~~(H)~~(P)(2) of section 5123.01 of the Revised Code shall be 42414
held under involuntary commitment for more than five years. 42415

(J) The managing officer admitting a person pursuant to a 42416
judicial proceeding, within ten working days of the admission, 42417
shall make a report of the admission to the department. 42418

~~entity entity entity entity~~ 42419

Sec. 5126.01. As used in this chapter: 42420

(A) ~~"Adult services" means a range of habilitation services~~ 42421
~~designed to meet the individual needs of persons~~ As used in this 42422
division, "adult" means an individual who ~~are~~ is eighteen years of 42423
age or over and ~~are~~ not enrolled in a program or service under 42424
Chapter 3323. of the Revised Code, ~~and of persons~~ an individual 42425
sixteen ~~and~~ or seventeen years of age who ~~are~~ is eligible for 42426
adult services under rules adopted by the director of mental 42427
retardation and developmental disabilities pursuant to Chapter 42428
119. of the Revised Code. ~~Such services may include habilitation~~ 42429
~~programs and services, sheltered employment providing a structured~~ 42430
~~work environment, job training, job placement, supported~~ 42431
~~employment, competitive employment, and planned therapeutic and~~ 42432

~~work activities providing meaningful tasks designed to improve the 42433
effectiveness or degree with which an individual meets the 42434
standards of personal independence and social responsibility 42435
expected of the individual's age and cultural group 42436~~

(1) "Adult services" means services provided to an adult 42437
outside the home, except when they are provided within the home 42438
according to an individual's assessed needs and identified in an 42439
individual service plan, that support learning and assistance in 42440
the area of self-care, sensory and motor development, 42441
socialization, daily living skills, communication, community 42442
living, social skills, or vocational skills. 42443

(2) "Adult services" includes all of the following: 42444

(a) Adult day habilitation services; 42445

(b) Adult day care; 42446

(c) Prevocational services; 42447

(d) Sheltered employment; 42448

(e) Educational experiences and training obtained through 42449
entities and activities that are not expressly intended for 42450
individuals with mental retardation and developmental 42451
disabilities, including trade schools, vocational or technical 42452
schools, adult education, job exploration and sampling, unpaid 42453
work experience in the community, volunteer activities, and 42454
spectator sports. 42455

(3) "Adult services" does not include community or supported 42456
employment services. 42457

(B)(1) "Adult day habilitation services" means adult services 42458
that do the following: 42459

(a) Provide access to and participation in typical activities 42460
and functions of community life that are desired and chosen by the 42461
general population, including such activities and functions as 42462

opportunities to experience and participate in community exploration, companionship with friends and peers, leisure activities, hobbies, maintaining family contacts, community events, and activities where individuals without disabilities are involved; 42463
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(b) Provide supports or a combination of training and supports that afford an individual a wide variety of opportunities to facilitate and build relationships and social supports in the community. 42468
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(2) "Adult day habilitation services" includes all of the following: 42472
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(a) Personal care services needed to ensure an individual's ability to experience and participate in vocational services, educational services, community activities, and any other adult day habilitation services; 42474
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(b) Skilled services provided while receiving adult day habilitation services, including such skilled services as behavior management intervention, occupational therapy, speech and language therapy, physical therapy, and nursing services; 42478
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(c) Training and education in self-determination designed to help the individual do one or more of the following: develop self-advocacy skills, exercise the individual's civil rights, acquire skills that enable the individual to exercise control and responsibility over the services received, and acquire skills that enable the individual to become more independent, integrated, or productive in the community; 42482
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(d) Recreational and leisure activities identified in the individual's service plan as therapeutic in nature or assistive in developing or maintaining social supports; 42489
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(e) Counseling and assistance provided to obtain housing, including such counseling as identifying options for either rental 42492
42493

or purchase, identifying financial resources, assessing needs for 42494
environmental modifications, locating housing, and planning for 42495
ongoing management and maintenance of the housing selected; 42496

(f) Transportation necessary to access adult day habilitation 42497
services; 42498

(g) Habilitation management, as described in section 5126.14 42499
of the Revised Code. 42500

(3) "Adult day habilitation services" does not include 42501
activities that are components of the provision of residential 42502
services, family support services, or supported living services. 42503

(C) "Community employment services" or "supported employment 42504
services" means job training and other services related to 42505
employment outside a sheltered workshop. "Community employment 42506
services" or "supported employment services" include all of the 42507
following: 42508

(1) Job training resulting in the attainment of competitive 42509
work, supported work in a typical work environment, or 42510
self-employment; 42511

(2) Supervised work experience through an employer paid to 42512
provide the supervised work experience; 42513

(3) Ongoing work in a competitive work environment at a wage 42514
commensurate with workers without disabilities; 42515

(4) Ongoing supervision by an employer paid to provide the 42516
supervision. 42517

(D) As used in this division, "substantial functional 42518
limitation," "developmental delay," and "established risk" have 42519
the meanings established pursuant to section 5123.011 of the 42520
Revised Code. 42521

"Developmental disability" means a severe, chronic disability 42522
that is characterized by all of the following: 42523

(1) It is attributable to a mental or physical impairment or	42524
a combination of mental and physical impairments, other than a	42525
mental or physical impairment solely caused by mental illness as	42526
defined in division (A) of section 5122.01 of the Revised Code;	42527
(2) It is manifested before age twenty-two;	42528
(3) It is likely to continue indefinitely;	42529
(4) It results in one of the following:	42530
(a) In the case of a person under age three, at least one	42531
developmental delay or an established risk;	42532
(b) In the case of a person at least age three but under age	42533
six, at least two developmental delays or an established risk;	42534
(c) In the case of a person age six or older, a substantial	42535
functional limitation in at least three of the following areas of	42536
major life activity, as appropriate for the person's age:	42537
self-care, receptive and expressive language, learning, mobility,	42538
self-direction, capacity for independent living, and, if the	42539
person is at least age sixteen, capacity for economic	42540
self-sufficiency.	42541
(5) It causes the person to need a combination and sequence	42542
of special, interdisciplinary, or other type of care, treatment,	42543
or provision of services for an extended period of time that is	42544
individually planned and coordinated for the person.	42545
(C) (E) "Early childhood services" means a planned program of	42546
habilitation designed to meet the needs of individuals with mental	42547
retardation or other developmental disabilities who have not	42548
attained compulsory school age.	42549
(D) (F)(1) " <u>Environmental modifications</u> " means the physical	42550
<u>adaptations to an individual's home, specified in the individual's</u>	42551
<u>service plan, that are necessary to ensure the individual's</u>	42552
<u>health, safety, and welfare or that enable the individual to</u>	42553

function with greater independence in the home, and without which 42554
the individual would require institutionalization. 42555

(2) "Environmental modifications" includes such adaptations 42556
as installation of ramps and grab-bars, widening of doorways, 42557
modification of bathroom facilities, and installation of 42558
specialized electric and plumbing systems necessary to accommodate 42559
the individual's medical equipment and supplies. 42560

(3) "Environmental modifications" does not include physical 42561
adaptations or improvements to the home that are of general 42562
utility or not of direct medical or remedial benefit to the 42563
individual, including such adaptations or improvements as 42564
carpeting, roof repair, and central air conditioning. 42565

(G) "Family support services" means the services provided 42566
under a family support services program operated under section 42567
5126.11 of the Revised Code. 42568

(H) "Habilitation" means the process by which the staff of 42569
the facility or agency assists an individual with mental 42570
retardation or other developmental disability in acquiring and 42571
maintaining those life skills that enable the individual to cope 42572
more effectively with the demands of the individual's own person 42573
and environment, and in raising the level of the individual's 42574
personal, physical, mental, social, and vocational efficiency. 42575
Habilitation includes, but is not limited to, programs of formal, 42576
structured education and training. 42577

+E)(I) "Habilitation center services" means services provided 42578
by a habilitation center certified by the department of mental 42579
retardation and developmental disabilities under section 5123.041 42580
of the Revised Code and covered by the medicaid program pursuant 42581
to rules adopted under section 5111.041 of the Revised Code. 42582

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(J) "Home and community-based services" means medicaid-funded 42584

home and community-based services provided under a medicaid 42585
component the department of mental retardation and developmental 42586
disabilities administers pursuant to section 5111.871 of the 42587
Revised Code. 42588

(K) "Medicaid" has the same meaning as in section 5111.01 of 42589
the Revised Code. 42590

(L) "Medicaid case management services" means case management 42591
services provided to an individual with mental retardation or 42592
other developmental disability that the state medicaid plan 42593
requires. 42594

(M) "Mental retardation" means a mental impairment manifested 42595
during the developmental period characterized by significantly 42596
subaverage general intellectual functioning existing concurrently 42597
with deficiencies in the effectiveness or degree with which an 42598
individual meets the standards of personal independence and social 42599
responsibility expected of the individual's age and cultural 42600
group. 42601

~~(F)~~(N) "Residential services" means services to individuals 42602
with mental retardation or other developmental disabilities to 42603
provide housing, food, clothing, habilitation, staff support, and 42604
related support services necessary for the health, safety, and 42605
welfare of the individuals and the advancement of their quality of 42606
life. "Residential services" includes program management, as 42607
described in section 5126.14 of the Revised Code. 42608

~~(G)~~(O) "Resources" means available capital and other assets, 42609
including moneys received from the federal, state, and local 42610
governments, private grants, and donations; appropriately 42611
qualified personnel; and appropriate capital facilities and 42612
equipment. 42613

~~(H)~~(P) "Service and support administration" means the duties 42614
performed by a service and support administrator pursuant to 42615

section 5126.15 of the Revised Code. 42616

(Q)(1) "Specialized medical, adaptive, and assistive equipment, supplies, and supports" means equipment, supplies, and supports that enable an individual to increase the ability to perform activities of daily living or to perceive, control, or communicate within the environment. 42617
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(2) "Specialized medical, adaptive, and assistive equipment, supplies, and supports" includes the following: 42622
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(a) Eating utensils, adaptive feeding dishes, plate guards, 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. 42624
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(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. 42635
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(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. 42638
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(I)(S)(1) "Supported living" means services provided for as 42646

long as twenty-four hours a day to an individual with mental 42647
retardation or other developmental disability through any public 42648
or private resources, including moneys from the individual, that 42649
enhance the individual's reputation in community life and advance 42650
the individual's quality of life by doing the following: 42651

~~(1)(a)~~ Providing the support necessary to enable an 42652
individual to live in a residence of the individual's choice ~~and~~ 42653
~~to choose to live alone~~, with any number of individuals who are 42654
not disabled, or with not more than three individuals with mental 42655
retardation and developmental disabilities unless the individuals 42656
are related by blood or marriage; 42657

~~(2)(b)~~ Encouraging the individual's participation in the 42658
community; 42659

~~(3)(c)~~ Promoting the individual's rights and autonomy; 42660

~~(4)~~ ~~Encouraging the increase of the individual's (d)~~ 42661
Assisting the individual in acquiring, retaining, and improving 42662
the skills and competence necessary to live successfully in the 42663
individual's residence. 42664

(2) "Supported living" includes the provision of ~~housing~~ all 42665
of the following: 42666

(a) Housing, food, clothing, habilitation, staff support, 42667
professional services, and any related support services necessary 42668
~~for~~ to ensure the health, safety, and welfare of the individual 42669
receiving the services; 42670

(b) A combination of life-long or extended-duration 42671
supervision, training, and other services essential to daily 42672
living, including assessment and evaluation and assistance with 42673
the cost of training materials, transportation, fees, and 42674
supplies; 42675

(c) Personal care services and homemaker services; 42676

<u>(d) Household maintenance that does not include modifications</u>	42677
<u>to the physical structure of the residence;</u>	42678
<u>(e) Respite care services;</u>	42679
<u>(f) Program management, as described in section 5126.14 of</u>	42680
<u>the Revised Code.</u>	42681
<u>Sec. 5126.035. (A) As used in this section:</u>	42682
<u>(1) "Provider" means a person or government entity that</u>	42683
<u>provides services to an individual with mental retardation or</u>	42684
<u>other developmental disability pursuant to a service contract.</u>	42685
<u>(2) "Service contract" means a contract between a county</u>	42686
<u>board of mental retardation and developmental disabilities and a</u>	42687
<u>provider under which the provider is to provide services to an</u>	42688
<u>individual with mental retardation or other developmental</u>	42689
<u>disability.</u>	42690
<u>(B) Each service contract that a county board of mental</u>	42691
<u>retardation and developmental disabilities enters into with a</u>	42692
<u>provider shall do all of the following:</u>	42693
<u>(1) Comply with rules adopted under division (E) of this</u>	42694
<u>section;</u>	42695
<u>(2) If the provider is to provide home and community-based</u>	42696
<u>services, medicaid case management services, or habilitation</u>	42697
<u>center services, comply with all applicable statewide medicaid</u>	42698
<u>requirements;</u>	42699
<u>(3) Include a general operating agreement component and an</u>	42700
<u>individual service needs addendum.</u>	42701
<u>(C) The general operating agreement component shall include</u>	42702
<u>all of the following:</u>	42703
<u>(1) The roles and responsibilities of the county board</u>	42704
<u>regarding services for individuals with mental retardation or</u>	42705

<u>other developmental disability who reside in the county the county</u>	42706
<u>board serves;</u>	42707
<u>(2) The roles and responsibilities of the provider as</u>	42708
<u>specified in the individual service needs addendum;</u>	42709
<u>(3) Procedures for the county board to monitor the provider's</u>	42710
<u>services;</u>	42711
<u>(4) Procedures for the county board to evaluate the quality</u>	42712
<u>of care and cost effectiveness of the provider's services;</u>	42713
<u>(5) Procedures for payment of eligible claims;</u>	42714
<u>(6) If the provider is to provide home and community-based</u>	42715
<u>services, medicaid case management services, or habilitation</u>	42716
<u>center services, both of the following:</u>	42717
<u>(a) Procedures for reimbursement that conform to the</u>	42718
<u>statewide reimbursement process and the county board's plan</u>	42719
<u>submitted under section 5126.054 of the Revised Code;</u>	42720
<u>(b) Procedures that ensure that the county board pays the</u>	42721
<u>nonfederal share of the medicaid expenditures that the county</u>	42722
<u>board is required by division (A) of section 5126.056 of the</u>	42723
<u>Revised Code to pay.</u>	42724
<u>(7) Procedures for the county board to perform service</u>	42725
<u>utilization reviews and the implementation of required corrective</u>	42726
<u>actions;</u>	42727
<u>(8) Procedures for the provider to submit claims for payment</u>	42728
<u>for a service no later than three hundred thirty days after the</u>	42729
<u>date the service is provided;</u>	42730
<u>(9) Procedures for rejecting claims for payment that are</u>	42731
<u>submitted after the time required by division (B)(9) of this</u>	42732
<u>section;</u>	42733
<u>(10) Procedures for developing, modifying, and executing</u>	42734

<u>initial and subsequent service plans. The procedures shall provide</u>	42735
<u>for the provider's participation.</u>	42736
<u>(11) Procedures for affording individuals due process</u>	42737
<u>protections;</u>	42738
<u>(12) General staffing, training, and certification</u>	42739
<u>requirements that are consistent with state requirements and</u>	42740
<u>compensation arrangements that are necessary to attract, train,</u>	42741
<u>and retain competent personnel to deliver the services pursuant to</u>	42742
<u>the individual service needs addendum;</u>	42743
<u>(13) Methods to be used to document services provided and</u>	42744
<u>procedures for submitting reports the county board requires;</u>	42745
<u>(14) Methods for authorizing and documenting within</u>	42746
<u>seventy-two hours changes to the individual service needs</u>	42747
<u>addendum. The methods shall allow for changes to be initially</u>	42748
<u>authorized verbally and subsequently in writing.</u>	42749
<u>(15) Procedures for modifying the individual service needs</u>	42750
<u>addendum in accordance with changes to the recipient's</u>	42751
<u>individualized service plan;</u>	42752
<u>(16) Procedures for terminating the individual service needs</u>	42753
<u>addendum within thirty days of a request made by the recipient;</u>	42754
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<u>(17) A requirement that all parties to the contract accept</u>	42756
<u>the contract's terms and conditions;</u>	42757
<u>(18) A designated contact person and the method of contacting</u>	42758
<u>the designated person to respond to medical or behavioral problems</u>	42759
<u>and allegations of major unusual incidents or unusual incidents;</u>	42760
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<u>(19) Procedures for ensuring the health and welfare of the</u>	42762
<u>recipient;</u>	42763
<u>(20) Procedures for ensuring fiscal accountability and the</u>	42764

<u>collection and reporting of programmatic data;</u>	42765
<u>(21) Procedures for implementing the mediation and arbitration process under section 5126.036 of the Revised Code;</u>	42766
<u>(22) Procedures for amending or terminating the contract, including as necessary to make the general operating agreement component consistent with any changes made to the individual service needs addendum;</u>	42768
<u>(23) Anything else allowable under federal and state law that the county board and provider agree to.</u>	42769
<u>(D) The individual service needs addendum shall be consistent with the general operating agreement component and include all of the following:</u>	42770
<u>(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;</u>	42771
<u>(2) A clear and complete description of the services that the recipient is to receive as determined using statewide assessment tools;</u>	42772
<u>(3) A copy of the recipient's assessment and individualized service plan;</u>	42773
<u>(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.</u>	42774
<u>(E) The director of mental retardation and developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing service contracts. A service contract does not negate the requirement that a provider of home and</u>	42775
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community-based services, medicaid case management services, or 42795
habilitation center services have a medicaid provider agreement 42796
with the department of job and family services. 42797

Sec. 5126.036. (A) As used in this section: 42798

(1) "Aggrieved party" means any of the following: 42799

(a) The party to a service contract that is aggrieved by an 42800
action the other party has taken or not taken under the service 42801
contract; 42802

(b) A person or government entity aggrieved by the refusal of 42803
a county board of mental retardation and developmental 42804
disabilities to enter into a service contract with the person or 42805
government entity; 42806

(c) A person or government entity aggrieved by termination by 42807
a county board of mental retardation and development disabilities 42808
of a service contract between the person or government entity and 42809
the county board. 42810

(2) "Mediator/arbitrator" means either of the following: 42811

(a) An attorney at law licensed to practice law in this state 42812
who is mutually selected by the parties under division (B)(4) of 42813
this section to conduct mediation and arbitration; 42814

(b) A retired judge who is selected under division (B)(4) of 42815
this section to conduct mediation and arbitration. 42816

(3) "Other party" means any of the following: 42817

(a) The party to a service contract that has taken or not 42818
taken an action under the service contract that causes the 42819
aggrieved party to be aggrieved; 42820

(b) A county board of mental retardation and developmental 42821
disabilities that refuses to enter into a service contract with a 42822
person or government entity; 42823

(c) A county board of mental retardation and developmental disabilities that terminates a service contract. 42824
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(4) "Parties" mean either of the following: 42826

(a) A county board of mental retardation and developmental disabilities and a provider that have or had a service contract with each other; 42827
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(b) A person or government entity that seeks a service contract with a county board of mental retardation and developmental disabilities and the county board that refuses to enter into the service contract with the person or government entity. 42830
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(5) "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. 42835
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(6) "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. 42838
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(B) An aggrieved party that seeks to require the other party to take or cease an action under a service contract that causes the aggrieved party to be aggrieved, a person or government entity aggrieved by the refusal of a county board of mental retardation and developmental disabilities to enter into a service contract with the person or government entity, or a person or government entity aggrieved by a county board's termination of a service contract between the person or government entity and the county board and the other party shall follow the following mediation and arbitration procedures: 42843
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(1) No later than thirty days after first notifying the other party that the aggrieved party is aggrieved, the aggrieved party 42853
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shall file a written notice of mediation and arbitration with the department of mental retardation and developmental disabilities and provide a copy of the written notice to the other party. The written notice shall include an explanation of why the aggrieved party is aggrieved. The department of mental retardation and developmental disabilities shall provide the department of job and family services a copy of the notice.

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(2) In the case of parties that have a current service contract with each other and unless otherwise agreed to by both parties, the parties shall continue to operate under the contract in the manner they have been operating until the mediation and arbitration process, including an appeal under division (B)(9) of this section, if any, is completed.

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(3) During the thirty days following the date the aggrieved party files the written notice of mediation and arbitration under division (B)(1) of this section, the parties may attempt to resolve the conflict informally. If the parties are able to resolve the conflict informally within this time, the aggrieved party shall rescind the written notice of mediation and arbitration filed under division (B)(1) of this section.

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(4) No later than thirty days after the date the aggrieved party files the written notice of mediation and arbitration under division (B)(1) of this section, the parties shall mutually select an attorney at law licensed to practice law in this state to conduct the mediation and arbitration and schedule the first meeting of the mediation unless the parties informally resolve the conflict under division (B)(3) of this section. If the parties fail to select an attorney to conduct the mediation and arbitration within the required time, the parties shall request that the chief justice of the supreme court of Ohio provide the parties a list of five retired judges who are willing to perform the mediation and arbitration duties. The chief justice shall

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create such a list and provide it to the parties. To select the 42887
retired judge to conduct the mediation and arbitration, the 42888
parties shall take turns, beginning with the aggrieved party, 42889
striking retired judges from the list. The retired judge remaining 42890
on the list after both parties have each stricken two retired 42891
judges from the list shall perform the mediation and arbitration 42892
duties, including scheduling the first meeting of mediation if the 42893
parties are unable to agree on a date for the first meeting. 42894
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(5) A stenographic record or tape recording and transcript of 42896
each mediation and arbitration meeting shall be maintained as part 42897
of the mediation and arbitration's official records. The parties 42898
shall share the cost of the mediation and arbitration, including 42899
the cost of the mediator/arbitrator's services but excluding the 42900
cost of representation. 42901

(6) The first mediation meeting shall be held no later than 42902
sixty days after the date the aggrieved party files the written 42903
notice of mediation and arbitration under division (B)(1) of this 42904
section unless the parties informally resolve the conflict under 42905
division (B)(3) of this section or the parties mutually agree to 42906
hold the first meeting at a later time. The mediation shall be 42907
conducted in the manner the parties mutually agree. If the parties 42908
are unable to agree on how the mediation is to be conducted, the 42909
mediator/arbitrator selected under division (B)(4) of this section 42910
shall determine how it is to be conducted. The rules of evidence 42911
may be used. The mediator/arbitrator shall attempt to resolve the 42912
conflict through the mediation process. The mediator/arbitrator's 42913
resolution of the conflict may be applied retroactively. 42914
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(7) If the conflict is not resolved through the mediation 42916
process, the mediator/arbitrator shall arbitrate the conflict. The 42917
parties shall present evidence to the mediator/arbitrator in the 42918

manner the mediator/arbitrator requires. The mediator/arbitrator shall render a written recommendation within thirty days of the conclusion of the last arbitration meeting based on the service contract, applicable law, and the preponderance of the evidence presented during the arbitration. The mediator/arbitrator's recommendation may be applied retroactively. If the parties agree, the mediator/arbitrator may continue to attempt to resolve the conflict through mediation while the mediator/arbitrator the conflict.

(8) No later than thirty days after the mediator/arbitrator renders a recommendation in an arbitration, the mediator/arbitrator shall provide the parties with a written recommendation and forward a copy of the written recommendation, transcripts from each arbitration meeting, and a copy of all evidence presented to the mediator/arbitrator during the arbitration to the departments of mental retardation and developmental disabilities and job and family services.

(9) No later than thirty days after the department of mental retardation and developmental disabilities receives the mediator/arbitrator's recommendation and the materials required by division (B)(8) of this section, the department shall adopt, reject, or modify the mediator/arbitrator's recommendation consistent with the mediator/arbitrator's findings of fact and conclusions of law or remand any portion of the recommendation to the mediator/arbitrator for further findings on a specific factual or legal issue. The mediator/arbitrator shall complete the further findings and provide the parties and the department with a written response to the remand within sixty days of the date the mediator/arbitrator receives the remand. On receipt of the mediator/arbitrator's response to the remand, the department, within thirty days, unless the parties agree otherwise, shall adopt, reject, or modify the mediator/arbitrator's response. The

department's actions regarding the mediator/arbitrator's 42951
recommendation and response are a final adjudication order subject 42952
to appeal to the court of common pleas of Franklin county under 42953
section 119.12 of the Revised Code, except that the court shall 42954
consider only whether the conclusions of law the department adopts 42955
are in accordance with the law. 42956

(10) If the department of job and family services, in 42957
consultation with the department of mental retardation and 42958
developmental disabilities, determines no later than thirty days 42959
following the date the department of mental retardation and 42960
developmental disabilities receives the mediator/arbitrator's 42961
recommendation and the materials required by division (B)(8) of 42962
this section, or, if the recommendation is remanded under division 42963
(B)(9) of this section, thirty days following the date the 42964
department receives the response to the remand, that any aspect of 42965
the conflict between the parties affects the medicaid program, the 42966
department of mental retardation and developmental disabilities 42967
shall take all actions under division (B)(9) of this section in 42968
consultation with the department of job and family services. 42969

(C) If the department of mental retardation and developmental 42970
disabilities is aware of a conflict between a county board of 42971
mental retardation and developmental disabilities and a person or 42972
government entity that provides or seeks to provide services to an 42973
individual with mental retardation or other developmental 42974
disability to which the mediation and arbitration procedures 42975
established by this section may be applied and that the aggrieved 42976
party has not filed a written notice of mediation and arbitration 42977
within the time required by division (B)(1) of this section, the 42978
department may require that the parties implement the mediation 42979
and arbitration procedures. 42980

(D) Each service contract shall provide for the parties to 42981
follow the mediation and arbitration procedures established by 42982

this section if a party takes or does not take an action under the 42983
service contract that causes the aggrieved party to be aggrieved 42984
or if the provider is aggrieved by the county board's termination 42985
of the service contract. 42986

Sec. 5126.041. (A) As used in this section: 42987

(1) "Biological risk" and "environmental risk" have the 42988
meanings established pursuant to section 5123.011 of the Revised 42989
Code. 42990

(2) "Handicapped preschool child" has the same meaning as in 42991
section 3323.01 of the Revised Code. 42992

(3) "State institution" means all or part of an institution 42993
under the control of the department of mental retardation and 42994
developmental disabilities pursuant to section 5123.03 of the 42995
Revised Code and maintained for the care, treatment, and training 42996
of the mentally retarded. 42997

(B) Except as provided in division (C) of this section, each 42998
county board of mental retardation and developmental disabilities 42999
shall make eligibility determinations in accordance with the 43000
definition of "developmental disability" in section 5126.01 of the 43001
Revised Code. Pursuant to rules the department of mental 43002
retardation and developmental disabilities shall adopt in 43003
accordance with Chapter 119. of the Revised Code, a county board 43004
may establish eligibility for programs and services for either of 43005
the following: 43006

(1) Individuals under age six who have a biological risk or 43007
environmental risk of a developmental delay; 43008

(2) Any handicapped preschool child eligible for services 43009
under section 3323.02 of the Revised Code whose handicap is not 43010
attributable solely to mental illness as defined in section 43011
5122.01 of the Revised Code. 43012

(C)(1) A county board shall make determinations of 43013
eligibility for ~~case management services~~ service and support 43014
administration in accordance with rules adopted under section 43015
~~5126.15~~ 5126.08 of the Revised Code. 43016

(2) All persons who were eligible for services and enrolled 43017
in programs offered by a county board of mental retardation and 43018
developmental disabilities pursuant to this chapter on July 1, 43019
1991, shall continue to be eligible for those services and to be 43020
enrolled in those programs as long as they are in need of 43021
services. 43022

(3) A person who resided in a state institution on or before 43023
October 29, 1993, is eligible for programs and services offered by 43024
a county board of mental retardation and developmental 43025
disabilities, unless the person is determined by the county board 43026
not to be in need of those programs and services. 43027

(D) A county board shall refer a person who requests but is 43028
not eligible for programs and services offered by the board to 43029
other entities of state and local government or appropriate 43030
private entities that provide services. 43031

(E) Membership of a person on, or employment of a person by, 43032
a county board of mental retardation and developmental 43033
disabilities does not affect the eligibility of any member of that 43034
person's family for services provided by the board or by any 43035
entity under contract with the board. 43036

Sec. 5126.042. (A) As used in this section: 43037

(1) "Emergency" means any situation that creates for an 43038
individual with mental retardation or developmental disabilities a 43039
risk of substantial self-harm or substantial harm to others if 43040
action is not taken within thirty days. An "emergency" may include 43041
one or more of the following situations: 43042

(a) Loss of present residence for any reason, including legal action;	43043 43044
(b) Loss of present caretaker for any reason, including serious illness of the caretaker, change in the caretaker's status, or inability of the caretaker to perform effectively for the individual;	43045 43046 43047 43048
(c) Abuse, neglect, or exploitation of the individual;	43049
(d) Health and safety conditions that pose a serious risk to the individual or others of immediate harm or death;	43050 43051
(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.	43052 43053 43054
(2) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.	43055 43056
(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.	43057 43058 43059 43060
(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 <u>and shall establish priorities in accordance with division (D) of this section.</u>	43061 43062 43063 43064 43065 43066 43067 43068 43069
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	43070 43071 43072

resources are not available. 43073

~~An Except for an individual who is to receive priority for~~ 43074
~~services pursuant to division (D)(3) of this section, an~~ 43075
individual who currently receives a service but would like to 43076
change to another service shall not be placed on a waiting list 43077
but shall be placed on a service substitution list. The board 43078
shall work with the individual, service providers, and all 43079
appropriate entities to facilitate the change in service as 43080
expeditiously as possible. The board may establish priorities for 43081
making placements on its service substitution lists according to 43082
an individual's emergency ~~or priority~~ status. 43083

In addition to maintaining waiting lists and service 43084
substitution lists, a board shall maintain a long-term service 43085
planning registry for individuals who wish to record their 43086
intention to request in the future a service they are not 43087
currently receiving. The purpose of the registry is to enable the 43088
board to document requests and to plan appropriately. The board 43089
may not place an individual on the registry who meets the 43090
conditions for receipt of services on an emergency ~~or priority~~ 43091
basis. 43092

(C) A county board shall establish a separate waiting list 43093
for each of the following categories of services, and may 43094
establish separate waiting lists within the waiting lists: 43095

(1) Early childhood services; 43096

(2) Educational programs for preschool and school age 43097
children; 43098

(3) Adult services; 43099

(4) ~~Case management services~~ service and support 43100
administration; 43101

(5) Residential services and supported living; 43102

(6) Transportation services;	43103
(7) Other services determined necessary and appropriate for persons with mental retardation or a developmental disability according to their individual habilitation or service plans;	43104 43105 43106
(8) Family support services provided under section 5126.11 of the Revised Code.	43107 43108
(D) <u>Except as provided in division (E) of this section, a county board shall do all of the following in accordance with the county board's plan approved under section 5123.046 of the Revised Code as priorities:</u>	43109 43110 43111 43112
<u>(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:</u>	43113 43114 43115 43116
<u>(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:</u>	43117 43118 43119 43120 43121 43122
<u>(i) Is twenty-two years of age or older;</u>	43123
<u>(ii) Receives supported living or family support services.</u>	43124
<u>(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:</u>	43125 43126 43127 43128 43129
<u>(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;</u>	43130 43131 43132

<u>(ii) Receives adult services from the county board.</u>	43133
<u>(2) As federal medicaid funds become available pursuant to</u>	43134
<u>division (D)(1) of this section, give an individual who is</u>	43135
<u>eligible for home and community-based services and meets any of</u>	43136
<u>the following requirements priority for such services over any</u>	43137
<u>other individual on a waiting list established under division (C)</u>	43138
<u>of this section other than an individual given priority under</u>	43139
<u>division (D)(1) of this section:</u>	43140
<u>(a) Does not receive residential services or supported</u>	43141
<u>living, either needs services in the individual's current living</u>	43142
<u>arrangement or will need services in a new living arrangement, and</u>	43143
<u>has a primary caregiver who is sixty years of age or older;</u>	43144
<u>(b) Is less than twenty-two years of age, does not receive</u>	43145
<u>residential services or supported living, resides in the home of</u>	43146
<u>the individual's family, and has at least one of the following</u>	43147
<u>service needs that are unusual in scope or intensity:</u>	43148
<u>(i) Severe behavior problems for which a behavior support</u>	43149
<u>plan is needed;</u>	43150
<u>(ii) An emotional disorder for which anti-psychotic</u>	43151
<u>medication is needed;</u>	43152
<u>(iii) A medical condition that leaves the individual</u>	43153
<u>dependent on life-support medical technology;</u>	43154
<u>(iv) A condition affecting multiple body systems for which a</u>	43155
<u>combination of specialized medical, psychological, educational, or</u>	43156
<u>habilitation services are needed;</u>	43157
<u>(v) A condition the county board determines to be comparable</u>	43158
<u>in severity to any condition described in division (D)(1)(b)(i) to</u>	43159
<u>(iv) of this section and places the individual at significant risk</u>	43160
<u>of institutionalization.</u>	43161
<u>(c) Is twenty-two years of age or older and is determined by</u>	43162

the county board to have intensive needs for residential services 43163
on an in-home or out-of-home basis. 43164

(3) In fiscal years 2002 and 2003, give an individual who is 43165
eligible for home and community-based services, resides in an 43166
intermediate care facility for the mentally retarded or nursing 43167
facility, chooses to move to another setting with the help of home 43168
and community-based services, and has been determined by the 43169
department of mental retardation and developmental disabilities to 43170
be capable of residing in the other setting, priority over any 43171
other individual on a waiting list established under division (C) 43172
of this section for home and community-based services who does not 43173
meet these criteria. The department of mental retardation and 43174
developmental disabilities shall identify the individuals to 43175
receive priority under division (D)(3) of this section, assess the 43176
needs of the individuals, and notify the county boards that are to 43177
provide the individuals priority under division (D)(3) of this 43178
section of the individuals identified by the department and the 43179
individuals' assessed needs. 43180

(E)(1) No individual may receive priority for services 43181
pursuant to division (D) of this section over an individual placed 43182
on a waiting list established under division (C) of this section 43183
on an emergency status. 43184

(2) No more than two hundred individuals in the state may 43185
receive priority for services during state fiscal years 2002 and 43186
2003 pursuant to division (D)(2)(b) of this section. 43187

(3) No more than a total of seventy-five individuals in the 43188
state may receive priority for services during state fiscal years 43189
2002 and 2003 pursuant to division (D)(3) of this section. 43190

(F) Prior to establishing any waiting list under this 43191
section, a county board shall develop and implement a policy for 43192
waiting lists that complies with this section and rules that the 43193

department of mental retardation and developmental disabilities 43194
shall adopt in accordance with Chapter 119. of the Revised Code. 43195
The department's rules shall include procedures to be followed to 43196
ensure that the due process rights of individuals placed on 43197
waiting lists are not violated. 43198

Prior to placing an individual on a waiting list, the county 43199
board shall assess the service needs of the individual in 43200
accordance with all applicable state and federal laws. The county 43201
board shall place the individual on the appropriate waiting list 43202
and may place the individual on more than one waiting list. The 43203
county board shall notify the individual of the individual's 43204
placement and position on each waiting list on which the 43205
individual is placed. 43206

At least annually, the county board shall reassess the 43207
service needs of each individual on a waiting list. If it 43208
determines that an individual no longer needs a program or 43209
service, the county board shall remove the individual from the 43210
waiting list. If it determines that an individual needs a program 43211
or service other than the one for which the individual is on the 43212
waiting list, the county board shall provide the program or 43213
service to the individual or place the individual on a waiting 43214
list for the program or service in accordance with the board's 43215
policy for waiting lists. 43216

When a program or service for which there is a waiting list 43217
becomes available, the county board shall reassess the service 43218
needs of the individual next scheduled on the waiting list to 43219
receive that program or service. If the reassessment demonstrates 43220
that the individual continues to need the program or service, the 43221
board shall offer the program or service to the individual. If it 43222
determines that an individual no longer needs a program or 43223
service, the county board shall remove the individual from the 43224
waiting list. If it determines that an individual needs a program 43225

or service other than the one for which the individual is on the 43226
waiting list, the county board shall provide the program or 43227
service to the individual or place the individual on a waiting 43228
list for the program or service in accordance with the board's 43229
policy for waiting lists. The county board shall notify the 43230
individual of the individual's placement and position on the 43231
waiting list on which the individual is placed. 43232

~~(E)~~(G) A child subject to a determination made pursuant to 43233
section 121.38 of the Revised Code who requires the home and 43234
community-based services provided through the ~~medical assistance~~ 43235
~~waiver programs operated~~ medicaid component that the department of 43236
mental retardation and developmental disabilities administers 43237
under ~~sections 5111.87 and 5111.88~~ section 5111.871 of the Revised 43238
Code shall receive services through the ~~waiver programs adopted~~ 43239
under ~~Chapters 5111., 5123., and 5126.~~ of the Revised Code that 43240
medicaid component. For all other services, a child subject to a 43241
determination made pursuant to section 121.38 of the Revised Code 43242
shall be treated as an emergency by the county boards and shall 43243
not be subject to a waiting list. 43244

~~(F)~~(H) Not later than the fifteenth day of March of each 43245
even-numbered year, each county board shall prepare and submit to 43246
the director of mental retardation and developmental disabilities 43247
its recommendations for the funding of services for individuals 43248
with mental retardation and developmental disabilities and its 43249
proposals for reducing the waiting lists for services. 43250

~~(G)~~(I) The following shall take precedence over the 43251
applicable provisions of this section: 43252

(1) Medicaid rules and regulations; 43253

(2) Any specific requirements that may be contained within a 43254
medicaid state plan amendment or waiver program that a county 43255
board has authority to administer or with respect to which it has 43256

authority to provide services, programs, or supports.

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Sec. 5126.046. (A) Each 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 habilitation, vocational, or community employment services provided as part of home and community-based services shall create a list of all persons and government entities eligible to provide such habilitation, vocational, or community employment services. If the county board chooses and is eligible to provide such habilitation, vocational, or community employment services, the county board shall include itself on the list. The county board shall make the list available to each individual with mental retardation or other developmental disability who resides in the county and is eligible for such habilitation, vocational, or community employment services. The county board shall also make the list available to such individuals' families.

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An individual with mental retardation or other developmental disability who is eligible for habilitation, vocational, or community employment services may choose the provider of the services.

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If a county board has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for habilitation, vocational, and community employment services provided as part of home and community-based services, the county board shall pay the nonfederal share of the habilitation, vocational, and community employment services when required by section 5126.056 of the Revised Code. The department of mental retardation and developmental disabilities shall pay the nonfederal share of such habilitation, vocational, and community employment services when required by section 5123.047 of the

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Revised Code. 43288

(B) Each month, the department of mental retardation and developmental disabilities shall create a list of all persons and government entities eligible to provide residential services and supported living. The department shall include on the list all residential facilities licensed under section 5123.19 of the Revised Code and all supported living providers certified under section 5126.431 of the Revised Code. The department shall distribute the monthly lists to county boards that have local administrative authority under division (A) of section 5126.055 of the Revised Code for residential services and supported living provided as part of home and community-based services. A county board that receives a list shall make it available to each individual with mental retardation or other developmental disability who resides in the county and is eligible for such residential services or supported living. The county board shall also make the list available to the families of those individuals. 43289
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An individual who is eligible for residential services or supported living may choose the provider of the residential services or supported living. 43305
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If a county board has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for residential services and supported living provided as part of home and community-based services, the county board shall pay the nonfederal share of the residential services and supported living when required by section 5126.056 of the Revised Code. The department shall pay the nonfederal share of the residential services and supported living when required by section 5123.047 of the Revised Code. 43308
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(C) If a county board that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for home and community-based services violates the right 43317
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established by this section of an individual to choose a provider 43320
that is qualified and willing to provide services to the 43321
individual, the individual shall receive timely notice that the 43322
individual may request a hearing under section 5101.35 of the 43323
Revised Code. 43324

(D) The departments of mental retardation and developmental 43325
disabilities and job and family services shall adopt rules in 43326
accordance with Chapter 119. of the Revised Code governing the 43327
implementation of this section. The rules shall include procedures 43328
for individuals to choose their service providers. The rules shall 43329
not be limited by a provider selection system established under 43330
section 5126.42 of the Revised Code, including any pool of 43331
providers created pursuant to a provider selection system. 43332
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Sec. 5126.05. (A) Subject to the rules established by the 43334
director of mental retardation and developmental disabilities 43335
pursuant to Chapter 119. of the Revised Code for programs and 43336
services offered pursuant to this chapter, and subject to the 43337
rules established by the state board of education pursuant to 43338
Chapter 119. of the Revised Code for programs and services offered 43339
pursuant to Chapter 3323. of the Revised Code, the county board of 43340
mental retardation and developmental disabilities shall: 43341

(1) Administer and operate facilities, programs, and services 43342
as provided by this chapter and Chapter 3323. of the Revised Code 43343
and establish policies for their administration and operation; 43344
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(2) Coordinate, monitor, and evaluate existing services and 43346
facilities available to individuals with mental retardation and 43347
developmental disabilities; 43348

(3) Provide early childhood services, supportive home 43349
services, and adult services, according to the plan and priorities 43350

developed under section 5126.04 of the Revised Code;	43351
(4) Provide or contract for special education services	43352
pursuant to Chapters 3317. and 3323. of the Revised Code and	43353
ensure that related services, as defined in section 3323.01 of the	43354
Revised Code, are available according to the plan and priorities	43355
developed under section 5126.04 of the Revised Code;	43356
(5) Adopt a budget, authorize expenditures for the purposes	43357
specified in this chapter and do so in accordance with section	43358
319.16 of the Revised Code, approve attendance of board members	43359
and employees at professional meetings and approve expenditures	43360
for attendance, and exercise such powers and duties as are	43361
prescribed by the director;	43362
(6) Submit annual reports of its work and expenditures,	43363
pursuant to sections 3323.09 and 5126.12 of the Revised Code, to	43364
the director, the superintendent of public instruction, and the	43365
board of county commissioners at the close of the fiscal year and	43366
at such other times as may reasonably be requested;	43367
(7) Authorize all positions of employment, establish	43368
compensation, including but not limited to salary schedules and	43369
fringe benefits for all board employees, approve contracts of	43370
employment for management employees that are for a term of more	43371
than one year, employ legal counsel under section 309.10 of the	43372
Revised Code, and contract for employee benefits;	43373
(8) Provide case management services, as defined in rules	43374
adopted by the director of mental retardation and developmental	43375
disabilities, service and support administration in accordance	43376
with section 5126.15 <u>5126.046</u> of the Revised Code;	43377
(9) Certify respite care homes pursuant to rules adopted	43378
under section 5123.171 of the Revised Code by the director of	43379
mental retardation and developmental disabilities.	43380
(B) To the extent that rules adopted under this section apply	43381

to the identification and placement of handicapped children under 43382
Chapter 3323. of the Revised Code, they shall be consistent with 43383
the standards and procedures established under sections 3323.03 to 43384
3323.05 of the Revised Code. 43385

(C) Any county board may enter into contracts with other such 43386
boards and with public or private, nonprofit, or profit-making 43387
agencies or organizations of the same or another county, to 43388
provide the facilities, programs, and services authorized or 43389
required, upon such terms as may be agreeable, and in accordance 43390
with this chapter and Chapter 3323. of the Revised Code and rules 43391
adopted thereunder and in accordance with sections 307.86 and 43392
5126.071 of the Revised Code. 43393

(D) A county board may combine transportation for children 43394
and adults enrolled in programs and services offered under section 43395
5126.12 with transportation for children enrolled in classes 43396
funded under section 3317.20 or units approved under section 43397
3317.05 of the Revised Code. 43398

(E) A county board may purchase all necessary insurance 43399
policies, may purchase equipment and supplies through the 43400
department of administrative services or from other sources, and 43401
may enter into agreements with public agencies or nonprofit 43402
organizations for cooperative purchasing arrangements. 43403

(F) A county board may receive by gift, grant, devise, or 43404
bequest any moneys, lands, or property for the benefit of the 43405
purposes for which the board is established and hold, apply, and 43406
dispose of the moneys, lands, and property according to the terms 43407
of the gift, grant, devise, or bequest. All money received by 43408
gift, grant, bequest, or disposition of lands or property received 43409
by gift, grant, devise, or bequest shall be deposited in the 43410
county treasury to the credit of such board and shall be available 43411
for use by the board for purposes determined or stated by the 43412
donor or grantor, but may not be used for personal expenses of the 43413

board members. Any interest or earnings accruing from such gift, 43414
grant, devise, or bequest shall be treated in the same manner and 43415
subject to the same provisions as such gift, grant, devise, or 43416
bequest. 43417

(G) The board of county commissioners shall levy taxes and 43418
make appropriations sufficient to enable the county board of 43419
mental retardation and developmental disabilities to perform its 43420
functions and duties, and may utilize any available local, state, 43421
and federal funds for such purpose. 43422

Sec. 5126.051. (A) To the extent that resources are 43423
available, a county board of mental retardation and developmental 43424
disabilities ~~may~~ shall provide for or arrange residential services 43425
and supported living for individuals with mental retardation and 43426
developmental disabilities. 43427

A county board may acquire, convey, lease, or sell property 43428
for residential services and supported living and enter into loan 43429
agreements, including mortgages, for the acquisition of such 43430
property. A county board is not required to comply with provisions 43431
of Chapter 307. of the Revised Code providing for competitive 43432
bidding or sheriff sales in the acquisition, lease, conveyance, or 43433
sale of property under this division, but the acquisition, lease, 43434
conveyance, or sale must be at fair market value determined by 43435
appraisal of one or more disinterested persons appointed by the 43436
board. 43437

Any action taken by a county board under this division that 43438
will incur debt on the part of the county shall be taken in 43439
accordance with Chapter 133. of the Revised Code. A county board 43440
shall not incur any debt on the part of the county without the 43441
prior approval of the board of county commissioners. 43442

(B)(1) To the extent that resources are available, in 43443
addition to sheltered employment and work activities provided as 43444

adult services pursuant to division (A)(3) of section 5126.05 of 43445
the Revised Code, a county board of mental retardation and 43446
developmental disabilities may provide or arrange for job 43447
training, vocational evaluation, and community employment services 43448
to mentally retarded and developmentally disabled individuals who 43449
are age eighteen and older and not enrolled in a program or 43450
service under Chapter 3323. of the Revised Code or age sixteen or 43451
seventeen and eligible for adult services under rules adopted by 43452
the director of mental retardation and developmental disabilities 43453
under Chapter 119. of the Revised Code. These services shall be 43454
provided in accordance with the individual's individual service or 43455
habilitation plan and shall include support services specified in 43456
the plan. 43457

(2) A county board may, in cooperation with the Ohio 43458
rehabilitation services commission, seek federal funds for job 43459
training and community employment. 43460

(3) A county board may contract with any agency, board, or 43461
other entity that is accredited by the commission on accreditation 43462
of rehabilitation facilities to provide services. A county board 43463
that is accredited by the commission on accreditation of 43464
rehabilitation facilities may provide services for which it is 43465
certified by the commission. 43466

(C) To the extent that resources are available, a county 43467
board may provide services to an individual with mental 43468
retardation or other developmental disability in addition to those 43469
provided pursuant to this section, section 5126.05 of the Revised 43470
Code, or any other section of this chapter. The services shall be 43471
provided in accordance with the individual's habilitation or 43472
service plan and may be provided in collaboration with other 43473
entities of state or local government. 43474

Sec. 5126.053. (A) As used in this section, "effective tax 43475

rate" has the same meaning as in section 5126.16 of the Revised Code. 43476
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(B) Notwithstanding sections 5126.12 and 5126.15 of the Revised Code with regard to the distribution of state subsidies to county boards of mental retardation and developmental disabilities, the department of mental retardation and developmental disabilities shall, except as provided in division (D) of this section, reduce the funds provided under those sections to a county board in each year that the board, on the first day of January of that year, has an effective tax rate of less than one and one-half mills for general operations for programs under which the board provides or arranges the following: 43478
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(1) Early childhood services pursuant to section 5126.05 of the Revised Code for children under age three; 43488
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(2) Adult services pursuant to section 5126.05 and division (B) of section 5126.051 of the Revised Code for individuals age sixteen or older; 43490
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(3) ~~Case management services~~ Service and support administration pursuant to section 5126.15 of the Revised Code. 43493
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(C) If a county board is subject to the reduction required by this section, payments to the county board under sections 5126.12 and 5126.15 of the Revised Code shall be made in the same percentage that the board's effective tax rate is of one and one-half mills. 43495
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(D) A county board subject to the reduction required by this section may appeal to the department for an exemption from the reduction. The board may present evidence of its attempts to obtain passage of levies and any other extenuating circumstances the board considers relevant. The department shall grant an exemption if it determines that the board has made good faith efforts to obtain an effective tax rate of at least one and 43500
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one-half mills for general operations for programs under which the 43507
services described in division (B) of this section are provided 43508
and arranged or that there are extenuating circumstances. 43509

Sec. 5126.054. (A) Each county board of mental retardation 43510
and developmental disabilities shall, by resolution, develop a 43511
three-calendar year plan that includes all of the following 43512
components: 43513

(1) An assessment component that includes all of the 43514
following: 43515

(a) The number of individuals with mental retardation or 43516
other developmental disability residing in the county who need the 43517
level of care provided by an intermediate care facility for the 43518
mentally retarded, may seek home and community-based services, are 43519
given priority for the services pursuant to division (D) of 43520
section 5126.042 of the Revised Code; the service needs of those 43521
individuals; and the projected annualized cost for services; 43522

(b) The source of funds available to the county board to pay 43523
the nonfederal share of medicaid expenditures that the county 43524
board is required by division (A) of section 5126.056 of the 43525
Revised Code to pay; 43526

(c) Any other applicable information or conditions that the 43527
department of mental retardation and developmental disabilities 43528
requires as a condition of approving the plan under section 43529
5123.046 of the Revised Code. 43530

(2) A component that provides for the recruitment, training, 43531
and retention of existing and new direct care staff necessary to 43532
implement services included in individualized service plans, 43533
including behavior management services and health management 43534
services such as delegated nursing and other habilitation center 43535
services, and protect the health and welfare of individuals 43536

receiving services included in the individual's individualized 43537
service plan by complying with safeguards for unusual and major 43538
unusual incidents, day-to-day program management, and other 43539
requirements the department shall identify. A county board shall 43540
develop this component in collaboration with providers of 43541
medicaid-funded services with which the county board contracts. A 43542
county board shall include all of the following in the component: 43543

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(a) The source and amount of funds available for the 43545
component; 43546

(b) A plan and timeline for implementing the component with 43547
the medicaid providers under contract with the county board; 43548

(c) The mechanisms the county board shall use to ensure the 43549
financial and program accountability of the medicaid provider's 43550
implementation of the component. 43551

(3) A component that provides for the implementation of 43552
habilitation center services, medicaid case management services, 43553
and home and community-based services for individuals who begin to 43554
receive the services on or after the date the plan is approved 43555
under section 5123.046 of the Revised Code. A county board shall 43556
include all of the following in the component: 43557

(a) If the department of mental retardation and developmental 43558
disabilities or department of job and family services requires, an 43559
agreement to pay the nonfederal share of medicaid expenditures 43560
that the county board is required by division (A) of section 43561
5126.056 of the Revised Code to pay; 43562

(b) How the services are to be phased in over the period the 43563
plan covers, including how the county board will serve individuals 43564
on a waiting list established under division (C) of section 43565
5126.042 who are given priority status under division (D)(1) of 43566
that section; 43567

(c) Any agreement or commitment regarding the county board's funding of home and community-based services that the county board has with the department at the time the county board develops the component; 43568
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(d) Assurances adequate to the department that the county board will comply with all of the following requirements: 43572
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(i) To use any additional funds the county board receives for the services to improve the county board's resource capabilities for supporting such services available in the county at the time the component is developed and to expand the services to accommodate the unmet need for those services in the county; 43574
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(ii) To employ a business manager who is either a new employee who has earned at least a bachelor's degree in business administration or a current employee who has the equivalent experience of a bachelor's degree in business administration. If the county board will employ a new employee, the county board shall include in the component a timeline for employing the employee. 43579
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(iii) To employ or contract with a medicaid services manager who is either a new employee who has earned at least a bachelor's degree or a current employee who has the equivalent experience of a bachelor's degree. If the county board will employ a new employee, the county board shall include in the component a timeline for employing the employee. 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. 43586
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(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;

(2) Submit the component required by division (A)(3) of this section to the department not later than November 1, 2001.

(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.

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 43630
retardation or other developmental disability who resides in the 43631
county that the county board serves and seeks or receives home and 43632
community-based services: 43633

(1) Perform assessments and evaluations of the individual. As 43634
part of the assessment and evaluation process, the county board 43635
shall do all of the following: 43636

(a) Make a recommendation to the department of mental 43637
retardation and developmental disabilities on whether the 43638
department should approve or deny the individual's application for 43639
the services, including on the basis of whether the individual 43640
needs the level of care an intermediate care facility for the 43641
mentally retarded provides; 43642

(b) If the individual's application is denied because of the 43643
county board's recommendation and the individual requests a 43644
hearing under section 5101.35 of the Revised Code, present, with 43645
the department of mental retardation and developmental 43646
disabilities or department of job and family services, whichever 43647
denies the application, the reasons for the recommendation and 43648
denial at the hearing; 43649

(c) If the individual's application is approved, recommend to 43650
the departments of mental retardation and developmental 43651
disabilities and job and family services the services that should 43652
be included in the individual's individualized service plan and, 43653
if either department approves, reduces, denies, or terminates a 43654
service included in the individual's individualized service plan 43655
under section 5111.871 of the Revised Code because of the county 43656
board's recommendation, present, with the department that made the 43657
approval, reduction, denial, or termination, the reasons for the 43658
recommendation and approval, reduction, denial, or termination at 43659
a hearing under section 5101.35 of the Revised Code. 43660

(2) If the individual has been identified by the department of mental retardation and developmental disabilities as an individual to receive priority for home and community-based services pursuant to division (D)(3) of section 5126.042 of the Revised Code, assist the department in expediting the transfer of the individual from an intermediate care facility for the mentally retarded or nursing facility to the home and community-based services; 43661
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(3) In accordance with the rules adopted under section 5126.046 of the Revised Code, perform the county board's duties under that section regarding assisting the individual's right to choose a qualified and willing provider of the services and, at a hearing under section 5101.35 of the Revised Code, present evidence of the process for appropriate assistance in choosing providers; 43669
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(4) Unless the county board provides the services under division (A)(5) of this section, contract with the person or government entity the individual chooses in accordance with section 5126.046 of the Revised Code to provide the services if the person or government entity is qualified and agrees to provide the services. The contract shall contain all the provisions required by section 5126.057 of the Revised Code and require the provider to agree to furnish, in accordance with the provider's medicaid provider agreement and for the authorized reimbursement rate, the services the individual requires. 43676
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(5) 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; 43686
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(6) 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. 43693
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(7) 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; 43699
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(8) Have an investigative agent conduct investigations under section 5126.313 of the Revised Code that concern the individual; 43705
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(9) Have a service and support administrator perform the duties under division (B)(9) of section 5126.15 of the Revised Code that concern the individual. 43707
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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: 43710
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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 services the services that should be included in the individual's 43720
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individualized service plan; 43724

(2) If the department of mental retardation and developmental 43725
disabilities or department of job and family services approves, 43726
reduces, denies, or terminates a service included in the 43727
individual's individualized service plan under section 5111.041 or 43728
5111.042 of the Revised Code because of the county board's 43729
recommendation under division (B)(1) of this section, present, 43730
with the department that made the approval, reduction, denial, or 43731
termination, the reasons for the recommendation and approval, 43732
reduction, denial, or termination at a hearing under section 43733
5101.35 of the Revised Code and inform the individual that the 43734
individual may file a complaint with the county board under 43735
section 5126.06 of the Revised Code at the same time the 43736
individual pursues an appeal under section 5101.35 of the Revised 43737
Code; 43738

(3) In accordance with rules the departments of mental 43739
retardation and developmental disabilities and job and family 43740
services shall adopt in accordance with Chapter 119. of the 43741
Revised Code governing the process for individuals to choose 43742
providers of medicaid case management services and habilitation 43743
center services, assist the individual in choosing the provider of 43744
the services. The rules shall provide for both of the following: 43745

(a) The county board providing the individual up-to-date 43746
information about qualified providers that the department of 43747
mental retardation and developmental disabilities shall make 43748
available to the county board; 43749

(b) If the individual chooses a provider who is qualified and 43750
willing to provide the services but is denied that provider, the 43751
individual receiving timely notice that the individual may request 43752
a hearing under section 5101.35 of the Revised Code and, at the 43753
hearing, the county board presenting evidence of the process for 43754
appropriate assistance in choosing providers. 43755

(4) Unless the county board provides the services under division (B)(5) of this section, contract with the person or government entity that the individual chooses in accordance with the rules adopted under division (B)(3) of this section to provide the services if the person or government entity is qualified and agrees to provide the services. The contract shall contain all the provisions required by section 5126.057 of the Revised Code and require the provider to agree to furnish, in accordance with the provider's medicaid provider agreement and for the authorized reimbursement rate, the services the individual requires.

(5) If the county board is certified under section 5123.041 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;

(6) Monitor the services provided to the individual. The monitoring shall include quality assurance activities. If the county board provides the services, the department of mental retardation and developmental disabilities shall also monitor the services.

(7) Develop with the individual and the provider of the individual's services, and with the approval of the departments of mental retardation and developmental disabilities and job and family services, implement an effective plan for coordinating the services in accordance with the individual's approved individualized service plan;

(8) Have an investigative agent conduct investigations under section 5126.313 of the Revised Code that concern the individual;

(9) Have a service and support administrator perform the

<u>duties under division (B)(9) of section 5126.15 of the Revised Code that concern the individual.</u>	43787 43788
<u>(C) A county board shall perform its medicaid local administrative authority under this section in accordance with all of the following:</u>	43789 43790 43791
<u>(1) The county board's plan that the department of mental retardation and developmental disabilities approves under section 5123.046 of the Revised Code;</u>	43792 43793 43794
<u>(2) All applicable federal and state laws;</u>	43795
<u>(3) All applicable policies of the departments of mental retardation and developmental disabilities and job and family services and the United States department of health and human services;</u>	43796 43797 43798 43799
<u>(4) The department of job and family services' supervision under its authority under section 5111.01 of the Revised Code to act as the single state medicaid agency;</u>	43800 43801 43802
<u>(5) The department of mental retardation and developmental disabilities' oversight.</u>	43803 43804
<u>(D) The departments of mental retardation and developmental disabilities and job and family services shall communicate with and provide training to county boards regarding medicaid local administrative authority granted by this section. The communication and training shall include issues regarding audit protocols and other standards established by the United States department of health and human services that the departments determine appropriate for communication and training. County boards shall participate in the training. The departments shall assess the county board's compliance against uniform standards that the departments shall establish.</u>	43805 43806 43807 43808 43809 43810 43811 43812 43813 43814 43815
<u>(E) A county board may not delegate its medicaid local</u>	43816

administrative authority granted under this section but may 43817
contract with a person or government entity, including a council 43818
of governments, for assistance with its medicaid local 43819
administrative authority. A county board that enters into such a 43820
contract shall notify the director of mental retardation and 43821
developmental disabilities. The notice shall include the tasks and 43822
responsibilities that the contract gives to the person or 43823
government entity. The person or government entity shall comply in 43824
full with all requirements to which the county board is subject 43825
regarding the person or government entity's tasks and 43826
responsibilities under the contract. The county remains ultimately 43827
responsible for the tasks and responsibilities. 43828

(F) A county board that has medicaid local administrative 43829
authority under this section shall, through the departments of 43830
mental retardation and developmental disabilities and job and 43831
family services, reply to, and cooperate in arranging compliance 43832
with, a program or fiscal audit or program violation exception 43833
that a state or federal audit or review discovers. The department 43834
of job and family services shall timely notify the department of 43835
mental retardation and developmental disabilities and the county 43836
board of any adverse findings. After receiving the notice, the 43837
county board, in conjunction with the department of mental 43838
retardation and developmental disabilities, shall cooperate fully 43839
with the department of job and family services and timely prepare 43840
and send to the department a written plan of correction or 43841
response to the adverse findings. The county board is liable for 43842
any adverse findings that result from an action it takes or fails 43843
to take in its implementation of medicaid local administrative 43844
authority. 43845

(G)(1) If the department of mental retardation and 43846
developmental disabilities or department of job and family 43847
services determines that a county board's implementation of its 43848

medicaid local administrative authority under this section is 43849
deficient, the department that makes the determination shall 43850
require that county board do the following: 43851

(a) If the deficiency affects the health, safety, or welfare 43852
of an individual with mental retardation or other developmental 43853
disability, correct the deficiency within twenty-four hours; 43854
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(b) If the deficiency does not affect the health, safety, or 43856
welfare of an individual with mental retardation or other 43857
developmental disability, receive technical assistance from the 43858
department or submit a plan of correction to the department that 43859
is acceptable to the department within sixty days and correct the 43860
deficiency within the time required by the plan of correction. 43861

(2) If the county board fails to correct a deficiency within 43862
the time required by division (G)(1) of this section to the 43863
satisfaction of the department, or submit an acceptable plan of 43864
correction within the time required by division (G)(1)(b) of this 43865
section, the department shall issue an order terminating the 43866
county board's medicaid local administrative authority over all or 43867
part of home and community-based services, medicaid managed care 43868
services, habilitation center services, all or part of two of 43869
those services, or all or part of all three of those services. The 43870
department shall provide a copy of the order to the board of 43871
county commissioners, probate judge, county auditor, and president 43872
and superintendent of the county board. The department shall 43873
specify in the order the medicaid local administrative authority 43874
that the department is terminating, the reason for the 43875
termination, and the county board's option and responsibilities 43876
under this division. 43877

A county board whose medicaid local administrative authority 43878
is terminated may, no later than thirty days after the department 43879
issues the termination order, recommend to the department that 43880

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 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. 43881
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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 case management services, or habilitation center services pursuant to a contract with any 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. 43892
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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 43909
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approves it, the contracting authority or administrative receiver shall implement the plan. 43913
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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 and funds the county board may use under division (B) of section 5126.056 of the Revised Code to pay the nonfederal share of the services that the county board is required by division (A) of that section to pay. The county board shall transfer control of the funds to the contracting authority or administrative 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 and 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 mandamus action may not require that the county board transfer any funds other than the funds the county board is required by division (G)(2) of this section to transfer. 43915
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The contracting authority or administrative receiver has the right to authorize the payment of bills in the same manner that the county board may authorize payment of bills under this chapter and section 319.16 of the Revised Code. 43936
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Sec. 5126.056. (A) A county board of mental retardation and developmental disabilities that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for home and community-based services shall pay the 43940
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nonfederal share of medicaid expenditures for such services 43944
provided to an individual with mental retardation or other 43945
developmental disability who the county board determines under 43946
section 5126.041 of the Revised Code is eligible for county board 43947
services unless division (C)(2) of section 5123.047 of the Revised 43948
Code requires the department of mental retardation and 43949
developmental disabilities to pay the nonfederal share. 43950

A county board that has medicaid local administrative 43951
authority under division (B) of section 5126.055 of the Revised 43952
Code for medicaid case management services shall pay the 43953
nonfederal share of medicaid expenditures for such services 43954
provided to an individual with mental retardation or other 43955
developmental disability who the county board determines under 43956
section 5126.041 of the Revised Code is eligible for county board 43957
services unless division (B)(2) of section 5123.047 of the Revised 43958
Code requires the department of mental retardation and 43959
developmental disabilities to pay the nonfederal share. 43960

A county board shall pay the nonfederal share of medicaid 43961
expenditures for habilitation center services when required to do 43962
so by division (D) of section 5111.041 of the Revised Code. 43963

(B) A county board may use the following funds to pay the 43964
nonfederal share of the services that the county board is required 43965
by division (A) of this section to pay: 43966

(1) To the extent consistent with the levy that generated the 43967
taxes, the following taxes: 43968

(a) Taxes levied pursuant to division (L) of section 5705.19 43969
of the Revised Code and section 5705.222 of the Revised Code; 43970

(b) Taxes levied under section 5705.191 of the Revised Code 43971
that the board of county commissioners allocates to the county 43972
board to pay the nonfederal share of the services. 43973

(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; 43974
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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; 43978
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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. 43981
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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 than were available for calendar year 2001, each county board shall provide, by the last day of calendar year 2001, assurances to the department of mental retardation and developmental disabilities that the county board will have for calendar year 2002 at least one-third of the value of one-half, effective mill levied in the county the preceding year available to pay the nonfederal share of the services that the county board is required by division (A) of this section to pay. 43984
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If by December 31, 2002, the United States secretary approves at least five hundred more slots for home and community-based services for calendar year 2003 than were available for calendar year 2002, each county board shall provide, by the last day of calendar year 2002, assurances to the department that the county board will have for calendar year 2003 at least two-thirds of the value of one-half, effective mill levied in the county the preceding year available to pay the nonfederal share of the services that the county board is required by division (A) of this section to pay. 43995
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If by December 31, 2003, the United States secretary approves 44005
at least five hundred more slots for home and community-based 44006
services for calendar year 2004 than were available for calendar 44007
year 2003, each county board shall provide, by the last day of 44008
calendar year 2003 and each calendar year thereafter, assurances 44009
to the department that the county board will have for calendar 44010
year 2004 and each calendar year thereafter at least the value of 44011
one-half, effective mill levied in the county the preceding year 44012
available to pay the nonfederal share of the services that the 44013
county board is required by division (A) of this section to pay. 44014

(D) Each year, each county board shall adopt a resolution 44015
specifying the amount of funds it will use in the next year to pay 44016
the nonfederal share of the services that the county board is 44017
required by division (A) of this section to pay. The amount 44018
specified shall be adequate to assure that the services will be 44019
available in the county in a manner that conforms to all 44020
applicable state and federal laws. A county board shall state in 44021
its resolution that the payment of the nonfederal share represents 44022
an ongoing financial commitment of the county board. A county 44023
board shall adopt the resolution in time for the county auditor to 44024
make the determination required by division (E) of this section. 44025

(E) Each year, a county auditor shall determine whether the 44026
amount of funds a county board specifies in the resolution it 44027
adopts under division (D) of this section will be available in the 44028
following year for the county board to pay the nonfederal share of 44029
the services that the county board is required by division (A) of 44030
this section to pay. The county auditor shall make the 44031
determination not later than the last day of the year before the 44032
year in which the funds are to be used. 44033

Sec. 5126.06. (A) Except as provided in division (B) of this 44034
section and section 5126.035 of the Revised Code, any person who 44035

has a complaint involving any of the programs, services, policies, 44036
or administrative practices of a county board of mental 44037
retardation and developmental disabilities or any of the entities 44038
under contract with the county board, may file a complaint with 44039
the board. Prior to commencing a civil action regarding the 44040
complaint, a person shall attempt to have the complaint resolved 44041
through the administrative resolution process established in the 44042
rules adopted under section 5123.043 of the Revised Code. After 44043
exhausting the administrative resolution process, the person may 44044
commence a civil action if the complaint is not settled to the 44045
person's satisfaction. 44046

(B) An employee of a county board may not file under this 44047
section a complaint related to the terms and conditions of 44048
employment of the employee. 44049

Sec. 5126.071. (A) As used in this section, "minority 44050
business enterprise" has the meaning given in division (E)(1) of 44051
section 122.71 of the Revised Code. 44052

(B) Any minority business enterprise that desires to bid on a 44053
contract under division (C) or (D) of this section shall first 44054
apply to the equal employment opportunity coordinator in the 44055
department of administrative services for certification as a 44056
minority business enterprise. The coordinator shall approve the 44057
application of any minority business enterprise that complies with 44058
the rules adopted under section 122.71 of the Revised Code. The 44059
coordinator shall prepare and maintain a list of minority business 44060
enterprises certified under this section. 44061

(C) From the contracts to be awarded for the purchases of 44062
equipment, materials, supplies, insurance, and nonprogram 44063
services, other than contracts entered into and exempt under 44064
sections 307.86 and 5126.05 of the Revised Code, each county board 44065
of mental retardation and developmental disabilities shall select 44066

a number of contracts with an aggregate value of approximately 44067
fifteen per cent of the total estimated value of such contracts to 44068
be awarded in the current calendar year. The board shall set aside 44069
the contracts so selected for bidding by minority business 44070
enterprises only. The bidding procedures for such contracts shall 44071
be the same as for all other contracts awarded under section 44072
307.86 of the Revised Code, except that only minority business 44073
enterprises certified and listed under division (B) of this 44074
section shall be qualified to submit bids. Contracts set aside and 44075
awarded under this section shall not include contracts for the 44076
purchase of ~~program~~ services such as direct and ancillary 44077
services, ~~or case management service and support administration,~~ 44078
residential services, and family ~~resource~~ support services. 44079

(D) To the extent that a board is authorized to enter into 44080
contracts for construction which are not exempt from the 44081
competitive bidding requirements of section 307.86 of the Revised 44082
Code, the board shall set aside a number of contracts the 44083
aggregate value of which equals approximately five per cent of the 44084
aggregate value of construction contracts for the current calendar 44085
year for bidding by minority business enterprises only. The 44086
bidding procedures for the contracts set aside for minority 44087
business enterprises shall be the same as for all other contracts 44088
awarded by the board, except that only minority business 44089
enterprises certified and listed under division (B) of this 44090
section shall be qualified to submit bids. 44091

Any contractor awarded a construction contract pursuant to 44092
this section shall make every effort to ensure that certified 44093
minority business subcontractors and ~~materialmen~~ materials 44094
suppliers participate in the contract. In the case of contracts 44095
specified in this division, the total value of subcontracts 44096
awarded to and materials and services purchased from minority 44097
businesses shall be at least ten per cent of the total value of 44098

the contract, wherever ~~possible~~ possible and whenever the 44099
contractor awards subcontracts or purchases materials or services. 44100

(E) In the case of contracts set aside under divisions (C) 44101
and (D) of this section, if no bid is submitted by a minority 44102
business enterprise, the contract shall be awarded according to 44103
normal bidding procedures. The board shall from time to time set 44104
aside such additional contracts as are necessary to replace those 44105
contracts previously set aside on which no minority business 44106
enterprise bid. 44107

(F) This section does not preclude any minority business 44108
enterprise from bidding on any other contract not specifically set 44109
aside for minority business enterprises. 44110

(G) Within ninety days after the beginning of each calendar 44111
year, each county board of mental retardation and developmental 44112
disabilities shall file a report with the department of mental 44113
retardation and developmental disabilities that shows for that 44114
calendar year the name of each minority business enterprise with 44115
which the board entered into a contract, the value and type of 44116
each such contract, the total value of contracts awarded under 44117
divisions (C) and (D) of this section, the total value of 44118
contracts awarded for the purchases of equipment, materials, 44119
supplies, or services, other than contracts entered into under the 44120
exemptions of sections 307.86 and 5126.05 of the Revised Code, and 44121
the total value of contracts entered into for construction. 44122

(H) Any person who intentionally misrepresents ~~himself~~ that 44123
person as owning, controlling, operating, or participating in a 44124
minority business enterprise for the purpose of obtaining 44125
contracts or any other benefits under this section shall be guilty 44126
of theft by deception as provided for in section 2913.02 of the 44127
Revised Code. 44128

Sec. 5126.08. (A) The director of mental retardation and 44129

developmental disabilities shall adopt rules in accordance with 44130
Chapter 119. of the Revised Code for all programs and services 44131
offered by a county board of mental retardation and developmental 44132
disabilities. Such rules shall include, but are not limited to, 44133
the following: 44134

(1) Determination of what constitutes a program or service; 44135

(2) Standards to be followed by a board in administering, 44136
providing, arranging, or operating programs and services; 44137

(3) Standards for determining the nature and degree of mental 44138
retardation, including mild mental retardation, or developmental 44139
disability; 44140

(4) Standards for determining eligibility for programs and 44141
services under sections 5126.042 and 5126.15 of the Revised Code; 44142

(5) Procedures for obtaining consent for the arrangement of 44143
services under section 5126.31 of the Revised Code and for 44144
obtaining signatures on individual service plans under that 44145
section; 44146

(6) Specification of the ~~case management services~~ service and 44147
support administration to be provided by a county board and 44148
standards for resolving grievances in connection with ~~case~~ 44149
~~management services~~ service and support administration; 44150

(7) Standards for the provision of environmental 44151
modifications, including standards that require adherence to all 44152
applicable state and local building codes; 44153

(8) Standards for the provision of specialized medical, 44154
adaptive, and assistive equipment, supplies, and supports. 44155

(B) The director shall be the final authority in determining 44156
the nature and degree of mental retardation or developmental 44157
disability. 44158

Sec. 5126.11. (A) As used in this section, "respite care" 44159
means appropriate, short-term, temporary care that is provided to 44160
a mentally retarded or developmentally disabled person to sustain 44161
the family structure or to meet planned or emergency needs of the 44162
family. 44163

(B) Subject to rules adopted by the director of mental 44164
retardation and developmental disabilities, and subject to the 44165
availability of money from state and federal sources, the county 44166
board of mental retardation and developmental disabilities shall 44167
establish a family support services program. Under such a program, 44168
the board shall make payments to an individual with mental 44169
retardation or other developmental disability or the family of an 44170
individual with mental retardation or other developmental 44171
disability who desires to remain in and be supported in the family 44172
home. Payments shall be made for all or part of costs incurred or 44173
estimated to be incurred for services that would promote 44174
self-sufficiency and normalization, prevent or reduce 44175
inappropriate institutional care, and further the unity of the 44176
family by enabling the family to meet the special needs of the 44177
individual and to live as much like other families as possible. 44178
Payments may be made in the form of reimbursement for expenditures 44179
or in the form of vouchers to be used to purchase services. 44180

(C) Payment shall not be made under this section to an 44181
individual or the individual's family if the individual is living 44182
in a residential facility that is providing residential services 44183
under contract with the department of mental retardation and 44184
developmental disabilities or a county board. 44185

(D) Payments may be made for the following services: 44186

(1) Respite care, in or out of the home; 44187

(2) Counseling, supervision, training, and education ~~for~~ of 44188
the individual, the individual's caregivers, and members of the 44189

individual's family that aid the family in providing proper care 44190
for the individual ~~and~~, provide for the special needs of the 44191
family, and assist in all aspects of the individual's daily 44192
living; 44193

(3) Special diets, purchase or lease of special equipment, or 44194
modifications of the home, if such diets, equipment, or 44195
modifications are necessary to improve or facilitate the care and 44196
living environment of the individual; 44197

(4) Providing support necessary for the individual's 44198
continued skill development, including such services as 44199
development of interventions to cope with unique problems that may 44200
occur within the complexity of the family, enrollment of the 44201
individual in special summer programs, provision of appropriate 44202
leisure activities, and other social skills development 44203
activities; 44204

(5) Any other services that are consistent with the purposes 44205
specified in division (B) of this section and specified in the 44206
individual's service plan. 44207

(E) In order to be eligible for payments under a family 44208
support services program, the individual or the individual's 44209
family must reside in the county served by the county board, and 44210
the individual must be in need of habilitation. Payments shall be 44211
adjusted for income in accordance with the payment schedule 44212
established in rules adopted under this section. Payments shall be 44213
made only after the county board has taken into account all other 44214
available assistance for which the individual or family is 44215
eligible. 44216

(F) Before incurring expenses for a service for which payment 44217
will be sought under a family support services program, the 44218
individual or family shall apply to the county board for a 44219
determination of eligibility and approval of the service. The 44220
service need not be provided in the county served by the county 44221

board. After being determined eligible and receiving approval for 44222
the service, the individual or family may incur expenses for the 44223
service or use the vouchers received from the county board for the 44224
purchase of the service. 44225

If the county board refuses to approve a service, an appeal 44226
may be made in accordance with rules adopted by the department 44227
under this section. 44228

(G) To be reimbursed for expenses incurred for approved 44229
services, the individual or family shall submit to the county 44230
board a statement of the expenses incurred accompanied by any 44231
evidence required by the board. To redeem vouchers used to 44232
purchase approved services, the entity that provided the service 44233
shall submit to the county board evidence that the service was 44234
provided and a statement of the charges. The county board shall 44235
make reimbursements and redeem vouchers no later than forty-five 44236
days after it receives the statements and evidence required by 44237
this division. 44238

(H) A county board shall consider the following objectives in 44239
carrying out a family support services program: 44240

(1) Enabling individuals to return to their families from an 44241
institution under the jurisdiction of the department of mental 44242
retardation and developmental disabilities; 44243

(2) Enabling individuals found to be subject to 44244
institutionalization by court order under section 5123.76 of the 44245
Revised Code to remain with their families with the aid of 44246
payments provided under this section; 44247

(3) Providing services to eligible children and adults 44248
currently residing in the community; 44249

(4) Providing services to individuals with developmental 44250
disabilities who are not receiving other services from the board. 44251

(I) The director shall adopt, and may amend and rescind, 44252
rules for the implementation of family support services programs 44253
by county boards. Such rules shall include the following: 44254

(1) A payment schedule adjusted for income; 44255

(2) A formula for distributing to county boards the money 44256
appropriated for family support services; 44257

(3) Standards for supervision, training, and quality control 44258
in the provision of respite care services; 44259

(4) Eligibility standards and procedures for providing 44260
temporary emergency respite care; 44261

(5) Procedures for hearing and deciding appeals made under 44262
division (F) of this section; 44263

(6) Requirements to be followed by county boards regarding 44264
reports submitted under division (K) of this section. 44265

Rules adopted under divisions (I)(1) and (2) of this section 44266
shall be adopted in accordance with section 111.15 of the Revised 44267
Code. Rules adopted under divisions (I)(3) to (6) of this section 44268
shall be adopted in accordance with Chapter 119. of the Revised 44269
Code. 44270

(J) All individuals certified by the superintendent of the 44271
county board as eligible for temporary emergency respite care in 44272
accordance with rules adopted under this section shall be 44273
considered eligible for temporary emergency respite care for not 44274
more than five days to permit the determination of eligibility for 44275
family support services. The requirements of divisions (E) and (F) 44276
of this section do not apply to temporary emergency respite care. 44277
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(K) On the first day of July of each year, the department of 44279
mental retardation and developmental disabilities shall distribute 44280
to county boards money appropriated for family support services. A 44281

county board shall use no more than seven per cent of the funds 44282
for administrative costs. Each county board shall submit reports 44283
to the department on payments made under this section. The reports 44284
shall be submitted at those times and in the manner specified in 44285
rules adopted under this section. 44286

(L) The county board shall not be required to make payments 44287
for family support services at a level that exceeds available 44288
state and federal funds for such payments. 44289

Sec. 5126.12. (A) As used in this section: 44290

(1) "Approved school age ~~unit~~ class" means a class ~~or unit~~ 44291
operated by a county board of mental retardation and developmental 44292
disabilities and ~~approved~~ funded by the ~~state board~~ department of 44293
education under ~~division (D)~~ of section ~~3317.05~~ 3317.20 of the 44294
Revised Code. 44295

(2) "Approved preschool unit" means a class or unit operated 44296
by a county board of mental retardation and developmental 44297
disabilities and approved by the state board of education under 44298
division (B) of section 3317.05 of the Revised Code. 44299

(3) "Active treatment" means a continuous treatment program, 44300
which includes aggressive, consistent implementation of a program 44301
of specialized and generic training, treatment, health services, 44302
and related services, that is directed toward the acquisition of 44303
behaviors necessary for an individual with mental retardation or 44304
other developmental disability to function with as much 44305
self-determination and independence as possible and toward the 44306
prevention of deceleration, regression, or loss of current optimal 44307
functional status. 44308

(4) "Eligible for active treatment" means that an individual 44309
with mental retardation or other developmental disability resides 44310
in an intermediate care facility for the mentally retarded 44311

certified under Title XIX of the "Social Security Act," 49 Stat. 44312
620 (1935), 42 U.S.C. 301, as amended; resides in a state 44313
institution operated by the department of mental retardation and 44314
developmental disabilities; or is enrolled in a home and 44315
community-based services waiver program administered by the 44316
department of mental retardation and developmental disabilities as 44317
part of the medical assistance program established under section 44318
5111.01 of the Revised Code. 44319

(5) "Community alternative funding system" means the program 44320
under which habilitation center services are reimbursed under the 44321
~~medical assistance~~ medicaid program pursuant to section 5111.041 44322
of the Revised Code and rules adopted under that section. 44323

~~(6) "Community employment program" means community employment 44324
services provided outside of a sheltered workshop setting under 44325
which the person earns competitive wages for the performance of 44326
work. 44327~~

~~(7) "Traditional adult services" means vocational and 44328
nonvocational activities conducted within a sheltered workshop or 44329
adult activity center or supportive home services. 44330~~

(B) Each county board of mental retardation and developmental 44331
disabilities shall certify to the director of mental retardation 44332
and developmental disabilities all of the following: 44333

(1) On or before the fifteenth day of October, the average 44334
daily membership for the first full week of programs and services 44335
during October receiving: 44336

(a) Early childhood services provided pursuant to section 44337
5126.05 of the Revised Code for children who are less than three 44338
years of age on the thirtieth day of September of the academic 44339
year; 44340

(b) Special education for handicapped children in approved 44341
school age ~~units~~ classes; 44342

(c) Adult services for persons sixteen years of age and older 44343
operated pursuant to section 5126.05 and division (B) of section 44344
5126.051 of the Revised Code. Separate counts shall be made for 44345
the following: 44346

(i) Persons enrolled in traditional adult services who are 44347
eligible for but not enrolled in active treatment under the 44348
community alternative funding system; 44349

(ii) Persons enrolled in traditional adult services who are 44350
eligible for and enrolled in active treatment under the community 44351
alternative funding system; 44352

(iii) Persons enrolled in traditional adult services but who 44353
are not eligible for active treatment under the community 44354
alternative funding system; 44355

(iv) Persons participating in community employment services. 44356
To be counted as participating in community employment services, a 44357
person must have spent an average of no less than ten hours per 44358
week in that employment during the preceding six months. 44359

(d) Other programs in the county for individuals with mental 44360
retardation and developmental disabilities that have been approved 44361
for payment of subsidy by the department of mental retardation and 44362
developmental disabilities. 44363

The membership in each such program and service in the county 44364
shall be reported on forms prescribed by the department of mental 44365
retardation and developmental disabilities. 44366

The department of mental retardation and developmental 44367
disabilities shall adopt rules defining full-time equivalent 44368
enrollees and for determining the average daily membership 44369
therefrom, except that certification of average daily membership 44370
in approved school age ~~units~~ classes shall be in accordance with 44371
rules adopted by the state board of education. The average daily 44372
membership figure shall be determined by dividing the amount 44373

representing the sum of the number of enrollees in each program or 44374
service in the week for which the certification is made by the 44375
number of days the program or service was offered in that week. No 44376
enrollee may be counted in average daily membership for more than 44377
one program or service. 44378

(2) By the fifteenth day of December, the number of children 44379
enrolled in approved preschool units on the first day of December; 44380

(3) On or before the thirtieth day of March, an itemized 44381
report of all income and operating expenditures for the 44382
immediately preceding calendar year, in the format specified by 44383
the department of mental retardation and developmental 44384
disabilities; 44385

(4) By the fifteenth day of February, a report of the total 44386
annual cost per enrollee for operation of programs and services in 44387
the preceding calendar year. The report shall include a grand 44388
total of all programs operated, the cost of the individual 44389
programs, and the sources of funds applied to each program. 44390

(5) That each required certification and report is in 44391
accordance with rules established by the department of mental 44392
retardation and developmental disabilities and the state board of 44393
education for the operation and subsidization of the programs and 44394
services. 44395

(C) To compute payments under this section to the board for 44396
the fiscal year, the department of mental retardation and 44397
developmental disabilities shall use the certification of average 44398
daily membership required by division (B)(1) of this section 44399
exclusive of the average daily membership in any approved school 44400
age ~~unit~~ class and the number in any approved preschool unit. 44401

(D) The department shall pay each county board for each 44402
fiscal year an amount equal to nine hundred fifty dollars times 44403
the certified number of persons who on the first day of December 44404

of the academic year are under three years of age and are not in 44405
an approved preschool unit. For persons who are at least age 44406
sixteen and are not in an approved school age unit class, the 44407
department shall pay each county board for each fiscal year the 44408
following amounts: 44409

(1) One thousand dollars times the certified average daily 44410
membership of persons enrolled in traditional adult services who 44411
are eligible for but not enrolled in active treatment under the 44412
community alternative funding system; 44413

(2) One thousand two hundred dollars times the certified 44414
average daily membership of persons enrolled in traditional adult 44415
services who are eligible for and enrolled in active treatment 44416
under the community alternative funding system; 44417

(3) No less than one thousand five hundred dollars times the 44418
certified average daily membership of persons enrolled in 44419
traditional adult services but who are not eligible for active 44420
treatment under the community alternative funding system; 44421

(4) No less than one thousand five hundred dollars times the 44422
certified average daily membership of persons participating in 44423
community employment services. 44424

(E) The department shall distribute this subsidy to county 44425
boards in semiannual installments of equal amounts. The 44426
installments shall be made not later than the thirty-first day of 44427
August and the thirty-first day of January. 44428

(F) The director of mental retardation and developmental 44429
disabilities shall make efforts to obtain increases in the 44430
subsidies for early childhood services and adult services so that 44431
the amount of the subsidies is equal to at least fifty per cent of 44432
the statewide average cost of those services minus any applicable 44433
federal reimbursements for those services. The director shall 44434
advise the director of budget and management of the need for any 44435

such increases when submitting the biennial appropriations request 44436
for the department. 44437

(G) In determining the reimbursement of a county board for 44438
the provision of ~~case management and~~ service and support 44439
administration, family support services, and other services 44440
required or approved by the director for which children three 44441
through twenty-one years of age are eligible, the department shall 44442
include the average daily membership in approved school age or 44443
preschool units. The department, in accordance with this section 44444
and upon receipt and approval of the certification required by 44445
this section and any other information it requires to enable it to 44446
determine a board's payments, shall pay the agency providing the 44447
specialized training the amounts payable under this section. 44448

Sec. 5126.14. The entity responsible for the habilitation 44449
management included in adult day habilitation services the program 44450
management included in, residential services, and the program 44451
management included in supported living shall provide 44452
administrative oversight by doing all of the following: 44453

(A) Having available supervisory personnel to monitor and 44454
ensure implementation of all interventions in accordance with 44455
every individual service plan implemented by the staff who work 44456
with the individuals receiving the services; 44457

(B) Providing appropriate training and technical assistance 44458
for all staff who work with the individuals receiving services; 44459

(C) Communicating with service and support administration 44460
staff for the purpose of coordinating activities to ensure that 44461
services are provided to individuals in accordance with individual 44462
service plans and intended outcomes; 44463

(D) Monitoring for major unusual incidents and cases of 44464
abuse, neglect, or exploitation involving the individual under the 44465

care of staff who are providing the services; taking immediate 44466
actions as necessary to maintain the health, safety, and welfare 44467
of the individuals receiving the services; and providing notice of 44468
major unusual incidents and suspected cases of abuse, neglect, or 44469
exploitation to the investigative agent for the county board of 44470
mental retardation and developmental disabilities; 44471

(E) Performing other administrative duties as required by 44472
state or federal law or by the county board of mental retardation 44473
and developmental disabilities through contracts with providers. 44474

Sec. 5126.15. (A) A county board of mental retardation and 44475
developmental disabilities shall provide ~~the case management~~ 44476
~~services specified in rules adopted by the department of mental~~ 44477
~~retardation and developmental disabilities under section 5126.08~~ 44478
~~of the Revised Code to individuals who are eligible for other~~ 44479
~~programs and services. A county board shall make determinations of~~ 44480
~~eligibility for case management services in accordance with~~ 44481
~~standards established in rules adopted by the department under~~ 44482
~~section 5126.08 of the Revised Code.~~ 44483

~~Case management services shall be a mechanism to improve the~~ 44484
~~quality and appropriateness of services rendered to individuals.~~ 44485
~~In carrying out case management responsibilities, including~~ 44486
~~monitoring the provision of services to individuals, case managers~~ 44487
~~shall be impartial toward all providers of services and shall show~~ 44488
~~no preference toward any provider.~~ 44489

~~(B) A county board may provide case management services~~ 44490
~~directly or by contracting for the provision of services with~~ 44491
~~other public or private, nonprofit or profit-making agencies or~~ 44492
~~organizations. The county board or the agency or organization with~~ 44493
~~which the board contracts for case management services shall~~ 44494
~~establish a separate service unit for case management, responsible~~ 44495
~~directly to the superintendent of the county board and independent~~ 44496

~~of all other programs of the county board, agency, or
organization.~~ 44497
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~~Persons employed as county board case managers shall be
assigned no program duties by the county board. County board case
managers service and support administration to each individual who
is eligible for other services of the board. A board may provide
service and support administration to an individual who is not
eligible for other services of the board. Service and support
administration shall be provided in accordance with rules adopted
under section 5126.08 of the Revised Code.~~ 44499
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~~A board may provide service and support administration by
directly employing service and support administrators or by
contracting with entities for the performance of service and
support administration. Individuals employed or under contract as
service and support administrators shall not be in the same
collective bargaining unit as employees who perform duties that
are not administrative.~~ 44507
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~~Individuals employed by a board as service and support
administrators shall not be assigned responsibilities for
implementing services for individuals and shall not be employed by
or serve in a decision-making or policy-making capacity for any
other ~~agency or organization~~ entity that provides programs or
services to individuals with mental retardation or developmental
disabilities. An individual employed as a conditional status
service and support administrator shall perform the duties of
service and support administration only under the supervision of a
management employee who is a service and support administration
supervisor or a professional employee who is a service and support
administrator.~~ 44514
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~~A county board that is a party to an agreement with other
county boards or other agencies or organizations under which
facilities, programs, or services are operated or provided shall~~ 44526
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~~establish a clear policy regarding the relationships between the case managers and the boards, agencies, or organizations that are parties to the agreement.~~ 44529
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~~(C) Each county board shall develop procedures, in accordance with rules adopted by the department of mental retardation and developmental disabilities, for the resolution of grievances in connection with case management services.~~ 44532
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~~(D)~~ (B) The individuals employed by or under contract with a board to provide service and support administration shall do all of the following: 44536
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(1) Establish an individual's eligibility for the services of the county board of mental retardation and developmental disabilities; 44539
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(2) Assess individual needs for services; 44542

(3) Develop individual service plans with the active participation of the individual to be served, other persons selected by the individual, and, when applicable, the provider selected by the individual, and recommend the plans for approval by the department of mental retardation and developmental disabilities when services included in the plans are funded through medicaid; 44543
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(4) Establish budgets for services based on the individual's assessed needs and preferred ways of meeting those needs; 44550
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(5) Assist individuals in making selections from among the providers they have chosen; 44552
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(6) Ensure that services are effectively coordinated and provided by appropriate providers; 44554
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(7) Establish and implement an ongoing system of monitoring the implementation of individual service plans to achieve consistent implementation and the desired outcomes for the 44556
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individual; 44559

(8) Perform quality assurance reviews as a distinct function 44560
of service and support administration; 44561

(9) Incorporate the results of quality assurance reviews and 44562
identified trends and patterns of unusual incidents and major 44563
unusual incidents into amendments of an individual's service plan 44564
for the purpose of improving and enhancing the quality and 44565
appropriateness of services rendered to the individual; 44566

(10) Ensure that each individual receiving services has a 44567
designated person who is responsible on a continuing basis for 44568
providing the individual with representation, advocacy, advice, 44569
and assistance related to the day-to-day coordination of services 44570
in accordance with the individual's service plan. The service and 44571
support administrator shall give the individual receiving services 44572
an opportunity to designate the person to provide daily 44573
representation. If the individual declines to make a designation, 44574
the administrator shall make the designation. In either case, the 44575
individual receiving services may change at any time the person 44576
designated to provide daily representation. 44577

(C) Subject to available funds, the department of mental 44578
retardation and developmental disabilities shall pay a county 44579
board an annual subsidy for ~~case management services if the ratio~~ 44580
~~of the board's average daily membership certified under section~~ 44581
~~5126.12 of the Revised Code to the number of case managers~~ 44582
~~employed by the board is at least equal to the minimum ratio~~ 44583
~~specified in rules the Department shall adopt in accordance with~~ 44584
~~Chapter 119. of the Revised Code~~ service and support 44585
administration. The amount of the subsidy shall be equal to the 44586
greater of twenty thousand dollars or two hundred dollars times 44587
the board's certified average daily membership. The payments shall 44588
be made in semiannual installments, which shall be made no later 44589
than the thirty-first day of August and the thirty-first day of 44590

January. Funds received shall be used solely for ~~case management~~ 44591
~~services~~ service and support administration. 44592

Sec. 5126.16. As used in sections 5126.16 to 5126.18 of the 44593
Revised Code: 44594

(A) "Taxable value" means the total taxable value of real and 44595
public utility property and of tangible personal property in a 44596
county as shown on the county auditor's tax lists. 44597

(B) "Taxes" means the total taxes levied pursuant to division 44598
(L) of section 5705.19 of the Revised Code or pursuant to that 44599
section and section 5705.222, as shown on the preceding year's tax 44600
lists of real and public utility property and tangible personal 44601
property, after making the reductions required by section 319.301 44602
of the Revised Code. 44603

(C) "Enrollment" means a county board of mental retardation 44604
and developmental disabilities' average daily membership of 44605
programs and services as certified under divisions (B)(1)(a), (b), 44606
and (c) and (B)(2) of section 5126.12 of the Revised Code, 44607
exclusive of individuals who are served solely through ~~case~~ 44608
~~management~~ service and support administration provided pursuant to 44609
section 5126.15 of the Revised Code or family support services 44610
provided pursuant to ~~sections~~ section 5126.11 ~~and 5126.15~~ of the 44611
Revised Code. 44612

(D) "Effective tax rate" for a county board means a fraction, 44613
the numerator of which is the county board's taxes and the 44614
denominator of which is the county board's taxable value. 44615

(E) "Local revenue factor" means a county board's taxes 44616
divided by the lesser of the aggregate rate of tax authorized to 44617
be levied by the board of county commissioners pursuant to 44618
division (L) of section 5705.19 and section 5705.222 of the 44619
Revised Code or the aggregate rate of tax authorized pursuant to 44620
that division and that section and certified to the county auditor 44621

under section 319.30 of the Revised Code. 44622

(F) "Hypothetical local revenue per enrollee" means the 44623
quotient obtained by dividing a county board's local revenue 44624
factor by its enrollment. 44625

(G) "Hypothetical statewide average revenue per enrollee" 44626
means the quotient obtained by dividing the sum of all county 44627
boards' local revenue factors by the total enrollment of all 44628
county boards. 44629

(H) "Infant and adult enrollment" means a county board of 44630
mental retardation and developmental disabilities' total average 44631
daily membership of programs and services as certified under 44632
divisions (B)(1)(a) and (c) of section 5126.12 of the Revised 44633
Code, exclusive of individuals who are served solely through ~~case~~ 44634
management service and support administration provided pursuant to 44635
section 5126.15 of the Revised Code or family support services 44636
provided pursuant to ~~sections~~ section 5126.11 ~~and 5126.15~~ of the 44637
Revised Code. 44638

Sec. 5126.18. (A) The department of mental retardation and 44639
developmental disabilities ~~may~~ shall pay to each county board of 44640
mental retardation and developmental disabilities whose 44641
hypothetical local revenue per enrollee is less than the 44642
hypothetical statewide average revenue per enrollee the amount 44643
computed under division (B) of this section. ~~If this section is~~ 44644
~~implemented in any year, payments~~ Payments shall be made on or 44645
before the thirtieth day of September. 44646

(B) Except as provided in division (C) of this section, the 44647
amount to be paid to a county board shall be equal to the 44648
following: 44649

(1) If the county board's effective tax rate is equal to or 44650
greater than one mill, the product obtained by multiplying the 44651

following two quantities: 44652

(a) The amount by which the hypothetical statewide average 44653
revenue per enrollee exceeds the county board's hypothetical local 44654
revenue per enrollee; 44655

(b) The county board's infant and adult enrollment. 44656

(2) If the county board's effective tax rate is less than one 44657
mill, the product obtained by multiplying the following three 44658
quantities: 44659

(a) The amount by which the hypothetical statewide average 44660
revenue per enrollee exceeds the county board's hypothetical local 44661
revenue per enrollee; 44662

(b) The county board's infant and adult enrollment; 44663

(c) The quotient obtained by dividing the county board's 44664
effective tax rate by one mill. 44665

(C)(1) For each individual who is enrolled in active 44666
treatment under the community alternative funding system as 44667
defined in section 5126.12 of the Revised Code, the department may 44668
reduce the portion of the payment made under this section for that 44669
individual by fifty per cent or less. 44670

(2) If, in any year, an appropriation by the general assembly 44671
to the department for purposes of this section is less than the 44672
total amount required to make, in full, the payments as determined 44673
under and authorized by this section, the department shall pay 44674
each county board the same percentage of the board's payment as 44675
determined under this section without regard to this division that 44676
the amount of the appropriation available for purposes of this 44677
section is of the total amount of payments as determined under 44678
this section without regard to this division. 44679

(3) Payments made to a county board pursuant to this section 44680
shall not exceed thirty per cent of the payments made to that 44681

board pursuant to section 5126.12 of the Revised Code. 44682

(D) Payments made under this section are supplemental to all 44683
other state or federal funds for which county boards are eligible 44684
and shall be made from funds appropriated for purposes of this 44685
section. ~~The A county board shall use the payments shall be used~~ 44686
~~solely for the development and implementation of early~~ 44687
~~intervention services for individuals included in the board's~~ 44688
~~infant enrollment and adult services for individuals included in~~ 44689
~~the board's adult enrollment to pay the nonfederal share of~~ 44690
~~medicaid expenditures that division (A) of section 5126.056 of the~~ 44691
~~Revised Code requires the county board to pay.~~ 44692

(E) Each county board that receives a payment under this 44693
section shall, for each year it receives a payment, certify to the 44694
department that it will make a good faith effort to obtain 44695
revenues, including federal funds, for services to individuals 44696
included in its infant and adult enrollment. 44697

Sec. 5126.19. (A) The director of mental retardation and 44698
developmental disabilities may grant temporary funding from the 44699
community mental retardation and developmental disabilities trust 44700
fund to a county board of mental retardation and developmental 44701
disabilities. With the consent of the county board, the director 44702
may distribute all or part of the funding directly to the persons 44703
who provide the services for which the funding is granted. 44704

(B) Funding granted under this section shall be granted 44705
according to the availability of moneys in the fund and priorities 44706
established by the director. Funding may be granted for any of the 44707
following purposes: 44708

(1) Behavioral or short-term interventions for persons with 44709
mental retardation or developmental disabilities that assist them 44710
in remaining in the community by preventing institutionalization; 44711

(2) Emergency respite care services, as defined in section 5126.11 of the Revised Code;	44712 44713
(3) Family support services provided under section 5126.11 of the Revised Code;	44714 44715
(4) Supported living, as defined in section 5126.01 of the Revised Code;	44716 44717
(5) Staff training for county board employees, employees of providers of residential services as defined in section 5126.01 of the Revised Code, and other personnel under contract with a county board, to provide the staff with necessary training in serving mentally retarded or developmentally disabled persons in the community;	44718 44719 44720 44721 44722 44723
(6) Short-term provision of early childhood services provided under section 5126.05, adult services provided under sections 5126.05 and 5126.051, and case management services <u>service and support administration</u> provided under section 5126.15 of the Revised Code, when local moneys are insufficient to meet the need for such services due to the successive failure within a two-year period of three or more proposed levies for the services;	44724 44725 44726 44727 44728 44729 44730
(7) Contracts with providers of residential services to maintain persons with mental retardation and developmental disabilities in their programs and avoid institutionalization.	44731 44732 44733
(C) If the trust fund contains more than ten million dollars on the first day of July the director shall use one million dollars for payments under section 5126.12 of the Revised Code, one million dollars for payments under section 5126.18 of the Revised Code, and two million dollars for payments under section 5126.44 of the Revised Code. Distributions of funds under this division shall be made prior to August 31 of the state fiscal year in which the funds are available. The funds shall be distributed to a county board in an amount equal to the same percentage of the	44734 44735 44736 44737 44738 44739 44740 44741 44742

total amount distributed for the services that the county board 44743
received in the immediately preceding state fiscal year. 44744

Sec. 5126.20. As used in this section and sections 5126.21 to 44745
5126.29 of the Revised Code: 44746

(A) "Service employee" means a person employed by a county 44747
board of mental retardation and developmental disabilities in a 44748
position which may require evidence of registration under section 44749
5126.25 of the Revised Code but for which a bachelor's degree from 44750
an accredited college or university is not required, and includes 44751
employees in the positions listed in division (C) of section 44752
5126.22 of the Revised Code. 44753

(B) "Professional employee" means a person employed by a 44754
board in a position for which either a bachelor's degree from an 44755
accredited college or university or a license or certificate 44756
issued under Title XLVII of the Revised Code is a minimum 44757
requirement, except in the case of a person employed as a 44758
conditional status service and support administrator for which an 44759
appropriate associate degree is the minimum requirement, and 44760
includes employees in the positions listed in division (B) of 44761
section 5126.22 of the Revised Code. 44762

(C) "Management employee" means a person employed by a board 44763
in a position having supervisory or managerial responsibilities 44764
and duties, and includes employees in the positions listed in 44765
division (A) of section 5126.22 of the Revised Code. 44766

(D) "Limited contract" means a contract of limited duration 44767
which is renewable at the discretion of the superintendent. 44768

(E) "Continuing contract" means a contract of employment that 44769
was issued prior to June 24, 1988, to a classified employee under 44770
which the employee has completed his the employee's probationary 44771
period and under which he the employee retains his employment 44772

until ~~he~~ the employee retires or resigns, is removed pursuant to 44773
section 5126.23 of the Revised Code, or is laid off. 44774

(F) "Supervisory responsibilities and duties" includes the 44775
authority to hire, transfer, suspend, lay off, recall, promote, 44776
discharge, assign, reward, or discipline other employees of the 44777
board; to responsibly direct them; to adjust their grievances; or 44778
to effectively recommend such action, if the exercise of that 44779
authority is not of a merely routine or clerical nature but 44780
requires the use of independent judgment. 44781

(G) "Managerial responsibilities and duties" includes 44782
formulating policy on behalf of the board, responsibly directing 44783
the implementation of policy, assisting in the preparation for the 44784
conduct of collective negotiations, administering collectively 44785
negotiated agreements, or having a major role in personnel 44786
administration. 44787

(H) "Investigative agent" means an individual who conducts 44788
investigations under section 5126.313 of the Revised Code. 44789

Sec. 5126.22. (A) Employees who hold the following positions 44790
in a county board of mental retardation and developmental 44791
disabilities are management employees: 44792

assistant superintendent 44793

director of business 44794

director of personnel 44795

adult services director 44796

workshop director 44797

habilitation manager 44798

director of residential services 44799

principal (director of children services) 44800

program or service supervisor	44801
plant manager	44802
production manager	44803
case management <u>service and support administration</u> supervisor	44804
<u>investigative agent</u>	44805
confidential employees as defined in section 4117.01 of the Revised Code	44806 44807
positions designated by the director of mental retardation and developmental disabilities as having managerial or supervisory responsibilities and duties	44808 44809 44810
positions designated by the county board in accordance with division (D) of this section.	44811 44812
(B) Employees who hold the following positions in a board are professional employees:	44813 44814
personnel certified pursuant to Chapter 3319. of the Revised Code	44815 44816
early intervention specialist	44817
physical development specialist	44818
habilitation specialist	44819
work adjustment specialist	44820
placement specialist	44821
vocational evaluator	44822
psychologist	44823
occupational therapist	44824
speech and language pathologist	44825
recreation specialist	44826
behavior management specialist	44827

physical therapist	44828
supportive home services specialist	44829
licensed practical nurse or registered nurse	44830
rehabilitation counselor	44831
doctor of medicine and surgery or of osteopathic medicine and surgery	44832 44833
dentist	44834
<u>case manager service and support administrator</u>	44835
<u>conditional status service and support administrator</u>	44836
social worker	44837
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	44838 44839 44840 44841
professional positions designated by the director	44842
professional positions designated by the county board in accordance with division (D) of this section.	44843 44844
(C) Employees who hold positions in a board that are neither management positions nor professional positions are service employees. Service employee positions include:	44845 44846 44847
workshop specialist	44848
workshop specialist assistant	44849
contract procurement specialist	44850
community employment specialist	44851
any assistant to a professional employee certified to provide, or supervise the provision of, adult services or case management <u>service and support administration</u>	44852 44853 44854

service positions designated by the director 44855

service positions designated by a county board in accordance 44856
with division (D) of this section. 44857

(D) A county board may designate a position only if the 44858
position does not include directly providing, or supervising 44859
employees who directly provide, service or instruction to 44860
individuals with mental retardation or developmental disabilities. 44861

(E) If a county board desires to have a position established 44862
that is not specifically listed in this section that includes 44863
directly providing, or supervising employees who directly provide, 44864
services or instruction to individuals with mental retardation or 44865
developmental disabilities, the board shall submit to the director 44866
a written description of the position and request that the 44867
director designate the position as a management, professional, or 44868
service position under this section. The director shall consider 44869
each request submitted under this division and respond within 44870
thirty days. If the director approves the request, he the director 44871
shall designate the position as a management, professional, or 44872
service position. 44873

(F) A county board shall not terminate its employment of any 44874
management, professional, or service employee solely because a 44875
position is added to or eliminated from those positions listed in 44876
this section or because a position is designated or no longer 44877
designated by the director or a county board. 44878

Sec. 5126.221. Each county board of mental retardation and 44879
developmental disabilities shall employ at least one investigative 44880
agent or contract with a person or government entity, including 44881
another county board of mental retardation and developmental 44882
disabilities or a regional council established under section 44883
5126.13 of the Revised Code, for the services of an investigative 44884
agent. Neither a county board nor a person or government entity 44885

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.

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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.

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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
employees and uniform standards and procedures for the
registration of persons for employment by county boards as
registered service employees. As part of the rules, the director
may establish continuing education and professional training
requirements for renewal of certificates and evidence of
registration and shall establish such requirements for renewal of
an investigative agent certificate. In the rules, the director
shall establish certification standards for employment in the
position of investigative agent that require an individual to have
or obtain no less than an associate degree from an accredited
college or university or have or obtain comparable experience or
training. The director shall not adopt rules that require any
service employee to have or obtain a bachelor's or higher degree.

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The director shall adopt the rules in a manner that provides
for the issuance of certificates and evidence of registration

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according to categories, levels, and grades. The rules shall
describe each category, level, and grade.

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The rules adopted under this division shall apply to persons
employed or seeking employment in a position that includes
directly providing, or supervising persons who directly provide,
services or instruction to or on behalf of individuals with mental
retardation or developmental disabilities, except that the rules
shall not apply to persons who hold a valid license issued under
Chapter 3319. of the Revised Code and perform no duties other than
teaching or supervision of a teaching program or persons who hold
a valid license or certificate issued under Title XLVII of the
Revised Code and perform only those duties governed by the license
or certificate. The rules shall specify the positions that require
certification or registration. The rules shall specify that the
position of investigative agent requires certification.

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(B) The director shall adopt rules in accordance with Chapter
119. of the Revised Code establishing standards for approval of
courses of study to prepare persons to meet certification
requirements. The director shall approve courses of study meeting
the standards and provide for the inspection of the courses to
ensure the maintenance of satisfactory training procedures. The
director shall approve courses of study only if given by a state
university or college as defined in section 3345.32 of the Revised
Code, a state university or college of another state, or an
institution that has received a certificate of authorization to
confer degrees from the board of regents pursuant to Chapter 1713.
of the Revised Code or from a comparable agency of another state.

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(C) Each applicant for a certificate for employment or
evidence of registration for employment by a county board shall
apply to the department of mental retardation and developmental
disabilities on forms that the director of the department shall

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prescribe and provide. The application shall be accompanied by the 44949
application fee established in rules adopted under this section. 44950
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(D) The director shall issue a certificate for employment to 44952
each applicant who meets the standards for certification 44953
established under this section and shall issue evidence of 44954
registration for employment to each applicant who meets the 44955
standards for registration established under this section. Each 44956
certificate or evidence of registration shall state the category, 44957
level, and grade for which it is issued. 44958

The director shall issue, renew, deny, suspend, or revoke 44959
certificates and evidence of registration in accordance with rules 44960
adopted under this section. The director shall deny, suspend, or 44961
revoke a certificate or evidence of registration if the director 44962
finds, pursuant to an adjudication conducted in accordance with 44963
Chapter 119. of the Revised Code, that the applicant for or holder 44964
of the certificate or evidence of registration is guilty of 44965
intemperate, immoral, or other conduct unbecoming to the 44966
applicant's or holder's position, or is guilty of incompetence or 44967
negligence within the scope of the applicant's or holder's duties. 44968
The director shall deny or revoke a certificate or evidence of 44969
registration if the director finds, pursuant to an adjudication 44970
conducted in accordance with Chapter 119. of the Revised Code, 44971
that the applicant for or holder of the certificate or evidence of 44972
registration has been convicted of or pleaded guilty to any of the 44973
offenses described in division (E) of section 5126.28 of the 44974
Revised Code, unless the individual meets standards for 44975
rehabilitation that the director establishes in the rules adopted 44976
under that section. Evidence supporting such allegations shall be 44977
presented to the director in writing and the director shall 44978
provide prompt notice of the allegations to the person who is the 44979
subject of the allegations. A denial, suspension, or revocation 44980

may be appealed in accordance with procedures the director shall 44981
establish in the rules adopted under this section. 44982

(E)(1) A person holding a valid certificate under this 44983
section on the effective date of any rules adopted under this 44984
section that increase certification standards shall have such 44985
period as the rules prescribe, but not less than one year after 44986
the effective date of the rules, to meet the new certification 44987
standards. 44988

A person who is registered under this section on the 44989
effective date of any rule that changes the standards adopted 44990
under this section shall have such period as the rules prescribe, 44991
but not less than one year, to meet the new registration 44992
standards. 44993

(2) If an applicant for a certificate for employment has not 44994
completed the courses of instruction necessary to meet the 44995
department's standards for certification, the department shall 44996
inform the applicant of the courses the applicant must 44997
successfully complete to meet the standards and shall specify the 44998
time within which the applicant must complete the courses. The 44999
department shall grant the applicant at least one year to complete 45000
the courses and shall not require the applicant to complete more 45001
than four courses in any one year. The applicant is not subject to 45002
any changes regarding the courses required for certification that 45003
are made after the department informs the applicant of the courses 45004
the applicant must complete, unless the applicant does not 45005
successfully complete the courses within the time specified by the 45006
department. 45007

(F) A person who holds a certificate or evidence of 45008
registration, other than one designated as temporary, is qualified 45009
to be employed according to that certificate or evidence of 45010
registration by any county board. 45011

(G) The director shall monitor county boards to ensure that 45012
their employees who must be certified or registered are 45013
appropriately certified or registered and performing those 45014
functions they are authorized to perform under their certificate 45015
or evidence of registration. 45016

(H) A county board superintendent or the superintendent's 45017
designee may certify to the director that county board employees 45018
who are required to meet continuing education or professional 45019
training requirements as a condition of renewal of certificates or 45020
evidence of registration have met the requirements. The 45021
superintendent or the superintendent's designee shall maintain in 45022
appropriate personnel files evidence acceptable to the director 45023
that the employees have met the requirements and permit 45024
representatives of the department access to the evidence on 45025
request. 45026

(I) All fees collected pursuant to this section shall be 45027
deposited in the state treasury to the credit of the employee 45028
certification and registration fund, which is hereby created. 45029
Money credited to the fund shall be used solely for the operation 45030
of the certification and registration program established under 45031
this section and for providing continuing training to county board 45032
employees. 45033

(J) Employees of entities that contract with county boards of 45034
mental retardation and developmental disabilities to operate 45035
programs and services for individuals with mental retardation and 45036
developmental disabilities are subject to the certification and 45037
registration requirements established under section 5123.082 of 45038
the Revised Code. 45039

Sec. 5126.31. (A) A county board of mental retardation and 45040
developmental disabilities shall review reports of abuse and 45041
neglect made under section 5123.61 of the Revised Code and reports 45042

referred to it under section 5101.611 of the Revised Code to 45043
determine whether the person who is the subject of the report is 45044
an adult with mental retardation or a developmental disability in 45045
need of services to deal with the abuse or neglect. The board 45046
shall give notice of each report to the registry office of the 45047
department of mental retardation and developmental disabilities 45048
established pursuant to section 5123.61 of the Revised Code on the 45049
first working day after receipt of the report. If the report 45050
alleges that there is a substantial risk to the adult of immediate 45051
physical harm or death, the board shall initiate review within 45052
twenty-four hours of its receipt of the report. If the board 45053
determines that the person is sixty years of age or older but does 45054
not have mental retardation or a developmental disability, it 45055
shall refer the case to the county department of job and family 45056
services. If the board determines that the person is an adult with 45057
mental retardation or a developmental disability, it shall 45058
continue its review of the case. 45059

(B) For each review over which the board retains 45060
responsibility under division (A) of this section, it shall do all 45061
of the following: 45062

(1) Give both written and oral notice of the purpose of the 45063
review to the adult and, if any, to the adult's legal counsel or 45064
caretaker, in simple and clear language; 45065

(2) Visit the adult, in the adult's residence if possible, 45066
and explain the notice given under division (B)(1) of this 45067
section; 45068

(3) Request from the registry office any prior reports 45069
concerning the adult or other principals in the case; 45070

(4) Consult, if feasible, with the person who made the report 45071
under section 5101.61 or 5123.61 of the Revised Code and with any 45072
agencies or persons who have information about the alleged abuse 45073
or neglect; 45074

(5) Cooperate fully with the law enforcement agency 45075
responsible for investigating the report and for filing any 45076
resulting criminal charges and, on request, turn over evidence to 45077
the agency; 45078

(6) Determine whether the adult needs services, and prepare a 45079
written report stating reasons for the determination. No adult 45080
shall be determined to be abused, neglected, or in need of 45081
services for the sole reason that, in lieu of medical treatment, 45082
the adult relies on or is being furnished spiritual treatment 45083
through prayer alone in accordance with the tenets and practices 45084
of a church or religious denomination of which the adult is a 45085
member or adherent. 45086

(C) The board shall arrange for the provision of services for 45087
the prevention, correction or discontinuance of abuse or neglect 45088
or of a condition resulting from abuse or neglect for any adult 45089
who has been determined to need the services and consents to 45090
receive them. These services may include, but are not limited to, 45091
~~case management~~ service and support administration, fiscal 45092
management, medical, mental health, home health care, homemaker, 45093
legal, and residential services and the provision of temporary 45094
accommodations and necessities such as food and clothing. The 45095
services do not include acting as a guardian, trustee, or 45096
protector as defined in section 5123.55 of the Revised Code. If 45097
the provision of residential services would require expenditures 45098
by the department of mental retardation and developmental 45099
disabilities, the board shall obtain the approval of the 45100
department prior to arranging the residential services. 45101

To arrange services, the board shall: 45102

(1) Develop an individualized service plan identifying the 45103
types of services required for the adult, the goals for the 45104
services, and the persons or agencies that will provide them; 45105

(2) In accordance with rules established by the director of 45106
mental retardation and developmental disabilities, obtain the 45107
consent of the adult or the adult's guardian to the provision of 45108
any of these services and obtain the signature of the adult or 45109
guardian on the individual service plan. An adult who has been 45110
found incompetent under Chapter 2111. of the Revised Code may 45111
consent to services. If the board is unable to obtain consent, it 45112
may seek, if the adult is incapacitated, a court order pursuant to 45113
section 5126.33 of the Revised Code authorizing the board to 45114
arrange these services. 45115

(D) The board shall ensure that the adult receives the 45116
services arranged by the board from the provider and shall have 45117
the services terminated if the adult withdraws consent. 45118

(E) On completion of a review, the board shall submit a 45119
written report to the registry office established under section 45120
5123.61 of the Revised Code. If the report includes a finding that 45121
a person with mental retardation or a developmental disability is 45122
a victim of action or inaction that may constitute a crime under 45123
federal law or the law of this state, the board shall submit the 45124
report to the law enforcement agency responsible for investigating 45125
the report. Reports prepared under this section are not public 45126
records as defined in section 149.43 of the Revised Code. 45127
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(F) The board shall provide comprehensive formal training for 45129
employees and other persons authorized to implement the 45130
requirements of this section. 45131

Sec. 5126.311. (A) Notwithstanding the requirement of section 45132
5126.31 of the Revised Code that a county board of mental 45133
retardation and developmental disabilities review reports of abuse 45134
and neglect, ~~if the department of mental retardation and~~ 45135
~~developmental disabilities or a county board of mental retardation~~ 45136

~~and developmental disabilities determines that it would be~~ 45137
~~inappropriate for the county board to investigate a report of~~ 45138
~~abuse or neglect made under section 5123.61 of the Revised Code,~~ 45139
~~at the request of the department or county board,~~ one of the 45140
following government entities may, at the request of the county 45141
board or the department of mental retardation and developmental 45142
disabilities, shall review the report instead of the county board 45143
if circumstances specified in rules adopted under division (B) of 45144
this section exist: 45145

~~(A)(1)~~ Another county board of mental retardation and 45146
developmental disabilities; 45147

~~(B)(2)~~ The department; 45148

~~(C)(3)~~ A regional council of government established pursuant 45149
to Chapter 167. of the Revised Code; 45150

~~(D)(4)~~ Any other government entity authorized to investigate 45151
reports of abuse and neglect. 45152

(B) The director of mental retardation and developmental 45153
disabilities shall adopt rules in accordance with Chapter 119. of 45154
the Revised Code specifying circumstances under which it is 45155
inappropriate for a county board to review reports of abuse and 45156
neglect. 45157

Sec. 5126.313. (A) After reviewing a report of abuse or 45158
neglect under section 5126.31 of the Revised Code or a report of a 45159
major unusual incident made in accordance with rules adopted under 45160
section 5123.612 of the Revised Code, a county board of mental 45161
retardation and developmental disabilities shall conduct an 45162
investigation if circumstances specified in rules adopted under 45163
division (B) of this section exist. If the circumstances specified 45164
in the rules exist, the county board shall conduct the 45165
investigation in the manner specified by the rules. 45166

(B) The director of mental retardation and developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code specifying circumstances under which a county board shall conduct investigations under division (A) of this section and the manner in which the county board shall conduct the investigation. 45167
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Sec. 5126.32. If during the course of the review conducted 45173
under section 5126.31 of the Revised Code or the investigation 45174
conducted under section 5126.313 of the Revised Code, any person 45175
denies or obstructs the board's access to the residence of the 45176
adult who is the subject of ~~a report of abuse or neglect~~ the 45177
review or investigation, the board may file a petition with the 45178
probate court of the county in which the residence is located for 45179
a temporary restraining order, in accordance with Civil Rule 65, 45180
to prevent the denial or obstruction of access. If the court finds 45181
reasonable cause to believe that the adult is abused or neglected 45182
and that access to ~~his~~ the adult's residence has been denied or 45183
obstructed, the court shall issue a temporary order restraining 45184
the interference or obstruction. After the order has been 45185
obtained, at the request of the board, an officer of the law 45186
enforcement agency investigating the report shall accompany 45187
representatives of the board to the adult's residence. 45188

If a person refuses to allow or interferes with the provision 45189
of services described in division (C) of section 5126.31 of the 45190
Revised Code to an adult who has consented to them, the county 45191
board may file a petition with the probate court of the county in 45192
which the adult resides for appropriate injunctive relief in 45193
accordance with Civil Rule 65. 45194

Sec. 5126.357. (A) As used in this section: 45195

(1) "In-home care" means the supportive services provided 45196

within the home of an individual who receives funding for the 45197
services as a county board client, including any client who 45198
receives residential services funded through ~~the medical~~ 45199
~~assistance program's~~ home and or community-based services ~~waivers~~ 45200
~~administered by the department of mental retardation and~~ 45201
~~developmental disabilities~~, family support services provided under 45202
section 5126.11 of the Revised Code, or supported living provided 45203
in accordance with sections 5126.41 to 5126.47 of the Revised 45204
Code. "In-home care" includes care that is provided outside a 45205
client's home in places incidental to the home, and while 45206
traveling to places incidental to the home, except that "in-home 45207
care" does not include care provided in the facilities of a county 45208
board of mental retardation and developmental disabilities or care 45209
provided in schools. 45210

(2) "Parent" means either parent of a child, including an 45211
adoptive parent but not a foster parent. 45212

(3) "Unlicensed in-home care worker" means an individual who 45213
provides in-home care but is not a health care professional. A 45214
county board worker may be an unlicensed in-home care worker. 45215

(4) "Family member" means a parent, sibling, spouse, son, 45216
daughter, grandparent, aunt, uncle, cousin, or guardian of the 45217
individual with mental retardation or a developmental disability 45218
if the individual with mental retardation or developmental 45219
disabilities lives with the person and is dependent on the person 45220
to the extent that, if the supports were withdrawn, another living 45221
arrangement would have to be found. 45222

(B) Except as provided in division (D) of this section, a 45223
family member of an individual with mental retardation or a 45224
developmental disability may authorize an unlicensed in-home care 45225
worker to give or apply prescribed medication or perform other 45226
health care tasks as part of the in-home care provided to the 45227
individual, if the family member is the primary supervisor of the 45228

care and the unlicensed in-home care worker has been selected by 45229
the family member and is under the direct supervision of the 45230
family member. Sections 4723.62 and 5126.351 to 5126.356 of the 45231
Revised Code do not apply to the in-home care authorized by a 45232
family member under this section. Instead, a family member shall 45233
obtain a prescription, if applicable, and written instructions 45234
from a health care professional for the care to be provided to the 45235
individual. The family member shall authorize the unlicensed 45236
in-home care worker to provide the care by preparing a written 45237
document granting the authority. The family member shall provide 45238
the unlicensed in-home care worker with appropriate training and 45239
written instructions in accordance with the instructions obtained 45240
from the health care professional. 45241

(C) A family member who authorizes an unlicensed in-home care 45242
worker to give or apply prescribed medication or perform other 45243
health care tasks retains full responsibility for the health and 45244
safety of the individual receiving the care and for ensuring that 45245
the worker provides the care appropriately and safely. No entity 45246
that funds or monitors the provision of in-home care may be held 45247
liable for the results of the care provided under this section by 45248
an unlicensed in-home care worker, including such entities as the 45249
county board of mental retardation and developmental disabilities, 45250
any other entity that employs an unlicensed in-home care worker, 45251
and the department of mental retardation and developmental 45252
disabilities. 45253

An unlicensed in-home care worker who is authorized under 45254
this section by a family member to provide care to an individual 45255
may not be held liable for any injury caused in providing the 45256
care, unless the worker provides the care in a manner that is not 45257
in accordance with the training and instructions received or the 45258
worker acts in a manner that constitutes wanton or reckless 45259
misconduct. 45260

(D) A county board of mental retardation and developmental disabilities may evaluate the authority granted by a family member under this section to an unlicensed in-home care worker at any time it considers necessary and shall evaluate the authority on receipt of a complaint. If the board determines that a family member has acted in a manner that is inappropriate for the health and safety of the individual receiving the services, the authorization granted by the family member to an unlicensed in-home care worker is void, and the family member may not authorize other unlicensed in-home care workers to provide the care. In making such a determination, the board shall use appropriately licensed health care professionals and shall provide the family member an opportunity to file a complaint under section 5126.06 of the Revised Code.

Sec. 5126.431. (A) Pursuant to Chapter 119. of the Revised Code, the department of mental retardation and developmental disabilities shall adopt rules establishing standards and procedures for certification of persons ~~and government entities~~ that provide or propose to provide, under contract with ~~the department until July 1, 1995, or with~~ a county board of mental retardation and developmental disabilities, supported living for individuals with mental retardation or developmental disabilities. The rules shall allow a person to automatically satisfy a standard for certification under this section if the person holds a current, valid license under section 5123.19 of the Revised Code to operate a residential facility and had to satisfy the standard to obtain the residential facility license.

(B) Pursuant to Chapter 119. of the Revised Code, the department shall adopt rules establishing quality assurance standards for supported living provided to individuals by providers certified under this section.

(C) The rules adopted under this section shall include the following:	45292 45293
(1) Procedures for ensuring that providers comply with section 5126.281 of the Revised Code;	45294 45295
(2) Methods of evaluating the services provided and protecting the due process rights of any individual or entity affected by an evaluation or decision made pursuant to this section;	45296 45297 45298 45299
(3) Procedures for revoking certification.	45300
(D)(1) Providers shall be evaluated to ensure that services are provided in a quality manner advantageous to the individual receiving the services. When evaluations are conducted, the following shall be considered:	45301 45302 45303 45304
(a) The provider's experience and financial responsibility;	45305
(b) The ability to comply with program standards for supported living;	45306 45307
(c) The ability to meet the needs of the individuals served;	45308
(d) The ability to work cooperatively with the department, county boards, and other providers;	45309 45310
(e) Any other factor considered relevant.	45311
(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.	45312 45313 45314 45315 45316
(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,	45317 45318 45319 45320

nonfeasance, confirmed abuse or neglect, financial 45321
irresponsibility, or other conduct the department determines is 45322
injurious to individuals being served. 45323

Sec. 5139.01. (A) As used in this chapter: 45324

(1) "Commitment" means the transfer of the physical custody 45325
of a child or youth from the court to the department of youth 45326
services. 45327

(2) "Permanent commitment" means a commitment that vests 45328
legal custody of a child in the department of youth services. 45329

(3) "Legal custody," insofar as it pertains to the status 45330
that is created when a child is permanently committed to the 45331
department of youth services, means a legal status in which the 45332
department has the following rights and responsibilities: the 45333
right to have physical possession of the child; the right and duty 45334
to train, protect, and control the child; the responsibility to 45335
provide the child with food, clothing, shelter, education, and 45336
medical care; and the right to determine where and with whom the 45337
child shall live, subject to the minimum periods of, or periods 45338
of, institutional care prescribed in section 2151.355 of the 45339
Revised Code; provided, that these rights and responsibilities are 45340
exercised subject to the powers, rights, duties, and 45341
responsibilities of the guardian of the person of the child, and 45342
subject to any residual parental rights and responsibilities. 45343

(4) Unless the context requires a different meaning, 45344
"institution" means a state facility that is created by the 45345
general assembly and that is under the management and control of 45346
the department of youth services or a private entity with which 45347
the department has contracted for the institutional care and 45348
custody of felony delinquents. 45349

(5) "Full-time care" means care for twenty-four hours a day 45350
for over a period of at least two consecutive weeks. 45351

(6) "Placement" means the conditional release of a child 45352
under the terms and conditions that are specified by the 45353
department of youth services. The department shall retain legal 45354
custody of a child released pursuant to division (C) of section 45355
2151.38 of the Revised Code or division (C) of section 5139.06 of 45356
the Revised Code until the time that it discharges the child or 45357
until the legal custody is terminated as otherwise provided by 45358
law. 45359

(7) "Home placement" means the placement of a child in the 45360
home of the child's parent or parents or in the home of the 45361
guardian of the child's person. 45362

(8) "Discharge" means that the department of youth services' 45363
legal custody of a child is terminated. 45364

(9) "Release" means the termination of a child's stay in an 45365
institution and the subsequent period during which the child 45366
returns to the community under the terms and conditions of 45367
supervised release. 45368

(10) "Delinquent child" has the same meaning as in section 45369
2151.02 of the Revised Code. 45370

(11) "Felony delinquent" means any child who is at least 45371
twelve years of age but less than eighteen years of age and who is 45372
adjudicated a delinquent child for having committed an act that if 45373
committed by an adult would be a felony. "Felony delinquent" 45374
includes any adult who is between the ages of eighteen and 45375
twenty-one and who is in the legal custody of the department of 45376
youth services for having committed an act that if committed by an 45377
adult would be a felony. 45378

(12) "Juvenile traffic offender" has the same meaning as in 45379
section 2151.021 of the Revised Code. 45380

(13) "Public safety beds" means all of the following: 45381

(a) Felony delinquents who have been committed to the 45382
department of youth services for the commission of an act, other 45383
than a violation of section 2911.01 or 2911.11 of the Revised 45384
Code, that is a category one offense or a category two offense and 45385
who are in the care and custody of an institution or have been 45386
diverted from care and custody in an institution and placed in a 45387
community corrections facility; 45388

(b) Felony delinquents who, while committed to the department 45389
of youth services and in the care and custody of an institution or 45390
a community corrections facility, are adjudicated delinquent 45391
children for having committed in that institution or community 45392
corrections facility an act that if committed by an adult would be 45393
a felony; 45394

(c) Children who satisfy all of the following: 45395

(i) They are at least twelve years of age but less than 45396
eighteen years of age. 45397

(ii) They are adjudicated delinquent children for having 45398
committed acts that if committed by an adult would be a felony. 45399

(iii) They are committed to the department of youth services 45400
by the juvenile court of a county that has had one-tenth of one 45401
per cent or less of the statewide adjudications for felony 45402
delinquents as averaged for the past four fiscal years. 45403

(iv) They are in the care and custody of an institution or a 45404
community corrections facility. 45405

(d) Felony delinquents who, while committed to the department 45406
of youth services and in the care and custody of an institution, 45407
commit in that institution an act that if committed by an adult 45408
would be a felony, who are serving disciplinary time for having 45409
committed that act, and who have been institutionalized or 45410
institutionalized in a secure facility for the minimum period of 45411
time specified in division (A)(4) or (5) of section 2151.355 of 45412

the Revised Code. 45413

(e) Felony delinquents who are subject to and serving a 45414
three-year period of commitment order imposed by a juvenile court 45415
pursuant to division (A)(7) of section 2151.355 of the Revised 45416
Code for an act, other than a violation of section 2911.11 of the 45417
Revised Code, that would be a category one offense or category two 45418
offense if committed by an adult. 45419

(f) Felony delinquents who are described in divisions 45420
(A)(13)(a) to (e) of this section, who have been granted a 45421
judicial release under division (B) of section 2151.38 of the 45422
Revised Code or an early release under division (C) of that 45423
section from the commitment to the department of youth services 45424
for the act described in divisions (A)(13)(a) to (e) of this 45425
section, who have violated the terms and conditions of that 45426
judicial release or early release, and who, pursuant to an order 45427
of the court of the county in which the particular felony 45428
delinquent was placed on release that is issued pursuant to 45429
division (D) of section 2151.38 of the Revised Code, have been 45430
returned to the department for institutionalization or 45431
institutionalization in a secure facility. 45432

(g) Felony delinquents who have been committed to the custody 45433
of the department of youth services, who have been granted 45434
supervised release from the commitment pursuant to section 5139.51 45435
of the Revised Code, who have violated the terms and conditions of 45436
that supervised release, and who, pursuant to an order of the 45437
court of the county in which the particular child was placed on 45438
supervised release issued pursuant to division (F) of section 45439
5139.52 of the Revised Code, have had the supervised release 45440
revoked and have been returned to the department for 45441
institutionalization. A felony delinquent described in this 45442
division shall be a public safety bed only for the time during 45443
which the felony delinquent is institutionalized as a result of 45444

the revocation subsequent to the initial thirty-day period of 45445
institutionalization required by division (F) of section 5139.52 45446
of the Revised Code. 45447

(14) "State target youth" means twenty-five per cent of the 45448
projected total number of felony delinquents for each year of a 45449
biennium, factoring in revocations and recommitments. 45450

(15) Unless the context requires a different meaning, 45451
"community corrections facility" means a county or multicounty 45452
rehabilitation center for felony delinquents who have been 45453
committed to the department of youth services and diverted from 45454
care and custody in an institution and placed in the 45455
rehabilitation center pursuant to division (E) of section 5139.36 45456
of the Revised Code. 45457

(16) "Secure facility" means any facility that is designed 45458
and operated to ensure that all of its entrances and exits are 45459
under the exclusive control of its staff and to ensure that, 45460
because of that exclusive control, no child who has been 45461
institutionalized in the facility may leave the facility without 45462
permission or supervision. 45463

(17) "Community residential program" means a program that 45464
satisfies both of the following: 45465

(a) It is housed in a building or other structure that has no 45466
associated major restraining construction, including, but not 45467
limited to, a security fence. 45468

(b) It provides twenty-four-hour care, supervision, and 45469
programs for felony delinquents who are in residence. 45470

(18) "Category one offense" and "category two offense" have 45471
the same meanings as in section 2151.26 of the Revised Code. 45472

(19) "Disciplinary time" means additional time that the 45473
department of youth services requires a felony delinquent to serve 45474

in an institution, that delays the felony delinquent's planned 45475
release, and that the department imposes upon the felony 45476
delinquent following the conduct of an internal due process 45477
hearing for having committed any of the following acts while 45478
committed to the department and in the care and custody of an 45479
institution: 45480

(a) An act that if committed by an adult would be a felony; 45481

(b) An act that if committed by an adult would be a 45482
misdemeanor; 45483

(c) An act that is not described in division (A)(19)(a) or 45484
(b) of this section and that violates an institutional rule of 45485
conduct of the department. 45486

(20) "Unruly child" has the same meaning as in section 45487
2151.022 of the Revised Code. 45488

(21) "Revocation" means the act of revoking a child's 45489
supervised release for a violation of a term or condition of the 45490
child's supervised release in accordance with section 5139.52 of 45491
the Revised Code. 45492

(22) "Release authority" means the release authority of the 45493
department of youth services that is established by section 45494
5139.50 of the Revised Code. 45495

(23) "Supervised release" means the event of the release of a 45496
child under this chapter from an institution and the period after 45497
that release during which the child is supervised and assisted by 45498
an employee of the department of youth services under specific 45499
terms and conditions for reintegration of the child into the 45500
community. 45501

(24) "Victim" means the person identified in a police report, 45502
complaint, or information as the victim of an act that would have 45503
been a criminal offense if committed by an adult and that provided 45504

the basis for adjudication proceedings resulting in a child's 45505
commitment to the legal custody of the department of youth 45506
services. 45507

(25) "Victim's representative" means a member of the victim's 45508
family or another person whom the victim or another authorized 45509
person designates in writing, pursuant to section 5139.56 of the 45510
Revised Code, to represent the victim with respect to proceedings 45511
of the release authority of the department of youth services and 45512
with respect to other matters specified in that section. 45513

(26) "Member of the victim's family" means a spouse, child, 45514
stepchild, sibling, parent, stepparent, grandparent, other 45515
relative, or legal guardian of a child but does not include a 45516
person charged with, convicted of, or adjudicated a delinquent 45517
child for committing a criminal or delinquent act against the 45518
victim or another criminal or delinquent act arising out of the 45519
same conduct, criminal or delinquent episode, or plan as the 45520
criminal or delinquent act committed against the victim. 45521

(27) "Judicial release" means a release of a child from 45522
institutional care or institutional care in a secure facility that 45523
is granted by a court pursuant to division (B) of section 2151.38 45524
of the Revised Code during the period specified in that division. 45525

(28) "Early release" means a release of a child from 45526
institutional care or institutional care in a secure facility that 45527
is granted by a court pursuant to division (C) of section 2151.38 45528
of the Revised Code during the period specified in that division. 45529

(29) "Juvenile justice system" includes all of the functions 45530
of the juvenile courts, the department of youth services, any 45531
public or private agency whose purposes include the prevention of 45532
delinquency or the diversion, adjudication, detention, or 45533
rehabilitation of delinquent children, and any of the functions of 45534
the criminal justice system that are applicable to children. 45535

(30) "Metropolitan county criminal justice services agency" 45536
means an agency that is established pursuant to division (A) of 45537
section 181.54 of the Revised Code. 45538

(31) "Administrative planning district" means a district that 45539
is established pursuant to division (A) or (B) of section 181.56 45540
of the Revised Code. 45541

(32) "Criminal justice coordinating council" means a criminal 45542
justice services agency that is established pursuant to division 45543
(D) of section 181.56 of the Revised Code. 45544

(33) "Comprehensive plan" means a document that coordinates, 45545
evaluates, and otherwise assists, on an annual or multi-year 45546
basis, all of the functions of the juvenile justice systems of the 45547
state or a specified area of the state, that conforms to the 45548
priorities of the state with respect to juvenile justice systems, 45549
and that conforms with the requirements of all federal criminal 45550
justice acts. These functions include, but are not limited to, all 45551
of the following: 45552

(a) Delinquency prevention; 45553

(b) Identification, detection, apprehension, and detention of 45554
persons charged with delinquent acts; 45555

(c) Assistance to crime victims or witnesses, except that the 45556
comprehensive plan does not include the functions of the attorney 45557
general pursuant to sections 109.91 and 109.92 of the Revised 45558
Code; 45559

(d) Adjudication or diversion of persons charged with 45560
delinquent acts; 45561

(e) Custodial treatment of delinquent children; 45562

(f) Institutional and noninstitutional rehabilitation of 45563
delinquent children. 45564

(B) There is hereby created the department of youth services. 45565

The governor shall appoint the director of the department with the 45566
advice and consent of the senate. The director shall hold office 45567
during the term of the appointing governor but subject to removal 45568
at the pleasure of the governor. Except as otherwise authorized in 45569
section 108.05 of the Revised Code, the director shall devote the 45570
director's entire time to the duties of the director's office and 45571
shall hold no other office or position of trust or profit during 45572
the director's term of office. 45573

The director is the chief executive and administrative 45574
officer of the department and has all the powers of a department 45575
head set forth in Chapter 121. of the Revised Code. The director 45576
may adopt rules for the government of the department, the conduct 45577
of its officers and employees, the performance of its business, 45578
and the custody, use, and preservation of the department's 45579
records, papers, books, documents, and property. The director 45580
shall be an appointing authority within the meaning of Chapter 45581
124. of the Revised Code. Whenever this or any other chapter or 45582
section of the Revised Code imposes a duty on or requires an 45583
action of the department, the duty or action shall be performed by 45584
the director or, upon the director's order, in the name of the 45585
department. 45586

Sec. 5139.11. The department of youth services shall do all 45587
of the following: 45588

(A) Through a program of education, promotion, and 45589
organization, form groups of local citizens and assist these 45590
groups in conducting activities aimed at the prevention and 45591
control of juvenile delinquency, making use of local people and 45592
resources for the following purposes: 45593

(1) Combatting local conditions known to contribute to 45594
juvenile delinquency; 45595

(2) Developing recreational and other programs for youth 45596

work;	45597
(3) Providing adult sponsors for delinquent children cases;	45598
(4) Dealing with other related problems of the locality;	45599
(B) Advise local, state, and federal officials, public and private agencies, and lay groups on the needs for and possible methods of the reduction and prevention of juvenile delinquency and the treatment of delinquent children;	45600 45601 45602 45603
(C) Consult with the schools and courts of this state on the development of programs for the reduction and prevention of delinquency and the treatment of delinquents;	45604 45605 45606
(D) Cooperate with other agencies whose services deal with the care and treatment of delinquent children to the end that delinquent children who are state wards may be assisted whenever possible to a successful adjustment outside of institutional care;	45607 45608 45609 45610
(E) Cooperate with other agencies in surveying, developing, and utilizing the recreational resources of a community as a means of combatting the problem of juvenile delinquency and effectuating rehabilitation;	45611 45612 45613 45614
(F) Hold district and state conferences from time to time in order to acquaint the public with current problems of juvenile delinquency and develop a sense of civic responsibility toward the prevention of juvenile delinquency;	45615 45616 45617 45618
(G) Assemble and distribute information relating to juvenile delinquency and report on studies relating to community conditions that affect the problem of juvenile delinquency;	45619 45620 45621
(H) Assist any community within the state by conducting a comprehensive survey of the community's available public and private resources, and recommend methods of establishing a community program for combatting juvenile delinquency and crime, but no survey of that type shall be conducted unless local	45622 45623 45624 45625 45626

individuals and groups request it through their local authorities, 45627
and no request of that type shall be interpreted as binding the 45628
community to following the recommendations made as a result of the 45629
request; 45630

(I) Evaluate the rehabilitation of children committed to the 45631
department and prepare and submit periodic reports to the 45632
committing court for the following purposes: 45633

(1) Evaluating the effectiveness of institutional treatment; 45634

(2) Making recommendations for early release where 45635
appropriate and recommending terms and conditions for release; 45636

(3) Reviewing the placement of children and recommending 45637
alternative placements where appropriate. 45638

(J) Coordinate dates for hearings to be conducted under 45639
section 2151.38 of the Revised Code and assist in the transfer and 45640
release of children from institutionalization to the custody of 45641
the committing court; 45642

(K)(1) Coordinate and assist juvenile justice systems by 45643
doing the following: 45644

(a) Performing juvenile justice system planning in the state, 45645
including any planning that is required by any federal law; 45646

(b) Collecting, analyzing, and correlating information and 45647
data concerning the juvenile justice system in the state; 45648

(c) Cooperating with and providing technical assistance to 45649
state departments, administrative planning districts, metropolitan 45650
county criminal justice services agencies, criminal justice 45651
coordinating councils, and agencies, offices, and departments of 45652
the juvenile justice system in the state, and other appropriate 45653
organizations and persons; 45654

(d) Encouraging and assisting agencies, offices, and 45655
departments of the juvenile justice system in the state and other 45656

<u>appropriate organizations and persons to solve problems that</u>	45657
<u>relate to the duties of the department;</u>	45658
<u>(e) Administering within the state any juvenile justice acts</u>	45659
<u>and programs that the governor requires the department to</u>	45660
<u>administer;</u>	45661
<u>(f) Implementing the state comprehensive plans;</u>	45662
<u>(g) Auditing grant activities of agencies, offices,</u>	45663
<u>organizations, and persons that are financed in whole or in part</u>	45664
<u>by funds granted through the department;</u>	45665
<u>(h) Monitoring or evaluating the performance of juvenile</u>	45666
<u>justice system projects and programs in the state that are</u>	45667
<u>financed in whole or in part by funds granted through the</u>	45668
<u>department;</u>	45669
<u>(i) Applying for, allocating, disbursing, and accounting for</u>	45670
<u>grants that are made available pursuant to federal juvenile</u>	45671
<u>justice acts, or made available from other federal, state, or</u>	45672
<u>private sources, to improve the criminal and juvenile justice</u>	45673
<u>systems in the state. All money from federal juvenile justice act</u>	45674
<u>grants shall, if the terms under which the money is received</u>	45675
<u>require that the money be deposited into an interest bearing fund</u>	45676
<u>or account, be deposited in the state treasury to the credit of</u>	45677
<u>the federal juvenile justice program purposes fund, which is</u>	45678
<u>hereby created. All investment earnings shall be credited to the</u>	45679
<u>fund.</u>	45680
<u>(j) Contracting with federal, state, and local agencies,</u>	45681
<u>foundations, corporations, businesses, and persons when necessary</u>	45682
<u>to carry out the duties of the department;</u>	45683
<u>(k) Overseeing the activities of metropolitan county criminal</u>	45684
<u>justice services agencies, administrative planning districts, and</u>	45685
<u>juvenile justice coordinating councils in the state;</u>	45686
	45687

<u>(1) Advising the general assembly and governor on legislation</u>	45688
<u>and other significant matters that pertain to the improvement and</u>	45689
<u>reform of the juvenile justice system in the state;</u>	45690
	45691
<u>(m) Preparing and recommending legislation to the general</u>	45692
<u>assembly and governor for the improvement of the juvenile justice</u>	45693
<u>system in the state;</u>	45694
<u>(n) Assisting, advising, and making any reports that are</u>	45695
<u>required by the governor, attorney general, or general assembly;</u>	45696
<u>(o) Adopting rules pursuant to Chapter 119. of the Revised</u>	45697
<u>Code.</u>	45698
<u>(2) Division (K)(1) of this section does not limit the</u>	45699
<u>discretion or authority of the attorney general with respect to</u>	45700
<u>crime victim assistance and criminal and juvenile justice</u>	45701
<u>programs.</u>	45702
<u>(3) Nothing in division (K)(1) of this section is intended to</u>	45703
<u>diminish or alter the status of the office of the attorney general</u>	45704
<u>as a criminal justice services agency;</u>	45705
<u>(4) The governor may appoint any advisory committees to</u>	45706
<u>assist the department that the governor considers appropriate or</u>	45707
<u>that are required under any state or federal law.</u>	45708
Sec. 5139.29. The department of youth services shall adopt	45709
and promulgate regulations prescribing the method of calculating	45710
the amount of and the time and manner for the payment of financial	45711
assistance granted under sections 5139.27 7 <u>and</u> 5139.271 7 and	45712
5139.28 of the Revised Code, for the construction or acquisition	45713
of a district detention home established under section 2151.34 of	45714
the Revised Code, or for the construction and maintenance of a	45715
school, forestry camp, or other facility established under section	45716
2151.65 of the Revised Code.	45717

Sec. 5139.31. The department of youth services may inspect 45718
any school, forestry camp, district detention home, or other 45719
facility for which an application for financial assistance has 45720
been made to the department under section 2151.341, 2151.3416, or 45721
2151.651, ~~or 2151.652~~ of the Revised Code or for which financial 45722
assistance has been granted by the department under section 45723
5139.27, 5139.271, ~~5139.28,~~ or 5139.281 of the Revised Code. The 45724
inspection may include, but need not be limited to, examination 45725
and evaluation of the physical condition of the school, forestry 45726
camp, district detention home, or other facility, including any 45727
equipment used in connection with it; observation and evaluation 45728
of the training and treatment of children admitted to it; 45729
examination and analysis and copying of any papers, records, or 45730
other documents relating to the qualifications of personnel, the 45731
commitment of children to it, and its administration. 45732

Sec. 5139.87. There are hereby created in the state treasury 45733
the federal juvenile justice programs funds. A separate fund shall 45734
be established each federal fiscal year. All federal grants and 45735
other moneys received for federal juvenile programs shall be 45736
deposited into the funds. All receipts deposited into the funds 45737
shall be used for federal juvenile programs. All investment 45738
earnings on the cash balance in a federal juvenile program fund 45739
shall be credited to that fund for the appropriate federal fiscal 45740
year. 45741

Sec. 5153.06. The county children services board may enter 45742
into a written contract with the board's executive director 45743
specifying terms and conditions of the executive director's 45744
employment. The executive director shall not be in the classified 45745
civil service. The period of the contract shall not exceed three 45746
years. Such a contract shall in no way abridge the right of the 45747
county children services board to terminate the employment of the 45748

executive director as an unclassified employee at will, but may 45749
specify terms and conditions for any such termination. 45750

Sec. 5153.16. (A) Except as provided in section 2151.422 of 45751
the Revised Code, in accordance with rules of the department of 45752
job and family services, and on behalf of children in the county 45753
whom the public children services agency considers to be in need 45754
of public care or protective services, the public children 45755
services agency shall do all of the following: 45756

(1) Make an investigation concerning any child alleged to be 45757
an abused, neglected, or dependent child; 45758

(2) Enter into agreements with the parent, guardian, or other 45759
person having legal custody of any child, or with the department 45760
of job and family services, department of mental health, 45761
department of mental retardation and developmental disabilities, 45762
other department, any certified organization within or outside the 45763
county, or any agency or institution outside the state, having 45764
legal custody of any child, with respect to the custody, care, or 45765
placement of any child, or with respect to any matter, in the 45766
interests of the child, provided the permanent custody of a child 45767
shall not be transferred by a parent to the public children 45768
services agency without the consent of the juvenile court; 45769
45770

(3) Accept custody of children committed to the public 45771
children services agency by a court exercising juvenile 45772
jurisdiction; 45773

(4) Provide such care as the public children services agency 45774
considers to be in the best interests of any child adjudicated to 45775
be an abused, neglected, or dependent child the agency finds to be 45776
in need of public care or service; 45777

(5) Provide social services to any unmarried girl adjudicated 45778

- to be an abused, neglected, or dependent child who is pregnant 45779
with or has been delivered of a child; 45780
- (6) Make available to the bureau for children with medical 45781
handicaps of the department of health at its request any 45782
information concerning a crippled child found to be in need of 45783
treatment under sections 3701.021 to 3701.028 of the Revised Code 45784
who is receiving services from the public children services 45785
agency; 45786
- (7) Provide temporary emergency care for any child considered 45787
by the public children services agency to be in need of such care, 45788
without agreement or commitment; 45789
- (8) Find certified foster homes, within or outside the 45790
county, for the care of children, including handicapped children 45791
from other counties attending special schools in the county; 45792
- (9) Subject to the approval of the board of county 45793
commissioners and the state department of job and family services, 45794
establish and operate a training school or enter into an agreement 45795
with any municipal corporation or other political subdivision of 45796
the county respecting the operation, acquisition, or maintenance 45797
of any children's home, training school, or other institution for 45798
the care of children maintained by such municipal corporation or 45799
political subdivision; 45800
- (10) Acquire and operate a county children's home, establish, 45801
maintain, and operate a receiving home for the temporary care of 45802
children, or procure certified foster homes for this purpose; 45803
45804
- (11) Enter into an agreement with the trustees of any 45805
district children's home, respecting the operation of the district 45806
children's home in cooperation with the other county boards in the 45807
district; 45808
- (12) Cooperate with, make its services available to, and act 45809

as the agent of persons, courts, the department of job and family services, the department of health, and other organizations within and outside the state, in matters relating to the welfare of children, except that the public children services agency shall not be required to provide supervision of or other services related to the exercise of parenting time rights granted pursuant to section 3109.051 or 3109.12 of the Revised Code or companionship or visitation rights granted pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code unless a juvenile court, pursuant to Chapter 2151. of the Revised Code, or a common pleas court, pursuant to division (E)(6) of section 3113.31 of the Revised Code, requires the provision of supervision or other services related to the exercise of the parenting time rights or companionship or visitation rights;

(13) Make investigations at the request of any superintendent of schools in the county or the principal of any school concerning the application of any child adjudicated to be an abused, neglected, or dependent child for release from school, where such service is not provided through a school attendance department;

(14) Administer funds provided under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended, in accordance with rules adopted under section 5101.141 of the Revised Code;

(15) In addition to administering Title IV-E adoption assistance funds, enter into agreements to make adoption assistance payments under section 5153.163 of the Revised Code;

(16) Implement a system of risk assessment, in accordance with rules adopted by the director of job and family services, to assist the public children services agency in determining the risk of abuse or neglect to a child;

(17) Enter into a plan of cooperation with the board of 45841
county commissioners under section 307.983 of the Revised Code and 45842
comply with the partnership agreement the board enters into under 45843
section 307.98 of the Revised Code and contracts the board enters 45844
into under sections 307.981 and 307.982 of the Revised Code that 45845
affect the public children services agency; 45846

(18) Make reasonable efforts to prevent the removal of an 45847
alleged or adjudicated abused, neglected, or dependent child from 45848
the child's home, eliminate the continued removal of the child 45849
from the child's home, or make it possible for the child to return 45850
home safely, except that reasonable efforts of that nature are not 45851
required when a court has made a determination under division 45852
(A)(2) of section 2151.419 of the Revised Code; 45853

(19) Make reasonable efforts to place the child in a timely 45854
manner in accordance with the permanency plan approved under 45855
division (E) of section 2151.417 of the Revised Code and to 45856
complete whatever steps are necessary to finalize the permanent 45857
placement of the child; 45858

(20) Administer a Title IV-A program identified under 45859
division (A)(3)(c) or (d) of section 5101.80 of the Revised Code 45860
that the department of job and family services provides for the 45861
public children services agency to administer under the 45862
department's supervision pursuant to section 5101.801 of the 45863
Revised Code. 45864

(B) The public children services agency shall use the system 45865
implemented pursuant to division (B)(16) of this section in 45866
connection with an investigation undertaken pursuant to division 45867
(F)(1) of section 2151.421 of the Revised Code and may use the 45868
system at any other time the agency is involved with any child 45869
when the agency determines that risk assessment is necessary. 45870

(C) Except as provided in section 2151.422 of the Revised 45871

Code, in accordance with rules of the director of job and family services, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:

(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code;

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties:

(i) County departments of job and family services;

(ii) Boards of alcohol, drug addiction, and mental health services;

(iii) County boards of mental retardation and developmental disabilities;

(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;

(v) Private and government providers of services;

(vi) Managed care organizations and prepaid health plans.

(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.

(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C)(2)(a) of this section. If an entity specified in division (B) or (C) of section

5153.02 of the Revised Code is the public children services agency 45902
for a county, the board of county commissioners may enter into 45903
contracts pursuant to section 307.982 of the Revised Code 45904
regarding the agency's duties. 45905

Sec. 5153.165. If a family is encountering an emergency that 45906
could lead, or has led, to removal of a child from the family's 45907
home pursuant to Chapter 2151. of the Revised Code, the public 45908
children services agency shall determine whether the child could 45909
remain safely with, or be safely returned to, the family if the 45910
emergency were alleviated by providing ~~assistance~~ benefits and 45911
services under the prevention, retention, and contingency program 45912
established under Chapter 5108. of the Revised Code. If it is 45913
determined that the child could remain safely with, or be safely 45914
returned to, the family, the agency, with the cooperation of the 45915
child's family, shall determine the amount of ~~assistance~~ benefits 45916
and services necessary to prevent the removal of the child from 45917
the home or to permit the child's return to the home and may 45918
provide the ~~assistance~~ benefits and services pursuant to a plan of 45919
cooperation entered into under section 307.983 of the Revised 45920
Code. 45921

Sec. 5153.60. The department of job and family services shall 45922
establish a statewide program that provides the training section 45923
5153.122 of the Revised Code requires public children services 45924
agency caseworkers and supervisors to complete. The program may 45925
also provide the preplacement and continuing training described in 45926
sections 5103.039, 5103.0310, and 5103.0311 of the Revised Code 45927
that foster caregivers are required by sections 5103.031, 45928
5103.032, and 5103.033 of the Revised Code to obtain. The program 45929
shall be called the "Ohio child welfare training program." 45930
45931

Sec. 5153.69. The training program steering committee shall 45932
monitor and evaluate the Ohio child welfare training program to 45933
ensure ~~that~~ the following: 45934

(A) That the Ohio child welfare training program is a 45935
competency-based training system that satisfies the training 45936
requirements for public children services agency caseworkers and 45937
supervisors under section 5153.122 of the Revised Code; 45938

(B) That, if the Ohio child welfare training program provides 45939
preplacement or continuing training for foster caregivers, it 45940
meets the same requirements that preplacement training programs 45941
and continuing training programs must meet pursuant to section 45942
5103.038 of the Revised Code to obtain approval by the department 45943
of job and family services, except that the Ohio child welfare 45944
training program is not required to obtain department approval. 45945
45946

Sec. 5153.78. (A) As used in this section: 45947

(1) "Title IV-B" means Title IV-B of the "Social Security Act 45948
of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 45949

(2) "Title IV-E" means Title IV-E of the "Social Security 45950
Act," 94 Stat. 501, 42 U.S.C. 670(1980). 45951

(3) "Title XX" has the same meaning as in section 5101.46 of 45952
the Revised Code. 45953

(B) For purposes of adequately funding the Ohio child welfare 45954
training program, the department of job and family services ~~shall~~ 45955
may use any of the following ~~to adequately fund the Ohio child~~ 45956
~~welfare training program:~~ 45957

(1) The federal financial participation funds withheld 45958
pursuant to division (D) of section 5101.141 of the Revised Code 45959
in an amount determined by the department; 45960

(2) Funds available under Title XX, Title IV-B, and Title 45961
IV-E to pay for training costs; 45962

(3) ~~Any other~~ Other available state or federal funds. 45963

Sec. 5703.17. (A) In making an investigation as to any 45964
company, firm, corporation, person, association, partnership, or 45965
public utility subject to the laws which the tax commissioner is 45966
required to administer, the commissioner may appoint by an order 45967
in writing an agent, a tax auditor agent, or a tax auditor agent 45968
manager, whose duties shall be prescribed in such order. 45969

In the discharge of ~~his~~ such agent's duties ~~such,~~ the agent 45970
shall have every power of an inquisitorial nature granted by law 45971
to the commissioner, and the same powers as a notary public as to 45972
the taking of depositions, and all powers given by law to a notary 45973
public relative to depositions are hereby given to such agent. 45974

(B) No person shall be appointed as a tax auditor agent or a 45975
tax auditor agent manager, unless that person meets one of the 45976
following requirements: 45977

(1) The person holds from an accredited college or university 45978
a baccalaureate or higher degree in accounting, business, business 45979
administration, public administration, or management, a doctoral 45980
degree in law, a bachelor of laws degree, or a master of laws 45981
degree in taxation. 45982

(2) The person possesses a current certified public 45983
accountant, certified managerial accountant, or certified internal 45984
auditor certificate; a professional tax designation issued by the 45985
institute for professionals in taxation or the international 45986
association of assessing officers; or a designation as an enrolled 45987
agent of the Internal Revenue Service. 45988

(3) The person has accounting, auditing, or taxation 45989
experience that is acceptable to the department of taxation. 45990

(4) The person has experience as a tax commissioner agent, 45991
tax auditor agent, or supervisor of tax agents that is acceptable 45992
to the department of taxation. 45993

Sec. 5703.49. (A) As used in this section, "internet" means 45994
the international computer network of both federal and nonfederal 45995
interoperable packet switched data networks, including the 45996
graphical subnetwork known as the world wide web. 45997

(B) On or before December 31, 2001, the tax commissioner 45998
shall establish an electronic site accessible through the 45999
internet. The tax commissioner shall provide access on the site 46000
for each municipal corporation that has not established its own 46001
electronic site to post documents or information required under 46002
section 718.07 of the Revised Code. The tax commissioner shall 46003
provide electronic links for each municipal corporation that 46004
establishes a site under that section and for which a uniform 46005
resource locator has been provided to the tax commissioner. The 46006
tax commissioner is not responsible for the accuracy of the posted 46007
information, and is not liable for any inaccurate or outdated 46008
information provided by a municipal corporation. The tax 46009
commissioner may adopt rules governing the format and means of 46010
submitting such documents or information and other matters 46011
necessary to implement this section. The tax commissioner may 46012
charge municipal corporations a fee to defray the cost of 46013
establishing and maintaining the electronic site established under 46014
this section. 46015

(C) The tax commissioner shall deposit any fees received 46016
under this section to the credit of the municipal internet site 46017
fund, which is hereby created in the state treasury. The 46018
commissioner shall use the fund for costs of establishing and 46019
maintaining the electronic site established under this section. 46020

Sec. 5705.091. The board of county commissioners of each 46021
county shall establish a county mental retardation and 46022
developmental disabilities general fund. Notwithstanding sections 46023
5705.09 and 5705.10 of the Revised Code, proceeds from levies 46024
under section 5705.222 and division (L) of section 5705.19 of the 46025
Revised Code shall be deposited to the credit of the county mental 46026
retardation and developmental disabilities general fund. Accounts 46027
shall be established within the county mental retardation and 46028
developmental disabilities general fund for each of the several 46029
particular purposes of the levies as specified in the resolutions 46030
under which the levies were approved, and proceeds from different 46031
levies that were approved for the same particular purpose shall be 46032
credited to accounts for that purpose. Other money received by the 46033
county for the purposes of Chapters 3323. and 5126. of the Revised 46034
Code and not required by state or federal law to be deposited to 46035
the credit of a different fund shall also be deposited to the 46036
credit of the county mental retardation and developmental 46037
disabilities general fund, in an account appropriate to the 46038
particular purpose for which the money was received. Unless 46039
otherwise provided by law, an unexpended balance at the end of a 46040
fiscal year in any account in the county mental retardation and 46041
developmental disabilities general fund shall be appropriated the 46042
next fiscal year to the same fund. 46043

A county board of mental retardation and developmental 46044
disabilities may request, by resolution, that the board of county 46045
commissioners establish a county mental retardation and 46046
developmental disabilities capital fund for money to be used for 46047
acquisition, construction, or improvement of capital facilities or 46048
acquisition of capital equipment used in providing services to 46049
mentally retarded and developmentally disabled persons. The county 46050
board of mental retardation and developmental disabilities shall 46051
transmit a certified copy of the resolution to the board of county 46052

commissioners. Upon receiving the resolution, the board of county
commissioners shall establish a county mental retardation and
developmental disabilities capital fund.

A county board shall request, by resolution, that the board
of county commissioners establish a county MR/DD medicaid reserve
fund. On receipt of the resolution, the board of county
commissioners shall establish a county MR/DD medicaid reserve
fund. The portion of federal revenue funds that the county board
earns for providing habilitation center services, medicaid case
management services, and home and community-based services that is
needed for the county board to pay for extraordinary costs,
including extraordinary costs for services to individuals with
mental retardation or other developmental disability, and ensure
the availability of adequate funds in the event a county property
tax levy for services for individuals with mental retardation or
other developmental disability fails shall be deposited into the
fund. The county board shall use money in the fund for those
purposes in accordance with rules adopted under section 5123.0413
of the Revised Code.

Sec. 5705.19. This section does not apply to school districts
or county school financing districts.

The taxing authority of any subdivision at any time and in
any year, by vote of two-thirds of all the members of the taxing
authority, may declare by resolution and certify the resolution to
the board of elections not less than seventy-five days before the
election upon which it will be voted that the amount of taxes that
may be raised within the ten-mill limitation will be insufficient
to provide for the necessary requirements of the subdivision and
that it is necessary to levy a tax in excess of that limitation
for any of the following purposes:

(A) For current expenses of the subdivision, except that the

total levy for current expenses of a detention home district or 46084
district organized under section 2151.65 of the Revised Code shall 46085
not exceed two mills and that the total levy for current expenses 46086
of a combined district organized under sections 2151.34 and 46087
2151.65 of the Revised Code shall not exceed four mills; 46088

(B) For the payment of debt charges on certain described 46089
bonds, notes, or certificates of indebtedness of the subdivision 46090
issued subsequent to January 1, 1925; 46091

(C) For the debt charges on all bonds, notes, and 46092
certificates of indebtedness issued and authorized to be issued 46093
prior to January 1, 1925; 46094

(D) For a public library of, or supported by, the subdivision 46095
under whatever law organized or authorized to be supported; 46096
46097

(E) For a municipal university, not to exceed two mills over 46098
the limitation of one mill prescribed in section 3349.13 of the 46099
Revised Code; 46100

(F) For the construction or acquisition of any specific 46101
permanent improvement or class of improvements that the taxing 46102
authority of the subdivision may include in a single bond issue; 46103

(G) For the general construction, reconstruction, 46104
resurfacing, and repair of streets, roads, and bridges in 46105
municipal corporations, counties, or townships; 46106

(H) For recreational purposes; 46107

(I) For the purpose of providing and maintaining fire 46108
apparatus, appliances, buildings, or sites therefor, or sources of 46109
water supply and materials therefor, or the establishment and 46110
maintenance of lines of fire alarm telegraph, or the payment of 46111
permanent, part-time, or volunteer firefighters or firefighting 46112
companies to operate the same, including the payment of the 46113

firefighter employers' contribution required under section 742.34 46114
of the Revised Code, or the purchase of ambulance equipment, or 46115
the provision of ambulance, paramedic, or other emergency medical 46116
services operated by a fire department or firefighting company; 46117

(J) For the purpose of providing and maintaining motor 46118
vehicles, communications, and other equipment used directly in the 46119
operation of a police department, or the payment of salaries of 46120
permanent police personnel, including the payment of the police 46121
officer employers' contribution required under section 742.33 of 46122
the Revised Code, or the payment of the costs incurred by 46123
townships as a result of contracts made with other political 46124
subdivisions in order to obtain police protection, or the 46125
provision of ambulance or emergency medical services operated by a 46126
police department; 46127

(K) For the maintenance and operation of a county home; 46128

(L) For community mental retardation and developmental 46129
disabilities programs and services pursuant to Chapter 5126. of 46130
the Revised Code, except that the procedure for such levies shall 46131
be as provided in section 5705.222 of the Revised Code; 46132

(M) For regional planning; 46133

(N) For a county's share of the cost of maintaining and 46134
operating schools, district detention homes, forestry camps, or 46135
other facilities, or any combination thereof, established under 46136
section 2151.34 or 2151.65 of the Revised Code or both of those 46137
sections; 46138

(O) For providing for flood defense, providing and 46139
maintaining a flood wall or pumps, and other purposes to prevent 46140
floods; 46141

(P) For maintaining and operating sewage disposal plants and 46142
facilities; 46143

(Q) For the purpose of purchasing, acquiring, constructing, 46144
enlarging, improving, equipping, repairing, maintaining, or 46145
operating, or any combination of the foregoing, a county transit 46146
system pursuant to sections 306.01 to 306.13 of the Revised Code, 46147
or of making any payment to a board of county commissioners 46148
operating a transit system or a county transit board pursuant to 46149
section 306.06 of the Revised Code; 46150

(R) For the subdivision's share of the cost of acquiring or 46151
constructing any schools, forestry camps, detention homes, or 46152
other facilities, or any combination thereof, under section 46153
2151.34 or 2151.65 of the Revised Code or both of those sections; 46154

(S) For the prevention, control, and abatement of air 46155
pollution; 46156

(T) For maintaining and operating cemeteries; 46157

(U) For providing ambulance service, emergency medical 46158
service, or both; 46159

(V) For providing for the collection and disposal of garbage 46160
or refuse, including yard waste; 46161

(W) For the payment of the police officer employers' 46162
contribution or the firefighter employers' contribution required 46163
under sections 742.33 and 742.34 of the Revised Code; 46164

(X) For the construction and maintenance of a drainage 46165
improvement pursuant to section 6131.52 of the Revised Code; 46166

(Y) For providing or maintaining senior citizens services or 46167
facilities as authorized by section 307.694, 307.85, 505.70, or 46168
505.706 or division (EE) of section 717.01 of the Revised Code; 46169

(Z) For the provision and maintenance of zoological park 46170
services and facilities as authorized under section 307.76 of the 46171
Revised Code; 46172

(AA) For the maintenance and operation of a free public 46173

museum of art, science, or history; 46174

(BB) For the establishment and operation of a 9-1-1 system, 46175
as defined in section 4931.40 of the Revised Code; 46176

(CC) For the purpose of acquiring, rehabilitating, or 46177
developing rail property or rail service. As used in this 46178
division, "rail property" and "rail service" have the same 46179
meanings as in section 4981.01 of the Revised Code. This division 46180
applies only to a county, township, or municipal corporation. 46181

(DD) For the purpose of acquiring property for, constructing, 46182
operating, and maintaining community centers as provided for in 46183
section 755.16 of the Revised Code; 46184

(EE) For the creation and operation of an office or joint 46185
office of economic development, for any economic development 46186
purpose of the office, and to otherwise provide for the 46187
establishment and operation of a program of economic development 46188
pursuant to sections 307.07 and 307.64 of the Revised Code; 46189

(FF) For the purpose of acquiring, establishing, 46190
constructing, improving, equipping, maintaining, or operating, or 46191
any combination of the foregoing, a township airport, landing 46192
field, or other air navigation facility pursuant to section 505.15 46193
of the Revised Code; 46194

(GG) For the payment of costs incurred by a township as a 46195
result of a contract made with a county pursuant to section 46196
505.263 of the Revised Code in order to pay all or any part of the 46197
cost of constructing, maintaining, repairing, or operating a water 46198
supply improvement; 46199

(HH) For a board of township trustees to acquire, other than 46200
by appropriation, an ownership interest in land, water, or 46201
wetlands, or to restore or maintain land, water, or wetlands in 46202
which the board has an ownership interest, not for purposes of 46203
recreation, but for the purposes of protecting and preserving the 46204

natural, scenic, open, or wooded condition of the land, water, or wetlands against modification or encroachment resulting from occupation, development, or other use, which may be styled as protecting or preserving "greenspace" in the resolution, notice of election, or ballot form; 46205
46206
46207
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46209

(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; 46210
46211
46212
46213

(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. 46214
46215
46216

(KK) For a countywide public safety communications system under section 307.63 of the Revised Code. This division applies only to counties. 46217
46218
46219

(LL) For the support by a county of criminal justice services under section 307.45 of the Revised Code; 46220
46221

(MM) For the purpose of maintaining and operating a jail or other detention facility as defined in section 2921.01 of the Revised Code; 46222
46223
46224

(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. 46225
46226
46227

(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; 46228
46229
46230
46231
46232

(PP) For both of the purposes set forth in divisions (G) and (OO) of this section. This division applies only to a township. 46233
46234

(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township.

(RR) For the legislative authority of a municipal corporation, board of county commissioners of a county, or board of township trustees of a township to acquire agricultural easements, as defined in section 5301.67 of the Revised Code, and to supervise and enforce the easements.

(SS) For both of the purposes set forth in divisions (BB) and (KK) of this section. This division applies only to a county.

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.

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 46266
and operating schools, district detention homes, forestry camps, 46267
or other facilities, or any combination thereof, established under 46268
section 2151.34 or 2151.65 of the Revised Code or under both of 46269
those sections. 46270

(3) When the additional rate is for any of the following, the 46271
increased rate may be for a continuing period of time: 46272

(a) For the purposes set forth in division (I), (J), (U), or 46273
(KK) of this section; 46274

(b) For the maintenance and operation of a joint recreation 46275
district; 46276

(c) A levy imposed by a township for the purposes set forth 46277
in division (G) of this section. 46278

(4) When the increase is for the purpose set forth in 46279
division (D) or (CC) of this section or for both of the purposes 46280
set forth in divisions (G) and (OO) of this section, the tax levy 46281
may be for any specified number of years or for a continuing 46282
period of time, as set forth in the resolution. 46283

(5) When the additional rate is for the purpose described in 46284
division (Z) of this section, the increased rate shall be for any 46285
number of years not exceeding ten. 46286

A levy for the purposes set forth in division (I), (J), or 46287
(U) of this section, and a levy imposed by a township for the 46288
purposes set forth in division (G) of this section, may be reduced 46289
pursuant to section 5705.261 or 5705.31 of the Revised Code. A 46290
levy for the purposes set forth in division (I), (J), or (U) of 46291
this section, and a levy imposed by a township for the purposes 46292
set forth in division (G) of this section, may also be terminated 46293
or permanently reduced by the taxing authority if it adopts a 46294
resolution stating that the continuance of the levy is unnecessary 46295
and the levy shall be terminated or that the millage is excessive 46296

and the levy shall be decreased by a designated amount. 46297

A resolution of a detention home district, a district 46298
organized under section 2151.65 of the Revised Code, or a combined 46299
district organized under both sections 2151.34 and 2151.65 of the 46300
Revised Code may include both current expenses and other purposes, 46301
provided that the resolution shall apportion the annual rate of 46302
levy between the current expenses and the other purpose or 46303
purposes. The apportionment need not be the same for each year of 46304
the levy, but the respective portions of the rate actually levied 46305
each year for the current expenses and the other purpose or 46306
purposes shall be limited by the apportionment. 46307

Whenever a board of county commissioners, acting either as 46308
the taxing authority of its county or as the taxing authority of a 46309
sewer district or subdistrict created under Chapter 6117. of the 46310
Revised Code, by resolution declares it necessary to levy a tax in 46311
excess of the ten-mill limitation for the purpose of constructing, 46312
improving, or extending sewage disposal plants or sewage systems, 46313
the tax may be in effect for any number of years not exceeding 46314
twenty, and the proceeds of the tax, notwithstanding the general 46315
provisions of this section, may be used to pay debt charges on any 46316
obligations issued and outstanding on behalf of the subdivision 46317
for the purposes enumerated in this paragraph, provided that any 46318
such obligations have been specifically described in the 46319
resolution. 46320

The resolution shall go into immediate effect upon its 46321
passage, and no publication of the resolution is necessary other 46322
than that provided for in the notice of election. 46323

When the electors of a subdivision have approved a tax levy 46324
under this section, the taxing authority of the subdivision may 46325
anticipate a fraction of the proceeds of the levy and issue 46326
anticipation notes in accordance with section 5705.191 or 5705.193 46327
of the Revised Code. 46328

Sec. 5705.41. No subdivision or taxing unit shall: 46329

(A) Make any appropriation of money except as provided in 46330
Chapter 5705. of the Revised Code; provided, that the 46331
authorization of a bond issue shall be deemed to be an 46332
appropriation of the proceeds of the bond issue for the purpose 46333
for which such bonds were issued, but no expenditure shall be made 46334
from any bond fund until first authorized by the taxing authority; 46335

(B) Make any expenditure of money unless it has been 46336
appropriated as provided in such chapter; 46337

(C) Make any expenditure of money except by a proper warrant 46338
drawn against an appropriate fund; 46339

(D)(1) Except as otherwise provided in division (D)(2) of 46340
this section and section 5705.44 of the Revised Code, make any 46341
contract or give any order involving the expenditure of money 46342
unless there is attached thereto a certificate of the fiscal 46343
officer of the subdivision that the amount required to meet the 46344
obligation or, in the case of a continuing contract to be 46345
performed in whole or in part in an ensuing fiscal year, the 46346
amount required to meet the obligation in the fiscal year in which 46347
the contract is made, has been lawfully appropriated for such 46348
purpose and is in the treasury or in process of collection to the 46349
credit of an appropriate fund free from any previous encumbrances. 46350
This certificate need be signed only by the subdivision's fiscal 46351
officer. Every such contract made without such a certificate shall 46352
be void, and no warrant shall be issued in payment of any amount 46353
due thereon. If no certificate is furnished as required, upon 46354
receipt by the taxing authority of the subdivision or taxing unit 46355
of a certificate of the fiscal officer stating that there was at 46356
the time of the making of such contract or order and at the time 46357
of the execution of such certificate a sufficient sum appropriated 46358
for the purpose of such contract and in the treasury or in process 46359

of collection to the credit of an appropriate fund free from any 46360
previous encumbrances, such taxing authority may authorize the 46361
drawing of a warrant in payment of amounts due upon such contract, 46362
but such resolution or ordinance shall be passed within thirty 46363
days from the receipt of such certificate; provided that, if the 46364
amount involved is less than one hundred dollars in the case of 46365
counties or one thousand dollars in the case of all other 46366
subdivisions or taxing units, the fiscal officer may authorize it 46367
to be paid without such affirmation of the taxing authority of the 46368
subdivision or taxing unit, if such expenditure is otherwise 46369
valid. 46370

(2) Annually, the board of county commissioners may adopt a 46371
resolution exempting for the current fiscal year county purchases 46372
of seven hundred fifty dollars or less from the requirement of 46373
division (D)(1) of this section that a certificate be attached to 46374
any contract or order involving the expenditure of money. The 46375
resolution shall state the dollar amount that is exempted from the 46376
certificate requirement and whether the exemption applies to all 46377
purchases, to one or more specific classes of purchases, or to the 46378
purchase of one or more specific items. Prior to the adoption of 46379
the resolution, the board shall give written notice to the county 46380
auditor that it intends to adopt the resolution. The notice shall 46381
state the dollar amount that is proposed to be exempted and 46382
whether the exemption would apply to all purchases, to one or more 46383
specific classes of purchases, or to the purchase of one or more 46384
specific items. The county auditor may review and comment on the 46385
proposal, and shall send any comments to the board within fifteen 46386
days after receiving the notice. The board shall wait at least 46387
fifteen days after giving the notice to the auditor before 46388
adopting the resolution. A person authorized to make a county 46389
purchase in a county that has adopted such a resolution shall 46390
prepare and file with the county auditor, within three business 46391
days after incurring an obligation not requiring a certificate, a 46392

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 46425
directed for a permitted purpose and is in the treasury or in the 46426
process of collection to the credit of the specific line-item 46427
appropriation account in the specified fund free from previous and 46428
then-outstanding obligations or certifications; provided that the 46429
aggregate sum of money included in and called for by the 46430
expenditures, orders, and obligations shall not exceed the 46431
certified sum. The purposes for which a subdivision may lawfully 46432
appropriate, authorize, or issue such a certificate are the 46433
services of an accountant, architect, attorney at law, physician, 46434
professional engineer, construction project manager, consultant, 46435
surveyor, or appraiser by or on behalf of the subdivision or 46436
contracting authority; fuel oil, gasoline, food items, roadway 46437
materials, and utilities; and any purchases exempt from 46438
competitive bidding under section 125.04 of the Revised Code and 46439
any other specific expenditure that is a recurring and reasonably 46440
predictable operating expense. Such a certification shall not 46441
extend beyond the end of the fiscal year or, in the case of a 46442
board of county commissioners that has established a quarterly 46443
spending plan under section 5705.392 of the Revised Code, beyond 46444
the quarter to which the plan applies. Such a certificate shall be 46445
signed by the fiscal officer and may, but need not, be limited to 46446
a specific vendor. An itemized statement of obligations incurred 46447
and expenditures made under such a certificate shall be rendered 46448
to the fiscal officer for each certificate issued. More than one 46449
such certificate may be outstanding at any time. 46450

In any case in which a contract is entered into upon a per 46451
unit basis, the head of the department, board, or commission for 46452
the benefit of which the contract is made shall make an estimate 46453
of the total amount to become due upon such contract, which 46454
estimate shall be certified in writing to the fiscal officer of 46455
the subdivision. Such a contract may be entered into if the 46456

appropriation covers such estimate, or so much thereof as may be 46457
due during the current year. In such a case the certificate of the 46458
fiscal officer based upon the estimate shall be a sufficient 46459
compliance with the law requiring a certificate. 46460

Any certificate of the fiscal officer attached to a contract 46461
shall be binding upon the political subdivision as to the facts 46462
set forth therein. Upon request of any person receiving an order 46463
or entering into a contract with any political subdivision, the 46464
certificate of the fiscal officer shall be attached to such order 46465
or contract. "Contract" as used in this section excludes current 46466
payrolls of regular employees and officers. 46467

Taxes and other revenue in process of collection, or the 46468
proceeds to be derived from authorized bonds, notes, or 46469
certificates of indebtedness sold and in process of delivery, 46470
shall for the purpose of this section be deemed in the treasury or 46471
in process of collection and in the appropriate fund. This section 46472
applies neither to the investment of sinking funds by the trustees 46473
of such funds, nor to investments made under sections 731.56 to 46474
731.59 of the Revised Code. 46475

No district authority shall, in transacting its own affairs, 46476
do any of the things prohibited to a subdivision by this section, 46477
but the appropriation referred to shall become the appropriation 46478
by the district authority, and the fiscal officer referred to 46479
shall mean the fiscal officer of the district authority. 46480

Sec. 5705.44. When contracts or leases run beyond the 46481
termination of the fiscal year in which they are made, the fiscal 46482
officer of the taxing authority shall make a certification for the 46483
amount required to meet the obligation of such contract or lease 46484
maturing in such fiscal year. The amount of the obligation under 46485
such contract or lease remaining unfulfilled at the end of a 46486
fiscal year, and which will become payable during the next fiscal 46487

year, shall be included in the annual appropriation measure for 46488
the next year as a fixed charge. 46489

The certificate required by section 5705.41 of the Revised 46490
Code as to money in the treasury shall not be required for 46491
contracts on which payments are to be made from the earnings of a 46492
publicly operated water works or public utility, but in the case 46493
of any such contract made without such certification, no payment 46494
shall be made on account thereof, and no claim or demand thereon 46495
shall be recoverable, except out of such earnings. That 46496
certificate also shall not be required if requiring the 46497
certificate makes it impossible for a county board of mental 46498
retardation and developmental disabilities to pay the nonfederal 46499
share of medicaid expenditures that the county board is required 46500
by division (A) of section 5126.056 of the Revised Code to pay. 46501

Sec. 5709.17. (A) Real estate held or occupied by an 46502
association or corporation, organized or incorporated under the 46503
laws of this state relative to soldiers' memorial associations, 46504
monumental building associations, or cemetery associations or 46505
corporations, which in the opinion of the trustees, directors, or 46506
managers thereof is necessary and proper to carry out the object 46507
intended for such association or corporation, shall be exempt from 46508
taxation. 46509

(B) Real estate and tangible personal property held or 46510
occupied by a war veterans' organization, which is organized 46511
exclusively for charitable purposes and incorporated under the 46512
laws of this state or the United States, except real estate held 46513
by such organization for the production of rental income, shall be 46514
exempt from taxation. 46515

(C) Tangible personal property held by a corporation 46516
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 46517
section 501(c)(3) of the Internal Revenue Code, and exempt from 46518

taxation under section 501(a) of the Internal Revenue Code shall 46519
be exempt from taxation if it is surplus property obtained as 46520
described in 112 Stat. 1340, 36 U.S.C.A. 40730. 46521

Sec. 5711.33. (A)(1) When a county treasurer receives a 46522
certificate from a county auditor pursuant to division (A) of 46523
section 5711.32 of the Revised Code charging the treasurer with 46524
the collection of an amount of taxes due as the result of a 46525
deficiency assessment, the treasurer shall immediately prepare and 46526
mail a tax bill to the taxpayer owing such tax. The tax bill shall 46527
contain the name of the taxpayer; the taxable value, tax rate, and 46528
taxes charged for each year being assessed; the total amount of 46529
taxes due; the final date payment may be made without additional 46530
penalty; and any other information the treasurer considers 46531
pertinent or necessary. Taxes due and payable as a result of a 46532
deficiency assessment, less any amount specifically excepted from 46533
collection under division (B) of section 5711.32 of the Revised 46534
Code, shall be paid with interest thereon as prescribed by section 46535
5719.041 of the Revised Code on or before the sixtieth day 46536
following the date of issuance of the certificate by the county 46537
auditor. The balance of taxes found due and payable after a final 46538
determination by the tax commissioner or a final judgment of the 46539
board of tax appeals or any court to which such final judgment may 46540
be appealed, shall be paid with interest thereon as prescribed by 46541
section 5719.041 of the Revised Code on or before the sixtieth day 46542
following the date of certification by the auditor to the 46543
treasurer pursuant to division (C) of section 5711.32 of the 46544
Revised Code of such final determination or judgment. Such final 46545
dates for payment shall be determined and exhibited on the tax 46546
bill by the treasurer. 46547

(2) If, on or before the sixtieth day following the date of a 46548
certification of a deficiency assessment under division (A) of 46549
section 5711.32 of the Revised Code or of a certification of a 46550

final determination or judgment under division (C) of section 46551
5711.32 of the Revised Code, the taxpayer pays the full amount of 46552
taxes and interest due at the time of the receipt of certification 46553
with respect to that assessment, determination, or judgment, no 46554
interest shall accrue or be charged with respect to that 46555
assessment, determination, or judgment for the period that begins 46556
on the first day of the month in which the certification is made 46557
and that ends on the last day of the month preceding the month in 46558
which such sixtieth day occurs. 46559

(3) In addition to any other means provided by law for the 46560
collection of such taxes, the county treasurer may enter into a 46561
written tax contract with a taxpayer charged with the payment of 46562
taxes as a result of a deficiency assessment issued under division 46563
(A) of section 5711.32 of the Revised Code whereby the taxpayer is 46564
permitted to pay the full amount of those taxes in installments. 46565
Such a contract may not be entered into later than the sixtieth 46566
day after the day the assessment is issued. The terms of the tax 46567
contract shall include the amount payable and the due date of each 46568
installment including the final payment date, which shall be not 46569
more than five years after the date of the first payment. A 46570
receipt shall be issued for each installment payment when paid. 46571
Each payment shall be applied to the taxes and interest in the 46572
same order as each became due and shall be apportioned among the 46573
various funds for which the taxes were levied at the next 46574
succeeding tax settlement. When a payment is not tendered as 46575
agreed upon, the treasurer shall declare the tax contract to be 46576
void and proceed to collect the unpaid balance by any means 46577
provided by law. When the treasurer declares a tax contract to be 46578
void, the remaining tax and interest due becomes delinquent, and 46579
the penalty provided by division (B) of this section shall be 46580
imposed on that remaining tax and interest due. The treasurer may 46581
permit a delinquent tax contract to be undertaken on any 46582
delinquent tax due as provided in section 5719.05 of the Revised 46583

Code. 46584

(B) When the taxes charged, as mentioned in division (A) of 46585
this section, are not paid within the time prescribed by such 46586
division or if a tax contract is not entered into as provided in 46587
division (A)(3) of this section, a penalty of ten per cent of the 46588
amount due and unpaid and interest for the period described in 46589
division (A)(2) of this section shall accrue at the time the 46590
treasurer closes the treasurer's office for business on the last 46591
day so prescribed, but if the taxes are paid within ten days 46592
subsequent to the last day prescribed, the treasurer shall waive 46593
the collection of and the auditor shall remit one-half of the 46594
penalty. The treasurer shall not thereafter accept less than the 46595
full amount of taxes and penalty except as otherwise authorized by 46596
law. Such penalty shall be distributed in the same manner and at 46597
the same time as the tax upon which it has accrued. The whole 46598
amount collected shall be included in the next succeeding 46599
settlement of appropriate taxes. 46600

(C) When the taxes charged, as mentioned in division (A) of 46601
this section, remain unpaid after the final date for payment 46602
prescribed by such division, such charges shall be deemed to be 46603
delinquent taxes. The county auditor shall cause such charges, 46604
including the penalty that has accrued pursuant to this section, 46605
to be added to the delinquent tax duplicate in accordance with 46606
section 5719.04 of the Revised Code. 46607

(D) The county auditor, upon consultation with the county 46608
treasurer, shall remit a penalty imposed under division (B) of 46609
this section or division (C) of section 5719.03 of the Revised 46610
Code for the late payment of taxes when: 46611

(1) The taxpayer could not make timely payment of the tax 46612
because of the negligence or error of the auditor or treasurer in 46613
the performance of a statutory duty relating to the levy or 46614
collection of such tax. 46615

(2) In cases other than those described in division (D)(1) of this section, the taxpayer failed to receive a tax bill or a correct tax bill, and the taxpayer made a good faith effort to obtain such bill within thirty days after the last day for payment of the tax.

(3) The tax was not timely paid because of the death or serious injury of the taxpayer, or the taxpayer's confinement in a hospital within sixty days preceding the last day for payment of the tax if, in any case, the tax was subsequently paid within sixty days after the last day for payment of such tax.

(4) The taxpayer demonstrates to the satisfaction of the auditor that the full payment was properly deposited in the mail 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
pursuant to section 5721.36 of the Revised Code.

(D) "Certificate purchase price" means, with respect to the
sale of tax certificates under sections 5721.32 and 5721.33 of the
Revised Code, the amount equal to delinquent taxes, assessments,
penalties, and interest computed under section 323.121 of the
Revised Code charged against a certificate parcel at the time the
tax certificate respecting that parcel is sold, not including any
delinquent taxes, assessments, penalties, interest, and charges,
the lien for which has been conveyed to a certificate holder
through a prior sale of a tax certificate respecting that parcel;
provided, however, that payment of the certificate purchase price
in a sale under section 5721.33 of the Revised Code may be made
wholly in cash or partially in cash and partially by noncash
consideration acceptable to the county treasurer from the
purchaser. In the event that any such noncash consideration is
delivered to pay a portion of the certificate purchase price, such
noncash consideration may be subordinate to the rights of the
holders of other obligations whose proceeds paid the cash portion
of the certificate purchase price.

"Certificate purchase price" also includes the amount of the fee charged by the county treasurer to the purchaser of the certificate under division (H) of section 5721.32 of the Revised Code.

(E) With respect to a sale of tax certificates under section 5721.32 of the Revised Code and except as provided in division (E)(3) of this section, "certificate redemption price" means the amount determined under division (E)(1) or (2) of this section.

(1) During the first year after the date on which a tax certificate is sold, the sum of the following:

(a) The certificate purchase price;

(b) The greater of the following:

(i) Interest, at the certificate rate of interest, accruing during the certificate interest period on the certificate purchase price;

(ii) Six per cent of the certificate purchase price.

(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.

(2) After the first year after the date on which a tax certificate is sold, the sum of the following:

(a)(i) If division (E)(1)(b)(i) applied during the first year, the certificate purchase price;

(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.

(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;

(ii) If division (E)(1)(b)(ii) applied during the first year, 46708
interest at the certificate rate of interest, accruing during the 46709
part of the certificate interest period that begins one year after 46710
the date of the sale of the certificate, on the sum of the 46711
certificate purchase price plus six per cent of the certificate 46712
purchase price. 46713

(c) The fee charged by the county treasurer to the purchaser 46714
of the certificate under division (H) of section 5721.32 of the 46715
Revised Code. 46716

(3) If the certificate rate of interest equals zero, the 46717
certificate redemption price equals the certificate purchase price 46718
plus the fee charged by the county treasurer to the purchaser of 46719
the certificate under division (H) of section 5721.32 of the 46720
Revised Code. 46721

(F) With respect to a sale of tax certificates under section 46722
5721.33 of the Revised Code, "certificate redemption price" means 46723
the amount equal to the sum of the following: 46724

(1) The certificate purchase price; 46725

(2) Interest accrued on the certificate purchase price at the 46726
certificate rate of interest from the date on which a tax 46727
certificate is delivered through and including the day immediately 46728
preceding the day on which the certificate redemption price is 46729
paid; 46730

(3) The fee, if any, charged by the county treasurer to the 46731
purchaser of the certificate under division (J) of section 5721.33 46732
of the Revised Code; 46733

(4) Any other fees charged by any county office in connection 46734
with the recording of tax certificates. 46735

(G) "Certificate rate of interest" means the rate of simple 46736
interest per year bid by the winning bidder in an auction of a tax 46737

certificate held under section 5721.32 of the Revised Code, or the 46738
rate of simple interest per year not to exceed eighteen per cent 46739
per year fixed by the county treasurer with respect to any tax 46740
certificate sold pursuant to a negotiated sale under section 46741
5721.33 of the Revised Code. 46742

(H) "Cash" means United States currency, certified checks, 46743
money orders, bank drafts, or electronic transfer of funds, and 46744
excludes any other form of payment. 46745

(I) "The date on which a tax certificate is sold," "the date 46746
the certificate was sold," "the date the certificate is 46747
purchased," and any other phrase of similar content mean, with 46748
respect to a sale pursuant to an auction under section 5721.32 of 46749
the Revised Code, the date designated by the county treasurer for 46750
the submission of bids and, with respect to a negotiated sale 46751
under section 5721.33 of the Revised Code, the date of delivery of 46752
the tax certificates to the purchasers thereof pursuant to a tax 46753
certificate sale/purchase agreement. 46754

(J) "Purchaser of a tax certificate pursuant to section 46755
5721.32 of the Revised Code" means the winning bidder in an 46756
auction of a tax certificate held under section 5721.32 of the 46757
Revised Code. 46758

(K) "Certificate interest period" means, with respect to a 46759
tax certificate sold under section 5721.32 of the Revised Code, 46760
the period beginning on the date the certificate is purchased and, 46761
with respect to a tax certificate sold under section 5721.33 of 46762
the Revised Code, the period beginning on the date of delivery of 46763
the tax certificate, and in either case ending on one of the 46764
following dates: 46765

(1) In the case of foreclosure proceedings instituted under 46766
section 5721.37 of the Revised Code, the date the certificate 46767
holder submits a payment to the treasurer under division (B) of 46768

that section; 46769

(2) In the case of a certificate parcel redeemed under 46770
division (A) or (C) of section 5721.38 of the Revised Code, the 46771
date the owner of record of the certificate parcel, or any other 46772
person entitled to redeem that parcel, pays to the county 46773
treasurer or to the certificate holder, as applicable, the full 46774
amount determined under that section. 46775

(L) "County treasurer" means, with respect to the sale of tax 46776
certificates under section 5721.32, or 5721.33 of the Revised 46777
Code, the county treasurer of a county having a population of at 46778
least two hundred thousand according to the then most recent 46779
federal decennial census ~~and, with respect to the sale of tax~~ 46780
~~certificates under section 5721.33 of the Revised Code, the county~~ 46781
~~treasurer of a county having a population of at least one million~~ 46782
~~four hundred thousand according to the then most recent federal~~ 46783
~~decennial census.~~ 46784

(M) "Qualified trustee" means a trust company within the 46785
state or a bank having the power of a trust company within the 46786
state with a combined capital stock, surplus, and undivided 46787
profits of at least one hundred million dollars. 46788

(N) "Tax certificate sale/purchase agreement" means the 46789
purchase and sale agreement described in division (C) of section 46790
5721.33 of the Revised Code setting forth the certificate purchase 46791
price, plus any applicable premium or less any applicable 46792
discount, including, without limitation, the amount thereof to be 46793
paid in cash and the amount and nature of any noncash 46794
consideration, the date of delivery of the tax certificates, and 46795
the other terms and conditions of the sale, including, without 46796
limitation, the rate of interest that the tax certificates shall 46797
bear. 46798

(O) "Noncash consideration" means any form of consideration 46799

other than cash, including, but not limited to, promissory notes 46800
whether subordinate or otherwise. 46801

(P) "Private attorney" means for purposes of section 5721.37 46802
of the Revised Code, any attorney licensed to practice law in this 46803
state, whether practicing with a firm of attorneys or otherwise, 46804
whose license has not been revoked or otherwise suspended and who 46805
brings foreclosure proceedings pursuant to section 5721.37 of the 46806
Revised Code on behalf of a certificate holder. 46807

(Q) "Related certificate parcel" means, with respect to a 46808
certificate holder, the certificate parcel with respect to which 46809
the certificate holder has purchased and holds a tax certificate 46810
pursuant to sections 5721.30 to 5721.41 of the Revised Code and, 46811
with respect to a tax certificate, the certificate parcel against 46812
which the tax certificate has been sold pursuant to those 46813
sections. 46814

Sec. 5725.31. (A) As used in this section: 46815

(1) "Eligible employee" and "eligible training costs" have 46816
the same meanings as in section 5733.42 of the Revised Code. 46817

(2) "Tax assessed under this chapter" means, in the case of a 46818
dealer in intangibles, the tax assessed under sections 5725.13 to 46819
5725.17 of the Revised Code and, in the case of a domestic 46820
insurance company, the taxes assessed under sections 5725.18 to 46821
5725.26 of the Revised Code. 46822

(3) "Taxpayer" means a dealer in intangibles or a domestic 46823
insurance company subject to a tax assessed under this chapter. 46824

(4) "Credit period" means, in the case of a dealer in 46825
intangibles, the calendar year ending on the thirty-first day of 46826
December next preceding the day the report is required to be 46827
returned under section 5725.14 of the Revised Code and, in the 46828
case of a domestic insurance company, the calendar year ending on 46829

the thirty-first day of December next preceding the day the annual 46830
statement is required to be returned under section 5725.18 or 46831
5725.181 of the Revised Code. 46832

(B) There is hereby allowed a nonrefundable credit against 46833
the tax imposed under this chapter for a taxpayer for which a tax 46834
credit certificate is issued under section 5733.42 of the Revised 46835
Code. The credit may be claimed for credit periods beginning on or 46836
after January 1, ~~2001~~ 2003, and ending on or before December 31, 46837
~~2003~~ 2005. The amount of the credit for the credit period 46838
beginning on January 1, 2003, shall equal one-half of the average 46839
of the eligible training costs paid or incurred by the taxpayer 46840
during ~~the three~~ calendar years ~~immediately preceding the credit~~ 46841
~~period for which the credit is claimed~~ 1998, 1999, and 2000, not 46842
to exceed one thousand dollars for each eligible employee on 46843
account of whom eligible training costs were paid or incurred by 46844
the taxpayer. The amount of the credit for the credit period 46845
beginning on January 1, 2004, shall equal one-half of the average 46846
of the eligible training costs paid or incurred by the taxpayer 46847
during calendar years 2002, 2003, and 2004, not to exceed one 46848
thousand dollars for each eligible employee on account of whom 46849
eligible training costs were paid or incurred by the taxpayer. The 46850
amount of the credit for the credit period beginning on January 1, 46851
2005, shall equal one-half of the average of the eligible training 46852
costs paid or incurred by the taxpayer during calendar years 2003, 46853
2004, and 2005, not to exceed one thousand dollars for each 46854
eligible employee on account of whom eligible training costs were 46855
paid or incurred by the taxpayer. The credit claimed by a taxpayer 46856
each credit period shall not exceed one hundred thousand dollars. 46857

A taxpayer shall apply to the director of job and family 46858
services for a tax credit certificate in the manner prescribed by 46859
division (C) of section 5733.42 of the Revised Code. Divisions (C) 46860
to (H) of that section govern the tax credit allowed by this 46861

section, except that "credit period" shall be substituted for "tax
year with respect to a calendar year" wherever that phrase appears
in those divisions and that a taxpayer under this section shall be
considered a taxpayer for the purposes of that section.

A taxpayer may carry forward the credit allowed under this
section to the extent that the credit exceeds the taxpayer's tax
due for the credit period. The taxpayer may carry the excess
credit forward for three credit periods following the credit
period for which the credit is first claimed under this section.
The credit allowed by this section is in addition to any credit
allowed under section 5729.031 of the Revised Code.

Sec. 5727.25. (A) Except as provided in division (B) of this
section, within forty-five days after the last day of March, June,
September, and December, each natural gas company or combined
company subject to the excise tax imposed by section 5727.24 of
the Revised Code shall file a return with the ~~treasurer of state~~
tax commissioner, in such form as the tax commissioner prescribes,
and pay the full amount of the tax due on its taxable gross
receipts for the preceding calendar quarter, except that the first
payment of this tax shall be made on or before November 15, 2000,
for the five-month period of May 1, 2000, to September 30, 2000.
All payments made under this division shall be made by electronic
funds transfer in accordance with section 5727.311 of the Revised
Code.

(B) Any natural gas company or combined company subject to
the excise tax imposed by this section that has an annual tax
liability for the preceding calendar year ending on the
thirty-first day of December of less than three hundred
twenty-five thousand dollars may elect to file an annual return
with the ~~treasurer of state~~ tax commissioner, in such form as the
tax commissioner prescribes, for the next year. A company that

elects to file an annual return for the calendar year shall file 46893
the return and remit the taxes due on its taxable gross receipts 46894
within forty-five days after the thirty-first day of December. The 46895
first payment of the tax under this division shall be made on or 46896
before February 14, 2001, for the period of May 1, 2000, to 46897
December 31, 2000. The minimum tax for a natural gas company or 46898
combined company subject to this division shall be fifty dollars, 46899
and the company shall not be required to remit the tax due by 46900
electronic funds transfer. 46901

(C) A return required to be filed under division (A) or (B) 46902
of this section shall show the amount of tax due from the company 46903
for the period covered by the return and any other information as 46904
prescribed by the tax commissioner. A return shall be considered 46905
filed when received by the ~~treasurer of state~~ tax commissioner. 46906
The commissioner may extend the time for making and filing returns 46907
and paying the tax. 46908

(D) Any natural gas company or combined company that fails to 46909
file a return or pay the full amount of the tax due within the 46910
period prescribed under this section shall pay an additional 46911
charge of fifty dollars or ten per cent of the tax required to be 46912
paid for the reporting period, whichever is greater. If any tax 46913
due is not paid timely in accordance with this section, the 46914
company liable for the tax shall pay interest, calculated at the 46915
rate per annum prescribed by section 5703.47 of the Revised Code, 46916
from the date the tax payment was due to the date of payment or to 46917
the date an assessment was issued, whichever occurs first. The tax 46918
commissioner may collect any additional charge or interest imposed 46919
by this section by assessment in the manner provided in section 46920
5727.26 of the Revised Code. The commissioner may abate all or a 46921
portion of the additional charge and may adopt rules governing 46922
such abatements. 46923

(E) The tax commissioner shall immediately forward to the 46924

treasurer of state any amounts that the commissioner receives 46925
under this section. The taxes, additional charges, penalties, and 46926
interest collected under sections 5727.24 to 5727.29 of the 46927
Revised Code shall be credited in accordance with section 5727.45 46928
of the Revised Code. 46929

Sec. 5727.26. (A) The tax commissioner may make an 46930
assessment, based on any information in the commissioner's 46931
possession, against any natural gas company or combined company 46932
that fails to file a return or pay any tax, interest, or 46933
additional charge as required by sections 5727.24 to 5727.29 of 46934
the Revised Code. The commissioner shall give the company assessed 46935
written notice of the assessment as provided in section 5703.37 of 46936
the Revised Code. A penalty of up to fifteen per cent may be added 46937
to all amounts assessed under this section. The tax commissioner 46938
may adopt rules providing for the imposition and remission of the 46939
penalty. 46940

(B) If a party to whom the notice of assessment is directed 46941
objects to the assessment, the party may file a petition for 46942
reassessment with the tax commissioner. The petition must be made 46943
in writing, signed by the party or the party's authorized agent 46944
having knowledge of the facts, and filed with the commissioner, 46945
either personally or by certified mail, within sixty days after 46946
service of the notice of assessment. The petition shall indicate 46947
the objections of the company assessed, but additional objections 46948
may be raised in writing if received prior to the date shown on 46949
the final determination of the commissioner. Upon receipt of a 46950
properly filed petition, the commissioner ~~shall~~ may notify the 46951
treasurer of state. 46952

Unless the petitioner waives a hearing, the commissioner 46953
shall grant the petitioner a hearing on the petition, assign a 46954
time and place for the hearing, and notify the petitioner of the 46955
time and place of the hearing as provided in section 5703.37 of 46956

the Revised Code. The commissioner may continue the hearing from
time to time, if necessary.

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If the party to whom the notice of assessment is directed
does not file a petition for reassessment, the assessment is final
and the amount of the assessment is due and payable from the
company assessed ~~to the treasurer of state. The company assessed~~
shall make the payment payable to the treasurer of state and shall
deliver the payment to the tax commissioner.

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(C) The tax commissioner may make any correction to the
assessment that the commissioner finds proper and shall issue a
final determination thereon. The commissioner shall serve a copy
of the final determination on the petitioner as provided in
section 5703.37 of the Revised Code, and the commissioner's
decision in the matter is final, subject to appeal under section
5717.02 of the Revised Code. The commissioner ~~also shall~~ may
transmit a copy of the final determination to the treasurer of
state. Only objections decided on the merits by the board of tax
appeals or a court shall be given collateral estoppel or res
judicata effect in considering an application for refund of an
amount paid pursuant to the assessment.

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(D) After an assessment becomes final, if any portion of the
assessment, including accrued interest, remains unpaid, a
certified copy of the tax commissioner's entry making the
assessment final may be filed in the office of the clerk of the
court of common pleas in the county in which the natural gas
company's or combined company's principal place of business is
located, or in the office of the clerk of court of common pleas of
Franklin county.

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The clerk, immediately on the filing of the entry, must enter
judgment for the state against the company assessed in the amount
shown on the entry. The judgment may be filed by the clerk in a
loose-leaf book entitled, "special judgments for the public

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utility excise tax on natural gas and combined companies," and 46989
shall have the same effect as other judgments. Execution shall 46990
issue upon the judgment at the request of the tax commissioner, 46991
and all laws applicable to sales on execution shall apply to sales 46992
made under the judgment. 46993

The portion of the assessment not paid within sixty days 46994
after the day the assessment was issued shall bear interest at the 46995
rate per annum prescribed by section 5703.47 of the Revised Code 46996
from the day the tax commissioner issues the assessment until it 46997
is paid. Interest shall be paid in the same manner as the tax and 46998
may be collected by the issuance of an assessment under this 46999
section. 47000

(E) If the tax commissioner believes that collection of the 47001
tax will be jeopardized unless proceedings to collect or secure 47002
collection of the tax are instituted without delay, the 47003
commissioner may issue a jeopardy assessment against the person 47004
liable for the tax. On issuance of the jeopardy assessment, the 47005
commissioner immediately shall file an entry with the clerk of the 47006
court of common pleas in the manner prescribed by division (D) of 47007
this section. Notice of the jeopardy assessment shall be served on 47008
the party assessed or the party's legal representative as provided 47009
in section 5703.37 of the Revised Code within five days of the 47010
filing of the entry with the clerk. The total amount assessed is 47011
immediately due and payable, unless the person assessed files a 47012
petition for reassessment in accordance with division (B) of this 47013
section and provides security in a form satisfactory to the 47014
commissioner and in an amount sufficient to satisfy the unpaid 47015
balance of the assessment. Full or partial payment of the 47016
assessment does not prejudice the commissioner's consideration of 47017
the petition for reassessment. 47018

(F) ~~All interest collected by the~~ The tax commissioner shall 47019
immediately forward to the treasurer of state all amounts that the 47020

~~tax commissioner receives~~ under this section ~~shall be paid to the~~ 47021
~~treasurer of state, and when paid such amounts~~ shall be considered 47022
revenue arising from the tax imposed by section 5727.24 of the 47023
Revised Code. 47024

(G) No assessment shall be made or issued against a natural 47025
gas company or combined company for the tax imposed by section 47026
5727.24 of the Revised Code more than four years after the return 47027
date for the period in which the tax was reported, or more than 47028
four years after the return for the period was filed, whichever is 47029
later. 47030

Sec. 5727.81. (A) For the purpose of raising revenue for 47031
public education and state and local government operations, an 47032
excise tax is hereby levied and imposed on an electric 47033
distribution company for all electricity distributed by such 47034
company beginning with the measurement period that includes May 1, 47035
2001, at the following rates per kilowatt hour of electricity 47036
distributed in a thirty-day period by the company through a meter 47037
of an end user in this state: 47038

KILOWATT HOURS DISTRIBUTED TO	RATE PER	
AN END USER	KILOWATT HOUR	
For the first 2,000	\$.00465	47041
For the next 2,001 to 15,000	\$.00419	47042
For 15,001 and above	\$.00363	47043

If no meter is used to measure the kilowatt hours of 47044
electricity distributed by the company, the rates shall apply to 47045
the estimated kilowatt hours of electricity distributed to an 47046
unmetered location in this state. 47047

The electric distribution company shall base the monthly tax 47048
on the kilowatt hours of electricity distributed to an end user 47049
through the meter of the end user that is not measured for a 47050
thirty-day period by dividing the days in the measurement period 47051

into the total kilowatt hours measured during the measurement 47052
period to obtain a daily average usage. The tax shall be 47053
determined by obtaining the sum of divisions (A)(1), (2), and (3) 47054
of this section and multiplying that amount by the number of days 47055
in the measurement period: 47056

(1) Multiplying \$0.00465 per kilowatt hour for the first 47057
sixty-seven kilowatt hours distributed using a daily average; 47058

(2) Multiplying \$0.00419 for the next sixty-eight to five 47059
hundred kilowatt hours distributed using a daily average; 47060

(3) Multiplying \$0.00363 for the remaining kilowatt hours 47061
distributed using a daily average. 47062

~~Except~~ Until January 1, 2003, except as provided in division 47063
(C) of this section, the electric distribution company shall pay 47064
the tax to the treasurer of state in accordance with section 47065
5727.82 of the Revised Code. Beginning January 1, 2003, except as 47066
provided in division (C) of this section, the electric 47067
distribution company shall pay the tax to the tax commissioner in 47068
accordance with section 5727.82 of the Revised Code, unless 47069
required to remit each tax payment by electronic funds transfer to 47070
the treasurer of state in accordance with section 5727.83 of the 47071
Revised Code. 47072

Only the distribution of electricity through a meter of an 47073
end user in this state shall be used by the electric distribution 47074
company to compute the amount or estimated amount of tax due. In 47075
the event a meter is not actually read for a measurement period, 47076
the estimated kilowatt hours distributed by an electric 47077
distribution company to bill for its distribution charges shall be 47078
used. 47079

(B) Except as provided in division (C) of this section, each 47080
electric distribution company shall pay the tax imposed by this 47081
section in all of the following circumstances: 47082

(1) The electricity is distributed by the company through a meter of an end user in this state; 47083
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(2) The company is distributing electricity through a meter located in another state, but the electricity is consumed in this state in the manner prescribed by the tax commissioner; 47085
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(3) The company is distributing electricity in this state without the use of a meter, but the electricity is consumed in this state as estimated and in the manner prescribed by the tax commissioner. 47088
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(C)(1) As used in division (C) of this section: 47092

(a) "Total price of electricity" means the aggregate value in money of anything paid or transferred, or promised to be paid or transferred, to obtain electricity or electric service, including but not limited to the value paid or promised to be paid for the transmission or distribution of electricity and for transition costs as described in Chapter 4928. of the Revised Code. 47093
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(b) "Package" means the provision or the acquisition, at a combined price, of electricity with other services or products, or any combination thereof, such as natural gas or other fuels; energy management products, software, and services; machinery and equipment acquisition; and financing agreements. 47099
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(c) "Single location" means a facility located on contiguous property separated only by a roadway, railway, or waterway. 47104
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(2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds forty-five million kilowatt hours of electricity over the course of the preceding calendar year, or any commercial or industrial purchaser that will consume more than forty-five million kilowatt hours of electricity over the course of the succeeding twelve 47106
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months as estimated by the tax commissioner. The tax commissioner 47114
shall make such an estimate upon the written request by an 47115
applicant for registration as a self-assessing purchaser under 47116
this division. Such a purchaser may elect to self-assess the 47117
excise tax imposed by this section at the rate of \$.00075 per 47118
kilowatt hour on ~~not more than~~ the first five hundred four million 47119
kilowatt hours distributed to that meter or location during the 47120
registration year, and four per cent of the total price of all 47121
electricity distributed to that meter or location. A qualified end 47122
user that receives electricity through a meter of an end user in 47123
this state or through more than one meter at a single location in 47124
this state and that consumes, over the course of the previous 47125
calendar year, more than forty-five million kilowatt hours in 47126
other than its qualifying manufacturing process, may elect to 47127
self-assess the tax as allowed by this division with respect to 47128
the electricity used in other than its qualifying manufacturing 47129
process. ~~Payment~~ Until January 1, 2003, payment of the tax shall 47130
be made directly to the treasurer of state in accordance with 47131
divisions (A)(4) and (5) of section 5727.82 of the Revised Code. 47132
Beginning January 1, 2003, payment of the tax shall be made 47133
directly to the tax commissioner in accordance with divisions 47134
(A)(4) and (5) of section 5727.82 of the Revised Code, or the 47135
treasurer of state in accordance with section 5727.83 of the 47136
Revised Code. If the electric distribution company serving the 47137
self-assessing purchaser is a municipal electric utility and the 47138
purchaser is within the municipal corporation's corporate limits, 47139
payment shall be made to such municipal corporation's general fund 47140
and reports shall be filed in accordance with divisions (A)(4) and 47141
(5) of section 5727.82 of the Revised Code, except that "municipal 47142
corporation" shall be substituted for "treasurer of state" and 47143
"tax commissioner." A self-assessing purchaser that pays the 47144
excise tax as provided in this division shall not be required to 47145
pay the tax to the electric distribution company from which its 47146

electricity is distributed. If a self-assessing purchaser's receipt of electricity is not subject to the tax as measured under this division, the tax on the receipt of such electricity shall be measured and paid as provided in division (A) of this section.

(3) In the case of the acquisition of a package, unless the elements of the package are separately stated isolating the total price of electricity from the price of the remaining elements of the package, the tax imposed under this section applies to the entire price of the package. If the elements of the package are separately stated, the tax imposed under this section applies to the total price of the electricity.

(4) Any electric supplier that sells electricity as part of a 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 47179
to the tax commissioner, or to the treasurer of state as provided 47180
in section 5727.83 of the Revised Code, for each qualifying meter 47181
or location. The tax commissioner shall immediately pay to the 47182
treasurer of state all amounts that the tax commissioner receives 47183
under this section. The treasurer of state shall deposit such ~~fees~~ 47184
amounts into the kilowatt hour excise tax administration fund, 47185
which is hereby created in the state treasury. Money in the fund 47186
shall be used to defray the tax commissioner's cost in 47187
administering the tax owed under section 5727.81 of the Revised 47188
Code by self-assessing purchasers. After the application is 47189
approved by the tax commissioner, the registration shall remain in 47190
effect for the current registration year, or until canceled by the 47191
registrant upon written notification to the commissioner of the 47192
election to pay the tax in accordance with division (A) of this 47193
section, or until canceled by the tax commissioner for not paying 47194
the tax or fee under division (C) of this section, or for not 47195
meeting the qualifications in division (C)(2) of this section. The 47196
tax commissioner shall give written notice to the electric 47197
distribution company from which electricity is delivered to a 47198
self-assessing purchaser of the purchaser's self-assessing status, 47199
and the electric distribution company is relieved of the 47200
obligation to pay the tax imposed by division (A) of this section 47201
for electricity distributed to that self-assessing purchaser until 47202
it is notified by the tax commissioner that the self-assessing 47203
purchaser's registration is canceled. Within fifteen days of 47204
notification of the canceled registration, the electric 47205
distribution company shall be responsible for payment of the tax 47206
imposed by division (A) of this section on electricity distributed 47207
to a purchaser that is no longer registered as a self-assessing 47208
purchaser. A self-assessing purchaser with a canceled registration 47209
must file a report and remit the tax imposed by division (A) of 47210
this section on all electricity it receives for any measurement 47211

period prior to the tax being reported and paid by the electric 47212
distribution company. A self-assessing purchaser whose 47213
registration is canceled by the tax commissioner is not eligible 47214
to register as a self-assessing purchaser for two years after the 47215
registration is canceled. 47216

(7) If the tax commissioner cancels the self-assessing 47217
registration of a purchaser registered on the basis of its 47218
estimated consumption because the purchaser does not consume at 47219
least forty-five million kilowatt hours of electricity over the 47220
course of the twelve-month period for which the estimate was made, 47221
the tax commissioner shall assess and collect from the purchaser 47222
the difference between (a) the amount of tax that would have been 47223
payable under division (A) of this section on the electricity 47224
distributed to the purchaser during that period and (b) the amount 47225
of tax paid by the purchaser on such electricity pursuant to 47226
division (C)(2)(a) of this section. The assessment shall be paid 47227
within sixty days after the tax commissioner issues it, regardless 47228
of whether the purchaser files a petition for reassessment under 47229
section 5727.89 of the Revised Code covering that period. If the 47230
purchaser does not pay the assessment within the time prescribed, 47231
the amount assessed is subject to the additional charge and the 47232
interest prescribed by divisions (B) and (C) of section 5727.82 of 47233
the Revised Code, and is subject to assessment under section 47234
5727.89 of the Revised Code. If the purchaser is a qualified end 47235
user, division (C)(7) of this section applies only to electricity 47236
it consumes in other than its qualifying manufacturing process. 47237

(D) The tax imposed by this section does not apply to the 47238
distribution of any kilowatt hours of electricity to the federal 47239
government, to an end user located at a federal facility that uses 47240
electricity for the enrichment of uranium, to a qualified 47241
regeneration meter, or to an end user for any day the end user is 47242
a qualified end user. The exemption under this division for a 47243

qualified end user only applies to the manufacturing location 47244
where the qualified end user uses more than three million kilowatt 47245
hours per day in a qualifying manufacturing process. 47246

Sec. 5727.811. (A) For the purpose of raising revenue for 47247
public education and state and local government operations, an 47248
excise tax is hereby levied on every natural gas distribution 47249
company for all natural gas volumes billed by, or on behalf of, 47250
the company ~~on and after~~ beginning with the measurement period 47251
that includes July 1, 2001. Except as provided in divisions (C) or 47252
(D) of this section, the tax shall be levied at the following 47253
rates per MCF of natural gas distributed by the company through a 47254
meter of an end user in this state: 47255

MCF DISTRIBUTED TO AN END USER	RATE PER MCF	
For the first 100 MCF per month	\$.1593	47256
For the next 101 to 2000 MCF per month	\$.0877	47257
For 2001 and above MCF per month	\$.0411	47258

If no meter is used to measure the MCF of natural gas 47260
distributed by the company, the rates shall apply to the estimated 47261
MCF of natural gas distributed to an unmetered location in this 47262
state. 47263

(B) A natural gas distribution company shall base the tax on 47264
the MCF of natural gas distributed to an end user through the 47265
meter of the end user in this state that is estimated to be 47266
consumed by the end user as reflected on the end user's customer 47267
statement from the natural gas distribution company. ~~The~~ Until 47268
January 1, 2003, the natural gas distribution company shall pay 47269
the tax levied by this section to the treasurer of state in 47270
accordance with section 5727.82 of the Revised Code. Beginning 47271
January 1, 2003, the natural gas distribution company shall pay 47272
the tax levied by this section to the tax commissioner in 47273
accordance with section 5727.82 of the Revised Code unless 47274

required to remit payment to the treasurer of state in accordance 47275
with section 5727.83 of the Revised Code. 47276

(C) A natural gas distribution company with fifty thousand 47277
customers or less may elect to apply the rates specified in 47278
division (A) of this section to the aggregate of the natural gas 47279
distributed by the company through the meter of all its customers 47280
in this state, and upon such election, this method shall be used 47281
to determine the amount of tax to be paid by such company. 47282

(D) A natural gas distribution company shall pay the tax 47283
imposed by this section at the rate of \$.02 per MCF of natural gas 47284
distributed by the company through the meter of a flex customer. 47285
The natural gas distribution company correspondingly shall reduce 47286
the per MCF rate that it charges the flex customer for natural gas 47287
distribution services by \$.02 per MCF of natural gas distributed 47288
to the flex customer. 47289

(E) Except as provided in division (F) of this section, each 47290
natural gas distribution company shall pay the tax imposed by this 47291
section in all of the following circumstances: 47292

(1) The natural gas is distributed by the company through a 47293
meter of an end user in this state; 47294

(2) The natural gas distribution company is distributing 47295
natural gas through a meter located in another state, but the 47296
natural gas is consumed in this state in the manner prescribed by 47297
the tax commissioner; 47298

(3) The natural gas distribution company is distributing 47299
natural gas in this state without the use of a meter, but the 47300
natural gas is consumed in this state as estimated and in the 47301
manner prescribed by the tax commissioner. 47302

(F) The tax levied by this section does not apply to the 47303
distribution of natural gas to the federal government, or natural 47304
gas produced by an end user in this state that is consumed by that 47305

end user or its affiliates and is not distributed through the
facilities of a natural gas company.

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Sec. 5727.82. (A)(1) Except as provided in divisions (A)(3)
and (D) of this section, by the twentieth day of each month, each
electric distribution company required to pay the tax imposed by
section 5727.81 of the Revised Code shall file with the ~~treasurer~~
~~of state~~ tax commissioner a return as prescribed by the tax
commissioner and shall make payment of the full amount of tax due
for the preceding month. The first payment of this tax shall be
made on or before June 20, 2001. The electric distribution company
shall make payment to the tax commissioner unless required to
remit each tax payment by electronic funds transfer to the
treasurer of state as provided in section 5727.83 of the Revised
Code.

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(2) By the twentieth day of May, August, November, and
February, each natural gas distribution company required to pay
the tax imposed by section 5727.811 of the Revised Code shall file
with the ~~treasurer of state~~ tax commissioner a return as
prescribed by the tax commissioner and shall make payment to the
tax commissioner, or to the treasurer of state as provided in
section 5727.83 of the Revised Code, of the full amount of tax due
for the preceding quarter. The first payment of this tax shall be
made on or before November 20, 2001, for the quarter ending
September 30, 2001.

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(3) If the electric distribution company required to pay the
tax imposed by section 5727.81 of the Revised Code is a municipal
electric utility, it may retain in its general fund that portion
of the tax on the kilowatt hours distributed to end users located
within the boundaries of the municipal corporation. However, the
municipal electric utility shall make payment in accordance with
division (A)(1) of this section of the tax due on the kilowatt

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hours distributed to end users located outside the boundaries of
the municipal corporation.

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(4) By the twentieth day of each month, each self-assessing
purchaser that under division (C) of section 5727.81 of the
Revised Code pays directly to the tax commissioner or the
treasurer of state the tax imposed by section 5727.81 of the
Revised Code shall file with the ~~treasurer of state~~ tax
commissioner a return as prescribed by the tax commissioner and
shall make payment of the full amount of the tax due for the
preceding month.

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(5) As prescribed by the tax commissioner, a return shall be
signed by the company or self-assessing purchaser required to file
it, or an authorized employee, officer, or agent of the company or
purchaser. ~~The treasurer of state shall mark on the return the~~
~~date it was received and indicate payment or nonpayment of the tax~~
~~shown to be due on the return. The treasurer of state immediately~~
~~shall transmit all returns to the tax commissioner.~~ The return
shall be deemed filed when received by the ~~treasurer of state~~ tax
commissioner.

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(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.

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(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

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tax shall pay interest, calculated at the rate per annum 47369
prescribed by section 5703.47 of the Revised Code, from the date 47370
the tax payment was due to the date of payment or to the date an 47371
assessment is issued, whichever occurs first. Interest shall be 47372
paid in the same manner as the tax, and the commissioner may 47373
collect the interest by assessment pursuant to section 5727.89 of 47374
the Revised Code. 47375

(D) Not later than the tenth day of each month, a qualified 47376
end user not making the election to self-assess under division (C) 47377
of section 5727.81 of the Revised Code shall report in writing to 47378
the electric distribution company that distributes electricity to 47379
the end user the kilowatt hours that were consumed as a qualified 47380
end user in a qualifying manufacturing process for the prior month 47381
and the number of days, if any, on which the end user was not a 47382
qualified end user. For each calendar day during that month, a 47383
qualified end user shall report the kilowatt hours that were not 47384
used in a qualifying manufacturing process. For each calendar day 47385
the end user was not a qualified end user, the end user shall 47386
report in writing to the electric distribution company the total 47387
number of kilowatt hours used on that day, and the electric 47388
distribution company shall pay the tax imposed under section 47389
5727.81 of the Revised Code on each kilowatt hour that was not 47390
distributed to a qualified end user in a qualifying manufacturing 47391
process. The electric distribution company may rely in good faith 47392
on a qualified end user's report filed under this division. If it 47393
is determined that the end user was not a qualified end user for 47394
any calendar day or the quantity of electricity used by the 47395
qualified end user in a qualifying manufacturing process was 47396
overstated, the tax commissioner shall assess and collect any tax 47397
imposed under section 5727.81 of the Revised Code directly from 47398
the qualified end user. As requested by the commissioner, each end 47399
user reporting to an electric distribution company that it is a 47400

qualified end user shall provide documentation to the commissioner 47401
that establishes the volume of electricity consumed daily by the 47402
qualified end user and the total number of kilowatt hours consumed 47403
in a qualifying manufacturing process. 47404

(E) The tax commissioner shall immediately pay to the 47405
treasurer of state all amounts that the tax commissioner receives 47406
under this section. The treasurer of state shall credit such 47407
amounts in accordance with this chapter. 47408

Sec. 5727.84. (A) As used in this section and sections 47409
5727.85, 5727.86, and 5727.87 of the Revised Code: 47410

(1) "School district" means a city, local, or exempted 47411
village school district. 47412

(2) "Joint vocational school district" means a joint 47413
vocational school district created under section 3311.16 of the 47414
Revised Code, and includes a cooperative education school district 47415
created under section 3311.52 or 3311.521 of the Revised Code and 47416
a county school financing district created under section 3311.50 47417
of the Revised Code. 47418

(3) "Local taxing unit" means a subdivision or taxing unit, 47419
as defined in section 5705.01 of the Revised Code, a park district 47420
created under Chapter 1545. of the Revised Code, or a township 47421
park district established under section 511.23 of the Revised 47422
Code, but excludes school districts and joint vocational school 47423
districts. 47424

(4) "State education aid" means the sum of ~~the state basic~~ 47425
~~aid and state special education~~ aid amounts computed for a school 47426
district or joint vocational school district under ~~divisions (A)~~ 47427
~~and (C) of section 3317.022 Chapter 3317.~~ of the Revised Code. 47428

(5) "State education aid offset" means the amount ~~certified~~ 47429
determined for each school district or joint vocational school 47430

<u>district</u> under division (A)(1) of section 5727.85 of the Revised Code.	47431 47432
(6) " Adjusted total taxable value <u>Recognized valuation</u> " has the same meaning as in section 3317.02 of the Revised Code.	47433 47434
(7) "Electric company tax value loss" means the amount determined under division (D) of this section.	47435 47436
(8) "Natural gas company tax value loss" means the amount determined under division (E) of this section.	47437 47438
(9) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.	47439 47440
(10) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.	47441 47442
(11) "Fixed-rate levy loss" means the amount determined under division (G) of this section.	47443 47444
(12) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or <u>levied in excess of the ten-mill limitation</u> to pay debt charges, and includes school district emergency levies imposed pursuant to section 5705.194 of the Revised Code.	47445 47446 47447 47448 47449
(13) "Fixed-sum levy loss" means the amount determined under division (H) of this section.	47450 47451
(14) "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor.	47452 47453 47454
(B) All <u>The kilowatt-hour tax receipts fund is hereby created in the state treasury and shall consist of</u> money arising from the tax imposed by section 5727.81 of the Revised Code. <u>All money in the kilowatt-hour tax receipts fund</u> shall be credited as follows:	47455 47456 47457 47458
(1) Fifty-nine and nine hundred seventy-six one-thousandths per cent, plus an amount equal to seventy per cent of the total	47459 47460

~~state education aid offset~~, shall be credited to the general 47461
revenue fund. 47462

(2) Two and six hundred forty-six one-thousandths per cent 47463
shall be credited to the local government fund, for distribution 47464
in accordance with section 5747.50 of the Revised Code. 47465

(3) Three hundred seventy-eight one-thousandths per cent 47466
shall be credited to the local government revenue assistance fund, 47467
for distribution in accordance with section 5747.61 of the Revised 47468
Code. 47469

(4) Twenty-five and nine-tenths per cent, ~~less an amount~~ 47470
~~equal to seventy per cent of the total state education aid offset,~~ 47471
shall be credited to the school district property tax replacement 47472
fund, which is hereby created in the state treasury for the 47473
purpose of making the payments described in section 5727.85 of the 47474
Revised Code. 47475

(5) Eleven and one-tenth per cent shall be credited to the 47476
local government property tax replacement fund, which is hereby 47477
created in the state treasury for the purpose of making the 47478
payments described in section 5727.86 of the Revised Code. 47479

(6) ~~Beginning in the fiscal year in which payments are~~ 47480
~~required to be made under sections 5727.85 and 5727.86 of the~~ 47481
~~Revised Code~~ In fiscal years 2002, 2003, 2004, 2005, and 2006, if 47482
the revenue arising from the tax levied by section 5727.81 of the 47483
Revised Code is less than five hundred fifty-two million dollars, 47484
the amount credited to the general revenue fund under division 47485
(B)(1) of this section shall be reduced by the amount necessary to 47486
credit to each of the funds in divisions (B)(2), and (3), ~~(4)~~, and 47487
~~(5)~~ of this section the amount it would have received if the tax 47488
did raise five hundred fifty-two million dollars for that fiscal 47489
year. The tax commissioner shall certify to the director of budget 47490
and management the amounts that shall be credited under this 47491
division. 47492

(7) Beginning in fiscal year 2007, if the revenue arising from the tax levied by section 5727.81 of the Revised Code is less than five hundred fifty-two million dollars, the amount credited to the general revenue fund under division (B)(1) of this section shall be reduced by the amount necessary to credit to each of the funds in divisions (B)(2), (3), (4), and (5) of this section the amount that it would have received if the tax did raise five hundred fifty-two million dollars for that fiscal year. The tax commissioner shall certify to the director of budget and management the amounts to be credited under division (B)(7) of this section.

(C) All The natural gas tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.811 of the Revised Code. All money in the fund shall be credited as follows:

~~(1) Seventy per cent, less an amount equal to thirty per cent of the total state education aid offset,~~ shall be credited to the school district property tax replacement fund for the purpose of making the payments described in section 5727.85 of the Revised Code.

(2) Thirty per cent shall be credited to the local government property tax replacement fund for the purpose of making the payments described in section 5727.86 of the Revised Code.

~~(3) An amount equal to thirty per cent of the total state education aid offset shall be credited to the general revenue fund.~~

~~(4) Beginning in the fiscal year in which payments are required to be made under sections 5727.85 and 5727.86 of the Revised Code 2007,~~ if the revenue arising from the tax levied by section 5727.811 of the Revised Code is less than ninety million dollars, the an amount credited to equal to the difference between

~~the amount collected and ninety million dollars shall be~~ 47524
~~transferred from the general revenue fund under division (C)(3) of~~ 47525
~~this section shall be reduced by the amount necessary to credit to~~ 47526
~~each of the funds in divisions (C)(1) and (2) of this section the~~ 47527
~~amount that it would have received if the tax did raise ninety~~ 47528
~~million dollars for that fiscal year in the same percentages as if~~ 47529
~~that amount had been collected as taxes under section 5727.811 of~~ 47530
~~the Revised Code. The tax commissioner shall certify to the~~ 47531
~~director of budget and management the amounts that shall be~~ 47532
~~credited transferred under this division.~~ 47533

(D) Not later than January 1, 2002, the tax commissioner 47534
shall determine for each taxing district its electric company tax 47535
value loss, which is the sum of the amounts described in divisions 47536
(D)(1) and (2) of this section: 47537

(1) The difference obtained by subtracting the amount 47538
described in division (D)(1)(b) from the amount described in 47539
division (D)(1)(a) of this section. 47540

(a) The value of electric company and rural electric company 47541
tangible personal property as assessed by the tax commissioner for 47542
tax year 1998 on a preliminary assessment, or an amended 47543
preliminary assessment if issued prior to March 1, 1999, and as 47544
apportioned to the taxing district for tax year 1998; 47545

(b) The value of electric company and rural electric company 47546
tangible personal property as assessed by the tax commissioner for 47547
tax year 1998 had the property been apportioned to the taxing 47548
district for tax year 2001, and assessed at the rates in effect 47549
for tax year 2001. 47550

(2) The difference obtained by subtracting the amount 47551
described in division (D)(2)(b) from the amount described in 47552
division (D)(2)(a) of this section. 47553

(a) The three-year average for tax years 1996, 1997, and 1998 47554

of the assessed value from nuclear fuel materials and assemblies 47555
assessed against a person under Chapter 5711. of the Revised Code 47556
from the leasing of them to an electric company for those 47557
respective tax years, as reflected in the preliminary assessments; 47558
47559

(b) The three-year average assessed value from nuclear fuel 47560
materials and assemblies assessed under division (D)(2)(a) of this 47561
section for tax years 1996, 1997, and 1998, as reflected in the 47562
preliminary assessments, using an assessment rate of twenty-five 47563
per cent. 47564

(E) Not later than January 1, 2002, the tax commissioner 47565
shall determine for each taxing district its natural gas company 47566
tax value loss, which is the sum of the amounts described in 47567
divisions (E)(1) and (2) of this section: 47568

(1) The difference obtained by subtracting the amount 47569
described in division (E)(1)(b) from the amount described in 47570
division (E)(1)(a) of this section. 47571

(a) The value of all natural gas company tangible personal 47572
property, other than property described in division (E)(2) of this 47573
section, as assessed by the tax commissioner for tax year 1999 on 47574
a preliminary assessment, or an amended preliminary assessment if 47575
issued prior to March 1, 2000, and apportioned to the taxing 47576
district for tax year 1999; 47577

(b) The value of all natural gas company tangible personal 47578
property, other than property described in division (E)(2) of this 47579
section, as assessed by the tax commissioner for tax year 1999 had 47580
the property been apportioned to the taxing district for tax year 47581
2001, and assessed at the rates in effect for tax year 2001. 47582

(2) The difference in the value of current gas obtained by 47583
subtracting the amount described in division (E)(2)(b) from the 47584
amount described in division (E)(2)(a) of this section. 47585

(a) The three-year average assessed value of current gas as 47586
assessed by the tax commissioner for tax years 1997, 1998, and 47587
1999 on a preliminary assessment, or an amended preliminary 47588
assessment if issued prior to March 1, 2001, and as apportioned in 47589
the taxing district for those respective years; 47590

(b) The three-year average assessed value from current gas 47591
under division (E)(2)(a) of this section for tax years 1997, 1998, 47592
and 1999, as reflected in the preliminary assessment, using an 47593
assessment rate of twenty-five per cent. 47594

(F) The tax commissioner may request that natural gas 47595
companies, electric companies, and rural electric companies file a 47596
report to help determine the tax value loss under divisions (D) 47597
and (E) of this section. The report shall be filed within thirty 47598
days of the commissioner's request. A company that fails to file 47599
the report or does not timely file the report is subject to the 47600
penalty in section 5727.60 of the Revised Code. 47601

(G) Not later than January 1, 2002, the tax commissioner 47602
shall determine for each school district, joint vocational school 47603
district, and local taxing unit its fixed-rate levy loss, which is 47604
the sum of its electric company tax value loss multiplied by the 47605
tax rate in effect in tax year 1998 for fixed-rate levies and its 47606
natural gas company tax value loss multiplied by the tax rate in 47607
effect in tax year 1999 for fixed-rate levies. 47608

(H) Not later than January 1, 2002, the tax commissioner 47609
shall determine for each school district, joint vocational school 47610
district, and local taxing unit its fixed-sum levy loss, which is 47611
the amount obtained by subtracting the amount described in 47612
division (H)(2) of this section from the amount described in 47613
division (H)(1) of this section: 47614

(1) The sum of the electric company tax value loss multiplied 47615
by the tax rate in effect in tax year 1998, and the natural gas 47616

company tax value loss multiplied by the tax rate in effect in tax 47617
year 1999, for fixed-sum levies for all taxing districts within 47618
each school district, joint vocational school district, and local 47619
taxing unit. For the years 2002 through 2006, this computation 47620
shall include school district emergency levies that existed in 47621
1998 in the case of the electric company tax value loss, and 1999 47622
in the case of the natural gas company tax value loss, and all 47623
other fixed-sum levies that existed in 1998 in the case of the 47624
electric company tax value loss and 1999 in the case of the 47625
natural gas company tax value loss and continue to be charged in 47626
the tax year preceding the distribution year. For the years 2007 47627
through 2016 in the case of school district emergency levies, and 47628
for all years after 2006 in the case of all other fixed-sum 47629
levies, this computation shall exclude all fixed-sum levies that 47630
existed in 1998 in the case of the electric company tax value loss 47631
and 1999 in the case of the natural gas company tax value loss, 47632
but are no longer in effect in the tax year preceding the 47633
distribution year. For the purposes of this section, an emergency 47634
levy that existed in 1998 in the case of the electric company tax 47635
value loss, and 1999 in the case of the natural gas company tax 47636
value loss, continues to exist in a year beginning on or after 47637
January 1, 2007, but before January 1, 2017, if, in that year, the 47638
board of education levies a school district emergency levy for an 47639
annual sum at least equal to the annual sum levied by the board in 47640
tax year 1998 or 1999, respectively, less the amount of the 47641
payment certified under this division for 2002. 47642

(2) ~~The total taxable value in tax year 1998 in the case of~~ 47643
~~the electric company tax value loss and 1999 in the case of the~~ 47644
~~natural gas company 1999 less the~~ tax value loss in each school 47645
district, joint vocational school district, and local taxing unit 47646
multiplied by one-fourth of one mill. 47647

If the amount computed under division (H) of this section for 47648

any school district, joint vocational school district, or local 47649
taxing unit is greater than zero, that amount shall equal the 47650
fixed-sum levy loss reimbursed pursuant to division (E) of section 47651
5727.85 of the Revised Code or division (A)(2) of section 5727.86 47652
of the Revised Code, and the one-fourth of one mill that is 47653
subtracted under division (H)(2) of this section shall be 47654
apportioned among all contributing fixed-sum levies in the 47655
proportion of each levy to the sum of all fixed-sum levies within 47656
each school district, joint vocational school district, or local 47657
taxing unit. 47658

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 47659
section, in computing the tax value loss, fixed-rate levy loss, 47660
and fixed-sum levy loss, the tax commissioner shall use the 47661
greater of the 1998 tax rate or the 1999 tax rate in the case of 47662
levy losses associated with the electric company tax value loss, 47663
but the 1999 tax rate shall not include for this purpose any tax 47664
levy approved by the voters after June 30, 1999, and the tax 47665
commissioner shall use the greater of the 1999 or the 2000 tax 47666
rate in the case of levy losses associated with the natural gas 47667
company tax value loss, ~~but the 2000 tax rate shall not include~~ 47668
~~for this purpose any tax levy approved by the voters after~~ 47669
~~November 7, 2000.~~ 47670

(J) Not later than January 1, 2002, the tax commissioner 47671
shall certify to the department of education the tax value loss 47672
determined under divisions (D) and (E) of this section for each 47673
taxing district, the fixed-rate levy loss calculated under 47674
division (G) of this section, and the fixed-sum levy loss 47675
calculated under division (H) of this section. The calculations 47676
under divisions (G) and (H) of this section shall separately 47677
display the levy loss for each levy eligible for reimbursement. 47678

(K) Not later than September 1, 2001, the tax commissioner 47679
shall certify the amount of the fixed-sum levy loss to the county 47680

auditor of each county in which a school district with a fixed-sum 47681
levy loss has territory. 47682

Sec. 5727.85. (A) By the thirty-first day of July of each 47683
year, beginning in 2002 and ending in 2016, the department of 47684
education shall determine the following for each school district 47685
and each joint vocational school district eligible for payment 47686
under division (C) or (D) of this section: 47687

(1) The state education aid offset, which is the difference 47688
obtained by subtracting the amount described in division (A)(1)(b) 47689
of this section from the amount described in division (A)(1)(a) of 47690
this section: 47691

(a) The state education aid computed for the school district 47692
or joint vocational school district for the current fiscal year ~~on~~ 47693
~~the basis of the adjusted total taxable value~~ as of the 47694
thirty-first day of July; 47695

(b) The state education aid that would be computed for the 47696
school district or joint vocational school district for the 47697
current fiscal year as of the thirty-first day of July if the 47698
~~district's adjusted total taxable value~~ recognized valuation 47699
included the tax value loss for ~~all taxing districts~~ in the school 47700
district or joint vocational school district. 47701

(2) The greater of zero or difference obtained by subtracting 47702
the state education aid offset determined under division (A)(1) of 47703
this section from the fixed-rate levy loss ~~determined~~ certified 47704
under division ~~(G)~~ (J) of section 5727.84 of the Revised Code for 47705
all taxing districts in each school district and joint vocational 47706
school district. ~~The~~ 47707

By the fifth day of August of each such year, the department 47708
of education shall certify the amount so determined under division 47709
(A)(1) of this section to the director of budget and management. 47710

(B) Not later than the thirty-first day of October of the 47711
years 2006 through 2016, the department of education shall 47712
determine all of the following for each school district: 47713

(1) The amount obtained by subtracting the district's state 47714
education aid computed for fiscal year 2002 from the district's 47715
state education aid computed for the current fiscal year; 47716

(2) The inflation-adjusted property tax loss. The 47717
inflation-adjusted property tax loss equals the fixed-rate levy 47718
loss, excluding the tax loss from levies within the ten-mill 47719
limitation to pay debt charges, determined under division (G) of 47720
section 5727.84 of the Revised Code for all taxing districts in 47721
each school district plus the product obtained by multiplying that 47722
loss by the cumulative percentage increase in the consumer price 47723
index from January 1, 2002, to the thirtieth day of June of the 47724
current year. 47725

(3) The difference obtained by subtracting the amount 47726
computed under division (B)(1) from the amount of the 47727
inflation-adjusted property tax loss. If this difference is zero 47728
or a negative number, no further payments shall be made under 47729
division (C) of this section to the school district from the 47730
school district property tax replacement fund. ~~If the difference~~ 47731
~~is greater than zero, the department of education shall certify~~ 47732
~~the amount calculated in division (A)(2) of this section to the~~ 47733
~~director of budget and management not later than the thirty-first~~ 47734
~~day of December of each year, beginning in 2006 and ending in~~ 47735
~~2016.~~ 47736

(C) ~~For all taxing districts in each school district, the~~ 47737
~~director of budget and management~~ The department of education 47738
shall pay from the school district property tax replacement fund 47739
to ~~the county undivided income tax fund in the proper county~~ 47740
~~treasury~~ each school district all of the following: 47741

(1) In February 2002, one-half of the fixed-rate levy loss 47742
certified under division ~~(G)~~(J) of section 5727.84 of the Revised 47743
Code ~~on or before the day prescribed for the settlement under~~ 47744
~~division (A) of section 321.24 of the Revised Code~~ between the 47745
twenty-first and twenty-eighth days of February. 47746

(2) From August 2002 through August 2006, one-half of the 47747
amount ~~certified~~ calculated for that fiscal year under division 47748
(A)(2) of this section ~~on or before each of the days prescribed~~ 47749
~~for the settlements under divisions (A) and (C) of section 321.24~~ 47750
~~of the Revised Code~~ between the twenty-first and twenty-eighth 47751
days of August and of February. 47752

(3) From February 2007 through August 2016, one-half of the 47753
amount ~~certified~~ calculated for that calendar year under division 47754
(B)(3) of this section ~~on or before each of the days prescribed~~ 47755
~~for the settlements under divisions (A) and (C) of section 321.24~~ 47756
~~of the Revised Code.~~ 47757

~~The county treasurer shall distribute amounts paid under~~ 47758
~~divisions (C)(1), (2), and (3) of this section to the proper~~ 47759
~~school district as if they had been levied and collected as taxes,~~ 47760
~~and the school district shall apportion the amounts so received~~ 47761
~~among its funds in the same proportions as if those amounts had~~ 47762
~~been levied and collected as taxes~~ between the twenty-first and 47763
twenty-eighth days of August and of February. 47764

(4) For taxes levied within the ten-mill limitation for debt 47765
purposes in tax year 1998 in the case of electric company tax 47766
value losses, and in tax year 1999 in the case of natural gas 47767
company tax value losses, payments shall be made equal to one 47768
hundred per cent of the loss computed as if the tax were a 47769
fixed-rate levy, but those payments shall extend from fiscal year 47770
2006 through fiscal year 2016. 47771

The department of education shall report to each school 47772

district the apportionment of the payments among the school 47773
district's funds based on the certifications under division (J) of 47774
section 5727.84 of the Revised Code. 47775

(D) Not later than January 1, 2002, for all taxing districts 47776
in each joint vocational school district, the tax commissioner 47777
shall certify to the ~~director of budget and management~~ department 47778
of education the fixed-rate levy loss determined under division 47779
(G) of section 5727.84 of the Revised Code. From February 2002 to 47780
August 2016, the ~~director~~ department shall pay from the school 47781
district property tax replacement fund to the ~~county undivided~~ 47782
~~income tax fund in the proper county treasury,~~ joint vocational 47783
school district one-half of the ~~fixed rate levy loss so certified~~ 47784
~~for each year on or before each of the days prescribed for the~~ 47785
~~settlements under divisions (A) and (C) of section 321.24 of the~~ 47786
~~Revised Code. The county treasurer shall distribute such amounts~~ 47787
~~to the proper joint vocational school district as if they had been~~ 47788
~~levied and collected as taxes, and the joint vocational school~~ 47789
~~district shall apportion the amounts so received among its funds~~ 47790
~~in the same proportions as if those amounts had been levied and~~ 47791
~~collected as taxes~~ amount calculated for that fiscal year under 47792
division (A)(2) of this section between the twenty-first and 47793
twenty-eighth days of August and of February. 47794

(E)(1) Not later than January 1, 2002, for each fixed-sum 47795
levy levied by each school district or joint vocational school 47796
district and for each year for which a determination is made under 47797
division (H) of section 5727.84 of the Revised Code that a 47798
fixed-sum levy loss is to be reimbursed, the tax commissioner 47799
shall certify to the ~~director of budget and management~~ department 47800
of education the fixed-sum levy loss determined under that 47801
division. The certification shall cover a time period sufficient 47802
to include all fixed-sum levies for which the tax commissioner 47803
made such a determination. The ~~director~~ department shall pay from 47804

the school district property tax replacement fund to the county 47805
~~undivided income tax fund in the proper county treasury school~~ 47806
~~district or joint vocational school district~~ one-half of the 47807
fixed-sum levy loss so certified for each year ~~on or before each~~ 47808
~~of the days prescribed for the settlements under divisions (A) and~~ 47809
~~(C) of section 321.24 of the Revised Code. The county treasurer~~ 47810
~~shall distribute the amounts to the proper school district or~~ 47811
~~joint vocational school district as if they had been levied and~~ 47812
~~collected as taxes, and the district shall apportion the amounts~~ 47813
~~so received among its funds in the same proportions as if those~~ 47814
~~amounts had been levied and collected as taxes~~ between the 47815
twenty-first and twenty-eighth days of August and of February. 47816

(2) Beginning in 2003, by the thirty-first day of January of 47817
each year, the tax commissioner shall review the certification 47818
originally made under division (E)(1) of this section. If the 47819
commissioner determines that a ~~fixed-sum~~ debt levy that had been 47820
scheduled to be reimbursed in the current year has expired, a 47821
revised certification for that and all subsequent years shall be 47822
made to the ~~director of budget and management~~ department of 47823
education. 47824

(F) Beginning in August 2002, and ending in February 2017, 47825
the director of budget and management shall transfer from the 47826
school district property tax replacement fund to the general 47827
revenue fund each of the following: 47828

(1) Between the twenty-eighth day of August and the fifth day 47829
of September, the lesser of one-half of the amount certified for 47830
that fiscal year under division (A)(2) of this section or the 47831
balance in the school district property tax replacement fund; 47832

(2) Between the first and fifth days of March, the lesser of 47833
one-half of the amount certified for that fiscal year under 47834
division (A)(2) of this section or the balance in the school 47835
district property tax replacement fund. 47836

(G) By August 5, 2002, the tax commissioner shall estimate 47837
the amount of money in the school district property tax 47838
replacement fund in excess of the amount necessary to make 47839
payments ~~in that month~~ under divisions (C), (D), ~~and (E)~~, and (F) 47840
of this section. Notwithstanding division (C) of this section, the 47841
department of education, in consultation with the tax commissioner 47842
and from those excess funds, may pay any school district four and 47843
one-half times the amount certified under division (A)(2) of this 47844
section. Payments shall be made in order from the smallest annual 47845
loss to the largest annual loss. A payment made under this 47846
division shall be in lieu of the payment to be made in August 2002 47847
under division (C)(2) of this section. No payments shall be made 47848
in the manner established in this division to any school district 47849
with annual losses from permanent improvement fixed-rate levies in 47850
excess of twenty thousand dollars, or annual losses from any other 47851
fixed-rate levies in excess of twenty thousand dollars. A school 47852
district receiving a payment under this division is no longer 47853
entitled to any further payments under division (C) of this 47854
section. 47855

~~(G)~~(H) On the thirty-first day of July of 2003, 2004, 2005, 47856
and 2006, and on the thirty-first day of January and July of 2007 47857
and each year thereafter, if the amount credited to the school 47858
district property tax replacement fund exceeds the amount needed 47859
to make payments from the fund under divisions (C), (D), ~~and (E)~~, 47860
and (F) of this section ~~in the following month~~, the ~~director of~~ 47861
~~budget and management~~ department of education shall distribute the 47862
excess among school districts and joint vocational school 47863
districts. The amount distributed to each district shall bear the 47864
same proportion to the excess remaining in the fund as the ADM of 47865
the district bears to the ADM of all of the districts. For the 47866
purpose of this division, "ADM" means the formula ADM in the case 47867
of a school district, and the average daily membership reported 47868

under section 3317.03 of the Revised Code in the case of a joint 47869
vocational school district. 47870

If, in the opinion of the ~~director of budget and management~~ 47871
department of education, the excess remaining in the school 47872
district property tax replacement fund in any year is not 47873
sufficient to warrant distribution under this division, the excess 47874
shall remain to the credit of the fund. 47875

Amounts received by a school district or joint vocational 47876
school district under this division shall be used exclusively for 47877
capital improvements. 47878

~~(H) If (I) From fiscal year 2002 through fiscal year 2016, if~~ 47879
the total amount in the school district property tax replacement 47880
fund is insufficient to make all payments under divisions (C), 47881
(D), and (E) of this section, ~~the payments required under division~~ 47882
~~(E) of this section shall be made first in their entirety. After~~ 47883
~~all payments are made under division (E) of this section, payments~~ 47884
~~under divisions (C) and (D) of this section shall be made from the~~ 47885
~~balance of money available in the proportion of each school~~ 47886
~~district's or joint vocational school district's payment amount to~~ 47887
~~the total amount of payments under divisions (C) and (D) of this~~ 47888
~~section at the time the payments are to be made, the director of~~ 47889
~~budget and management shall transfer from the general revenue fund~~ 47890
~~to the school district property tax replacement fund the~~ 47891
~~difference between the total amount to be paid and the total~~ 47892
~~amount in the school district property tax replacement fund.~~ 47893

~~(I)(J)~~ If all or a part of the territory of a school district 47895
or joint vocational school district is merged with or transferred 47896
to another district, the department of education, in consultation 47897
with the tax commissioner shall adjust the payments made under 47898
this section to each of the districts in proportion to the tax 47899
value loss apportioned to the merged or transferred territory. 47900

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(J)(K) There is hereby created the public utility property
tax study committee, effective January 1, 2011. The committee
shall consist of the following seven members: the tax
commissioner, three members of the senate appointed by the
president of the senate, and three members of the house of
representatives appointed by the speaker of the house of
representatives. The appointments shall be made not later than
January 31, 2011. The tax commissioner shall be the chairperson of
the committee.

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The committee shall study the extent to which each school
district or joint vocational school district has been compensated,
under sections 5727.84 and 5727.85 of the Revised Code as enacted
by Substitute Senate Bill No. 3 of the 123rd general assembly and
any subsequent acts, for the property tax loss caused by the
reduction in the assessment rates for natural gas, electric, and
rural electric company tangible personal property. Not later than
June 30, 2011, the committee shall issue a report of its findings,
including any recommendations for providing additional
compensation for the property tax loss or regarding remedial
legislation, to the president of the senate and the speaker of the
house of representatives, at which time the committee shall cease
to exist.

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The department of taxation and department of education shall
provide such information and assistance as is required for the
committee to carry out its duties.

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Sec. 5727.86. (A) Not later than January 1, 2002, the tax
commissioner shall ~~certify to the director of budget and
management, for all taxing districts in each local taxing unit,
the fixed rate levy loss determined under division (G), and the
fixed sum levy loss determined under division (H), of section~~

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5727.84 of the Revised Code. Based on that certification, the 47932
director shall compute the payments to be made to each local 47933
taxing unit for each year according to divisions (A)(1), (2), and 47934
(3), and (4) and division (E) of this section, and shall 47935
distribute the payments in the manner prescribed by division (C) 47936
of this section. The ~~certification~~ calculation of the fixed-sum 47937
levy loss shall cover a time period sufficient to include all 47938
fixed-sum levies for which the tax commissioner determined, 47939
pursuant to division (H) of section 5727.84 of the Revised Code, 47940
that a fixed-sum levy loss is to be reimbursed. 47941

(1) Except as provided in ~~division~~ divisions (A)(3) and (4) 47942
of this section, for fixed-rate levy losses determined under 47943
division (G) of section 5727.84 of the Revised Code, payments 47944
shall be made in each of the following years at the following 47945
percentage of the fixed-rate levy loss certified under division 47946
(A) of this section: 47947

YEAR	PERCENTAGE	
2002	100%	47948
2003	100%	47949
2004	100%	47950
2005	100%	47951
2006	100%	47952
2007	80%	47953
2008	80%	47954
2009	80%	47955
2010	80%	47956
2011	80%	47957
2012	66.7%	47958
2013	53.4%	47959
2014	40.1%	47960
2015	26.8%	47961
2016	13.5%	47962

2017 and thereafter 0% 47964

(2) For fixed-sum levy losses determined under division (H) 47965
of section 5727.84 of the Revised Code, payments shall be made in 47966
the amount of one hundred per cent of the fixed-sum levy loss 47967
~~certified under division (A) of this section~~ for payments required 47968
to be made in 2002 and thereafter. 47969

(3) A local taxing unit in a county of less than two hundred 47970
fifty square miles that receives eighty per cent or more of its 47971
combined general fund and bond retirement fund revenues from 47972
property taxes and rollbacks based on 1997 actual revenues as 47973
presented in its 1999 tax budget, and in which electric companies 47974
and rural electric companies comprise over twenty per cent of its 47975
property valuation, shall receive one hundred per cent of its 47976
fixed-rate levy losses from electric company tax value losses 47977
certified under division (A) of this section in years 2002 to 47978
2016. 47979

(4) For taxes levied within the ten-mill limitation for debt 47980
purposes in tax year 1998 in the case of electric company tax 47981
value losses, and in tax year 1999 in the case of natural gas 47982
company tax value losses, payments shall be made equal to one 47983
hundred per cent of the loss computed as if the tax were a 47984
fixed-rate levy, but those payments shall extend from fiscal year 47985
2006 through fiscal year 2016. 47986

(B) Beginning in 2003, by the thirty-first day of January of 47987
each year, the tax commissioner shall review the ~~certification~~ 47988
calculation originally made under division (A) of this section of 47989
the fixed-sum levy loss determined under division (H) of section 47990
5727.84 of the Revised Code. If the commissioner determines that a 47991
fixed-sum levy that had been scheduled to be reimbursed in the 47992
current year has expired, a revised ~~certification~~ calculation for 47993
that and all subsequent years shall be made. 47994

(C) Payments to local taxing units required to be made under 47995

divisions (A) and (E) of this section shall be paid from the local 47996
government property tax replacement fund to the county undivided 47997
income tax fund in the proper county treasury. One-half of the 47998
amount certified under those divisions shall be paid ~~on or before~~ 47999
~~each of the days prescribed for the settlements under divisions~~ 48000
~~(A) and (C) of section 321.24 of the Revised Code~~ between the 48001
twenty-first and twenty-eighth days of August and of February. The 48002
county treasurer shall distribute amounts paid under division (A) 48003
of this section to the proper local taxing unit as if they had 48004
been levied and collected as taxes, and the local taxing unit 48005
shall apportion the amounts so received among its funds in the 48006
same proportions as if those amounts had been levied and collected 48007
as taxes. Amounts distributed under division (E) of this section 48008
shall be credited to the general fund of the local taxing unit 48009
that receives them. 48010

(D) By February 5, 2002, the tax commissioner shall estimate 48011
the amount of money in the local government property tax 48012
replacement fund in excess of the amount necessary to make 48013
payments in that month under division (C) of this section. 48014
Notwithstanding division (A) of this section, the tax commissioner 48015
may pay any local taxing unit, from those excess funds, nine and 48016
four-tenths times the amount computed for 2002 under division 48017
(A)(1) of this section. A payment made under this division shall 48018
be in lieu of the payment to be made in February 2002 under 48019
division (A)(1) of this section. A local taxing unit receiving a 48020
payment under this division will no longer be entitled to any 48021
further payments under division (A)(1) of this section. A payment 48022
made under this division shall be paid from the local government 48023
property tax replacement fund to the county undivided income tax 48024
fund in the proper county treasury. The county treasurer shall 48025
distribute the payment to the proper local taxing unit as if it 48026
had been levied and collected as taxes, and the local taxing unit 48027

shall apportion the amounts so received among its funds in the 48028
same proportions as if those amounts had been levied and collected 48029
as taxes. 48030

(E) On the thirty-first day of July of 2002, 2003, 2004, 48031
2005, and 2006, and on the thirty-first day of January and July of 48032
2007 and each year thereafter, if the amount credited to the local 48033
government property tax replacement fund exceeds the amount needed 48034
to be distributed from the fund under division (A) of this section 48035
in the following month, the ~~director of budget and management tax~~ 48036
commissioner shall distribute the excess to each county as 48037
follows: 48038

(1) One-half shall be distributed to each county in 48039
proportion to each county's population. 48040

(2) One-half shall be distributed to each county in the 48041
proportion that the amounts determined under divisions (G) and (H) 48042
of section 5727.84 of the Revised Code for all local taxing units 48043
in the county is of the total amounts so determined for all local 48044
taxing units in the state. 48045

The amounts distributed to each county under this division 48046
shall be distributed by the county ~~budget commission~~ treasurer to 48047
each local taxing unit in the county in the proportion that the 48048
unit's current taxes charged and payable are of the total current 48049
taxes charged and payable of all the local taxing units in the 48050
county. As used in this division, "current taxes charged and 48051
payable" means the taxes charged and payable as most recently 48052
determined for local taxing units in the county. 48053

If, in the opinion of the ~~director of budget and management~~ 48054
tax commissioner, the excess remaining in the local government 48055
property tax replacement fund in any year is not sufficient to 48056
warrant distribution under this division, the excess shall remain 48057
to the credit of the fund. 48058

(F) ~~If From fiscal year 2002 through fiscal year 2016, if the~~ 48059
total amount in the local government property tax replacement fund 48060
is insufficient to make all payments under division (C) of this 48061
section, ~~the payments required under division (A)(2) of this~~ 48062
~~section shall be made first in their entirety. After all such~~ 48063
~~payments are made, payments under divisions (A)(1) and (3) of this~~ 48064
~~section shall be made from the balance of money available in the~~ 48065
~~proportion of each local taxing unit's payment amount to the total~~ 48066
~~amount of all payments to be made under divisions (A)(1) and (3)~~ 48067
~~of this section at the times the payments are to be made, the~~ 48068
~~director of budget and management shall transfer from the general~~ 48069
~~revenue fund to the local government property tax replacement fund~~ 48070
~~the difference between the total amount to be paid and the amount~~ 48071
~~in the local government property tax replacement fund.~~ 48072

(G) If all or a part of the territories of two or more local 48073
taxing units are merged, or unincorporated territory of a township 48074
is annexed by a municipal corporation, the tax commissioner shall 48075
adjust the payments made under this section to each of the local 48076
taxing units in proportion to the tax value loss apportioned to 48077
the merged or annexed territory, or as otherwise provided by a 48078
written agreement between the legislative authorities of the local 48079
taxing units certified to the tax commissioner not later than the 48080
first day of June of the calendar year in which the payment is to 48081
be made. 48082

Sec. 5727.87. (A) As used in this section: 48083

(1) "Administrative fees" means the dollar percentages 48084
allowed by the county auditor for services or by the county 48085
treasurer as fees, or paid to the credit of the real estate 48086
assessment fund, under divisions (A) and (B) of section 319.54 and 48087
division (A) of section 321.26 of the Revised Code. 48088

(2) "Administrative fee loss" means a county's loss of 48089

administrative fees due to its tax value loss, determined as 48090
follows: 48091

(a) For purposes of the determination made under division (B) 48092
of this section in the years 2002 through 2006, the administrative 48093
fee loss shall be computed by multiplying the amounts determined 48094
for all taxing districts in the county under divisions (G) and (H) 48095
of section 5727.84 of the Revised Code by nine thousand six 48096
hundred fifty-nine ten-thousandths of a one per cent, if total 48097
taxes collected in the county in ~~tax year 1998~~ 1999 exceeded one 48098
hundred fifty million dollars, or one and one thousand one hundred 48099
fifty-nine ten-thousandths of a one per cent, if total taxes 48100
collected in the county in ~~tax year 1998~~ 1999 were one hundred 48101
fifty million dollars or less; 48102

(b) For purposes of the determination under division (B) of 48103
this section in the years 2007 through 2011, the administrative 48104
fee loss shall be determined by subtracting from the dollar amount 48105
of administrative fees collected in the county in ~~tax year 1998~~ 48106
1999, the dollar amount of administrative fees collected in the 48107
county in the current calendar year. 48108

(3) "Total taxes collected" means all money collected on any 48109
tax duplicate of the county, other than the estate tax duplicates. 48110
"Total taxes collected" does not include amounts received pursuant 48111
to divisions (F) and (G) of section 321.24 or section 323.156 of 48112
the Revised Code. 48113

(B) Not later than the thirty-first day of December of 2001 48114
through 2005, the tax commissioner shall certify to each county 48115
auditor the tax levy losses calculated under divisions (G) and (H) 48116
of section 5727.84 of the Revised Code for each school district, 48117
joint vocational school district, and local taxing unit in the 48118
county. Not later than the ~~first~~ thirty-first day of ~~June~~ January 48119
of 2002 through 2011, the county auditor shall determine the 48120
administrative fee loss for the county ~~and certify it to the~~ 48121

~~county budget commission. Notwithstanding divisions (C), (D), and (E) of section 5727.85 and division (C) of section 5727.86 of the Revised Code, prior to distribution by the county treasurer of the payments provided under those divisions, the county budget commission shall deduct from those payments the amount of the administrative fee loss certified by the county auditor, as follows:~~

~~(1) Seventy per cent of the administrative fee loss shall be deducted from the payments provided under divisions (C), (D), and (E) of section 5727.85 of the Revised Code.~~

~~(2) Thirty per cent of the administrative fee loss shall be deducted from the payments provided under division (C) of section 5727.86 of the Revised Code and apportion that loss ratably among the school districts, joint vocational school districts, and local taxing units on the basis of the tax levy losses certified under this division.~~

~~(C) On or before each of the days prescribed for the settlements under divisions (A) and (C) of section 321.24 of the Revised Code in the years 2002 through 2011, the county budget commission treasurer shall pay deduct one-half of the amount apportioned to each school district, joint vocational school district, and local taxing unit from the portions of revenue payable to them.~~

~~(D) On or before each of the days prescribed for settlements under divisions (A) and (C) of section 321.24 of the Revised Code in the years 2002 through 2011, the county auditor shall cause to be deposited an amount equal to one-half of the amount of the administrative fee loss to the county auditor, county treasurer, or real estate assessment fund as if the amount had been allowed as administrative fees, and shall deposit the amount in the same funds as if allowed as administrative fees.~~

After payment of the administrative fee loss on or before

August 10, 2011, all payments under this section shall cease.

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Sec. 5728.08. Except as provided in section 5728.03 of the Revised Code and except as otherwise provided in this section, whoever is liable for the payment of the tax levied by section 5728.06 of the Revised Code, on or before the last day of each January, April, July, and October, shall file with the ~~treasurer of state~~ tax commissioner, on forms prescribed by the tax commissioner, a highway use tax return and make payment of the full amount of the tax due for the operation of each commercial car and commercial tractor for the next preceding three calendar months. If the commercial cars or commercial tractors are farm trucks and the amount of motor fuel used to operate the trucks during the next preceding twelve calendar months was less than fifteen thousand gallons, the highway use tax return shall be filed and the full amount of tax due paid on or before the last day of each July for the next preceding twelve calendar months. If the commercial cars or commercial tractors are farm trucks and the amount of motor fuel used to operate the trucks during the next preceding twelve calendar months was fifteen thousand gallons or more, the highway use tax return shall be filed and the full amount of the tax due paid either on or before the last day of each July for the next preceding twelve calendar months, or on or before the last day of each January, April, July, and October for the next preceding three calendar months, at the option of the person liable for payment of the tax. If the commercial cars or commercial tractors are not farm trucks, and if, in the estimation of the tax commissioner, the amount of the tax due does not warrant quarterly filing, the commissioner may authorize the filing of the highway use tax return and payment of the full amount due on or before the last day of each July for the next preceding twelve months.

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~~Immediately upon the receipt of a highway use tax return, the~~

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~~treasurer of state shall mark on the return the date it was~~ 48186
~~received by the treasurer of state and the amount of tax payment~~ 48187
~~accompanying the return and shall transmit the return to the~~ 48188
~~The~~ 48189
tax commissioner shall immediately forward to the treasurer of 48190
state all money received from the tax levied by section 5728.06 of 48191
the Revised Code.

The treasurer of state shall place to the credit of the tax 48192
refund fund created by section 5703.052 of the Revised Code, out 48193
of receipts from the taxes levied by section 5728.06 of the 48194
Revised Code, amounts equal to the refund certified by the tax 48195
commissioner pursuant to section 5728.061 of the Revised Code. 48196
Receipts from the tax shall be used by the tax commissioner to 48197
defray expenses incurred by the department of taxation in 48198
administering sections 5728.01 to 5728.14 of the Revised Code. 48199

All moneys received in the state treasury from taxes levied 48200
by section 5728.06 of the Revised Code and fees assessed under 48201
sections 5728.02 and 5728.03 of the Revised Code which are not 48202
required to be placed to the credit of the tax refund fund as 48203
provided by this section shall, during each calendar year, be 48204
credited to the highway improvement bond retirement fund created 48205
by section 5528.12 of the Revised Code until the commissioners of 48206
the sinking fund certify to the treasurer of state, as required by 48207
section 5528.17 of the Revised Code, that there are sufficient 48208
moneys to the credit of the highway improvement bond retirement 48209
fund to meet in full all payments of interest, principal, and 48210
charges for the retirement of bonds and other obligations issued 48211
pursuant to Section 2g of Article VIII, Ohio Constitution, and 48212
sections 5528.10 and 5528.11 of the Revised Code due and payable 48213
during the current calendar year and during the next succeeding 48214
calendar year. From the date of the receipt of the certification 48215
required by section 5528.17 of the Revised Code by the treasurer 48216
of state until the thirty-first day of December of the calendar 48217

year in which the certification is made, all moneys received in 48218
the state treasury from taxes levied under section 5728.06 of the 48219
Revised Code and fees assessed under sections 5728.02 and 5728.03 48220
of the Revised Code which are not required to be placed to the 48221
credit of the tax refund fund as provided by this section shall be 48222
credited to the highway obligations bond retirement fund created 48223
by section 5528.32 of the Revised Code until the commissioners of 48224
the sinking fund certify to the treasurer of state, as required by 48225
section 5528.38 of the Revised Code, that there are sufficient 48226
moneys to the credit of the highway obligations bond retirement 48227
fund to meet in full all payments of interest, principal, and 48228
charges for the retirement of bonds and other obligations issued 48229
pursuant to Section 2i of Article VIII, Ohio Constitution, and 48230
sections 5528.30 and 5528.31 of the Revised Code due and payable 48231
during the current calendar year and during the next succeeding 48232
calendar year. From the date of the receipt of the certification 48233
required by section 5528.38 of the Revised Code by the treasurer 48234
of state until the thirty-first day of December of the calendar 48235
year in which the certification is made, all moneys received in 48236
the state treasury from taxes levied under section 5728.06 of the 48237
Revised Code and fees assessed under sections 5728.02 and 5728.03 48238
of the Revised Code which are not required to be placed to the 48239
credit of the tax refund fund as provided by this section shall be 48240
credited to the highway operating fund created by section 5735.291 48241
of the Revised Code, except as provided by the next succeeding 48242
paragraph of this section. 48243

From the date of the receipt by the treasurer of state of 48244
certifications from the commissioners of the sinking fund, as 48245
required by sections 5528.18 and 5528.39 of the Revised Code, 48246
certifying that the moneys to the credit of the highway 48247
improvement bond retirement fund are sufficient to meet in full 48248
all payments of interest, principal, and charges for the 48249

retirement of all bonds and other obligations which may be issued 48250
pursuant to Section 2g of Article VIII, Ohio Constitution, and 48251
sections 5528.10 and 5528.11 of the Revised Code, and to the 48252
credit of the highway obligations bond retirement fund are 48253
sufficient to meet in full all payments of interest, principal, 48254
and charges for the retirement of all obligations issued pursuant 48255
to Section 2i of Article VIII, Ohio Constitution, and sections 48256
5528.30 and 5528.31 of the Revised Code, all moneys received in 48257
the state treasury from the taxes levied under section 5728.06 and 48258
fees assessed under sections 5728.02 and 5728.03 of the Revised 48259
Code, which are not required to be placed to the credit of the tax 48260
refund fund as provided by this section, shall be deposited to the 48261
credit of the highway operating fund. 48262

As used in this section, "farm truck" means any commercial 48263
car or commercial tractor that is registered as a farm truck under 48264
Chapter 4503. of the Revised Code. 48265

Sec. 5729.07. As used in this section: 48266

(A) "Eligible employee" and "eligible training costs" have 48267
the same meanings as in section 5733.42 of the Revised Code. 48268

(B) "Credit period" means the calendar year ending on the 48269
thirty-first day of December next preceding the day the annual 48270
statement is required to be returned under section 5729.02 of the 48271
Revised Code. 48272

There is hereby allowed a nonrefundable credit against the 48273
tax imposed under this chapter for a foreign insurance company for 48274
which a tax credit certificate is issued under section 5733.42 of 48275
the Revised Code. The credit may be claimed for credit periods 48276
beginning on or after January 1, ~~2001~~ 2003, and ending on or 48277
before December 31, ~~2003~~ 2005. The amount of the credit for the 48278
credit period beginning on January 1, 2003, shall equal one-half 48279
of the average of the eligible training costs paid or incurred by 48280

the company during ~~the three~~ calendar years immediately preceding 48281
~~the credit period for which the credit is claimed 1998, 1999, and~~ 48282
2000, not to exceed one thousand dollars for each eligible 48283
employee on account of whom eligible training costs were paid or 48284
incurred by the company. The amount of the credit for the credit 48285
period beginning on January 1, 2004, shall equal one-half of the 48286
average of the eligible training costs paid or incurred by the 48287
company during calendar years 2002, 2003, and 2004, not to exceed 48288
one thousand dollars for each eligible employee on account of whom 48289
eligible training costs were paid or incurred by the company. The 48290
amount of the credit for the credit period beginning on January 1, 48291
2005, shall equal one-half of the average of the eligible training 48292
costs paid or incurred by the company during calendar years 2003, 48293
2004, and 2005, not to exceed one thousand dollars for each 48294
eligible employee on account of whom eligible training costs were 48295
paid or incurred by the company. The credit claimed by a company 48296
for each credit period shall not exceed one hundred thousand 48297
dollars. 48298

A foreign insurance company shall apply to the director of 48299
job and family services for a tax credit certificate in the manner 48300
prescribed by division (C) of section 5733.42 of the Revised Code. 48301
Divisions (C) to (H) of that section govern the tax credit allowed 48302
by this section, except that "credit period" shall be substituted 48303
for "tax year with respect to a calendar year" wherever that 48304
phrase appears in those divisions and that the company shall be 48305
considered a taxpayer for the purposes of those divisions. 48306

A foreign insurance company may carry forward the credit 48307
allowed under this section to the extent that the credit exceeds 48308
the company's tax due for the credit period. The company may carry 48309
the excess credit forward for three credit periods following the 48310
credit period for which the credit is first claimed under this 48311
section. The credit allowed by this section is in addition to any 48312

credit allowed under section 5729.031 of the Revised Code. 48313

The reduction in the tax due under this chapter to the extent 48314
of the credit allowed by this section does not increase the amount 48315
of the tax otherwise due under section 5729.06 of the Revised 48316
Code. 48317

Sec. 5731.21. (A)(1)(a) Except as provided under division 48318
(A)(3) of this section, the executor or administrator, or, if no 48319
executor or administrator has been appointed, another person in 48320
possession of property the transfer of which is subject to estate 48321
taxes under section 5731.02 or division (A) of section 5731.19 of 48322
the Revised Code, shall file an estate tax return, within nine 48323
months of the date of the decedent's death, in the form prescribed 48324
by the tax commissioner, in duplicate, with the probate court of 48325
the county. The return shall include all property the transfer of 48326
which is subject to estate taxes, whether that property is 48327
transferred under the last will and testament of the decedent or 48328
otherwise. The time for filing the return may be extended by the 48329
tax commissioner. 48330

(b) The estate tax return described in division (A)(1)(a) of 48331
this section shall be accompanied by a certificate, in the form 48332
prescribed by the tax commissioner, that is signed by the 48333
executor, administrator, or other person required to file the 48334
return, and that states all of the following: 48335

(i) The fact that the return was filed; 48336

(ii) The date of the filing of the return; 48337

(iii) The fact that the estate taxes under section 5731.02 or 48338
division (A) of section 5731.19 of the Revised Code, that are 48339
shown to be due in the return, have been paid in full; 48340

(iv) If applicable, the fact that real property listed in the 48341
inventory for the decedent's estate is included in the return; 48342

(v) If applicable, the fact that real property not listed in the inventory for the decedent's estate, including, but not limited to, survivorship tenancy property as described in section 5302.17 of the Revised Code or transfer on death property as described in sections 5302.22 and 5302.23 of the Revised Code, also is included in the return. In this regard, the certificate additionally shall describe that real property by the same description used in the return.

(2) The probate court shall forward one copy of the estate tax return described in division (A)(1)(a) of this section to the tax commissioner.

(3) A person may, but shall not be required to, file a return under division (A) of this section if the decedent was a resident of this state and the value of the decedent's gross estate is twenty-five thousand dollars or less in the case of a decedent dying on or after July 1, 1968, but before January 1, 2001; two hundred thousand dollars or less in the case of a decedent dying on or after January 1, 2001, but before January 1, 2002; or three hundred thirty-eight thousand three hundred thirty-three dollars or less in the case of a decedent dying on or after January 1, 2002. If a probate court issues an order that grants a summary release from administration in connection with a decedent's estate under section 2113.031 of the Revised Code, that order eliminates the duty of all persons to file an estate tax return and certificate under divisions (A)(1)(a) and (b) of this section with respect to the estate for which the order was granted.

(4)(a) Upon receipt of the estate tax return described in division (A)(1)(a) of this section and the accompanying certificate described in division (A)(1)(b) of this section, the probate court promptly shall give notice of the return, by a form prescribed by the tax commissioner, to the county auditor. The

auditor then shall make a charge based upon the notice and shall
certify a duplicate of the charge to the county treasurer. The
treasurer then shall collect, subject to division (A) of section
5731.25 of the Revised Code or any other statute extending the
time for payment of an estate tax, the tax so charged.

(b) Upon receipt of the return and the accompanying
certificate, the probate court also shall forward the certificate
to the auditor. When satisfied that the estate taxes under section
5731.02 or division (A) of section 5731.19 of the Revised Code,
that are shown to be due in the return, have been paid in full,
the auditor shall stamp the certificate so forwarded to verify
that payment. The auditor then shall return the stamped
certificate to the probate court.

(5)(a) The certificate described in division (A)(1)(b) of
this section is a public record subject to inspection and copying
in accordance with section 149.43 of the Revised Code. It shall be
kept in the records of the probate court pertaining to the
decedent's estate and is not subject to the confidentiality
provisions of section 5731.90 of the Revised Code.

(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.

(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 48407
tax is due, if the tax commissioner within three months after the 48408
receipt of the return by the department of taxation, fails to file 48409
exceptions to the return in the probate court of the county in 48410
which the return was filed. A copy of exceptions to a return of 48411
that nature, when the tax commissioner files them within that 48412
period, shall be sent by ordinary mail to the person who filed the 48413
return. The tax commissioner is not bound under this division by a 48414
determination that no estate tax is due, with respect to property 48415
not disclosed in the return. 48416

(C) If the executor, administrator, or other person required 48417
to file an estate tax return fails to file it within nine months 48418
of the date of the decedent's death, the tax commissioner may 48419
determine the estate tax in that estate and issue a certificate of 48420
determination in the same manner as is provided in division (B) of 48421
section 5731.27 of the Revised Code. A certificate of 48422
determination of that nature has the same force and effect as 48423
though a return had been filed and a certificate of determination 48424
issued with respect to the return. 48425

Sec. 5733.02. Annually, between the first day of January and 48426
the thirty-first day of March or on or before the date as extended 48427
under section 5733.13 of the Revised Code, each taxpayer shall 48428
make a report in writing to the ~~treasurer of state tax~~ 48429
commissioner in such form as the tax commissioner prescribes, and 48430
shall remit to the ~~treasurer of state~~ commissioner, with the 48431
remittance made payable to the treasurer of state, the amount of 48432
the tax as shown to be due by such report less the amount paid for 48433
the year on a declaration of estimated tax report filed by the 48434
taxpayer as provided by section 5733.021 of the Revised Code. 48435
Remittance shall be made in the form prescribed by the ~~treasurer~~ 48436
~~of state~~ commissioner, including electronic funds transfer if 48437
required by section 5733.022 of the Revised Code. ~~The treasurer~~ 48438

~~shall show on the report the date it was filed and the amount of 48439
the payment remitted to the treasurer. Thereafter, the treasurer 48440
shall immediately transmit all reports filed under this section to 48441
the tax commissioner. 48442~~

The commissioner shall furnish corporations, on request, 48443
copies of the forms prescribed by the commissioner for the purpose 48444
of making such report. A domestic corporation shall not dissolve, 48445
and a foreign corporation shall not withdraw or retire from 48446
business in Ohio, on or after the first day of January in any year 48447
without making a franchise tax report to the commissioner and 48448
paying or securing the tax charged for the year in which such 48449
dissolution or withdrawal occurs. 48450

The annual corporation report shall be signed by the 48451
president, vice-president, secretary, treasurer, general manager, 48452
superintendent, or managing agent in this state of such 48453
corporation. If a domestic corporation has not completed its 48454
organization, its annual report shall be signed by one of its 48455
incorporators. 48456

The report shall contain the facts, figures, computations, 48457
and attachments that result in the tax charged by this chapter and 48458
determined in the manner provided within the chapter. 48459

Sec. 5733.021. (A) Each taxpayer which does not in the month 48460
of January file the report and make the payment required by 48461
section 5733.02 of the Revised Code shall make and file a 48462
declaration of estimated tax report for the tax year. 48463

The declaration of estimated tax report shall be filed with 48464
the ~~treasurer of state~~ tax commissioner on or before the last day 48465
of January in such form as prescribed by the tax commissioner, and 48466
shall reflect an estimate of the total amount due under this 48467
chapter for the tax year. 48468

(B) A taxpayer required to file a declaration of estimated 48469

tax report shall make remittance of such estimated tax to the 48470
~~treasurer of state~~ tax commissioner as follows: 48471

(1) The entire estimated tax at the time of filing the 48472
declaration of estimated tax report, if such estimated tax is not 48473
in excess of the minimum tax as provided in section 5733.06 of the 48474
Revised Code; 48475

(2) If the estimated tax is in excess of the minimum tax: 48476

(a) One-third of the estimated tax at the time of filing the 48477
declaration of estimated tax report; 48478

(b) Two-thirds of the estimated tax on or before the last day 48479
of March of the tax year, unless the report and payment required 48480
by section 5733.02 of the Revised Code ~~is~~ are filed and paid on or 48481
before the last day of March of the tax year~~.~~ 48482

(3) If the estimated tax due is in excess of the minimum tax, 48483
and an extension of time for filing the report required by section 48484
5733.02 of the Revised Code has been granted pursuant to section 48485
5733.13 of the Revised Code~~;~~ 48486

(a) One-third of the estimated tax at the time of filing the 48487
declaration of estimated tax report; 48488

(b) One-third of the estimated tax on or before the last day 48489
of March of the tax year; 48490

(c) One-third of the estimated tax on or before the last day 48491
of May of the tax year, unless the report and payments required by 48492
section 5733.02 of the Revised Code are filed and paid on or 48493
before the last day of May of the tax year. 48494

Remittance of the estimated tax shall be made payable to the 48495
treasurer of state and shall be made in the form prescribed by the 48496
~~treasurer of state~~ tax commissioner, including electronic funds 48497
transfer if required by section 5733.022 of the Revised Code. 48498

The tax commissioner shall immediately forward to the 48499

~~treasurer of state all amounts received under this section, and 48500~~
~~the treasurer of state shall credit all payments of such estimated 48501~~
~~tax as provided in section 5733.12 of the Revised Code, shall show 48502~~
~~on all reports the date each was filed and the amount of payment 48503~~
~~remitted, and shall immediately transmit all reports filed under 48504~~
~~this section to the tax commissioner. 48505~~

Sec. 5733.053. (A) As used in this section: 48506

(1) "Transfer" means a transaction or series of related 48507
transactions in which a corporation directly or indirectly 48508
transfers or distributes substantially all of its assets or equity 48509
to another corporation, if the transfer or distribution qualifies 48510
for nonrecognition of gain or loss under the Internal Revenue 48511
Code. 48512

(2) "Transferor" means a corporation that has made a 48513
transfer. 48514

(3) "Transferee" means a corporation that received 48515
substantially all of the assets or equity of a transferor in a 48516
transfer. 48517

(B) ~~For~~ Except as provided in division (F) of this section, 48518
for purposes of valuing its issued and outstanding shares of stock 48519
under division (B) of section 5733.05 of the Revised Code, a 48520
transferee shall add to its net income allocated or apportioned to 48521
this state its transferor's net income allocated or apportioned to 48522
this state. The transferee shall add such income in computing its 48523
tax for the same tax year or years that such income would have 48524
been reported by the transferor if the transfer had not been made. 48525
The transferee shall add such income only to the extent the income 48526
is not required to be reported by the transferor for the purposes 48527
of the tax imposed by divisions (A) and (B) of section 5733.06 of 48528
the Revised Code. 48529

(C) The following shall be determined in the same manner as 48530

if the transfer had not been made: 48531

(1) The transferor's net income allocated or apportioned to 48532
this state for the tax year under divisions (B)(1) and (2) of 48533
section 5733.05 of the Revised Code; 48534

(2) The transferor's requirements for the combination of net 48535
income under section 5733.052 of the Revised Code; 48536

(3) Any other determination regarding the transferor that is 48537
necessary to avoid an absurd or unreasonable result in the 48538
application of this chapter. 48539

(D) A transferee shall be allowed the following credits and 48540
shall make the following adjustments in the same manner that they 48541
would have been available to the transferor: 48542

(1) The credits enumerated in section 5733.98 of the Revised 48543
Code; 48544

(2) The deduction under division (I)(1) of section 5733.04 of 48545
the Revised Code for net operating losses incurred by its 48546
transferor, subject to the limitations set forth in sections 381 48547
and 382 of the Internal Revenue Code concerning net operating loss 48548
carryovers; 48549

(3) Any other deduction from or addition to net income under 48550
this chapter involving the transferor, the disallowance of which 48551
would be absurd or unreasonable. Such adjustments to net income 48552
and allowance of credits shall be subject to the limitations set 48553
forth in sections 381 and 382 of the Internal Revenue Code and 48554
regulations prescribed thereunder. 48555

(E) If a transferee subject to this section subsequently 48556
becomes a transferor, any net income that the transferee would 48557
have been required to add under division (B) of this section shall 48558
be included in its income as a transferor and any credits or 48559
adjustments to which the transferee would have been entitled under 48560

division (D) of this section shall be available to it as a
transferor.

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(F) The amendments made to this section by Am. Sub. S.B. 287
of the 123rd general assembly do not apply to any transfer for
which negotiations began prior to January 1, 2001, and that was
commenced in and completed during calendar year 2001, unless the
transferee makes an election prior to December 31, 2001, to apply
those amendments.

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Sec. 5733.056. (A) As used in this section:

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(1) "Billing address" means the address where any notice,
statement, or bill relating to a customer's account is mailed, as
indicated in the books and records of the taxpayer on the first
day of the taxable year or on such later date in the taxable year
when the customer relationship began.

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(2) "Borrower or credit card holder located in this state"
means:

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(a) A borrower, other than a credit card holder, that is
engaged in a trade or business and maintains its commercial
domicile in this state; or

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(b) A borrower that is not engaged in a trade or business, or
a credit card holder, whose billing address is in this state.

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(3) "Branch" means a "domestic branch" as defined in section
3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C.
1813(o), as amended.

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(4) "Compensation" means wages, salaries, commissions, and
any other form of remuneration paid to employees for personal
services that are included in such employee's gross income under
the Internal Revenue Code. In the case of employees not subject to
the Internal Revenue Code, such as those employed in foreign
countries, the determination of whether such payments would

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constitute gross income to such employees under the Internal 48591
Revenue Code shall be made as though such employees were subject 48592
to the Internal Revenue Code. 48593

(5) "Credit card" means a credit, travel, or entertainment 48594
card. 48595

(6) "Credit card issuer's reimbursement fee" means the fee a 48596
taxpayer receives from a merchant's bank because one of the 48597
persons to whom the taxpayer has issued a credit card has charged 48598
merchandise or services to the credit card. 48599

(7) "Deposits" has the meaning given in section 3 of the 48600
"Federal Deposit Insurance Act," 64 Stat. 873, 12 U.S.C. 1813(1), 48601
as amended. 48602

(8) "Employee" means, with respect to a particular taxpayer, 48603
any individual who under the usual common law rules applicable in 48604
determining the employer-employee relationship, has the status of 48605
an employee of that taxpayer. 48606

(9) "Gross rents" means the actual sum of money or other 48607
consideration payable for the use or possession of property. 48608
"Gross rents" includes: 48609

(a) Any amount payable for the use or possession of real 48610
property or tangible personal property whether designated as a 48611
fixed sum of money or as a percentage of receipts, profits, or 48612
otherwise; 48613

(b) Any amount payable as additional rent or in lieu of rent, 48614
such as interest, taxes, insurance, repairs, or any other amount 48615
required to be paid by the terms of a lease or other arrangement; 48616
and 48617

(c) A proportionate part of the cost of any improvement to 48618
real property made by or on behalf of the taxpayer which reverts 48619
to the owner or lessor upon termination of a lease or other 48620

arrangement. The amount to be included in gross rents is the
amount of amortization or depreciation allowed in computing the
taxable income base for the taxable year. However, where a
building is erected on leased land, by or on behalf of the
taxpayer, the value of the land is determined by multiplying the
gross rent by eight, and the value of the building is determined
in the same manner as if owned by the taxpayer.

(d) The following are not included in the term "gross rents":

(i) Reasonable amounts payable as separate charges for water
and electric service furnished by the lessor;

(ii) Reasonable amounts payable as service charges for
janitorial services furnished by the lessor;

(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 48652
or other mortgage-backed or asset-backed security; and other 48653
similar items. 48654

(11) "Loan secured by real property" means that fifty per 48655
cent or more of the aggregate value of the collateral used to 48656
secure a loan or other obligation, when valued at fair market 48657
value as of the time the original loan or obligation was incurred, 48658
was real property. 48659

(12) "Merchant discount" means the fee, or negotiated 48660
discount, charged to a merchant by the taxpayer for the privilege 48661
of participating in a program whereby a credit card is accepted in 48662
payment for merchandise or services sold to the card holder. 48663

(13) "Participation" means an extension of credit in which an 48664
undivided ownership interest is held on a pro rata basis in a 48665
single loan or pool of loans and related collateral. In a loan 48666
participation, the credit originator initially makes the loan and 48667
then subsequently resells all or a portion of it to other lenders. 48668
The participation may or may not be known to the borrower. 48669

(14) "Principal base of operations" with respect to 48670
transportation property means the place of more or less permanent 48671
nature from which the property is regularly directed or 48672
controlled. With respect to an employee, the "principal base of 48673
operations" means the place of more or less permanent nature from 48674
which the employee regularly (a) starts work and to which the 48675
employee customarily returns in order to receive instructions from 48676
the employer or (b) communicates with the employee's customers or 48677
other persons or (c) performs any other functions necessary to the 48678
exercise of the trade or profession at some other point or points. 48679

(15) "Qualified institution" means a financial institution 48680
that on or after June 1, 1997: 48681

(a)(i) Has consummated one or more approved transactions with 48682

insured banks with different home states that would qualify under 48683
section 102 of the "Riegle-Neal Interstate Banking and Branching 48684
Efficiency Act of 1994," Public Law 103-328, 108 ~~stat.~~ Stat. 2338; 48685
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(ii) Is a federal savings association or federal savings bank 48687
that has consummated one or more interstate acquisitions that 48688
result in a financial institution that has branches in more than 48689
one state; or 48690

(iii) Has consummated one or more approved interstate 48691
acquisitions under authority of Title XI of the Revised Code that 48692
result in a financial institution that has branches in more than 48693
one state; and 48694

(b) Has at least ten per cent of its deposits in this state 48695
as of the last day of June prior to the beginning of the tax year. 48696

(16) "Real property owned" and "tangible personal property 48697
owned" mean real and tangible personal property, respectively, on 48698
which the taxpayer may claim depreciation for federal income tax 48699
purposes, or to which the taxpayer holds legal title and on which 48700
no other person may claim depreciation for federal income tax 48701
purposes, or could claim depreciation if subject to federal income 48702
tax. Real and tangible personal property do not include coin, 48703
currency, or property acquired in lieu of or pursuant to a 48704
foreclosure. 48705

(17) "Regular place of business" means an office at which the 48706
taxpayer carries on its business in a regular and systematic 48707
manner and which is continuously maintained, occupied, and used by 48708
employees of the taxpayer. 48709

(18) "State" means a state of the United States, the District 48710
of Columbia, the commonwealth of Puerto Rico, or any territory or 48711
possession of the United States. 48712

(19) "Syndication" means an extension of credit in which two 48713

or more persons fund and each person is at risk only up to a 48714
specified percentage of the total extension of credit or up to a 48715
specified dollar amount. 48716

(20) "Transportation property" means vehicles and vessels 48717
capable of moving under their own power, such as aircraft, trains, 48718
water vessels and motor vehicles, as well as any equipment or 48719
containers attached to such property, such as rolling stock, 48720
barges, trailers, or the like. 48721

(B) The annual financial institution report determines the 48722
value of the issued and outstanding shares of stock of the 48723
taxpayer, and is the base or measure of the franchise tax 48724
liability. Such determination shall be made as of the date shown 48725
by the report to have been the beginning of the financial 48726
institution's annual accounting period that includes the first day 48727
of January of the tax year. For purposes of this section, division 48728
(A) of section 5733.05, and division (D) of section 5733.06 of the 48729
Revised Code, the value of the issued and outstanding shares of 48730
stock of the financial institution shall include the total value, 48731
as shown by the books of the financial institution, of its 48732
capital, surplus, whether earned or unearned, undivided profits, 48733
and reserves, but exclusive of: 48734

(1) Reserves for accounts receivable, depreciation, 48735
depletion, and any other valuation reserves with respect to 48736
specific assets; 48737

(2) Taxes due and payable during the year for which such 48738
report was made; 48739

(3) Voting stock and participation certificates in 48740
corporations chartered pursuant to the "Farm Credit Act of 1971," 48741
85 Stat. 597, 12 U.S.C. 2091, as amended; 48742

(4) Good will, appreciation, and abandoned property as set up 48743
in the annual report of the financial institution, provided a 48744

certified balance sheet of the company is made available upon the 48745
request of the tax commissioner. Such balance sheet shall not be a 48746
part of the public records, but shall be a confidential report for 48747
use of the tax commissioner only. 48748

(5) A portion of the value of the issued and outstanding 48749
shares of stock of such financial institution equal to the amount 48750
obtained by multiplying such value by the quotient obtained by: 48751

(a) Dividing (1) the amount of the financial institution's 48752
assets, as shown on its books, represented by investments in the 48753
capital stock and indebtedness of public utilities of which at 48754
least eighty per cent of the utility's issued and outstanding 48755
common stock is owned by the financial institution by (2) the 48756
total assets of such financial institution as shown on its books; 48757

(b) Dividing (1) the amount of the financial institution's 48758
assets, as shown on its books, represented by investments in the 48759
capital stock and indebtedness of insurance companies of which at 48760
least eighty per cent of the insurance company's issued and 48761
outstanding common stock is owned by the financial institution by 48762
(2) the total assets of such financial institution as shown on its 48763
books; 48764

(c) Dividing (1) the amount of the financial institution's 48765
assets, as shown on its books, represented by investments in the 48766
capital stock and indebtedness of other financial institutions of 48767
which at least twenty-five per cent of the other financial 48768
institution's issued and outstanding common stock is owned by the 48769
financial institution by (2) the total assets of the financial 48770
institution as shown on its books. Division (B)(5)(c) of this 48771
section applies only with respect to such other financial 48772
institutions that for the tax year immediately following the 48773
taxpayer's taxable year will pay the tax imposed by division (D) 48774
of section 5733.06 of the Revised Code. 48775

(6) Land that has been determined pursuant to section 5713.31 48776
of the Revised Code by the county auditor of the county in which 48777
the land is located to be devoted exclusively to agricultural use 48778
as of the first Monday of June in the financial institution's 48779
taxable year. 48780

(7) Property within this state used exclusively during the 48781
taxable year for qualified research as defined in section 5733.05 48782
of the Revised Code. 48783

(C) The base upon which the tax levied under division (D) of 48784
section 5733.06 of the Revised Code shall be computed by 48785
multiplying the value of a financial institution's issued and 48786
outstanding shares of stock as determined in division (B) of this 48787
section by a fraction. The numerator of the fraction is the sum of 48788
the following: the property factor multiplied by fifteen, the 48789
payroll factor multiplied by fifteen, and the sales factor 48790
multiplied by seventy. The denominator of the fraction is one 48791
hundred, provided that the denominator shall be reduced by fifteen 48792
if the property factor has a denominator of zero, by fifteen if 48793
the payroll factor has a denominator of zero, and by seventy if 48794
the sales factor has a denominator of zero. 48795

(D) A financial institution shall calculate the property 48796
factor as follows: 48797

(1) The property factor is a fraction, the numerator of which 48798
is the average value of real property and tangible personal 48799
property rented to the taxpayer that is located or used within 48800
this state during the taxable year, the average value of real and 48801
tangible personal property owned by the taxpayer that is located 48802
or used within this state during the taxable year, and the average 48803
value of the taxpayer's loans and credit card receivables that are 48804
located within this state during the taxable year; and the 48805
denominator of which is the average value of all such property 48806
located or used within and without this state during the taxable 48807

year. 48808

(2)(a) The value of real property and tangible personal 48809
property owned by the taxpayer is the original cost or other basis 48810
of such property for federal income tax purposes without regard to 48811
depletion, depreciation, or amortization. 48812

(b) Loans are valued at their outstanding principal balance, 48813
without regard to any reserve for bad debts. If a loan is 48814
charged-off in whole or in part for federal income tax purposes, 48815
the portion of the loan charged-off is not outstanding. A 48816
specifically allocated reserve established pursuant to financial 48817
accounting guidelines which is treated as charged-off for federal 48818
income tax purposes shall be treated as charged-off for purposes 48819
of this section. 48820

(c) Credit card receivables are valued at their outstanding 48821
principal balance, without regard to any reserve for bad debts. If 48822
a credit card receivable is charged-off in whole or in part for 48823
federal income tax purposes, the portion of the receivable 48824
charged-off is not outstanding. 48825

(3) The average value of property owned by the taxpayer is 48826
computed on an annual basis by adding the value of the property on 48827
the first day of the taxable year and the value on the last day of 48828
the taxable year and dividing the sum by two. If averaging on this 48829
basis does not properly reflect average value, the tax 48830
commissioner may require averaging on a more frequent basis. The 48831
taxpayer may elect to average on a more frequent basis. When 48832
averaging on a more frequent basis is required by the tax 48833
commissioner or is elected by the taxpayer, the same method of 48834
valuation must be used consistently by the taxpayer with respect 48835
to property within and without this state and on all subsequent 48836
returns unless the taxpayer receives prior permission from the tax 48837
commissioner or the tax commissioner requires a different method 48838
of determining value. 48839

(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.

(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.

(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. 48872

(6)(a)(i) A loan, other than a loan or advance described in 48873
division (D)(6)(d) of this section, is considered to be located 48874
within this state if it is properly assigned to a regular place of 48875
business of the taxpayer within this state. 48876

(ii) A loan is properly assigned to the regular place of 48877
business with which it has a preponderance of substantive 48878
contacts. A loan assigned by the taxpayer to a regular place of 48879
business without the state shall be presumed to have been properly 48880
assigned if: 48881

(I) The taxpayer has assigned, in the regular course of its 48882
business, such loan on its records to a regular place of business 48883
consistent with federal or state regulatory requirements; 48884

(II) Such assignment on its records is based upon substantive 48885
contacts of the load to such regular place of business; and 48886
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(III) The taxpayer uses the records reflecting assignment of 48888
loans for the filing of all state and local tax returns for which 48889
an assignment of loans to a regular place of business is required. 48890

(iii) The presumption of proper assignment of a loan provided 48891
in division (D)(6)(a)(ii) of this section may be rebutted upon a 48892
showing by the tax commissioner, supported by a preponderance of 48893
the evidence, that the preponderance of substantive contacts 48894
regarding such loan did not occur at the regular place of business 48895
to which it was assigned on the taxpayer's records. When such 48896
presumption has been rebutted, the loan shall then be located 48897
within this state if (1) the taxpayer had a regular place of 48898
business within this state at the time the loan was made; and (2) 48899
the taxpayer fails to show, by a preponderance of the evidence, 48900
that the preponderance of substantive contacts regarding such load 48901
did not occur within this state. 48902

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(b) In the case of a loan which is assigned by the taxpayer 48904
to a place without this state which is not a regular place of 48905
business, it shall be presumed, subject to rebuttal by the 48906
taxpayer on a showing supported by the preponderance of evidence, 48907
that the preponderance of substantive contacts regarding the loan 48908
occurred within this state if, at the time the loan was made the 48909
taxpayer's commercial domicile was within this state. 48910

(c) To determine the state in which the preponderance of 48911
substantive contacts relating to a loan have occurred, the facts 48912
and circumstances regarding the loan at issue shall be reviewed on 48913
a case-by-case basis and consideration shall be given to such 48914
activities as the solicitation, investigation, negotiation, 48915
approval, and administration of the loan. The terms 48916
"solicitation," "investigation," "negotiation," "approval," and 48917
"administration" are defined as follows: 48918

(i) "Solicitation" is either active or passive. Active 48919
solicitation occurs when an employee of the taxpayer initiates the 48920
contact with the customer. Such activity is located at the regular 48921
place of business which the taxpayer's employee is regularly 48922
connected with or working out of, regardless of where the services 48923
of such employee were actually performed. Passive solicitation 48924
occurs when the customer initiates the contact with the taxpayer. 48925
If the customer's initial contact was not at a regular place of 48926
business of the taxpayer, the regular place of business, if any, 48927
where the passive solicitation occurred is determined by the facts 48928
in each case. 48929

(ii) "Investigation" is the procedure whereby employees of 48930
the taxpayer determine the creditworthiness of the customer as 48931
well as the degree of risk involved in making a particular 48932
agreement. Such activity is located at the regular place of 48933
business which the taxpayer's employees are regularly connected 48934

with or working out of, regardless of where the services of such employees were actually performed. 48935
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(iii) Negotiation is the procedure whereby employees of the taxpayer and its customer determine the terms of the agreement, such as the amount, duration, interest rate, frequency of repayment, currency denomination, and security required. Such activity is located at the regular place of business to which the taxpayer's employees are regularly connected or working from, regardless of where the services of such employees were actually performed. 48937
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(iv) "Approval" is the procedure whereby employees or the board of directors of the taxpayer make the final determination whether to enter into the agreement. Such activity is located at the regular place of business to which the taxpayer's employees are regularly connected or working from, regardless of where the services of such employees were actually performed. If the board of directors makes the final determination, such activity is located at the commercial domicile of the taxpayer. 48945
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(v) "Administration" is the process of managing the account. This process includes bookkeeping, collecting the payments, corresponding with the customer, reporting to management regarding the status of the agreement, and proceeding against the borrower or the security interest if the borrower is in default. Such activity is located at the regular place of business that oversees this activity. 48953
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(d) A loan or advance to a subsidiary corporation at least fifty-one per cent of whose common stock is owned by the financial institution shall be allocated in and out of the state by the application of a ratio whose numerator is the sum of the net book value of the subsidiary's real property owned in this state and the subsidiary's tangible personal property owned in this state and whose denominator is the sum of the subsidiary's real property 48960
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owned wherever located and the subsidiary's tangible personal 48967
property owned wherever located. For purposes of calculating this 48968
ratio, the taxpayer shall determine net book value in accordance 48969
with generally accepted accounting principles. If the subsidiary 48970
corporation owns at least fifty-one per cent of the common stock 48971
of another corporation, the ratio shall be calculated by including 48972
the other corporation's real property and tangible personal 48973
property. The calculation of the ratio applies with respect to all 48974
lower-tiered subsidiaries, provided that the immediate parent 48975
corporation of the subsidiary owns at least fifty-one per cent of 48976
the common stock of that subsidiary. 48977

(7) For purposes of determining the location of credit card 48978
receivables, credit card receivables shall be treated as loans and 48979
shall be subject to division (D)(6) of this section. 48980

(8) A loan that has been properly assigned to a state shall, 48981
absent any change of material fact, remain assigned to that state 48982
for the length of the original term of the loan. Thereafter, the 48983
loan may be properly assigned to another state if the loan has a 48984
preponderance of substantive contact to a regular place of 48985
business there. 48986

(E) A financial institution shall calculate the payroll 48987
factor as follows: 48988

(1) The payroll factor is a fraction, the numerator of which 48989
is the total amount paid in this state during the taxable year by 48990
the taxpayer for compensation, and the denominator of which is the 48991
total compensation paid both within and without this state during 48992
the taxable year. 48993

(2) Compensation is paid in this state if any one of the 48994
following tests, applied consecutively, is met: 48995

(a) The employee's services are performed entirely within 48996
this state. 48997

(b) The employee's services are performed both within and 48998
without this state, but the service performed without this state 48999
is incidental to the employee's service within this state. The 49000
term "incidental" means any service which is temporary or 49001
transitory in nature, or which is rendered in connection with an 49002
isolated transaction. 49003

(c) The employee's services are performed both within and 49004
without this state, and: 49005

(i) The employee's principal base of operations is within 49006
this state; or 49007

(ii) There is no principal base of operations in any state in 49008
which some part of the services are performed, but the place from 49009
which the services are directed or controlled is in this state; or 49010
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(iii) The principal base of operations and the place from 49012
which the services are directed or controlled are not in any state 49013
in which some part of the service is performed but the employee's 49014
residence is in this state. 49015

(F) A financial institution shall calculate the sales factor 49016
as follows: 49017

(1) The sales factor is a fraction, the numerator of which is 49018
the receipts of the taxpayer in this state during the taxable year 49019
and the denominator of which is the receipts of the taxpayer 49020
within and without this state during the taxable year. The method 49021
of calculating receipts for purposes of the denominator is the 49022
same as the method used in determining receipts for purposes of 49023
the numerator. 49024

(2) The numerator of the sales factor includes receipts from 49025
the lease or rental of real property owned by the taxpayer if the 49026
property is located within this state, or receipts from the 49027
sublease of real property if the property is located within this 49028

state. 49029

(3)(a) Except as described in division (F)(3)(b) of this 49030
section the numerator of the sales factor includes receipts from 49031
the lease or rental of tangible personal property owned by the 49032
taxpayer if the property is located within this state when it is 49033
first placed in service by the lessee. 49034

(b) Receipts from the lease or rental of transportation 49035
property owned by the taxpayer are included in the numerator of 49036
the sales factor to the extent that the property is used in this 49037
state. The extent an aircraft will be deemed to be used in this 49038
state and the amount of receipts that is to be included in the 49039
numerator of this state's sales factor is determined by 49040
multiplying all the receipts from the lease or rental of the 49041
aircraft by a fraction, the numerator of which is the number of 49042
landings of the aircraft in this state and the denominator of 49043
which is the total number of landings of the aircraft. If the 49044
extent of the use of any transportation property within this state 49045
cannot be determined, then the property will be deemed to be used 49046
wholly in the state in which the property has its principal base 49047
of operations. A motor vehicle will be deemed to be used wholly in 49048
the state in which it is registered. 49049

(4)(a) The numerator of the sales factor includes interest 49050
and fees or penalties in the nature of interest from loans secured 49051
by real property if the property is located within this state. If 49052
the property is located both within this state and one or more 49053
other states, the receipts described in this paragraph are 49054
included in the numerator of the sales factor if more than fifty 49055
per cent of the fair market value of the real property is located 49056
within this state. If more than fifty per cent of the fair market 49057
value of the real property is not located within any one state, 49058
then the receipts described in this paragraph shall be included in 49059
the numerator of the sales factor if the borrower is located in 49060

this state. 49061

(b) The determination of whether the real property securing a 49062
loan is located within this state shall be made as of the time the 49063
original agreement was made and any and all subsequent 49064
substitutions of collateral shall be disregarded. 49065

(5) The numerator of the sales factor includes interest and 49066
fees or penalties in the nature of interest from loans not secured 49067
by real property if the borrower is located in this state. 49068

(6) The numerator of the sales factor includes net gains from 49069
the sale of loans. Net gains from the sale of loans includes 49070
income recorded under the coupon stripping rules of section 1286 49071
of the Internal Revenue Code. 49072

(a) The amount of net gains, but not less than zero, from the 49073
sale of loans secured by real property included in the numerator 49074
is determined by multiplying such net gains by a fraction the 49075
numerator of which is the amount included in the numerator of the 49076
sales factor pursuant to division (F)(4) of this section and the 49077
denominator of which is the total amount of interest and fees or 49078
penalties in the nature of interest from loans secured by real 49079
property. 49080

(b) The amount of net gains, but not less than zero, from the 49081
sale of loans not secured by real property included in the 49082
numerator is determined by multiplying such net gains by a 49083
fraction the numerator of which is the amount included in the 49084
numerator of the sales factor pursuant to division (F)(5) of this 49085
section and the denominator of which is the total amount of 49086
interest and fees or penalties in the nature of interest from 49087
loans not secured by real property. 49088

(7) The numerator of the sales factor includes interest and 49089
fees or penalties in the nature of interest from credit card 49090
receivables and receipts from fees charged to card holders, such 49091

as annual fees, if the billing address of the card holder is in 49092
this state. 49093

(8) The numerator of the sales factor includes net gains, but 49094
not less than zero, from the sale of credit card receivables 49095
multiplied by a fraction, the numerator of which is the amount 49096
included in the numerator of the sales factor pursuant to division 49097
(F)(7) of this section and the denominator of which is the 49098
taxpayer's total amount of interest and fees or penalties in the 49099
nature of interest from credit card receivables and fees charged 49100
to card holders. 49101

(9) The numerator of the sales factor includes all credit 49102
card issuer's reimbursement fees multiplied by a fraction, the 49103
numerator of which is the amount included in the numerator of the 49104
sales factor pursuant to division (F)(7) of this section and the 49105
denominator of which is the taxpayer's total amount of interest 49106
and fees or penalties in the nature of interest from credit card 49107
receivables and fees charged to card holders. 49108

(10) The numerator of the sales factor includes receipts from 49109
merchant discount if the commercial domicile of the merchant is in 49110
this state. Such receipts shall be computed net of any card holder 49111
charge backs, but shall not be reduced by any interchange 49112
transaction fees or by any issuer's reimbursement fees paid to 49113
another for charges made by its card holders. 49114

(11)(a)(i) The numerator of the sales factor includes loan 49115
servicing fees derived from loans secured by real property 49116
multiplied by a fraction the numerator of which is the amount 49117
included in the numerator of the sales factor pursuant to division 49118
(F)(4) of this section and the denominator of which is the total 49119
amount of interest and fees or penalties in the nature of interest 49120
from loans secured by real property. 49121

(ii) The numerator of the sales factor includes loan 49122

servicing fees derived from loans not secured by real property 49123
multiplied by a fraction the numerator of which is the amount 49124
included in the numerator of the sales factor pursuant to division 49125
(F)(5) of this section and the denominator of which is the total 49126
amount of interest and fees or penalties in the nature of interest 49127
from loans not secured by real property. 49128

(b) In circumstances in which the taxpayer receives loan 49129
servicing fees for servicing either the secured or the unsecured 49130
loans of another, the numerator of the sales factor shall include 49131
such fees if the borrower is located in this state. 49132

(12) The numerator of the sales factor includes receipts from 49133
services not otherwise apportioned under this section if the 49134
service is performed in this state. If the service is performed 49135
both within and without this state, the numerator of the sales 49136
factor includes receipts from services not otherwise apportioned 49137
under this section, if a greater proportion of the income 49138
producing activity is performed in this state based on cost of 49139
performance. 49140

(13)(a) Interest, dividends, net gains, but not less than 49141
zero, and other income from investment assets and activities and 49142
from trading assets and activities shall be included in the sales 49143
factor. Investment assets and activities and trading assets and 49144
activities include but are not limited to: investment securities; 49145
trading account assets; federal funds; securities purchased and 49146
sold under agreements to resell or repurchase; options; futures 49147
contracts; forward contracts; notional principal contracts such as 49148
swaps; equities; and foreign currency transactions. With respect 49149
to the investment and trading assets and activities described in 49150
divisions (F)(13)(a)(i) and (ii) of this section, the sales factor 49151
shall include the amounts described in such divisions. 49152

(i) The sales factor shall include the amount by which 49153
interest from federal funds sold and securities purchased under 49154

resale agreements exceeds interest expense on federal funds 49155
purchased and securities sold under repurchase agreements. 49156

(ii) The sales factor shall include the amount by which 49157
interest, dividends, gains, and other income from trading assets 49158
and activities, including, but not limited to, assets and 49159
activities in the matched book, in the arbitrage book, and foreign 49160
currency transactions, exceed amounts paid in lieu of interest, 49161
amounts paid in lieu of dividends, and losses from such assets and 49162
activities. 49163

(b) The numerator of the sales factor includes interest, 49164
dividends, net gains, but not less than zero, and other income 49165
from investment assets and activities and from trading assets and 49166
activities described in division (F)(13)(a) of this section that 49167
are attributable to this state. 49168

(i) The amount of interest, other than interest described in 49169
division (F)(13)(b)(iv) of this section, dividends, other than 49170
dividends described in that division, net gains, but not less than 49171
zero, and other income from investment assets and activities in 49172
the investment account to be attributed to this state and included 49173
in the numerator is determined by multiplying all such income from 49174
such assets and activities by a fraction, the numerator of which 49175
is the average value of such assets which are properly assigned to 49176
a regular place of business of the taxpayer within this state and 49177
the denominator of which is the average value of all such assets. 49178

(ii) The amount of interest from federal funds sold and 49179
purchased and from securities purchased under resale agreements 49180
and securities sold under repurchase agreements attributable to 49181
this state and included in the numerator is determined by 49182
multiplying the amount described in division (F)(13)(a)(i) of this 49183
section from such funds and such securities by a fraction, the 49184
numerator of which is the average value of federal funds sold and 49185
securities purchased under agreements to resell which are properly 49186

assigned to a regular place of business of the taxpayer within 49187
this state and the denominator of which is the average value of 49188
all such funds and such securities. 49189

(iii) The amount of interest, dividends, gains, and other 49190
income from trading assets and activities, including but not 49191
limited to assets and activities in the matched book, in the 49192
arbitrage book, and foreign currency transaction, but excluding 49193
amounts described in division (F)(13)(b)(i) or (ii) of this 49194
section, attributable to this state and included in the numerator 49195
is determined by multiplying the amount described in division 49196
(F)(13)(a)(ii) of this section by a fraction, the numerator of 49197
which is the average value of such trading assets which are 49198
properly assigned to a regular place of business of the taxpayer 49199
within this state and the denominator of which is the average 49200
value of all such assets. 49201

(iv) The amount of dividends received on the capital stock 49202
of, and the amount of interest received from loans and advances 49203
to, subsidiary corporations at least fifty-one per cent of whose 49204
common stock is owned by the reporting financial institution shall 49205
be allocated in and out of this state by the application of a 49206
ratio whose numerator is the sum of the net book value of the 49207
payor's real property owned in this state and the payor's tangible 49208
personal property owned in this state and whose denominator is the 49209
sum of the net book value of the payor's real property owned 49210
wherever located and the payor's tangible personal property owned 49211
wherever located. For purposes of calculating this ratio, the 49212
taxpayer shall determine net book value in accordance with 49213
generally accepted accounting principles. 49214

(v) For purposes of this division, average value shall be 49215
determined using the rules for determining the average value of 49216
tangible personal property set forth in division (D)(2) and (3) of 49217
this section. 49218

(c) In lieu of using the method set forth in division 49219
(F)(13)(b) of this section, the taxpayer may elect, or the tax 49220
commissioner may require in order to fairly represent the business 49221
activity of the taxpayer in this state, the use of the method set 49222
forth in division (F)(13)(c) of this section. 49223

(i) The amount of interest, other than interest described in 49224
division (F)(13)(b)(iv) of this section, dividends, other than 49225
dividends described in that division, net gains, but not less than 49226
zero, and other income from investment assets and activities in 49227
the investment account to be attributed to this state and included 49228
in the numerator is determined by multiplying all such income from 49229
such assets and activities by a fraction, the numerator of which 49230
is the gross income from such assets and activities which are 49231
properly assigned to a regular place of business of the taxpayer 49232
within this state, and the denominator of which is the gross 49233
income from all such assets and activities. 49234

(ii) The amount of interest from federal funds sold and 49235
purchased and from securities purchased under resale agreements 49236
and securities sold under repurchase agreements attributable to 49237
this state and included in the numerator is determined by 49238
multiplying the amount described in division (F)(13)(a)(i) of this 49239
section from such funds and such securities by a fraction, the 49240
numerator of which is the gross income from such funds and such 49241
securities which are properly assigned to a regular place of 49242
business of the taxpayer within this state and the denominator of 49243
which is the gross income from all such funds and such securities. 49244

(iii) The amount of interest, dividends, gains, and other 49245
income from trading assets and activities, including, but not 49246
limited to, assets and activities in the matched book, in the 49247
arbitrage book, and foreign currency transactions, but excluding 49248
amounts described in division (F)(13)(a)(i) or (ii) of this 49249
section, attributable to this state and included in the numerator, 49250

is determined by multiplying the amount described in division 49251
(F)(13)(a)(ii) of this section by a fraction, the numerator of 49252
which is the gross income from such trading assets and activities 49253
which are properly assigned to a regular place of business of the 49254
taxpayer within this state and the denominator of which is the 49255
gross income from all such assets and activities. 49256

(iv) The amount of dividends received on the capital stock 49257
of, and the amount of interest received from loans and advances 49258
to, subsidiary corporations at least fifty-one per cent of whose 49259
common stock is owned by the reporting financial institution shall 49260
be allocated in and out of this state by the application of a 49261
ratio whose numerator is the sum of the net book value of the 49262
payor's real property owned in this state and the payor's tangible 49263
personal property owned in this state and whose denominator is the 49264
sum of the payor's real property owned wherever located and the 49265
payor's tangible personal property owned wherever located. For 49266
purposes of calculating this ratio, the taxpayer shall determine 49267
net book value in accordance with generally accepted accounting 49268
principles. 49269

(d) If the taxpayer elects or is required by the tax 49270
commissioner to use the method set forth in division (F)(13)(c) of 49271
this section, it shall use this method on all subsequent returns 49272
unless the taxpayer receives prior permission from the tax 49273
commissioner to use or the tax commissioner requires a different 49274
method. 49275

(e) The taxpayer shall have the burden of proving that an 49276
investment asset or activity or trading asset or activity was 49277
properly assigned to a regular place of business outside of this 49278
state by demonstrating that the day-to-day decisions regarding the 49279
asset or activity occurred at a regular place of business outside 49280
this state. Where the day-to-day decisions regarding an investment 49281
asset or activity or trading asset or activity occur at more than 49282

one regular place of business and one such regular place of 49283
business is in this state and one such regular place of business 49284
is outside this state such asset or activity shall be considered 49285
to be located at the regular place of business of the taxpayer 49286
where the investment or trading policies or guidelines with 49287
respect to the asset or activity are established. Unless the 49288
taxpayer demonstrates to the contrary, such policies and 49289
guidelines shall be presumed to be established at the commercial 49290
domicile of the taxpayer. 49291

(14) The numerator of the sales factor includes all other 49292
receipts if either: 49293

(a) The income-producing activity is performed solely in this 49294
state; or 49295

(b) The income-producing activity is performed both within 49296
and without this state and a greater proportion of the 49297
income-producing activity is performed within this state than in 49298
any other state, based on costs of performance. 49299

(G) A qualified institution may calculate the base upon which 49300
the fee provided for in division (D) of section 5733.06 ~~(D)~~ of the 49301
~~revised code~~ Revised Code is determined for each of the tax years 49302
1998, 1999, 2000, ~~and 2001, 2002, and 2003~~ by multiplying the 49303
value of its issued and outstanding shares of stock determined 49304
under division (B) of this section by a single deposits fraction 49305
whose numerator is the deposits assigned to branches in this state 49306
and whose denominator is the deposits assigned to branches 49307
everywhere. Deposits shall be assigned to branches in the same 49308
manner in which the assignment is made for regulatory purposes. If 49309
the base calculated under this division is less than the base 49310
calculated under division (C) of this section, then the qualifying 49311
institution may elect to substitute the base calculated under this 49312
division for the base calculated under division (C) of this 49313
section. Such election may be made annually for each of the tax 49314

years 1998, 1999, 2000, ~~and~~ 2001, 2002, and 2003 on the corporate 49315
report. The election need not accompany the report; rather, the 49316
election may accompany a subsequently filed but timely application 49317
for refund, a subsequently filed but timely amended report, or a 49318
subsequently filed but timely petition for reassessment. The 49319
election is not irrevocable and it applies only to the specified 49320
tax year. Nothing in this division shall be construed to extend 49321
any statute of limitations set forth in this chapter 49322

(H) If the apportionment provisions of this section do not 49323
fairly represent the extent of the taxpayer's business activity in 49324
this state, the taxpayer may petition for or the tax commissioner 49325
may require, in respect to all or any part of the taxpayer's 49326
business activity, if reasonable: 49327

(1) Separate accounting; 49328

(2) The exclusion of any one or more of the factors; 49329

(3) The inclusion of one or more additional factors which 49330
will fairly represent the taxpayer's business activity in this 49331
state; or 49332

(4) The employment of any other method to effectuate an 49333
equitable allocation and apportionment of the taxpayer's value. 49334

Sec. 5733.06. The tax hereby charged each corporation subject 49335
to this chapter shall be the greater of the sum of divisions (A) 49336
and (B) of this section, after the reduction, if any, provided by 49337
division (J) of this section, or division (C) of this section, 49338
after the reduction, if any, provided by division (J) of this 49339
section, except that the tax hereby charged each financial 49340
institution subject to this chapter shall be the amount computed 49341
under division (D) of this section: 49342

(A) Except as set forth in division (F) of this section, five 49343
and one-tenth per cent upon the first fifty thousand dollars of 49344

the value of the taxpayer's issued and outstanding shares of stock 49345
as determined under division (B) of section 5733.05 of the Revised 49346
Code; 49347

(B) Except as set forth in division (F) of this section, 49348
eight and one-half per cent upon the value so determined in excess 49349
of fifty thousand dollars; or 49350

(C) Except as otherwise provided under division (G) of this 49351
section, four mills times that portion of the value of the issued 49352
and outstanding shares of stock as determined under division (C) 49353
of section 5733.05 of the Revised Code. For the purposes of 49354
division (C) of this section, division (C)(2) of section 5733.065, 49355
and division (C) of section 5733.066 of the Revised Code, the 49356
value of the issued and outstanding shares of stock of a qualified 49357
holding company is zero. 49358

(D) The tax charged each financial institution subject to 49359
this chapter shall be that portion of the value of the issued and 49360
outstanding shares of stock as determined under division (A) of 49361
section 5733.05 of the Revised Code, multiplied by the following 49362
amounts: 49363

(1) For tax years prior to the 1999 tax year, fifteen mills; 49364

(2) For the 1999 tax year, fourteen mills; 49365

(3) For tax year 2000 and thereafter, thirteen mills. 49366

(E) No tax shall be charged from any corporation that has 49367
been adjudicated bankrupt, or for which a receiver has been 49368
appointed, or that has made a general assignment for the benefit 49369
of creditors, except for the portion of the then current tax year 49370
during which the tax commissioner finds such corporation had the 49371
power to exercise its corporate franchise unimpaired by such 49372
proceedings or act. The minimum payment for all corporations shall 49373
be fifty dollars. 49374

The tax charged to corporations under this chapter for the 49375
privilege of engaging in business in this state, which is an 49376
excise tax levied on the value of the issued and outstanding 49377
shares of stock, shall in no manner be construed as prohibiting or 49378
otherwise limiting the powers of municipal corporations, joint 49379
economic development zones created under section 715.691 of the 49380
Revised Code, and joint economic development districts created 49381
under section 715.70 or 715.71 or sections 715.72 to 715.81 of the 49382
Revised Code in this state to impose an income tax on the income 49383
of such corporations. 49384

(F) If two or more taxpayers satisfy the ownership or control 49385
requirements of division (A) of section 5733.052 of the Revised 49386
Code, each such taxpayer shall substitute "the taxpayer's pro-rata 49387
amount" for "fifty thousand dollars" in divisions (A) and (B) of 49388
this section. For purposes of this division, "the taxpayer's 49389
pro-rata amount" is an amount that, when added to the other such 49390
taxpayers' pro-rata amounts, does not exceed fifty thousand 49391
dollars. For the purpose of making that computation, the 49392
taxpayer's pro-rata amount shall not be less than zero. Nothing in 49393
this division derogates from or eliminates the requirement to make 49394
the alternative computation of tax under division (C) of this 49395
section. 49396

(G) The tax liability of any corporation under division (C) 49397
of this section shall not exceed one hundred fifty thousand 49398
dollars. 49399

(H)(1) For the purposes of division (H) of this section, 49400
"exiting corporation" means a corporation that satisfies all of 49401
the following conditions: 49402

(a) The corporation had nexus with or in this state under the 49403
Constitution of the United States during any portion of a calendar 49404
year; 49405

(b) The corporation was not a corporation described in 49406
division (A) of section 5733.01 of the Revised Code on the first 49407
day of January immediately following that calendar year; 49408

(c) The corporation was not a financial institution on the 49409
first day of January immediately following that calendar year; 49410

(d) If the corporation was a transferor as defined in section 49411
5733.053 of the Revised Code, the corporation's transferee was not 49412
required to add to the transferee's net income the income of the 49413
transferor pursuant to division (B) of that section; 49414

(e) During any portion of that calendar year, or any portion 49415
of the immediately preceding calendar year, the corporation had 49416
net income that was not included in a report filed by the 49417
corporation or its transferee pursuant to section 5733.02, 49418
5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code; 49419

(f) The corporation would have been subject to the tax 49420
computed under divisions (A), (B), (C), (F), and (G) of this 49421
section if the corporation is assumed to be a corporation 49422
described in division (A) of section 5733.01 of the Revised Code 49423
on the first day of January immediately following the calendar 49424
year to which division (H)(1)(a) of this section refers. 49425

(2) For the purposes of division (H) of this section, 49426
"unreported net income" means net income that was not previously 49427
included in a report filed pursuant to section 5733.02, 5733.021, 49428
5733.03, 5733.031, or 5733.053 of the Revised Code and that was 49429
realized or recognized during the calendar year to which division 49430
(H)(1) of this section refers or the immediately preceding 49431
calendar year. 49432

(3) Each exiting corporation shall pay a tax computed by 49433
first allocating and apportioning the unreported net income 49434
pursuant to division (B) of section 5733.05 and section 5733.051 49435
and, if applicable, section 5733.052 of the Revised Code. The 49436

exiting corporation then shall compute the tax due on its 49437
unreported net income allocated and apportioned to this state by 49438
applying divisions (A), (B), and (F) of this section to that 49439
income. 49440

(4) Divisions (C) and (G) of this section, division (D)(2) of 49441
section 5733.065, and division (C) of section 5733.066 of the 49442
Revised Code do not apply to an exiting corporation, but exiting 49443
corporations are subject to every other provision of this chapter. 49444

(5) Notwithstanding division (B) of section 5733.01 or 49445
sections 5733.02, 5733.021, and 5733.03 of the Revised Code to the 49446
contrary, each exiting corporation shall report and pay the tax 49447
due under division (H) of this section on or before the 49448
thirty-first day of May immediately following the calendar year to 49449
which division (H)(1)(a) of this section refers. The exiting 49450
corporation shall file that report on the form most recently 49451
prescribed by the tax commissioner for the purposes of complying 49452
with sections 5733.02 and 5733.03 of the Revised Code. Upon 49453
request by the corporation, the tax commissioner may extend the 49454
date for filing the report. 49455

(6) If, on account of the application of section 5733.053 of 49456
the Revised Code, net income is subject to the tax imposed by 49457
divisions (A) and (B) of this section, such income shall not be 49458
subject to the tax imposed by division (H)(3) of this section. 49459

(7) The amendments made to division (H) of this section by 49460
Am. Sub. S.B. 287 of the 123rd general assembly do not apply to 49461
any transfer, as defined in section 5733.053 of the Revised Code, 49462
for which negotiations began prior to January 1, 2001, and that 49463
was commenced in and completed during calendar year 2001, unless 49464
the taxpayer makes an election prior to December 31, 2001, to 49465
apply those amendments. 49466

(8) The tax commissioner may adopt rules governing division 49467

(H) of this section. 49468

(I) Any reference in the Revised Code to "the tax imposed by 49469
section 5733.06 of the Revised Code" or "the tax due under section 49470
5733.06 of the Revised Code" includes the taxes imposed under 49471
sections 5733.065 and 5733.066 of the Revised Code. 49472

(J)(1) Division (J) of this section applies solely to a 49473
combined company. Section 5733.057 of the Revised Code shall apply 49474
when calculating the adjustments required by division (J) of this 49475
section. 49476

(2) Subject to division (J)(4) of this section, the total tax 49477
calculated in divisions (A) and (B) of this section shall be 49478
reduced by an amount calculated by multiplying such tax by a 49479
fraction, the numerator of which is the total taxable gross 49480
receipts attributed to providing public utility activity other 49481
than as an electric company under section 5727.03 of the Revised 49482
Code for the year upon which the taxable gross receipts are 49483
measured immediately preceding the tax year, and the denominator 49484
of which is the total gross receipts from all sources for the year 49485
upon which the taxable gross receipts are measured immediately 49486
preceding the tax year. Nothing herein shall be construed to 49487
exclude from the denominator any item of income described in 49488
section 5733.051 of the Revised Code. 49489

(3) Subject to division (J)(4) of this section, the total tax 49490
calculated in division (C) of this section shall be reduced by an 49491
amount calculated by multiplying such tax by the fraction 49492
described in division (J)(2) of this section. 49493

(4) In no event shall the reduction provided by division 49494
(J)(2) or (J)(3) of this section exceed the amount of the excise 49495
tax paid in accordance with section 5727.38 of the Revised Code, 49496
for the year upon which the taxable gross receipts are measured 49497
immediately preceding the tax year. 49498

Sec. 5733.12. (A) Four and two-tenths per cent of all 49499
payments received ~~by the treasurer of state~~ from the taxes imposed 49500
under sections 5733.06 and 5733.41 of the Revised Code shall be 49501
credited to the local government fund for distribution in 49502
accordance with section 5747.50 of the Revised Code, six-tenths of 49503
one per cent shall be credited to the local government revenue 49504
assistance fund for distribution in accordance with section 49505
5747.61 of the Revised Code, and ninety-five and two-tenths per 49506
cent shall be credited to the general revenue fund. 49507

(B) Except as otherwise provided under divisions (C) and (D) 49508
of this section, an application to refund to the corporation the 49509
amount of taxes imposed under section 5733.06 of the Revised Code 49510
that are overpaid, paid illegally or erroneously, or paid on any 49511
illegal, erroneous, or excessive assessment, with interest thereon 49512
as provided by section 5733.26 of the Revised Code, shall be filed 49513
with the tax commissioner, on the form prescribed by the 49514
commissioner, within three years from the date of the illegal, 49515
erroneous, or excessive payment of the tax, or within any 49516
additional period allowed by division (C)(2) of section 5733.031, 49517
division (D)(2) of section 5733.067, or division (A) of section 49518
5733.11 of the Revised Code. 49519

On the filing of the refund application, the commissioner 49520
shall determine the amount of refund due and certify such amount 49521
to the director of budget and management and treasurer of state 49522
for payment from the tax refund fund created by section 5703.052 49523
of the Revised Code. 49524

(C) "Ninety days" shall be substituted for "three years" in 49525
division (B) of this section if the taxpayer satisfies both of the 49526
following: 49527

(1) The taxpayer has applied for a refund based in whole or 49528
in part upon section 5733.0611 of the Revised Code; 49529

(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 division (D)(1)(a) of this section;

(d) The three-year period described in division (B) of this section has ended as to the taxable year for which the taxpayer otherwise would have claimed that credit.

(2) A taxpayer shall file an application for refund pursuant to this division within one year after the date the payment described in division (D)(1)(a) of this section is made. An application filed under this division shall only claim refund of overpayments resulting from the taxpayer's failure to claim the credit described in division (D)(1)(c) of this section. Nothing in this division shall be construed to relieve a taxpayer from complying with the provisions of division (I)(14) of section 5733.04 of the Revised Code.

Sec. 5733.122. Between the first and fifteenth days of July each year, the tax commissioner shall certify to the director of budget and management the total reported liability of the taxes or surcharges levied in the second preceding year under sections 5733.065 and 5733.066 of the Revised Code. Notwithstanding section

5733.12 of the Revised Code, ~~during the period July 1, 1980, to~~ 49560
~~December 31, 1981, four million dollars received by the treasurer~~ 49561
~~of state under this chapter~~ the total amount certified in each 49562
year less an amount to be retained by the department of taxation 49563
for expenses resulting from the administration of the taxes or 49564
surcharges levied under sections 5733.065 and 5733.066 of the 49565
Revised Code shall be credited to the recycling and litter 49566
prevention fund created by section 1502.02 of the Revised Code. 49567
~~Thereafter, during each of the consecutive six-month periods~~ 49568
~~beginning January 1, 1982, five million dollars~~ from amounts 49569
~~received by the treasurer of state under this chapter shall be~~ 49570
~~credited to that fund.~~ No amount shall be credited to the local 49571
government fund from any receipts credited to the recycling and 49572
litter prevention fund under this section. 49573

The office of budget and mangement shall provide the 49574
treasurer of state with a monthly schedule in accordance with 49575
which the amounts shall be credited. 49576

Sec. 5733.18. Annually, on the day fixed for the payment of 49577
any excise or franchise tax required to be paid by law, such tax, 49578
together with any penalties subsequently accruing thereon, shall 49579
become a lien on all property in this state of a corporation, 49580
whether such property is employed by the corporation in the 49581
prosecution of its business or is in the hands of an assignee, 49582
trustee, or receiver for the benefit of the creditors and 49583
stockholders. Such lien shall continue until such taxes, together 49584
with any penalties subsequently accruing, are paid. 49585

Upon failure of such corporation to pay such tax on the day 49586
fixed for payment, ~~the treasurer of state shall thereupon notify~~ 49587
~~the tax commissioner and the commissioner~~ may file, for which 49588
filing no fee shall be charged, in the office of the county 49589
recorder in each county in this state in which such corporation 49590
owns or has a beneficial interest in real estate, notice of such 49591

lien containing a brief description of such real estate. Such lien 49592
shall not be valid as against any mortgagee, purchaser, or 49593
judgment creditor whose rights have attached prior to the time 49594
such notice is so filed in the county in which the real estate 49595
which is the subject of such mortgage, purchase, or judgment lien 49596
is located. Such notice shall be recorded in a book kept by the 49597
recorder, called the corporation franchise lien record, and 49598
indexed under the name of the corporation charged with such tax. 49599
When such tax, together with any penalties subsequently accruing 49600
thereon, has been paid, the tax commissioner shall furnish to the 49601
corporation an acknowledgment of such payment which the 49602
corporation may record with the recorder of each county in which 49603
notice of such lien has been filed, for which recording the 49604
recorder shall charge and receive a fee of two dollars. 49605

Sec. 5733.351. (A) As used in this section, "qualified 49606
research expenses" has the same meaning as in section 41 of the 49607
Internal Revenue Code. 49608

(B)(1) A nonrefundable credit is allowed against the tax 49609
imposed by section 5733.06 of the Revised Code for tax year 2002 49610
for a taxpayer whose taxable year for tax year 2002 ended before 49611
July 1, 2001. The credit shall equal seven per cent of the excess 49612
of qualified research expenses incurred in this state by the 49613
taxpayer between January 1, 2001, and the end of the taxable year, 49614
over the taxpayer's average annual qualified research expenses 49615
incurred in this state for the three preceding taxable years. 49616

(2) A nonrefundable credit also is allowed against the tax 49617
imposed by section 5733.06 of the Revised Code for each tax year, 49618
commencing with tax year 2004. The credit shall equal seven per 49619
cent of the excess of qualified research expenses incurred in this 49620
state by the taxpayer for the taxable year over the taxpayer's 49621
average annual qualified research expenses incurred in this state 49622
for the three preceding taxable years. ~~The~~ 49623

(3) The taxpayer shall claim the credit allowed under 49624
division (B)(1) or (2) of this section in the order required under 49625
by section 5733.98 of the Revised Code. Any credit amount in 49626
excess of the tax due under section 5733.06 of the Revised Code, 49627
after allowing for any other credits that precede the credit under 49628
this section in the order required under section 5733.98 of the 49629
Revised Code, may be carried forward for seven taxable years, but 49630
the amount of the excess credit allowed in any such year shall be 49631
deducted from the balance carried forward to the next year. 49632

(C) In the case of a qualifying controlled group, the credit 49633
allowed under division (B)(1) or (2) of this section to taxpayers 49634
in the qualifying controlled group shall be computed as if all 49635
corporations in the qualifying controlled group were a 49636
consolidated, single taxpayer. The credit shall be allocated to 49637
such taxpayers in any amount elected for the taxable year by the 49638
qualifying controlled group. The election shall be revocable and 49639
amendable during the period prescribed by division (B) of section 49640
5733.12 of the Revised Code. 49641

Sec. 5733.401. (A) As used in this section: 49642

(1) "Investment pass-through entity" means a pass-through 49643
entity having for its qualifying taxable year at least ninety per 49644
cent of its gross income from transaction fees in connection with 49645
the acquisition, ownership, or disposition of intangible property, 49646
loan fees, financing fees, consent fees, waiver fees, application 49647
fees, net management fees, dividend income, interest income, net 49648
capital gains from the sale or exchange of intangible property, or 49649
distributive shares of income from pass-through entities; and 49650
having for its qualifying taxable year at least ninety per cent of 49651
the net book value of its assets represented by intangible assets. 49652
Such percentages shall be the quarterly average of those 49653
percentages as calculated during the pass-through entity's taxable 49654

year. 49655

(2) "Net management fees" means management fees that a 49656
pass-through entity earns or receives from all sources, reduced by 49657
management fees that the pass-through entity incurs or pays to any 49658
person. 49659

(B) For the purposes of divisions (A) and (C) of this section 49660
only, an investment in a pass-through entity shall be deemed to be 49661
an investment in an intangible asset. 49662

(C) Except as otherwise provided in division (D) of this 49663
section, for the purposes of division (A) of section 5733.40 of 49664
the Revised Code, an investment pass-through entity shall exclude 49665
from the calculation of the adjusted qualifying amount all 49666
transaction fees in connection with the acquisition, ownership, or 49667
disposition of intangible property; loan fees; financing fees; 49668
consent fees; waiver fees; application fees; net management 49669
fees, but if such fees exceed five per cent of the entity's net 49670
income calculated in accordance with generally accepted accounting 49671
principles, all net management fees shall be included in the 49672
calculation of the adjusted qualifying amount; dividend income; 49673
interest income; net capital gains from the sale or exchange of 49674
intangible property; and all types and classifications of income 49675
attributable to distributive shares of income from other 49676
pass-through entities. Nothing in this division shall be construed 49677
to provide for an exclusion of any item from adjusted qualifying 49678
amount more than once. 49679

(D) Sections 5733.057 and 5747.231 of the Revised Code do not 49680
apply for the purposes of making the determinations required by 49681
division (A) of this section or claiming the exclusion provided by 49682
division (C) of this section. 49683

Sec. 5733.42. (A) As used in this section: 49684

(1) "Eligible training program" means a program to provide 49685
job skills to eligible employees who are unable effectively to 49686
function on the job due to skill deficiencies or who would 49687
otherwise be displaced because of their skill deficiencies or 49688
inability to use new technology, or to provide job skills to 49689
eligible employees that enable them to perform other job duties 49690
for the taxpayer. Eligible training programs do not include 49691
executive, management, or personal enrichment training programs, 49692
or training programs intended exclusively for personal career 49693
development. 49694

(2) "Eligible employee" means an individual who is employed 49695
in this state by a taxpayer and has been so employed by the same 49696
taxpayer for at least one hundred eighty consecutive days before 49697
the day an application for the credit is filed under this section. 49698
"Eligible employee" does not include any employee for which a 49699
credit is claimed pursuant to division (A)(5) of section 5709.65 49700
of the Revised Code for all or any part of the same year, an 49701
employee who is not a full-time employee, or executive or 49702
managerial personnel except for the immediate supervisors of 49703
nonexecutive, nonmanagerial personnel. 49704

(3) "Eligible training costs" means: 49705

(a) Direct instructional costs, such as instructor salaries, 49706
materials and supplies, textbooks and manuals, videotapes, and 49707
other instructional media and training equipment used exclusively 49708
for the purpose of training eligible employees; 49709

(b) Wages paid to eligible employees for time devoted 49710
exclusively to an eligible training program during normal paid 49711
working hours. 49712

(4) "Full-time employee" means an individual who is employed 49713
for consideration for at least thirty-five hours per week, or who 49714
renders any other standard of service generally accepted by custom 49715

or specified by contract as full-time employment.

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(5) "Partnership" includes a limited liability company formed under Chapter 1705. of the Revised Code or under the laws of another state, provided that the company is not classified for federal income tax purposes as an association taxable as a corporation.

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(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5733.06 of the Revised Code for taxpayers for which a tax credit certificate is issued under division (C) of this section. The credit may ~~not~~ be claimed for ~~any tax year after tax year years 2004, except for amounts carried forward to subsequent tax years to the extent allowed under division (J) of this section 2005, and 2006.~~ The amount of the credit for ~~each tax year 2004~~ shall equal one-half of the average of the eligible training costs paid or incurred by the taxpayer during ~~the three~~ calendar years ~~immediately preceding the tax year for which the credit is claimed 1999, 2000, and 2001~~, not to exceed one thousand dollars for each eligible employee on account of whom eligible training costs were paid or incurred by the taxpayer during those calendar years. The amount of the credit for tax year 2005 shall equal one-half of the average of the eligible training costs paid or incurred by the taxpayer during calendar years 2002, 2003, and 2004, not to exceed one thousand dollars for each eligible employee on account of whom eligible training costs were paid or incurred by the taxpayer during those calendar years. The amount of the credit for tax year 2006 shall equal one-half of the average of the eligible training costs paid or incurred by the taxpayer during calendar years 2003, 2004, and 2005, not to exceed one thousand dollars for each eligible employee on account of whom eligible training costs were paid or incurred by the taxpayer during those calendar years. The credit claimed by a taxpayer each tax year shall not exceed one hundred thousand dollars.

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(C) A taxpayer who proposes to conduct an eligible training 49749
program may apply to the director of job and family services for a 49750
tax credit certificate under this section. The taxpayer may apply 49751
for such a certificate for ~~each tax year with respect to a~~ 49752
~~calendar year in which the taxpayer paid or incurred eligible~~ 49753
~~training costs~~ tax years 2004, 2005, and 2006, subject to division 49754
(L) of this section. The director shall prescribe the form of the 49755
application, which shall require a detailed description of the 49756
proposed training program. The director may require applicants to 49757
remit an application fee with each application filed with the 49758
director. The fee shall not exceed the reasonable and necessary 49759
expenses incurred by the director in receiving, reviewing, and 49760
approving such applications and issuing tax credit certificates. 49761
Proceeds from fees shall be used solely for the purpose of 49762
receiving, reviewing, and approving such applications and issuing 49763
such certificates. 49764

After receipt of an application, the director shall authorize 49765
a credit under this section by issuing a tax credit certificate, 49766
in the form prescribed by the director, if the director determines 49767
all of the following: 49768

(1) The proposed training program is an eligible training 49769
program under this section; 49770

(2) The proposed training program is economically sound and 49771
will benefit the people of this state by improving workforce 49772
skills and strengthening the economy of this state; 49773

(3) Receiving the tax credit is a major factor in the 49774
taxpayer's decision to go forward with the training program; 49775

(4) Authorization of the credit is consistent with division 49776
(H) of this section. 49777

The credit also is allowed for a taxpayer that is a partner 49778

in a partnership that pays or incurs eligible training costs. Such 49779
a taxpayer shall determine the taxpayer's credit amount in the 49780
manner prescribed by division (K) of this section. 49781

(D) If the director of job and family services denies an 49782
application for a tax credit certificate, the director shall send 49783
notice of the denial and the reason for denial to the applicant by 49784
certified mail, return receipt requested. If the director 49785
determines that an authorized training program, as actually 49786
conducted, fails to meet the requirements of this section or to 49787
comply with any condition set forth in the authorization, the 49788
director may reduce the amount of the tax credit previously 49789
granted. If the director reduces a tax credit, the director shall 49790
send notice of the reduction and the reason for the reduction to 49791
the taxpayer by certified mail, return receipt requested, and 49792
shall certify the reduction to the tax commissioner or, in the 49793
case of the reduction of a credit claimed by an insurance company, 49794
the superintendent of insurance. The tax commissioner or 49795
superintendent of insurance shall reduce the credit that may be 49796
claimed by the taxpayer accordingly. Within sixty days after 49797
receiving a notice of denial or notice of reduction of the tax 49798
credit, an applicant or taxpayer may request, in writing, a 49799
hearing before the director to review the denial or reduction. 49800
Within sixty days after receiving a request that is filed within 49801
the prescribed time, the director shall hold such a hearing at a 49802
location to be determined by the director. Within thirty days 49803
after the hearing is adjourned, the director shall issue a 49804
redetermination affirming, reversing, or modifying the denial or 49805
reduction of the tax credit and send notice of the redetermination 49806
to the applicant or taxpayer by certified mail, return receipt 49807
requested, and shall issue a notice of the redetermination to the 49808
tax commissioner or superintendent of insurance. If an applicant 49809
or taxpayer is aggrieved by the director's redetermination, the 49810

applicant or taxpayer may appeal the redetermination to the board 49811
of tax appeals in the manner prescribed by section 5717.02 of the 49812
Revised Code. 49813

(E) A taxpayer to which a tax credit certificate is issued 49814
shall retain records indicating the eligible training costs it 49815
pays or incurs for the eligible training program for which the 49816
certificate is issued for four years following the end of the tax 49817
year for which the credit is claimed. Such records shall be open 49818
to inspection by the director of job and family services upon the 49819
director's request during business hours. 49820

Financial statements and other information submitted by an 49821
applicant to the director of job and family services for a tax 49822
credit under this section, and any information taken for any 49823
purpose from such statements or information, are not public 49824
records subject to section 149.43 of the Revised Code. However, 49825
the director of job and family services, the tax commissioner, or 49826
superintendent of insurance may make use of the statements and 49827
other information for purposes of issuing public reports or in 49828
connection with court proceedings concerning tax credits allowed 49829
under this section and sections 5725.31, 5729.07, and 5747.39 of 49830
the Revised Code. 49831

(F) The director of job and family services, in accordance 49832
with Chapter 119. of the Revised Code, shall adopt rules necessary 49833
to implement this section and sections 5725.31, 5729.07, and 49834
5747.39 of the Revised Code. The rules shall be adopted after 49835
consultation with the tax commissioner and the superintendent of 49836
insurance. At the time the director gives public notice under 49837
division (A) of section 119.03 of the Revised Code of the adoption 49838
of the rules, the director shall submit copies of the proposed 49839
rules to the chairpersons and ranking minority members of the 49840
standing committees in the senate and the house of representatives 49841
to which legislation on economic development matters are 49842

customarily referred. 49843

(G) On or before the thirtieth day of September of 2001, 49844
~~2002~~, 2003, and 2004, 2005, and 2006, the director of job and 49845
family services shall submit a report to the governor, the 49846
president of the senate, and the speaker of the house of 49847
representatives on the tax credit program under this section and 49848
sections 5725.31, 5729.07, and 5747.39 of the Revised Code. The 49849
report shall include information on the number of training 49850
programs that were authorized under those sections during the 49851
preceding calendar year, a description of each authorized training 49852
program, the dollar amounts of the credits granted, and an 49853
estimate of the impact of the credits on the economy of this 49854
state. 49855

(H) The aggregate amount of credits authorized under this 49856
section and sections 5725.31, 5729.07, and 5747.39 of the Revised 49857
Code shall not exceed twenty million dollars per calendar year. No 49858
more than ten million dollars in credits per calendar year shall 49859
be authorized for persons engaged primarily in manufacturing. No 49860
less than five million dollars in credits per calendar year shall 49861
be set aside for persons engaged primarily in activities other 49862
than manufacturing and having fewer than five hundred employees. 49863
Subject to such limits, credits shall be authorized for applicants 49864
meeting the requirements of this section in the order in which 49865
they submit complete and accurate applications. 49866

(I) A nonrefundable credit allowed under this section shall 49867
be claimed in the order required under section 5733.98 of the 49868
Revised Code. 49869

(J) The taxpayer may carry forward any credit amount in 49870
excess of its tax due after allowing for any other credits that 49871
precede the credit under this section in the order required under 49872
section 5733.98 of the Revised Code. The excess credit may be 49873
carried forward for three years following the tax year for which 49874

it is first claimed under this section.

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(K) A taxpayer that is a partner in a partnership on the last day of the third calendar year of the three-year period during which the partnership pays or incurs eligible training costs may claim a credit under this section for the tax year immediately following that calendar year. The amount of a partner's credit equals the partner's interest in the partnership on the last day of such calendar year multiplied by the credit available to the partnership as computed by the partnership.

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(L) The director of job and family services shall not authorize any credits under this section and sections 5725.31, 5729.07, and 5747.39 of the Revised Code for eligible training costs paid or incurred after December 31, ~~2003~~ 2005.

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Sec. 5735.06. (A) On or before the last day of each month, each motor fuel dealer shall file with the ~~treasurer of state tax commissioner~~ a report for the preceding calendar month, on forms prescribed by or in a form acceptable to the tax commissioner. The report shall include the following information:

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(1) An itemized statement of the number of gallons of all motor fuel received during the preceding calendar month by such motor fuel dealer, which has been produced, refined, prepared, distilled, manufactured, blended, or compounded by such motor fuel dealer in the state;

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(2) An itemized statement of the number of gallons of all motor fuel received by such motor fuel dealer in the state from any source during the preceding calendar month, other than motor fuel included in division (A)(1) of this section, together with a statement showing the date of receipt of such motor fuel; the name of the person from whom purchased or received; the date of receipt of each shipment of motor fuel; the point of origin and the point of destination of each shipment; the quantity of each of said

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purchases or shipments; the name of the carrier; the number of	49906
gallons contained in each car if shipped by rail; the point of	49907
origin, destination, and shipper if shipped by pipe line; or the	49908
name and owner of the boat, barge, or vessel if shipped by water;	49909
(3) An itemized statement of the number of gallons of motor	49910
fuel which such motor fuel dealer has during the preceding	49911
calendar month:	49912
(a) For motor fuel other than gasoline sold for use other	49913
than for operating motor vehicles on the public highways or on	49914
waters within the boundaries of this state;	49915
(b) Exported from this state to any other state or foreign	49916
country as provided in division (A)(3) of section 5735.05 of the	49917
Revised Code;	49918
(c) Sold to the United States government or any of its	49919
agencies;	49920
(d) Sold for delivery to motor fuel dealers;	49921
(e) Sold exclusively for use in the operation of aircraft;	49922
(4) Such other information incidental to the enforcement of	49923
the motor fuel laws of the state as the commissioner requires.	49924
(B) The report shall show the tax due, computed as follows:	49925
(1) The following deductions shall be made from the total	49926
number of gallons of motor fuel received by the motor fuel dealer	49927
within the state during the preceding calendar month:	49928
(a) The total number of gallons of motor fuel received by the	49929
motor fuel dealer within the state and sold or otherwise disposed	49930
of during the preceding calendar month as set forth in section	49931
5735.05 of the Revised Code;	49932
(b) The total number of gallons received during the preceding	49933
calendar month and sold or otherwise disposed of to another	49934

licensed motor fuel dealer pursuant to section 5735.05 of the Revised Code; 49935
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(c) To cover the costs of the motor fuel dealer in compiling the report, and evaporation, shrinkage, or other unaccounted-for losses: 49937
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(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; 49940
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(ii) If the report required by division (A) of this section is not timely filed and the tax is not timely paid, no deduction shall be allowed; 49947
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(iii) If the report is incomplete, no deduction shall be allowed for any fuel on which the tax is not timely reported and paid; 49950
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(2) The number of gallons remaining after the deductions have been made shall be multiplied separately by each of the following amounts: 49953
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(a) The cents per gallon rate; 49956

(b) Two cents. 49957

The sum of the products obtained in divisions (B)(2)(a) and (b) of this section shall be the amount of motor fuel tax for the preceding calendar month. 49958
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(C) The report shall be filed together with payment of the tax shown on the report to be due, unless the motor fuel dealer is required by section 5735.062 of the Revised Code to pay the tax by electronic funds transfer, in which case the dealer shall file the 49961
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report pursuant to this section and pay the tax pursuant to 49965
section 5735.062 of the Revised Code. The commissioner may extend 49966
the time for filing reports and may remit all or part of penalties 49967
which may become due under sections 5735.01 to 5735.99 of the 49968
Revised Code. ~~The treasurer of state shall stamp or otherwise mark~~ 49969
~~on all returns the date received by the treasurer and shall also~~ 49970
~~show thereon by stamp or otherwise the amount of payment received~~ 49971
~~for the month for which the report is filed. Thereafter, the~~ 49972
~~treasurer of state shall immediately transmit all reports filed~~ 49973
~~under this section to the commissioner.~~ For purposes of this 49974
section and sections 5735.062 and 5735.12 of the Revised Code, a 49975
report required to be filed under this section is considered filed 49976
when it is received by the ~~treasurer of state~~ tax commissioner, 49977
and remittance of the tax due is considered to be made when the 49978
remittance is received by the ~~treasurer of state~~ tax commissioner 49979
or when credited to an account designated by the treasurer of 49980
state and the tax commissioner for the receipt of tax remittances. 49981
The tax commissioner shall immediately forward to the treasurer of 49982
state all amounts received under this section. 49983

(D) The tax commissioner may require a motor fuel dealer to 49984
file a report for a period other than one month. Such a report, 49985
together with payment of the tax, shall be filed not later than 49986
thirty days after the last day of the prescribed reporting period. 49987

(E) No person required by this section to file a tax report 49988
shall file a false or fraudulent tax report or supporting 49989
schedule. 49990

Sec. 5735.061. (A) By the fifteenth day of June of 1988, 49991
1989, 1990, 1991, 1992, and 1993, the tax commissioner shall 49992
certify to each dealer the following: 49993

(1) The cents per gallon rate computed for the period that 49994
begins on the first day of July of the current year pursuant to 49995

section 5735.011 of the Revised Code; 49996

(2) The difference between the cents per gallon rate 49997
presently in effect and the cents per gallon rate referred to in 49998
division (A)(1) of this section. 49999

(B) By the thirty-first day of July of each year each motor 50000
fuel dealer shall file with the ~~treasurer of state tax~~ 50001
commissioner, on forms prescribed by the commissioner, a report 50002
signed by the motor fuel dealer showing the total number of 50003
gallons of all motor fuel that is held in the inventory of such 50004
motor fuel dealer as of the beginning of business on the first day 50005
of July of such year and on which the motor fuel tax has been 50006
paid. 50007

(C) If the cents per gallon rate referred to in division 50008
(A)(1) of this section is greater than the cents per gallon rate 50009
it replaced, each motor fuel dealer shall pay to the ~~treasurer of~~ 50010
~~state tax commissioner~~, upon the filing of the report under 50011
division (B) of this section, an amount equal to the product 50012
obtained by multiplying the gallonage referred to in division (B) 50013
of this section by the cents per gallon rate difference referred 50014
to in division (A)(2) of this section. ~~Taxes collected pursuant to~~ 50015
The tax commissioner shall immediately forward to the treasurer of 50016
state all money collected under this section, and such money shall 50017
be treated as revenue arising from the tax levied pursuant to 50018
section 5735.05 of the Revised Code. 50019

(D) If the cents per gallon rate referred to in division 50020
(A)(1) of this section is lower than the cents per gallon rate it 50021
replaced, each motor fuel dealer shall be entitled to a refund in 50022
an amount equal to the product obtained by multiplying the 50023
gallonage referred to in division (B) of this section by the cents 50024
per gallon rate difference referred to in division (A)(2) of this 50025
section. Within forty-five days from the date the motor fuel 50026
dealer files a report pursuant to division (B) of this section, 50027

the tax commissioner shall certify the amount of the refund to the 50028
director of budget and management and treasurer of state for 50029
payment from the tax refund fund created by section 5703.052 of 50030
the Revised Code. 50031

Sec. 5739.01. As used in this chapter: 50032

(A) "Person" includes individuals, receivers, assignees, 50033
trustees in bankruptcy, estates, firms, partnerships, 50034
associations, joint-stock companies, joint ventures, clubs, 50035
societies, corporations, the state and its political subdivisions, 50036
and combinations of individuals of any form. 50037

(B) "Sale" and "selling" include all of the following 50038
transactions for a consideration in any manner, whether absolutely 50039
or conditionally, whether for a price or rental, in money or by 50040
exchange, and by any means whatsoever: 50041

(1) All transactions by which title or possession, or both, 50042
of tangible personal property, is or is to be transferred, or a 50043
license to use or consume tangible personal property is or is to 50044
be granted; 50045

(2) All transactions by which lodging by a hotel is or is to 50046
be furnished to transient guests; 50047

(3) All transactions by which: 50048

(a) An item of tangible personal property is or is to be 50049
repaired, except property, the purchase of which would be exempt 50050
from the tax imposed by section 5739.02 of the Revised Code; 50051

(b) An item of tangible personal property is or is to be 50052
installed, except property, the purchase of which would be exempt 50053
from the tax imposed by section 5739.02 of the Revised Code or 50054
property that is or is to be incorporated into and will become a 50055
part of a production, transmission, transportation, or 50056
distribution system for the delivery of a public utility service; 50057

- (c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished; 50058
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- (d) Industrial laundry cleaning services are or are to be provided; 50060
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- (e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An affiliated group means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with voting rights. 50062
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- (f) Telecommunications service is provided that originates or terminates in this state and is charged in the records of the telecommunications service vendor to the consumer's telephone number or account in this state, or that both originates and terminates in this state; but does not include transactions by which telecommunications service is paid for by using a prepaid authorization number or prepaid telephone calling card, or by which local telecommunications service is obtained from a coin-operated telephone and paid for by using coin; 50077
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- (g) Landscaping and lawn care service is or is to be provided; 50086
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- (h) Private investigation and security service is or is to be 50088

provided;	50089
(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;	50090 50091
(j) Building maintenance and janitorial service is or is to be provided;	50092 50093
(k) Employment service is or is to be provided;	50094
(l) Employment placement service is or is to be provided;	50095
(m) Exterminating service is or is to be provided;	50096
(n) Physical fitness facility service is or is to be provided;	50097 50098
(o) Recreation and sports club service is or is to be provided.	50099 50100
(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter are or are to be furnished or transferred;	50101 50102 50103 50104
(5) The production or fabrication of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production of fabrication work; and include the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. Except as provided in section 5739.03 of the Revised Code, a construction contract pursuant to which tangible personal property is or is to be incorporated into a structure or improvement on and becoming a part of real property is not a sale of such tangible personal property. The construction contractor is the consumer of such tangible personal property, provided that the sale and installation of carpeting, the sale and installation of	50105 50106 50107 50108 50109 50110 50111 50112 50113 50114 50115 50116 50117 50118

agricultural land tile, the sale and erection or installation of 50119
portable grain bins, or the provision of landscaping and lawn care 50120
service and the transfer of property as part of such service is 50121
never a construction contract. The transfer of copyrighted motion 50122
picture films for exhibition purposes is not a sale, except such 50123
films as are used solely for advertising purposes. Other than as 50124
provided in this section, "sale" and "selling" do not include 50125
professional, insurance, or personal service transactions ~~which~~ 50126
that involve the transfer of tangible personal property as an 50127
inconsequential element, for which no separate charges are made. 50128

As used in division (B)(5) of this section: 50129

(a) "Agricultural land tile" means fired clay or concrete 50130
tile, or flexible or rigid perforated plastic pipe or tubing, 50131
incorporated or to be incorporated into a subsurface drainage 50132
system appurtenant to land used or to be used directly in 50133
production by farming, agriculture, horticulture, or floriculture. 50134
The term does not include such materials when they are or are to 50135
be incorporated into a drainage system appurtenant to a building 50136
or structure even if the building or structure is used or to be 50137
used in such production. 50138

(b) "Portable grain bin" means a structure that is used or to 50139
be used by a person engaged in farming or agriculture to shelter 50140
the person's grain and that is designed to be disassembled without 50141
significant damage to its component parts. 50142

(6) All transactions in which all of the shares of stock of a 50143
closely held corporation are transferred, if the corporation is 50144
not engaging in business and its entire assets consist of boats, 50145
planes, motor vehicles, or other tangible personal property 50146
operated primarily for the use and enjoyment of the shareholders; 50147

(7) All transactions in which a warranty, maintenance or 50148
service contract, or similar agreement by which the vendor of the 50149

warranty, contract, or agreement agrees to repair or maintain the 50150
tangible personal property of the consumer is or is to be 50151
provided; 50152

(8) All transactions by which a prepaid authorization number 50153
or a prepaid telephone calling card is or is to be transferred. 50154

(C) "Vendor" means the person providing the service or by 50155
whom the transfer effected or license given by a sale is or is to 50156
be made or given and, for sales described in division (B)(3)(i) of 50157
this section, the telecommunications service vendor that provides 50158
the nine hundred telephone service; if two or more persons are 50159
engaged in business at the same place of business under a single 50160
trade name in which all collections on account of sales by each 50161
are made, such persons shall constitute a single vendor. 50162

Physicians, dentists, hospitals, and veterinarians who are 50163
engaged in selling tangible personal property as received from 50164
others, such as eyeglasses, mouthwashes, dentifrices, or similar 50165
articles, are vendors. Veterinarians who are engaged in 50166
transferring to others for a consideration drugs, the dispensing 50167
of which does not require an order of a licensed veterinarian or 50168
physician under federal law, are vendors. 50169

(D)(1) "Consumer" means the person for whom the service is 50170
provided, to whom the transfer effected or license given by a sale 50171
is or is to be made or given, to whom the service described in 50172
division (B)(3)(f) or (i) of this section is charged, or to whom 50173
the admission is granted. 50174

(2) Physicians, dentists, hospitals, and blood banks operated 50175
by nonprofit institutions and persons licensed to practice 50176
veterinary medicine, surgery, and dentistry are consumers of all 50177
tangible personal property and services purchased by them in 50178
connection with the practice of medicine, dentistry, the rendition 50179
of hospital or blood bank service, or the practice of veterinary 50180

medicine, surgery, and dentistry. In addition to being consumers 50181
of drugs administered by them or by their assistants according to 50182
their direction, veterinarians also are consumers of drugs that 50183
under federal law may be dispensed only by or upon the order of a 50184
licensed veterinarian or physician, when transferred by them to 50185
others for a consideration to provide treatment to animals as 50186
directed by the veterinarian. 50187

(3) A person who performs a facility management, or similar 50188
service contract for a contractee is a consumer of all tangible 50189
personal property and services purchased for use in connection 50190
with the performance of such contract, regardless of whether title 50191
to any such property vests in the contractee. The purchase of such 50192
property and services is not subject to the exception for resale 50193
under division (E)(1) of this section. 50194

(4)(a) In the case of a person who purchases printed matter 50195
for the purpose of distributing it or having it distributed to the 50196
public or to a designated segment of the public, free of charge, 50197
that person is the consumer of that printed matter, and the 50198
purchase of that printed matter for that purpose is a sale. 50199

(b) In the case of a person who produces, rather than 50200
purchases, printed matter for the purpose of distributing it or 50201
having it distributed to the public or to a designated segment of 50202
the public, free of charge, that person is the consumer of all 50203
tangible personal property and services purchased for use or 50204
consumption in the production of that printed matter. That person 50205
is not entitled to claim exception under division (E)(8) of this 50206
section for any material incorporated into the printed matter or 50207
any equipment, supplies, or services primarily used to produce the 50208
printed matter. 50209

(c) The distribution of printed matter to the public or to a 50210
designated segment of the public, free of charge, is not a sale to 50211
the members of the public to whom the printed matter is 50212

distributed or to any persons who purchase space in the printed matter for advertising or other purposes. 50213
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(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. 50215
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(E) "Retail sale" and "sales at retail" include all sales except those in which the purpose of the consumer is: 50220
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(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; 50222
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(2) To incorporate the thing transferred as a material or a part, into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining, or to use or consume the thing transferred directly in producing a product for sale by mining, including without limitation the extraction from the earth of all substances ~~which~~ that are classed geologically as minerals, production of crude oil and natural gas, farming, agriculture, horticulture, or floriculture, and persons engaged in rendering farming, agricultural, horticultural, or floricultural services, and services in the exploration for, and production of, crude oil and natural gas, for others are deemed engaged directly in farming, agriculture, horticulture, and floriculture, or exploration for, and production of, crude oil and natural gas; directly in the rendition of a public utility service, except that the sales tax levied by section 5739.02 of the Revised Code shall be collected upon all meals, drinks, and food for human consumption sold upon Pullman and railroad coaches. This paragraph does not exempt or except from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property. 50225
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- (3) To hold the thing transferred as security for the performance of an obligation of the vendor; 50245
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- (4) To use or consume the thing transferred in the process of reclamation as required by Chapters 1513. and 1514. of the Revised Code; 50247
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- (5) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance; 50250
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- (6) To use or consume the thing directly in commercial fishing; 50252
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- (7) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications; 50254
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- (8) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter; 50258
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- (9) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale; 50263
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- (10) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as defined in division (B)(7) of this section, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would be exempt on its purchase from the tax imposed by section 5739.02 of the Revised Code; 50266
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- (11) To use the thing transferred as qualified research and development equipment; 50272
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- (12) To use or consume the thing transferred primarily in 50274

storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. Division (E)(12) of this section does not apply to motor vehicles registered for operation on the public highways. As used in division (E)(12) of this section, "affiliated group" has the same meaning as in division (B)(3)(e) of this section and "direct marketing" has the same meaning as in division (B)(37) of section 5739.02 of the Revised Code.

(13) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of this section;

(14) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

(15) To use tangible personal property to perform a service listed in division (B)(3) of this section, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service.

As used in division (E) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of this section.

Sales conducted through a coin-operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing,

cleaning, or waxing a motor vehicle, provided no other personal 50306
property or personal service is provided as part of the 50307
transaction, are not retail sales or sales at retail. 50308

(F) "Business" includes any activity engaged in by any person 50309
with the object of gain, benefit, or advantage, either direct or 50310
indirect. "Business" does not include the activity of a person in 50311
managing and investing the person's own funds. 50312

(G) "Engaging in business" means commencing, conducting, or 50313
continuing in business, and liquidating a business when the 50314
liquidator thereof holds ~~self~~ itself out to the public as 50315
conducting such business. Making a casual sale is not engaging in 50316
business. 50317

(H)(1) "Price," except as provided in divisions (H)(2) and 50318
(3) of this section, means the aggregate value in money of 50319
anything paid or delivered, or promised to be paid or delivered, 50320
in the complete performance of a retail sale, without any 50321
deduction on account of the cost of the property sold, cost of 50322
materials used, labor or service cost, interest, discount paid or 50323
allowed after the sale is consummated, or any other expense. If 50324
the retail sale consists of the rental or lease of tangible 50325
personal property, "price" means the aggregate value in money of 50326
anything paid or delivered, or promised to be paid or delivered, 50327
in the complete performance of the rental or lease, without any 50328
deduction for tax, interest, labor or service charge, damage 50329
liability waiver, termination or damage charge, discount paid or 50330
allowed after the lease is consummated, or any other expense. The 50331
sales tax shall be calculated and collected by the lessor on each 50332
payment made by the lessee. Price does not include the 50333
consideration received as a deposit refundable to the consumer 50334
upon return of a beverage container, the consideration received as 50335
a deposit on a carton or case that is used for such returnable 50336
containers, or the consideration received as a refundable security 50337

deposit for the use of tangible personal property to the extent 50338
that it actually is refunded, if the consideration for such 50339
refundable deposit is separately stated from the consideration 50340
received or to be received for the tangible personal property 50341
transferred in the retail sale. Such separation must appear in the 50342
sales agreement or on the initial invoice or initial billing 50343
rendered by the vendor to the consumer. Price is the amount 50344
received inclusive of the tax, provided the vendor establishes to 50345
the satisfaction of the tax commissioner that the tax was added to 50346
the price. When the price includes both a charge for tangible 50347
personal property and a charge for providing a service and the 50348
sale of the property and the charge for the service are separately 50349
taxable, or have a separately determinable tax status, the price 50350
shall be separately stated for each such charge so the tax can be 50351
correctly computed and charged. 50352

The tax collected by the vendor from the consumer under this 50353
chapter is not part of the price, but is a tax collection for the 50354
benefit of the state and of counties levying an additional sales 50355
tax pursuant to section 5739.021 or 5739.026 of the Revised Code 50356
and of transit authorities levying an additional sales tax 50357
pursuant to section 5739.023 of the Revised Code. Except for the 50358
discount authorized in section 5739.12 of the Revised Code, no 50359
person other than the state or such a county or transit authority 50360
shall derive any benefit from the collection or payment of such 50361
tax. 50362

(2) In the case of a sale of any new motor vehicle by a new 50363
motor vehicle dealer, as defined in section 4517.01 of the Revised 50364
Code, in which another motor vehicle is accepted by the dealer as 50365
part of the consideration received, "price" has the same meaning 50366
as in division (H)(1) of this section, reduced by the credit 50367
afforded the consumer by the dealer for the motor vehicle received 50368
in trade. 50369

(3) In the case of a sale of any watercraft or outboard motor 50370
by a watercraft dealer licensed in accordance with section 50371
1547.543 of the Revised Code, in which another watercraft, 50372
watercraft and trailer, or outboard motor is accepted by the 50373
dealer as part of the consideration received, "price" has the same 50374
meaning as in division (H)(1) of this section, reduced by the 50375
credit afforded the consumer by the dealer for the watercraft, 50376
watercraft and trailer, or outboard motor received in trade. As 50377
used in division (H)(3) of this section, "watercraft" includes an 50378
outdrive unit attached to the watercraft. 50379

(I) "Receipts" means the total amount of the prices of the 50380
sales of vendors, provided that cash discounts allowed and taken 50381
on sales at the time they are consummated are not included, minus 50382
any amount deducted as a bad debt pursuant to section 5739.121 of 50383
the Revised Code. "Receipts" does not include the sale price of 50384
property returned or services rejected by consumers when the full 50385
sale price and tax are refunded either in cash or by credit. 50386

(J) "Place of business" means any location at which a person 50387
engages in business. 50388

(K) "Premises" includes any real property or portion thereof 50389
upon which any person engages in selling tangible personal 50390
property at retail or making retail sales and also includes any 50391
real property or portion thereof designated for, or devoted to, 50392
use in conjunction with the business engaged in by such person. 50393

(L) "Casual sale" means a sale of an item of tangible 50394
personal property ~~which~~ that was obtained by the person making the 50395
sale, through purchase or otherwise, for the person's own use in 50396
this state and ~~which~~ was previously subject to any state's taxing 50397
jurisdiction on its sale or use, and includes such items acquired 50398
for the seller's use ~~which~~ that are sold by an auctioneer employed 50399
directly by the person for such purpose, provided the location of 50400
such sales is not the auctioneer's permanent place of business. As 50401

used in this division, "permanent place of business" includes any 50402
location where such auctioneer has conducted more than two 50403
auctions during the year. 50404

(M) "Hotel" means every establishment kept, used, maintained, 50405
advertised, or held out to the public to be a place where sleeping 50406
accommodations are offered to guests, in which five or more rooms 50407
are used for the accommodation of such guests, whether ~~such~~ the 50408
rooms are in one or several structures. 50409

(N) "Transient guests" means persons occupying a room or 50410
rooms for sleeping accommodations for less than thirty consecutive 50411
days. 50412

(O) "Making retail sales" means the effecting of transactions 50413
wherein one party is obligated to pay the price and the other 50414
party is obligated to provide a service or to transfer title to or 50415
possession of the item sold. "Making retail sales" does not 50416
include the preliminary acts of promoting or soliciting the retail 50417
sales, other than the distribution of printed matter which 50418
displays or describes and prices the item offered for sale, nor 50419
does it include delivery of a predetermined quantity of tangible 50420
personal property or transportation of property or personnel to or 50421
from a place where a service is performed, regardless of whether 50422
the vendor is a delivery vendor. 50423

(P) "Used directly in the rendition of a public utility 50424
service" means that property which is to be incorporated into and 50425
will become a part of the consumer's production, transmission, 50426
transportation, or distribution system and ~~which~~ that retains its 50427
classification as tangible personal property after such 50428
incorporation; fuel or power used in the production, transmission, 50429
transportation, or distribution system; and tangible personal 50430
property used in the repair and maintenance of the production, 50431
transmission, transportation, or distribution system, including 50432
only such motor vehicles as are specially designed and equipped 50433

for such use. Tangible personal property and services used 50434
primarily in providing highway transportation for hire are not 50435
used in providing a public utility service as defined in this 50436
division. 50437

(Q) "Refining" means removing or separating a desirable 50438
product from raw or contaminated materials by distillation or 50439
physical, mechanical, or chemical processes. 50440

(R) "Assembly" and "assembling" mean attaching or fitting 50441
together parts to form a product, but do not include packaging a 50442
product. 50443

(S) "Manufacturing operation" means a process in which 50444
materials are changed, converted, or transformed into a different 50445
state or form from which they previously existed and includes 50446
refining materials, assembling parts, and preparing raw materials 50447
and parts by mixing, measuring, blending, or otherwise committing 50448
such materials or parts to the manufacturing process. 50449
"Manufacturing operation" does not include packaging. 50450

(T) "Fiscal officer" means, with respect to a regional 50451
transit authority, the secretary-treasurer thereof, and with 50452
respect to a county ~~which~~ that is a transit authority, the fiscal 50453
officer of the county transit board if one is appointed pursuant 50454
to section 306.03 of the Revised Code or the county auditor if the 50455
board of county commissioners operates the county transit system. 50456

(U) "Transit authority" means a regional transit authority 50457
created pursuant to section 306.31 of the Revised Code or a county 50458
in which a county transit system is created pursuant to section 50459
306.01 of the Revised Code. For the purposes of this chapter, a 50460
transit authority must extend to at least the entire area of a 50461
single county. A transit authority ~~which~~ that includes territory 50462
in more than one county must include all the area of the most 50463
populous county ~~which~~ that is a part of such transit authority. 50464
County population shall be measured by the most recent census 50465

taken by the United States census bureau. 50466

(V) "Legislative authority" means, with respect to a regional 50467
transit authority, the board of trustees thereof, and with respect 50468
to a county ~~which~~ that is a transit authority, the board of county 50469
commissioners. 50470

(W) "Territory of the transit authority" means all of the 50471
area included within the territorial boundaries of a transit 50472
authority as they from time to time exist. Such territorial 50473
boundaries must at all times include all the area of a single 50474
county or all the area of the most populous county ~~which~~ that is a 50475
part of such transit authority. County population shall be 50476
measured by the most recent census taken by the United States 50477
census bureau. 50478

(X) "Providing a service" means providing or furnishing 50479
anything described in division (B)(3) of this section for 50480
consideration. 50481

(Y)(1)(a) "Automatic data processing" means processing of 50482
others' data, including keypunching or similar data entry services 50483
together with verification thereof, or providing access to 50484
computer equipment for the purpose of processing data. 50485

(b) "Computer services" means providing services consisting 50486
of specifying computer hardware configurations and evaluating 50487
technical processing characteristics, computer programming, and 50488
training of computer programmers and operators, provided in 50489
conjunction with and to support the sale, lease, or operation of 50490
taxable computer equipment or systems. 50491

(c) "Electronic information services" means providing access 50492
to computer equipment by means of telecommunications equipment for 50493
the purpose of either of the following: 50494

(i) Examining or acquiring data stored in or accessible to 50495
the computer equipment; 50496

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.	50497 50498 50499
(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.	50500 50501 50502
(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:	50503 50504 50505 50506
(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;	50507 50508 50509 50510 50511
(b) Analyzing business policies and procedures;	50512
(c) Identifying management information needs;	50513
(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	50514 50515 50516
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	50517 50518 50519 50520
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	50521 50522 50523
(g) Testing of business procedures;	50524
(h) Training personnel in business procedure applications;	50525

(i) Providing credit information to users of such information 50526
by a consumer reporting agency, as defined in the "Fair Credit 50527
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or 50528
as hereafter amended, including but not limited to gathering, 50529
organizing, analyzing, recording, and furnishing such information 50530
by any oral, written, graphic, or electronic medium; 50531

(j) Providing debt collection services by any oral, written, 50532
graphic, or electronic means. 50533

The services listed in divisions (Y)(2)(a) to (j) of this 50534
section are not automatic data processing or computer services. 50535

(Z) "Highway transportation for hire" means the 50536
transportation of personal property belonging to others for 50537
consideration by any of the following: 50538

(1) The holder of a permit or certificate issued by this 50539
state or the United States authorizing the holder to engage in 50540
transportation of personal property belonging to others for 50541
consideration over or on highways, roadways, streets, or any 50542
similar public thoroughfare; 50543

(2) A person who engages in the transportation of personal 50544
property belonging to others for consideration over or on 50545
highways, roadways, streets, or any similar public thoroughfare 50546
but who could not have engaged in such transportation on December 50547
11, 1985, unless the person was the holder of a permit or 50548
certificate of the types described in division (Z)(1) of this 50549
section; 50550

(3) A person who leases a motor vehicle to and operates it 50551
for a person described by division (Z)(1) or (2) of this section. 50552

(AA) "Telecommunications service" means the transmission of 50553
any interactive, two-way electromagnetic communications, including 50554
voice, image, data, and information, through the use of any medium 50555
such as wires, cables, microwaves, cellular radio, radio waves, 50556

light waves, or any combination of those or similar media. 50557

"Telecommunications service" includes message toll service even 50558
though the vendor provides the message toll service by means of 50559
wide area transmission type service or private communications 50560
service purchased from another telecommunications service 50561
provider, but does not include any of the following: 50562

(1) Sales of incoming or outgoing wide area transmission 50563
service or wide area transmission type service, including eight 50564
hundred or eight-hundred-type service, to the person contracting 50565
for the receipt of that service; 50566

(2) Sales of private communications service to the person 50567
contracting for the receipt of that service that entitles the 50568
purchaser to exclusive or priority use of a communications channel 50569
or group of channels between exchanges; 50570

(3) Sales of telecommunications service by companies subject 50571
to the excise tax imposed by Chapter 5727. of the Revised Code; 50572

(4) Sales of telecommunications service to a provider of 50573
telecommunications service, including access services, for use in 50574
providing telecommunications service; 50575

(5) Value-added nonvoice services in which computer 50576
processing applications are used to act on the form, content, 50577
code, or protocol of the information to be transmitted; 50578

(6) Transmission of interactive video programming by a cable 50579
television system as defined in section 505.90 of the Revised 50580
Code. 50581

(BB) "Industrial laundry cleaning services" means removing 50582
soil or dirt from or supplying towels, linens, or articles of 50583
clothing that belong to others and are used in a trade or 50584
business. 50585

(CC) "Magazines distributed as controlled circulation 50586

publications" means magazines containing at least twenty-four 50587
pages, at least twenty-five per cent editorial content, issued at 50588
regular intervals four or more times a year, and circulated 50589
without charge to the recipient, provided that such magazines are 50590
not owned or controlled by individuals or business concerns which 50591
conduct such publications as an auxiliary to, and essentially for 50592
the advancement of the main business or calling of, those who own 50593
or control them. 50594

(DD) "Landscaping and lawn care service" means the services 50595
of planting, seeding, sodding, removing, cutting, trimming, 50596
pruning, mulching, aerating, applying chemicals, watering, 50597
fertilizing, and providing similar services to establish, promote, 50598
or control the growth of trees, shrubs, flowers, grass, ground 50599
cover, and other flora, or otherwise maintaining a lawn or 50600
landscape grown or maintained by the owner for ornamentation or 50601
other nonagricultural purpose. However, "landscaping and lawn care 50602
service" does not include the providing of such services by a 50603
person who has less than five thousand dollars in sales of such 50604
services during the calendar year. 50605

(EE) "Private investigation and security service" means the 50606
performance of any activity for which the provider of such service 50607
is required to be licensed pursuant to Chapter 4749. of the 50608
Revised Code, or would be required to be so licensed in performing 50609
such services in this state, and also includes the services of 50610
conducting polygraph examinations and of monitoring or overseeing 50611
the activities on or in, or the condition of, the consumer's home, 50612
business, or other facility by means of electronic or similar 50613
monitoring devices. "Private investigation and security service" 50614
does not include special duty services provided by off-duty police 50615
officers, deputy sheriffs, and other peace officers regularly 50616
employed by the state or a political subdivision. 50617

(FF) "Information services" means providing conversation, 50618

giving consultation or advice, playing or making a voice or other 50619
recording, making or keeping a record of the number of callers, 50620
and any other service provided to a consumer by means of a nine 50621
hundred telephone call, except when the nine hundred telephone 50622
call is the means by which the consumer makes a contribution to a 50623
recognized charity. 50624

(GG) "Research and development" means designing, creating, or 50625
formulating new or enhanced products, equipment, or manufacturing 50626
processes, and conducting scientific or technological inquiry and 50627
experimentation in the physical sciences with the goal of 50628
increasing scientific knowledge which may reveal the bases for new 50629
or enhanced products, equipment, or manufacturing processes. 50630
50631

(HH) "Qualified research and development equipment" means 50632
capitalized tangible personal property, and leased personal 50633
property that would be capitalized if purchased, used by a person 50634
primarily to perform research and development. Tangible personal 50635
property primarily used in testing, as defined in division (A)(4) 50636
of section 5739.011 of the Revised Code, or used for recording or 50637
storing test results, is not qualified research and development 50638
equipment unless such property is primarily used by the consumer 50639
in testing the product, equipment, or manufacturing process being 50640
created, designed, or formulated by the consumer in the research 50641
and development activity or in recording or storing such test 50642
results. 50643

(II) "Building maintenance and janitorial service" means 50644
cleaning the interior or exterior of a building and any tangible 50645
personal property located therein or thereon, including any 50646
services incidental to such cleaning for which no separate charge 50647
is made. However, "building maintenance and janitorial service" 50648
does not include the providing of such service by a person who has 50649
less than five thousand dollars in sales of such service during 50650

the calendar year. 50651

(JJ) "Employment service" means providing or supplying 50652
personnel, on a temporary or long-term basis, to perform work or 50653
labor under the supervision or control of another, when the 50654
personnel so supplied receive their wages, salary, or other 50655
compensation from the provider of the service. "Employment 50656
service" does not include: 50657

(1) Acting as a contractor or subcontractor, where the 50658
personnel performing the work are not under the direct control of 50659
the purchaser. 50660

(2) Medical and health care services. 50661

(3) Supplying personnel to a purchaser pursuant to a contract 50662
of at least one year between the service provider and the 50663
purchaser that specifies that each employee covered under the 50664
contract is assigned to the purchaser on a permanent basis. 50665

(4) Transactions between members of an affiliated group, as 50666
defined in division (B)(3)(e) of this section. 50667

(KK) "Employment placement service" means locating or finding 50668
employment for a person or finding or locating an employee to fill 50669
an available position. 50670

(LL) "Exterminating service" means eradicating or attempting 50671
to eradicate vermin infestations from a building or structure, or 50672
the area surrounding a building or structure, and includes 50673
activities to inspect, detect, or prevent vermin infestation of a 50674
building or structure. 50675

(MM) "Physical fitness facility service" means all 50676
transactions by which a membership is granted, maintained, or 50677
renewed, including initiation fees, membership dues, renewal fees, 50678
monthly minimum fees, and other similar fees and dues, by a 50679
physical fitness facility such as an athletic club, health spa, or 50680

gymnasium, which entitles the member to use the facility for 50681
physical exercise. 50682

(NN) "Recreation and sports club service" means all 50683
transactions by which a membership is granted, maintained, or 50684
renewed, including initiation fees, membership dues, renewal fees, 50685
monthly minimum fees, and other similar fees and dues, by a 50686
recreation and sports club, which entitles the member to use the 50687
facilities of the organization. "Recreation and sports club" means 50688
an organization that has ownership of, or controls or leases on a 50689
continuing, long-term basis, the facilities used by its members 50690
and includes an aviation club, gun or shooting club, yacht club, 50691
card club, swimming club, tennis club, golf club, country club, 50692
riding club, amateur sports club, or similar organization. 50693

(OO) "Livestock" means farm animals commonly raised for food 50694
or food production, and includes but is not limited to cattle, 50695
sheep, goats, swine, and poultry. "Livestock" does not include 50696
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 50697
animals for use in laboratories or for exhibition, or other 50698
animals not commonly raised for food or food production. 50699

(PP) "Livestock structure" means a building or structure used 50700
exclusively for the housing, raising, feeding, or sheltering of 50701
livestock, and includes feed storage or handling structures and 50702
structures for livestock waste handling. 50703

(QQ) "Horticulture" means the growing, cultivation, and 50704
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 50705
and nursery stock. As used in this division, "nursery stock" has 50706
the same meaning as in section 927.51 of the Revised Code. 50707

(RR) "Horticulture structure" means a building or structure 50708
used exclusively for the commercial growing, raising, or 50709
overwintering of horticultural products, and includes the area 50710
used for stocking, storing, and packing horticultural products 50711

when done in conjunction with the production of those products. 50712

(SS) "Newspaper" means an unbound publication bearing a title 50713
or name that is regularly published, at least as frequently as 50714
biweekly, and distributed from a fixed place of business to the 50715
public in a specific geographic area, and that contains a 50716
substantial amount of news matter of international, national, or 50717
local events of interest to the general public. 50718

(TT) "Professional racing team" means a person that employs 50719
at least twenty full-time employees for the purpose of conducting 50720
a motor vehicle racing business for profit. The person must 50721
conduct the business with the purpose of racing one or more motor 50722
racing vehicles in at least ten competitive professional racing 50723
events each year that comprise all or part of a motor racing 50724
series sanctioned by one or more motor racing sanctioning 50725
organizations. A "motor racing vehicle" means a vehicle for which 50726
the chassis, engine, and parts are designed exclusively for motor 50727
racing, and does not include a stock or production model vehicle 50728
that may be modified for use in racing. For the purposes of this 50729
division: 50730

(1) A "competitive professional racing event" is a motor 50731
vehicle racing event sanctioned by one or more motor racing 50732
sanctioning organizations, at which aggregate cash prizes in 50733
excess of eight hundred thousand dollars are awarded to the 50734
competitors. 50735

(2) "Full-time employee" means an individual who is employed 50736
for consideration for thirty-five or more hours a week, or who 50737
renders any other standard of service generally accepted by custom 50738
or specified by contract as full-time employment. 50739

(UU)(1) "Prepaid authorization number" means a numeric or 50740
alphanumeric combination that represents a prepaid account that 50741
can be used by the account holder solely to obtain 50742

telecommunications service, and includes any renewals or increases 50743
in the prepaid account. 50744

(2) "Prepaid telephone calling card" means a tangible item 50745
that contains a prepaid authorization number that can be used 50746
solely to obtain telecommunications service, and includes any 50747
renewals or increases in the prepaid account. 50748

Sec. 5739.02. For the purpose of providing revenue with which 50749
to meet the needs of the state, for the use of the general revenue 50750
fund of the state, for the purpose of securing a thorough and 50751
efficient system of common schools throughout the state, for the 50752
purpose of affording revenues, in addition to those from general 50753
property taxes, permitted under constitutional limitations, and 50754
from other sources, for the support of local governmental 50755
functions, and for the purpose of reimbursing the state for the 50756
expense of administering this chapter, an excise tax is hereby 50757
levied on each retail sale made in this state. 50758

(A) The tax shall be collected pursuant to the schedules in 50759
section 5739.025 of the Revised Code. 50760

The tax applies and is collectible when the sale is made, 50761
regardless of the time when the price is paid or delivered. 50762

In the case of a sale, the price of which consists in whole 50763
or in part of rentals for the use of the thing transferred, the 50764
tax, as regards such rentals, shall be measured by the 50765
installments thereof. 50766

In the case of a sale of a service defined under division 50767
(MM) or (NN) of section 5739.01 of the Revised Code, the price of 50768
which consists in whole or in part of a membership for the receipt 50769
of the benefit of the service, the tax applicable to the sale 50770
shall be measured by the installments thereof. 50771

(B) The tax does not apply to the following: 50772

- (1) Sales to the state or any of its political subdivisions, 50773
or to any other state or its political subdivisions if the laws of 50774
that state exempt from taxation sales made to this state and its 50775
political subdivisions; 50776
- (2) Sales of food for human consumption off the premises 50777
where sold; 50778
- (3) Sales of food sold to students only in a cafeteria, 50779
dormitory, fraternity, or sorority maintained in a private, 50780
public, or parochial school, college, or university; 50781
- (4) Sales of newspapers, and of magazine subscriptions 50782
shipped by second class mail, and sales or transfers of magazines 50783
distributed as controlled circulation publications; 50784
- (5) The furnishing, preparing, or serving of meals without 50785
charge by an employer to an employee provided the employer records 50786
the meals as part compensation for services performed or work 50787
done; 50788
- (6) Sales of motor fuel upon receipt, use, distribution, or 50789
sale of which in this state a tax is imposed by the law of this 50790
state, but this exemption shall not apply to the sale of motor 50791
fuel on which a refund of the tax is allowable under section 50792
5735.14 of the Revised Code; and the tax commissioner may deduct 50793
the amount of tax levied by this section applicable to the price 50794
of motor fuel when granting a refund of motor fuel tax pursuant to 50795
section 5735.14 of the Revised Code and shall cause the amount 50796
deducted to be paid into the general revenue fund of this state; 50797
- (7) Sales of natural gas by a natural gas company, of water 50798
by a water-works company, or of steam by a heating company, if in 50799
each case the thing sold is delivered to consumers through pipes 50800
or conduits, and all sales of communications services by a 50801
telephone or telegraph company, all terms as defined in section 50802
5727.01 of the Revised Code; 50803

(8) Casual sales by a person, or auctioneer employed directly 50804
by the person to conduct such sales, except as to such sales of 50805
motor vehicles, watercraft or outboard motors required to be 50806
titled under section 1548.06 of the Revised Code, watercraft 50807
documented with the United States coast guard, snowmobiles, and 50808
all-purpose vehicles as defined in section 4519.01 of the Revised 50809
Code; 50810

(9) Sales of services or tangible personal property, other 50811
than motor vehicles, mobile homes, and manufactured homes, by 50812
churches, organizations exempt from taxation under section 50813
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 50814
organizations operated exclusively for charitable purposes as 50815
defined in division (B)(12) of this section, provided that the 50816
number of days on which such tangible personal property or 50817
services, other than items never subject to the tax, are sold does 50818
not exceed six in any calendar year. If the number of days on 50819
which such sales are made exceeds six in any calendar year, the 50820
church or organization shall be considered to be engaged in 50821
business and all subsequent sales by it shall be subject to the 50822
tax. In counting the number of days, all sales by groups within a 50823
church or within an organization shall be considered to be sales 50824
of that church or organization, except that sales made by separate 50825
student clubs and other groups of students of a primary or 50826
secondary school, and sales made by a parent-teacher association, 50827
booster group, or similar organization that raises money to 50828
support or fund curricular or extracurricular activities of a 50829
primary or secondary school, shall not be considered to be sales 50830
of such school, and sales by each such club, group, association, 50831
or organization shall be counted separately for purposes of the 50832
six-day limitation. This division does not apply to sales by a 50833
noncommercial educational radio or television broadcasting 50834
station. 50835

(10) Sales not within the taxing power of this state under the Constitution of the United States; 50836
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(11) The transportation of persons or property, unless the transportation is by a private investigation and security service; 50838
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(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code. 50840
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"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the operation of a parent-teacher association, booster group, or similar organization primarily engaged in the promotion and 50852
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support of the curricular or extracurricular activities of a 50868
primary or secondary school; the operation of a community or area 50869
center in which presentations in music, dramatics, the arts, and 50870
related fields are made in order to foster public interest and 50871
education therein; the production of performances in music, 50872
dramatics, and the arts; or the promotion of education by an 50873
organization engaged in carrying on research in, or the 50874
dissemination of, scientific and technological knowledge and 50875
information primarily for the public. 50876

Nothing in this division shall be deemed to exempt sales to 50877
any organization for use in the operation or carrying on of a 50878
trade or business, or sales to a home for the aged for use in the 50879
operation of independent living facilities as defined in division 50880
(A) of section 5709.12 of the Revised Code. 50881

(13) Building and construction materials and services sold to 50882
construction contractors for incorporation into a structure or 50883
improvement to real property under a construction contract with 50884
this state or a political subdivision thereof, or with the United 50885
States government or any of its agencies; building and 50886
construction materials and services sold to construction 50887
contractors for incorporation into a structure or improvement to 50888
real property that are accepted for ownership by this state or any 50889
of its political subdivisions, or by the United States government 50890
or any of its agencies at the time of completion of such 50891
structures or improvements; building and construction materials 50892
sold to construction contractors for incorporation into a 50893
horticulture structure or livestock structure for a person engaged 50894
in the business of horticulture or producing livestock; building 50895
materials and services sold to a construction contractor for 50896
incorporation into a house of public worship or religious 50897
education, or a building used exclusively for charitable purposes 50898
under a construction contract with an organization whose purpose 50899

is as described in division (B)(12) of this section; building 50900
materials and services sold to a construction contractor for 50901
incorporation into a building under a construction contract with 50902
an organization exempt from taxation under section 501(c)(3) of 50903
the Internal Revenue Code of 1986 when the building is to be used 50904
exclusively for the organization's exempt purposes; building and 50905
construction materials sold for incorporation into the original 50906
construction of a sports facility under section 307.696 of the 50907
Revised Code; and building and construction materials and services 50908
sold to a construction contractor for incorporation into real 50909
property outside this state if such materials and services, when 50910
sold to a construction contractor in the state in which the real 50911
property is located for incorporation into real property in that 50912
state, would be exempt from a tax on sales levied by that state; 50913

(14) Sales of ships or vessels or rail rolling stock used or 50914
to be used principally in interstate or foreign commerce, and 50915
repairs, alterations, fuel, and lubricants for such ships or 50916
vessels or rail rolling stock; 50917

(15) Sales to persons engaged in any of the activities 50918
mentioned in division (E)(2) or (9) of section 5739.01 of the 50919
Revised Code, to persons engaged in making retail sales, or to 50920
persons who purchase for sale from a manufacturer tangible 50921
personal property that was produced by the manufacturer in 50922
accordance with specific designs provided by the purchaser, of 50923
packages, including material, labels, and parts for packages, and 50924
of machinery, equipment, and material for use primarily in 50925
packaging tangible personal property produced for sale, including 50926
any machinery, equipment, and supplies used to make labels or 50927
packages, to prepare packages or products for labeling, or to 50928
label packages or products, by or on the order of the person doing 50929
the packaging, or sold at retail. "Packages" includes bags, 50930
baskets, cartons, crates, boxes, cans, bottles, bindings, 50931

wrappings, and other similar devices and containers, and 50932
"packaging" means placing therein. 50933

(16) Sales of food to persons using food stamp ~~coupons~~ 50934
benefits to purchase the food. As used in division (B)(16) of this 50935
section, "food" has the same meaning as in the "Food Stamp Act of 50936
1977," 91 Stat. 958, 7 U.S.C. 2012, as amended, and federal 50937
regulations adopted pursuant to that act. 50938

(17) Sales to persons engaged in farming, agriculture, 50939
horticulture, or floriculture, of tangible personal property for 50940
use or consumption directly in the production by farming, 50941
agriculture, horticulture, or floriculture of other tangible 50942
personal property for use or consumption directly in the 50943
production of tangible personal property for sale by farming, 50944
agriculture, horticulture, or floriculture; or material and parts 50945
for incorporation into any such tangible personal property for use 50946
or consumption in production; and of tangible personal property 50947
for such use or consumption in the conditioning or holding of 50948
products produced by and for such use, consumption, or sale by 50949
persons engaged in farming, agriculture, horticulture, or 50950
floriculture, except where such property is incorporated into real 50951
property; 50952

(18) Sales of drugs dispensed by a licensed pharmacist upon 50953
the order of a licensed health professional authorized to 50954
prescribe drugs to a human being, as the term "licensed health 50955
professional authorized to prescribe drugs" is defined in section 50956
4729.01 of the Revised Code; insulin as recognized in the official 50957
United States pharmacopoeia; urine and blood testing materials 50958
when used by diabetics or persons with hypoglycemia to test for 50959
glucose or acetone; hypodermic syringes and needles when used by 50960
diabetics for insulin injections; epoetin alfa when purchased for 50961
use in the treatment of persons with end-stage renal disease; 50962
hospital beds when purchased for use by persons with medical 50963

problems for medical purposes; and oxygen and oxygen-dispensing 50964
equipment when purchased for use by persons with medical problems 50965
for medical purposes; 50966

(19) Sales of artificial limbs or portion thereof, breast 50967
prostheses, and other prosthetic devices for humans; braces or 50968
other devices for supporting weakened or nonfunctioning parts of 50969
the human body; wheelchairs; devices used to lift wheelchairs into 50970
motor vehicles and parts and accessories to such devices; crutches 50971
or other devices to aid human perambulation; and items of tangible 50972
personal property used to supplement impaired functions of the 50973
human body such as respiration, hearing, or elimination. No 50974
exemption under this division shall be allowed for nonprescription 50975
drugs, medicines, or remedies; items or devices used to supplement 50976
vision; items or devices whose function is solely or primarily 50977
cosmetic; or physical fitness equipment. This division does not 50978
apply to sales to a physician or medical facility for use in the 50979
treatment of a patient. 50980

(20) Sales of emergency and fire protection vehicles and 50981
equipment to nonprofit organizations for use solely in providing 50982
fire protection and emergency services, including trauma care and 50983
emergency medical services, for political subdivisions of the 50984
state; 50985

(21) Sales of tangible personal property manufactured in this 50986
state, if sold by the manufacturer in this state to a retailer for 50987
use in the retail business of the retailer outside of this state 50988
and if possession is taken from the manufacturer by the purchaser 50989
within this state for the sole purpose of immediately removing the 50990
same from this state in a vehicle owned by the purchaser; 50991
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(22) Sales of services provided by the state or any of its 50993
political subdivisions, agencies, instrumentalities, institutions, 50994
or authorities, or by governmental entities of the state or any of 50995

its political subdivisions, agencies, instrumentalities,
institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state
upon the presentation of an affidavit executed in this state by
the nonresident purchaser affirming that the purchaser is a
nonresident of this state, that possession of the motor vehicle is
taken in this state for the sole purpose of immediately removing
it from this state, that the motor vehicle will be permanently
titled and registered in another state, and that the motor vehicle
will not be used in this state;

(24) Sales to persons engaged in the preparation of eggs for
sale of tangible personal property used or consumed directly in
such preparation, including such tangible personal property used
for cleaning, sanitizing, preserving, grading, sorting, and
classifying by size; packages, including material and parts for
packages, and machinery, equipment, and material for use in
packaging eggs for sale; and handling and transportation equipment
and parts therefor, except motor vehicles licensed to operate on
public highways, used in intraplant or interplant transfers or
shipment of eggs in the process of preparation for sale, when the
plant or plants within or between which such transfers or
shipments occur are operated by the same person. "Packages"
includes containers, cases, baskets, flats, fillers, filler flats,
cartons, closure materials, labels, and labeling materials, and
"packaging" means placing therein.

(25)(a) Sales of water to a consumer for residential use,
except the sale of bottled water, distilled water, mineral water,
carbonated water, or ice;

(b) Sales of water by a nonprofit corporation engaged
exclusively in the treatment, distribution, and sale of water to
consumers, if such water is delivered to consumers through pipes
or tubing.

(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	51028 51029
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	51030 51031 51032 51033
(a) To prepare food for human consumption for sale;	51034
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	51035 51036 51037 51038
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	51039 51040
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	51041 51042
(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;	51043 51044 51045 51046
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	51047 51048 51049
(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;	51050 51051 51052
(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;	51053 51054 51055 51056
(33) Sales to the state headquarters of any veterans'	51057

organization in Ohio that is either incorporated and issued a 51058
charter by the congress of the United States or is recognized by 51059
the United States veterans administration, for use by the 51060
headquarters; 51061

(34) Sales to a telecommunications service vendor of tangible 51062
personal property and services used directly and primarily in 51063
transmitting, receiving, switching, or recording any interactive, 51064
two-way electromagnetic communications, including voice, image, 51065
data, and information, through the use of any medium, including, 51066
but not limited to, poles, wires, cables, switching equipment, 51067
computers, and record storage devices and media, and component 51068
parts for the tangible personal property. The exemption provided 51069
in division (B)(34) of this section shall be in lieu of all other 51070
exceptions under division (E)(2) of section 5739.01 of the Revised 51071
Code to which a telecommunications service vendor may otherwise be 51072
entitled based upon the use of the thing purchased in providing 51073
the telecommunications service. 51074

(35) Sales of investment metal bullion and investment coins. 51075
"Investment metal bullion" means any elementary precious metal 51076
that has been put through a process of smelting or refining, 51077
including, but not limited to, gold, silver, platinum, and 51078
palladium, and which is in such state or condition that its value 51079
depends upon its content and not upon its form. "Investment metal 51080
bullion" does not include fabricated precious metal that has been 51081
processed or manufactured for one or more specific and customary 51082
industrial, professional, or artistic uses. "Investment coins" 51083
means numismatic coins or other forms of money and legal tender 51084
manufactured of gold, silver, platinum, palladium, or other metal 51085
under the laws of the United States or any foreign nation with a 51086
fair market value greater than any statutory or nominal value of 51087
such coins. 51088

(36)(a) Sales where the purpose of the consumer is to use or 51089

consume the things transferred in making retail sales and 51090
consisting of newspaper inserts, catalogues, coupons, flyers, gift 51091
certificates, or other advertising material that prices and 51092
describes tangible personal property offered for retail sale. 51093

(b) Sales to direct marketing vendors of preliminary 51094
materials such as photographs, artwork, and typesetting that will 51095
be used in printing advertising material; of printed matter that 51096
offers free merchandise or chances to win sweepstake prizes and 51097
that is mailed to potential customers with advertising material 51098
described in division (B)(36)(a) of this section; and of equipment 51099
such as telephones, computers, facsimile machines, and similar 51100
tangible personal property primarily used to accept orders for 51101
direct marketing retail sales. 51102

(c) Sales of automatic food vending machines that preserve 51103
food with a shelf life of forty-five days or less by refrigeration 51104
and dispense it to the consumer. 51105

For purposes of division (B)(36) of this section, "direct 51106
marketing" means the method of selling where consumers order 51107
tangible personal property by United States mail, delivery 51108
service, or telecommunication and the vendor delivers or ships the 51109
tangible personal property sold to the consumer from a warehouse, 51110
catalogue distribution center, or similar fulfillment facility by 51111
means of the United States mail, delivery service, or common 51112
carrier. 51113

(37) Sales to a person engaged in the business of 51114
horticulture or producing livestock of materials to be 51115
incorporated into a horticulture structure or livestock structure; 51116

(38) The sale of a motor vehicle that is used exclusively for 51117
a vanpool ridesharing arrangement to persons participating in the 51118
vanpool ridesharing arrangement when the vendor is selling the 51119
vehicle pursuant to a contract between the vendor and the 51120

department of transportation;	51121
(39) Sales of personal computers, computer monitors, computer	51122
keyboards, modems, and other peripheral computer equipment to an	51123
individual who is licensed or certified to teach in an elementary	51124
or a secondary school in this state for use by that individual in	51125
preparation for teaching elementary or secondary school students;	51126
	51127
(40) Sales to a professional racing team of any of the	51128
following:	51129
(a) Motor racing vehicles;	51130
(b) Repair services for motor racing vehicles;	51131
(c) Items of property that are attached to or incorporated in	51132
motor racing vehicles, including engines, chassis, and all other	51133
components of the vehicles, and all spare, replacement, and	51134
rebuilt parts or components of the vehicles; except not including	51135
tires, consumable fluids, paint, and accessories consisting of	51136
instrumentation sensors and related items added to the vehicle to	51137
collect and transmit data by means of telemetry and other forms of	51138
communication.	51139
(41) Sales of used manufactured homes and used mobile homes,	51140
as defined in section 5739.0210 of the Revised Code, made on or	51141
after January 1, 2000;	51142
(42) Sales of tangible personal property and services to a	51143
provider of electricity used or consumed directly and primarily in	51144
generating, transmitting, or distributing electricity for use by	51145
others, including property that is or is to be incorporated into	51146
and will become a part of the consumer's production, transmission,	51147
or distribution system and that retains its classification as	51148
tangible personal property after incorporation; fuel or power used	51149
in the production, transmission, or distribution of electricity;	51150
and tangible personal property and services used in the repair and	51151

maintenance of the production, transmission, or distribution 51152
system, including only those motor vehicles as are specially 51153
designed and equipped for such use. The exemption provided in this 51154
division shall be in lieu of all other exceptions in division 51155
(E)(2) of section 5739.01 of the Revised Code to which a provider 51156
of electricity may otherwise be entitled based on the use of the 51157
tangible personal property or service purchased in generating, 51158
transmitting, or distributing electricity. 51159

For the purpose of the proper administration of this chapter, 51160
and to prevent the evasion of the tax, it is presumed that all 51161
sales made in this state are subject to the tax until the contrary 51162
is established. 51163

As used in this section, except in division (B)(16) of this 51164
section, "food" includes cereals and cereal products, milk and 51165
milk products including ice cream, meat and meat products, fish 51166
and fish products, eggs and egg products, vegetables and vegetable 51167
products, fruits, fruit products, and pure fruit juices, 51168
condiments, sugar and sugar products, coffee and coffee 51169
substitutes, tea, and cocoa and cocoa products. It does not 51170
include: spirituous or malt liquors; soft drinks; sodas and 51171
beverages that are ordinarily dispensed at bars and soda fountains 51172
or in connection therewith, other than coffee, tea, and cocoa; 51173
root beer and root beer extracts; malt and malt extracts; mineral 51174
oils, cod liver oils, and halibut liver oil; medicines, including 51175
tonics, vitamin preparations, and other products sold primarily 51176
for their medicinal properties; and water, including mineral, 51177
bottled, and carbonated waters, and ice. 51178

(C) The levy of an excise tax on transactions by which 51179
lodging by a hotel is or is to be furnished to transient guests 51180
pursuant to this section and division (B) of section 5739.01 of 51181
the Revised Code does not prevent any of the following: 51182

(1) A municipal corporation or township from levying an 51183

excise tax for any lawful purpose not to exceed three per cent on 51184
transactions by which lodging by a hotel is or is to be furnished 51185
to transient guests in addition to the tax levied by this section. 51186
If a municipal corporation or township repeals a tax imposed under 51187
division (C)(1) of this section and a county in which the 51188
municipal corporation or township has territory has a tax imposed 51189
under division (C) of section 5739.024 of the Revised Code in 51190
effect, the municipal corporation or township may not reimpose its 51191
tax as long as that county tax remains in effect. A municipal 51192
corporation or township in which a tax is levied under division 51193
(B)(2) of section 351.021 of the Revised Code may not increase the 51194
rate of its tax levied under division (C)(1) of this section to 51195
any rate that would cause the total taxes levied under both of 51196
those divisions to exceed three per cent on any lodging 51197
transaction within the municipal corporation or township. 51198

(2) A municipal corporation or a township from levying an 51199
additional excise tax not to exceed three per cent on such 51200
transactions pursuant to division (B) of section 5739.024 of the 51201
Revised Code. Such tax is in addition to any tax imposed under 51202
division (C)(1) of this section. 51203

(3) A county from levying an excise tax pursuant to division 51204
(A) of section 5739.024 of the Revised Code. 51205

(4) A county from levying an excise tax not to exceed three 51206
per cent of such transactions pursuant to division (C) of section 51207
5739.024 of the Revised Code. Such a tax is in addition to any tax 51208
imposed under division (C)(3) of this section. 51209

(5) A convention facilities authority, as defined in division 51210
(A) of section 351.01 of the Revised Code, from levying the excise 51211
taxes provided for in division (B) of section 351.021 of the 51212
Revised Code. 51213

(6) A county from levying an excise tax not to exceed one and 51214

one-half per cent of such transactions pursuant to division (D) of 51215
section 5739.024 of the Revised Code. Such tax is in addition to 51216
any tax imposed under division (C)(3) or (4) of this section. 51217
51218

(7) A county from levying an excise tax not to exceed one and 51219
one-half per cent of such transactions pursuant to division (E) of 51220
section 5739.024 of the Revised Code. Such a tax is in addition to 51221
any tax imposed under division (C)(3), (4), or (6) of this 51222
section. 51223

(D) The levy of this tax on retail sales of recreation and 51224
sports club service shall not prevent a municipal corporation from 51225
levying any tax on recreation and sports club dues or on any 51226
income generated by recreation and sports club dues. 51227

Sec. 5739.024. (A)(1) A board of county commissioners may, by 51228
resolution adopted by a majority of the members of the board, levy 51229
an excise tax not to exceed three per cent on transactions by 51230
which lodging by a hotel is or is to be furnished to transient 51231
guests. The board shall establish all regulations necessary to 51232
provide for the administration and allocation of the tax. The 51233
regulations may prescribe the time for payment of the tax, and may 51234
provide for the imposition of a penalty or interest, or both, for 51235
late payments, provided that the penalty does not exceed ten per 51236
cent of the amount of tax due, and the rate at which interest 51237
accrues does not exceed the rate per annum prescribed pursuant to 51238
section 5703.47 of the Revised Code. Except as ~~otherwise~~ provided 51239
in divisions (A)(2) and (3) of this section, the regulations shall 51240
provide, after deducting the real and actual costs of 51241
administering the tax, for the return to each municipal 51242
corporation or township that does not levy an excise tax on such 51243
transactions, a uniform percentage of the tax collected in the 51244
municipal corporation or in the unincorporated portion of the 51245
township from each such transaction, not to exceed thirty-three 51246

and one-third per cent. The remainder of the revenue arising from 51247
the tax shall be deposited in a separate fund and shall be spent 51248
solely to make contributions to the convention and visitors' 51249
bureau operating within the county, including a pledge and 51250
contribution of any portion of such remainder pursuant to an 51251
agreement authorized by section 307.695 of the Revised Code. 51252
Except as ~~otherwise~~ provided ~~under~~ in division (A)(2) or (3) of 51253
this section, on and after May 10, 1994, a board of county 51254
commissioners may not levy an excise tax pursuant to this division 51255
in any municipal corporation or township located wholly or partly 51256
within the county that has in effect an ordinance or resolution 51257
levying an excise tax pursuant to division (B) of this section. 51258
The board of a county that has levied a tax under division (C) of 51259
this section may, by resolution adopted within ninety days after 51260
July 15, 1985, by a majority of the members of the board, amend 51261
the resolution levying a tax under this division to provide for a 51262
portion of that tax to be pledged and contributed in accordance 51263
with an agreement entered into under section 307.695 of the 51264
Revised Code. A tax, any revenue from which is pledged pursuant to 51265
such an agreement, shall remain in effect at the rate at which it 51266
is imposed for the duration of the period for which the revenue 51267
therefrom has been so pledged. 51268

(2) A board of county commissioners that levies an excise tax 51269
under division (A)(1) of this section on June 30, 1997, at a rate 51270
of three per cent, and that has pledged revenue from the tax to an 51271
agreement entered into under section 307.695 of the Revised Code, 51272
may amend the resolution levying that tax to provide for an 51273
increase in the rate of the tax up to five per cent on each 51274
transaction; to provide that revenue from the increase in the rate 51275
shall be spent solely to make contributions to the convention and 51276
visitors' bureau operating within the county to be used 51277
specifically for promotion, advertising, and marketing of the 51278

region in which the county is located; to provide that the rate in excess of the three per cent levied under division (A)(1) of this section shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A)(1) of this section; and to provide that no portion of that revenue need be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(3) A board of county commissioners that levies a tax under division (A)(1) of this section on March 18, 1999, at a rate of three per cent may, by resolution adopted not later than forty-five days after March 18, 1999, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional four per cent on each transaction;

(b) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before November 15, 1998, and used to pay costs of constructing, maintaining, operating, and promoting a facility in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A)(1) of this section;

(d) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under

Chapter 351. of the Revised Code to which the revenue is pledged 51310
remain outstanding in accordance with their terms, unless 51311
provision is made by law or by the board of county commissioners 51312
for an adequate substitute therefor that is satisfactory to the 51313
trustee if a trust agreement secures the bonds. 51314

Division (A)(3) of this section does not apply to the board 51315
of county commissioners of any county in which a convention center 51316
or facility exists or is being constructed on November 15, 1998, 51317
or of any county in which a convention facilities authority levies 51318
a tax pursuant to section 351.021 of the Revised Code on that 51319
date. 51320

As used in division (A)(3) of this section, "costs" and 51321
"facility" have the same meanings as in section 351.01 of the 51322
Revised Code, and "convention center" has the same meaning as in 51323
section 307.695 of the Revised Code. 51324

(B) The legislative authority of a municipal corporation or 51325
the board of trustees of a township that is not wholly or partly 51326
located in a county that has in effect a resolution levying an 51327
excise tax pursuant to division (A)(1) of this section may by 51328
ordinance or resolution levy an excise tax not to exceed three per 51329
cent on transactions by which lodging by a hotel is or is to be 51330
furnished to transient guests. The legislative authority of the 51331
municipal corporation or township shall deposit at least fifty per 51332
cent of the revenue from the tax levied pursuant to this division 51333
into a separate fund, which shall be spent solely to make 51334
contributions to convention and visitors' bureaus operating within 51335
the county in which the municipal corporation or township is 51336
wholly or partly located, and the balance of such revenue shall be 51337
deposited in the general fund. The municipal corporation or 51338
township shall establish all regulations necessary to provide for 51339
the administration and allocation of the tax. The regulations may 51340
prescribe the time for payment of the tax, and may provide for the 51341

imposition of a penalty or interest, or both, for late payments, 51342
provided that the penalty does not exceed ten per cent of the 51343
amount of tax due, and the rate at which interest accrues does not 51344
exceed the rate per annum prescribed pursuant to section 5703.47 51345
of the Revised Code. The levy of a tax under this division is in 51346
addition to any tax imposed on the same transaction by a municipal 51347
corporation or a township as authorized by division (C)(1) of 51348
section 5739.02 of the Revised Code. 51349

(C) For the purpose of making the payments authorized by 51350
section 307.695 of the Revised Code to construct and equip a 51351
convention center in the county and to cover the costs of 51352
administering the tax, a board of county commissioners of a county 51353
where a tax imposed under division (A)(1) of this section is in 51354
effect may, by resolution adopted within ninety days after July 51355
15, 1985, by a majority of the members of the board, levy an 51356
additional excise tax not to exceed three per cent on transactions 51357
by which lodging by a hotel is or is to be furnished to transient 51358
guests. The tax authorized by this division shall be in addition 51359
to any tax that is levied pursuant to division (A) of this 51360
section, but it shall not apply to transactions subject to a tax 51361
levied by a municipal corporation or township pursuant to the 51362
authorization granted by division (C)(1) of section 5739.02 of the 51363
Revised Code. The board shall establish all regulations necessary 51364
to provide for the administration and allocation of the tax. The 51365
regulations may prescribe the time for payment of the tax, and may 51366
provide for the imposition of a penalty or interest, or both, for 51367
late payments, provided that the penalty does not exceed ten per 51368
cent of the amount of tax due, and the rate at which interest 51369
accrues does not exceed the rate per annum prescribed pursuant to 51370
section 5703.47 of the Revised Code. All revenues arising from the 51371
tax shall be expended in accordance with section 307.695 of the 51372
Revised Code. A tax imposed under this section shall remain in 51373
effect at the rate at which it is imposed for the duration of the 51374

period for which the revenue therefrom has been pledged pursuant 51375
to such section. 51376

(D) For the purpose of providing contributions under division 51377
(B)(1) of section 307.671 of the Revised Code to enable the 51378
acquisition, construction, and equipping of a port authority 51379
educational and cultural facility in the county and, to the extent 51380
provided for in the cooperative agreement authorized by that 51381
section, for the purpose of paying debt service charges on bonds, 51382
or notes in anticipation thereof, described in division (B)(1)(b) 51383
of that section, a board of county commissioners, by resolution 51384
adopted within ninety days after December 22, 1992, by a majority 51385
of the members of the board, may levy an additional excise tax not 51386
to exceed one and one-half per cent on transactions by which 51387
lodging by a hotel is or is to be furnished to transient guests. 51388
The excise tax authorized by this division shall be in addition to 51389
any tax that is levied pursuant to divisions (A), (B), and (C) of 51390
this section, to any excise tax levied pursuant to division (C) of 51391
section 5739.02 of the Revised Code, and to any excise tax levied 51392
pursuant to section 351.021 of the Revised Code. The board of 51393
county commissioners shall establish all regulations necessary to 51394
provide for the administration and allocation of the tax that are 51395
not inconsistent with this section or section 307.671 of the 51396
Revised Code. The regulations may prescribe the time for payment 51397
of the tax, and may provide for the imposition of a penalty or 51398
interest, or both, for late payments, provided that the penalty 51399
does not exceed ten per cent of the amount of tax due, and the 51400
rate at which interest accrues does not exceed the rate per annum 51401
prescribed pursuant to section 5703.47 of the Revised Code. All 51402
revenues arising from the tax shall be expended in accordance with 51403
section 307.671 of the Revised Code and division (D) of this 51404
section. The levy of a tax imposed under this section may not 51405
commence prior to the first day of the month next following the 51406
execution of the cooperative agreement authorized by section 51407

307.671 of the Revised Code by all parties to that agreement. Such 51408
tax shall remain in effect at the rate at which it is imposed for 51409
the period of time described in division (C) of section 307.671 of 51410
the Revised Code for which the revenue from the tax has been 51411
pledged by the county to the corporation pursuant to such section, 51412
but, to any extent provided for in the cooperative agreement, for 51413
no lesser period than the period of time required for payment of 51414
the debt service charges on bonds, or notes in anticipation 51415
thereof, described in division (B)(1)(b) of that section. 51416

(E) For the purpose of paying the costs of acquiring, 51417
constructing, equipping, and improving a municipal educational and 51418
cultural facility, including debt service charges on bonds 51419
provided for in division (B) of section 307.672 of the Revised 51420
Code, and for such additional purposes as are determined by the 51421
county in the resolution levying the tax or amendments thereto, 51422
including subsequent amendments providing for paying costs of 51423
acquiring, constructing, renovating, rehabilitating, equipping, 51424
and improving a port authority educational and cultural performing 51425
arts facility, as defined in section 307.674 of the Revised Code, 51426
including debt service charges on bonds provided for in division 51427
(B) of section 307.674 of the Revised Code, the legislative 51428
authority of a county, by resolution adopted within ninety days 51429
after June 30, 1993, by a majority of the members of the 51430
legislative authority, may levy an additional excise tax not to 51431
exceed one and one-half per cent on transactions by which lodging 51432
by a hotel is or is to be furnished to transient guests. The 51433
excise tax authorized by this division shall be in addition to any 51434
tax that is levied pursuant to divisions (A), (B), (C), and (D) of 51435
this section, to any excise tax levied pursuant to division (C) of 51436
section 5739.02 of the Revised Code, and to any excise tax levied 51437
pursuant to section 351.021 of the Revised Code. The legislative 51438
authority of the county shall establish all regulations necessary 51439
to provide for the administration and allocation of the tax. The 51440

regulations may prescribe the time for payment of the tax, and may 51441
provide for the imposition of a penalty or interest, or both, for 51442
late payments, provided that the penalty does not exceed ten per 51443
cent of the amount of tax due, and the rate at which interest 51444
accrues does not exceed the rate per annum prescribed pursuant to 51445
section 5703.47 of the Revised Code. All revenues arising from the 51446
tax shall be expended in accordance with section 307.672 of the 51447
Revised Code and division (E) of this section. The levy of a tax 51448
imposed under this division shall not commence prior to the first 51449
day of the month next following the execution of the cooperative 51450
agreement authorized by section 307.672 of the Revised Code by all 51451
parties to that agreement. Such tax shall remain in effect at the 51452
rate at which it is imposed for the period of time determined by 51453
the legislative authority of the county, but not to exceed fifteen 51454
years. 51455

(F) The legislative authority of a county that has levied a 51456
tax under division (E) of this section may, by resolution adopted 51457
within one hundred eighty days after ~~the effective date of this~~ 51458
~~amendment~~ January 4, 2001, by a majority of the members of the 51459
legislative authority, amend the resolution levying a tax under 51460
division (E) of this section to provide for the use of the 51461
proceeds of that tax, to the extent that it is no longer needed 51462
for its original purpose as determined by the parties to a 51463
cooperative agreement amendment pursuant to division (D) of 51464
section 307.672 of the Revised Code, to pay costs of acquiring, 51465
constructing, renovating, rehabilitating, equipping, and improving 51466
a port authority educational and cultural performing arts 51467
facility, including debt service charges on bonds provided for in 51468
division (B) of section 307.674 of the Revised Code, and to pay 51469
all obligations under any guaranty agreements, reimbursement 51470
agreements, or other credit enhancement agreements described in 51471
division (C) of section 307.674 of the Revised Code. The 51472
resolution may also provide for the extension of the tax at the 51473

same rate for the longer of the period of time determined by the 51474
legislative authority of the county, but not to exceed an 51475
additional twenty-five years, or the period of time required to 51476
pay all debt service charges on bonds provided for in division (B) 51477
of section 307.672 of the Revised Code and on port authority 51478
revenue bonds provided for in division (B) of section 307.674 of 51479
the Revised Code. All revenues arising from the amendment and 51480
extension of the tax shall be expended in accordance with section 51481
307.674 of the Revised Code and divisions (E) and (F) of this 51482
section. 51483

(G) For purposes of a tax levied by a county, township, or 51484
municipal corporation under this section or division (C) of 51485
section 5739.02 of the Revised Code, a board of county 51486
commissioners, board of township trustees, or the legislative 51487
authority of a municipal corporation may adopt a resolution or 51488
ordinance at any time specifying that "hotel," as otherwise 51489
defined in section 5739.01 of the Revised Code, includes 51490
establishments in which fewer than five rooms are used for the 51491
accommodation of guests. The resolution or ordinance may apply to 51492
a tax imposed pursuant to this section prior to the adoption of 51493
the resolution or ordinance if the resolution or ordinance so 51494
states, but the tax shall not apply to transactions by which 51495
lodging by such an establishment is provided to transient guests 51496
prior to the adoption of the resolution or ordinance. 51497

Sec. 5739.032. (A) If the total amount of tax required to be 51498
paid by a permit holder under section 5739.031 of the Revised Code 51499
for any calendar year indicated in the following schedule equals 51500
or exceeds the amounts prescribed for that year in the schedule, 51501
the permit holder shall remit each monthly tax payment in the 51502
second ensuing and each succeeding year by electronic funds 51503
transfer as prescribed by division (B) of this section. 51504

Year	1992	1993 through 1999	2000 and thereafter	51505
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Tax payment \$1,200,000 \$600,000 \$60,000 51506

 If a permit holder's tax payment for each of two consecutive 51507
years beginning with 2000 is less than sixty thousand dollars, the 51508
permit holder is relieved of the requirement to remit taxes by 51509
electronic funds transfer for the year that next follows the 51510
second of the consecutive years in which the tax payment is less 51511
than sixty thousand dollars, and is relieved of that requirement 51512
for each succeeding year unless the tax payment in a subsequent 51513
year equals or exceeds sixty thousand dollars. 51514

 The tax commissioner shall notify each permit holder required 51515
to remit taxes by electronic funds transfer of the permit holder's 51516
obligation to do so, shall maintain an updated list of those 51517
permit holders, and shall timely certify the list and any 51518
additions thereto or deletions therefrom to the treasurer of 51519
state. Failure by the tax commissioner to notify a permit holder 51520
subject to this section to remit taxes by electronic funds 51521
transfer does not relieve the permit holder of its obligation to 51522
remit taxes by electronic funds transfer. 51523

 (B) Permit holders required by division (A) of this section 51524
to remit payments by electronic funds transfer shall remit such 51525
payments to the treasurer of state in the manner prescribed by 51526
rules adopted by the treasurer under section 113.061 of the 51527
Revised Code and on or before the dates specified under section 51528
5739.031 of the Revised Code. The payment of taxes by electronic 51529
funds transfer does not affect a permit holder's obligation to 51530
file the monthly return as required under section 5739.031 of the 51531
Revised Code. 51532

 A permit holder required by this section to remit taxes by 51533
electronic funds transfer may apply to the treasurer of state in 51534
the manner prescribed by the treasurer to be excused from that 51535
requirement. The treasurer of state may excuse the permit holder 51536
from remittance by electronic funds transfer for good cause shown 51537

for the period of time requested by the permit holder or for a
portion of that period. The treasurer shall notify the tax
commissioner and the permit holder of the treasurer's decision as
soon as is practicable.

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(C) If a permit holder required by this section to remit
taxes by electronic funds transfer remits those taxes by some
means other than by electronic funds transfer as prescribed by
this section and the rules adopted by the treasurer of state, and
the ~~treasurer~~ tax commissioner determines that such failure was
not due to reasonable cause or was due to willful neglect, the
~~treasurer shall notify the tax commissioner of the failure to~~
~~remit by electronic funds transfer and shall provide the~~
~~commissioner with any information used in making that~~
~~determination.~~ The tax commissioner may collect an additional
charge by assessment in the manner prescribed by section 5739.13
of the Revised Code. The additional charge shall equal five per
cent of the amount of the taxes required to be paid by electronic
funds transfer, but shall not exceed five thousand dollars. Any
additional charge assessed under this section is in addition to
any other penalty or charge imposed under this chapter, and shall
be considered as revenue arising from taxes imposed under this
chapter. The tax commissioner may remit all or a portion of such a
charge and may adopt rules governing such remission.

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No additional charge shall be assessed under this division
against a permit holder that has been notified of its obligation
to remit taxes under this section and that remits its first two
tax payments after such notification by some means other than
electronic funds transfer. The additional charge may be assessed
upon the remittance of any subsequent tax payment that the permit
holder remits by some means other than electronic funds transfer.

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Sec. 5739.07. (A) The tax commissioner shall refund to

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vendors the amount of taxes paid illegally or erroneously or paid 51569
on any illegal or erroneous assessment if the vendor has not been 51570
reimbursed from the consumer. When the illegal or erroneous 51571
payment or assessment was not paid to a vendor but was paid by the 51572
consumer directly to the treasurer of state ~~or~~, an agent of the 51573
treasurer of state, the tax commissioner, or an agent of the tax 51574
commissioner, the tax commissioner shall refund to the consumer. 51575
When a refund is granted for payment of an illegal or erroneous 51576
assessment issued by the department, the refund shall include 51577
interest as provided by section 5739.132 of the Revised Code. 51578

(B) The tax commissioner may make a refund to the consumer of 51579
taxes paid illegally or erroneously if the tax has not been 51580
refunded to the vendor and any of the following circumstances 51581
apply: 51582

(1) The consumer is unable to receive a refund from the 51583
vendor because the vendor has ceased business; 51584

(2) The vendor is unable to issue a refund because of 51585
bankruptcy or similar financial condition; 51586

(3) The consumer receives a refund of the full price paid to 51587
the vendor from a manufacturer or other person, other than the 51588
vendor, as a settlement for a complaint by the consumer about the 51589
property or service purchased. 51590

(C) Applications for refund shall be filed with the tax 51591
commissioner, on the form prescribed by the tax commissioner, 51592
within four years from the date of the illegal or erroneous 51593
payment of the tax, unless the vendor or consumer waives the time 51594
limitation under division (A)(3) of section 5739.16 of the Revised 51595
Code. If the time limitation is waived, the four-year refund 51596
limitation shall be extended for the same period of time as the 51597
waiver. On the filing of an application for refund, the 51598
commissioner shall determine the amount of refund due and certify 51599
that amount to the director of budget and management and treasurer 51600

of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. 51601
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Sec. 5739.102. A person who is liable for a tax levied under section 5739.101 of the Revised Code shall file a return with the ~~treasurer of state~~ tax commissioner showing ~~his~~ the person's taxable gross receipts from sales described under division (B)(1) or (2) of that section. The tax commissioner shall prescribe the form of the return, and the six- or twelve-month reporting period. The person shall file the return on or before the last day of the month following the end of the reporting period prescribed by the commissioner, and shall include with the return payment of the tax for the period. The remittance shall be made payable to the treasurer of state. 51603
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Upon receipt of a return, the ~~treasurer of state~~ tax commissioner shall credit any money included with it to the resort area excise tax fund, which is hereby created, ~~and shall forward the return to the tax commissioner. The treasurer of state shall stamp or otherwise mark on the return the date it was received, and shall indicate on the return the amount of payment received with it.~~ Within forty-five days after the end of each month, the commissioner shall provide for the distribution of all money paid during that month into the resort area excise tax fund to the appropriate municipal corporations and townships, after first subtracting and crediting to the general revenue fund one per cent to cover the costs of administering the excise tax. 51614
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If a person liable for the tax fails to file a return or pay the tax as required under this section and the rules of the tax commissioner, ~~he~~ the person shall pay an additional charge of the greater of fifty dollars or ten per cent of the tax due for the return period. The additional charge shall be considered revenue arising from the tax levied under section 5739.101 of the Revised 51626
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Code, and may be collected by assessment in the manner provided in 51632
section 5739.13 of the Revised Code. The tax commissioner may 51633
remit all or a portion of the charge. 51634

Sec. 5739.12. Each person who has or is required to have a 51635
vendor's license, on or before the twenty-third day of each month, 51636
shall make and file a return for the preceding month, on forms 51637
prescribed by the tax commissioner, and shall pay the tax shown on 51638
the return to be due. The return shall show the amount of tax due 51639
from the vendor to the state for the period covered by the return 51640
and such other information as the commissioner deems necessary for 51641
the proper administration of this chapter. The commissioner may 51642
extend the time for making and filing returns and paying the tax, 51643
and may require that the return for the last month of any annual 51644
or semiannual period, as determined by the commissioner, be a 51645
reconciliation return detailing the vendor's sales activity for 51646
the preceding annual or semiannual period. The reconciliation 51647
return shall be filed by the last day of the month following the 51648
last month of the annual or semiannual period. The commissioner 51649
may remit all or any part of amounts or penalties which may become 51650
due under this chapter and may adopt rules relating thereto. Such 51651
return shall be filed by mailing ~~the same~~ it to the ~~treasurer of~~ 51652
~~state tax commissioner~~, together with payment of the amount of tax 51653
shown to be due thereon after deduction of any discount provided 51654
for under this section. Remittance shall be made payable to the 51655
treasurer of state. The return shall be considered filed when 51656
received by the ~~treasurer of state tax commissioner~~, and the 51657
payment shall be considered made when received by the ~~treasurer of~~ 51658
~~state tax commissioner~~ or when credited to an account designated 51659
by the treasurer of state or the tax commissioner. If the return 51660
is filed and the amount of tax shown thereon to be due is paid on 51661
or before the date such return is required to be filed, the vendor 51662
shall be entitled to a discount of three-fourths of one per cent 51663

of the amount shown to be due on the return. Amounts paid to the clerk of courts pursuant to section 4505.06 of the Revised Code shall be subject to the three-fourths of one per cent discount. The discount shall be in consideration for prompt payment to the clerk of courts and for other services performed by the vendor in the collection of the tax.

Upon application to the commissioner, a vendor who is required to file monthly returns may be relieved of the requirement to report and pay the actual tax due, provided that the vendor agrees to remit to the ~~treasurer of state tax~~ commissioner payment of not less than an amount determined by the commissioner to be the average monthly tax liability of the vendor, based upon a review of the returns or other information pertaining to such vendor for a period of not less than six months nor more than two years immediately preceding the filing of the application. Vendors who agree to the above conditions shall make and file an annual or semiannual reconciliation return, as prescribed by the commissioner. The reconciliation return shall be filed by mailing or delivering ~~the same it~~ it to the ~~treasurer of state tax commissioner~~, together with payment of the amount of tax shown to be due thereon after deduction of any discount provided in this section. Remittance shall be made payable to the treasurer of state. Failure of a vendor to comply with any of the above conditions may result in immediate reinstatement of the requirement of reporting and paying the actual tax liability on each monthly return, and the commissioner may at the commissioner's discretion deny the vendor the right to report and pay based upon the average monthly liability for a period not to exceed two years. The amount ~~determined~~ ascertained by the commissioner to be the average monthly tax liability of a vendor may be adjusted, based upon a review of the returns or other information pertaining to the vendor for a period of not less than six months nor more than two years preceding such adjustment.

The commissioner may authorize vendors whose tax liability is not such as to merit monthly returns, as ~~determined~~ ascertained by the commissioner upon the basis of administrative costs to the state, to make and file returns at less frequent intervals. When returns are filed at less frequent intervals in accordance with such ~~a determination~~ authorization, the vendor shall be allowed the discount of three-fourths of one per cent in consideration for prompt payment with the return, provided the return is filed together with payment of the amount of tax shown to be due thereon, at the time specified by the commissioner.

~~The treasurer of state shall stamp or otherwise mark on all returns the date received by the treasurer of state and shall also show thereon by stamp or otherwise the amount of payment received for the period for which the return is filed. Thereafter, the treasurer of state shall immediately transmit all returns filed under this section to the commissioner. Any vendor who fails to file a return or pay the full amount of the tax shown on the return to be due under this section and the rules of the commissioner may, for each such return the vendor fails to file or each such tax the vendor fails to pay in full as shown on the return within the period prescribed by this section and the rules of the commissioner, be required to forfeit and pay into the state treasury an additional charge not exceeding fifty dollars or ten per cent of the tax required to be paid for the reporting period, whichever is greater, as revenue arising from the tax imposed by this chapter, and such sum may be collected by assessment in the manner provided in section 5739.13 of the Revised Code. The commissioner may remit all or a portion of the additional charge and may adopt rules relating to the imposition and remission of the additional charge.~~

If the amount required to be collected by a vendor from consumers is in excess of five per cent of the vendor's receipts

from sales which are taxable under section 5739.02 of the Revised Code, or in the case of sales subject to a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, in excess of the percentage equal to the aggregate rate of such taxes and the tax levied by section 5739.02 of the Revised Code, such excess shall be remitted along with the remittance of the amount of tax due under section 5739.10 of the Revised Code.

The commissioner, if the commissioner deems it necessary in order to insure the payment of the tax imposed by this chapter, may require returns and payments to be made for other than monthly periods. The returns shall be signed by the vendor or the vendor's authorized agent.

Any vendor required to file a return and pay the tax under this section whose total payment in any year indicated in division (A) of section 5739.122 of the Revised Code equals or exceeds the amount shown in that division shall make each payment required by this section in the second ensuing and each succeeding year by electronic funds transfer as prescribed by section 5739.122 of the Revised Code, except as otherwise prescribed by that section.

Sec. 5739.121. As used in this section, "bad debt" means any debt that has become worthless or uncollectible in the time period between a vendor's preceding return and the present return, have been uncollected for at least six months, and that may be claimed as a deduction pursuant to the "Internal Revenue Code of 1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted pursuant thereto, or that could be claimed as such a deduction if the vendor kept accounts on an accrual basis. "Bad debt" does not include any interest or sales tax on the purchase price, uncollectible amounts on property that remains in the possession of the vendor until the full purchase price is paid, expenses incurred in attempting to collect any account receivable or for

any portion of the debt recovered, any accounts receivable that 51760
have been sold to a third party for collection, and repossessed 51761
property. 51762

In computing taxable receipts for purposes of this chapter, a 51763
vendor may deduct the amount of bad debts, as defined in this 51764
section. The amount deducted must be charged off as uncollectible 51765
on the books of the vendor. A deduction may be claimed only with 51766
respect to bad debts on which the taxes pursuant to sections 51767
5739.10 and 5739.12 of the Revised Code were paid in a preceding 51768
tax period. If the vendor's business consists of taxable and 51769
nontaxable transactions, the deduction shall equal the full amount 51770
of the debt if the debt is documented as a taxable transaction in 51771
the vendor's records. If no such documentation is available, the 51772
maximum deduction on any bad debt shall equal the amount of the 51773
bad debt multiplied by the quotient obtained by dividing the sales 51774
taxed pursuant to this chapter during the preceding calendar year 51775
by all sales during the preceding calendar year, whether taxed or 51776
not. If a consumer or other person pays all or part of a bad debt 51777
with respect to which a vendor claimed a deduction under this 51778
section, the vendor shall be liable for the amount of taxes 51779
deducted in connection with that portion of the debt for which 51780
payment is received and shall remit such taxes in ~~his~~ the vendor's 51781
next payment to the ~~treasurer of state~~ tax commissioner. 51782

Any claim for a bad debt deduction under this section shall 51783
be supported by such evidence as the tax commissioner by rule 51784
requires. The commissioner shall review any change in the rate of 51785
taxation applicable to any taxable sales by a vendor claiming a 51786
deduction pursuant to this section and adopt rules for altering 51787
the deduction in the event of such a change in order to ensure 51788
that the deduction on any bad debt does not result in the vendor 51789
claiming the deduction recovering any more or less than the taxes 51790
imposed on the sale that constitutes the bad debt. 51791

Sec. 5739.13. (A) If any vendor collects the tax imposed by 51792
or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 51793
the Revised Code, and fails to remit the tax to the state as 51794
prescribed, or on the sale of a motor vehicle, watercraft, or 51795
outboard motor required to be titled, fails to remit payment to a 51796
clerk of a court of common pleas as provided in section 1548.06 or 51797
4505.06 of the Revised Code, the vendor shall be personally liable 51798
for any tax collected and not remitted. The tax commissioner may 51799
make an assessment against such vendor based upon any information 51800
in the commissioner's possession. 51801

If any vendor fails to collect the tax or any consumer fails 51802
to pay the tax imposed by or pursuant to section 5739.02, 51803
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 51804
transaction subject to the tax, the vendor or consumer shall be 51805
personally liable for the amount of the tax applicable to the 51806
transaction. The commissioner may make an assessment against 51807
either the vendor or consumer, as the facts may require, based 51808
upon any information in the commissioner's possession. 51809

An assessment against a vendor when the tax imposed by or 51810
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 51811
the Revised Code has not been collected or paid, shall not 51812
discharge the purchaser's or consumer's liability to reimburse the 51813
vendor for the tax applicable to such transaction. 51814

An assessment issued against either, pursuant to this 51815
section, shall not be considered an election of remedies, nor a 51816
bar to an assessment against the other for the tax applicable to 51817
the same transaction, provided that no assessment shall be issued 51818
against any person for the tax due on a particular transaction if 51819
the tax on that transaction actually has been paid by another. 51820

The commissioner may make an assessment against any vendor 51821
who fails to file a return or remit the proper amount of tax 51822

required by this chapter, or against any consumer who fails to pay 51823
the proper amount of tax required by this chapter. When 51824
information in the possession of the commissioner indicates that 51825
the amount required to be collected or paid under this chapter is 51826
greater than the amount remitted by the vendor or paid by the 51827
consumer, the commissioner may audit a sample of the vendor's 51828
sales or the consumer's purchases for a representative period, to 51829
ascertain the per cent of exempt or taxable transactions or the 51830
effective tax rate and may issue an assessment based on the audit. 51831
The commissioner shall make a good faith effort to reach agreement 51832
with the vendor or consumer in selecting a representative sample 51833
period. 51834

The tax commissioner may make an assessment, based on any 51835
information in his possession, against any person who fails to 51836
file a return or remit the proper amount of tax required by 51837
section 5739.102 of the Revised Code. 51838

The tax commissioner may issue an assessment on any 51839
transaction for which any tax imposed under this chapter or 51840
Chapter 5741. of the Revised Code was due and unpaid on the date 51841
the vendor or consumer was informed by an agent of the tax 51842
commissioner of an investigation or audit. If the vendor or 51843
consumer remits any payment of the tax for the period covered by 51844
the assessment after the vendor or consumer was informed of the 51845
investigation or audit, the payment shall be credited against the 51846
amount of the assessment. 51847

The commissioner shall give the party assessed written notice 51848
of the assessment as provided in section 5703.37 of the Revised 51849
Code. 51850

(B) Unless the party to whom the notice of assessment is 51851
directed files with the commissioner within sixty days after 51852
service of the notice of assessment, either personally or by 51853
certified mail, a petition for reassessment in writing, signed by 51854

the party assessed, or by the party's authorized agent having 51855
knowledge of the facts, the assessment shall become final and the 51856
amount of the assessment shall be due ~~and payable~~ from the party 51857
assessed and payable to the treasurer of state and remitted to the 51858
tax commissioner. The petition shall indicate the objections of 51859
the party assessed, but additional objections may be raised in 51860
writing if received prior to the date shown on the final 51861
determination by the commissioner. 51862

Unless the petitioner waives a hearing, the commissioner 51863
shall assign a time and place for the hearing on the petition and 51864
notify the petitioner of the time and place of the hearing by 51865
personal service or certified mail, but the commissioner may 51866
continue the hearing from time to time if necessary. 51867

The commissioner may make such correction to the assessment 51868
as the commissioner finds proper. The commissioner shall serve a 51869
copy of the commissioner's final determination on the petitioner 51870
by personal service or certified mail, and the commissioner's 51871
decision in the matter shall be final, subject to appeal as 51872
provided in section 5717.02 of the Revised Code. Only objections 51873
decided on the merits by the board of tax appeals or a court shall 51874
be given collateral estoppel or res judicata effect in considering 51875
an application for refund of amounts paid pursuant to the 51876
assessment. 51877

(C) After an assessment becomes final, if any portion of the 51878
assessment remains unpaid, including accrued interest, a certified 51879
copy of the commissioner's entry making the assessment final may 51880
be filed in the office of the clerk of the court of common pleas 51881
in the county in which the place of business of the party assessed 51882
is located or the county in which the party assessed resides. If 51883
the party assessed maintains no place of business in this state 51884
and is not a resident of this state, the certified copy of the 51885
entry may be filed in the office of the clerk of the court of 51886

common pleas of Franklin county.

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The clerk, immediately upon the filing of such entry, shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state, county, and transit authority retail sales tax" or, if appropriate, "special judgments for resort area excise tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment except as otherwise provided in this chapter.

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The portion of the assessment not paid within sixty days after the date the assessment was issued shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until the assessment is paid. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section.

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(D) All money collected by the commissioner under this section shall be paid to the treasurer of state, and when paid shall be considered as revenue arising from the taxes imposed by or pursuant to sections 5739.01 to 5739.31 of the Revised Code.

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Sec. 5739.18. On the first business day of each week, each county auditor shall make in triplicate a list showing the names of all vendors licensed in ~~his~~ the auditor's county during the preceding week pursuant to sections 5739.01 to 5739.31, ~~inclusive,~~ of the Revised Code, and such other information as to each, available from the records in ~~his~~ the auditor's office, as the tax commissioner prescribes, and shall immediately certify one of such lists to the commissioner, one to the treasurer of state, and one

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to the county treasurer. The commissioner shall keep an 51918
alphabetical index of such licensees so certified to ~~him~~ the 51919
commissioner but ~~he~~ may delete therefrom the names of those 51920
persons whose licenses have been cancelled. 51921

Sec. 5741.10. The tax commissioner shall refund to sellers 51922
the amount of tax levied pursuant to section 5741.02, 5741.021, 51923
5741.022, or 5741.023 of the Revised Code paid on any illegal or 51924
erroneous payment or assessment, where the seller has reimbursed 51925
the consumer. When such payment or assessment was not paid to a 51926
seller, but was paid by the consumer directly to the treasurer of 51927
state, ~~or the treasurer of state's agent, by the consumer~~ 51928
commissioner, or the commissioner's agent, the treasurer of state 51929
shall make refund to the consumer. When such a refund is granted, 51930
it shall include interest thereon as provided by section 5739.132 51931
of the Revised Code. Applications for refund shall be filed with 51932
the tax commissioner, on the form prescribed by the commissioner, 51933
within four years from the date of the illegal or erroneous 51934
payment of the tax except where the vendor or consumer waives the 51935
time limitation under division (C) of section 5741.16 of the 51936
Revised Code, in which case the four-year refund limitation shall 51937
be extended for the same period of time as the waiver. On filing 51938
such application, the commissioner shall determine the amount of 51939
refund due and shall certify such amount to the director of budget 51940
and management and treasurer of state for payment from the tax 51941
refund fund created by section 5703.052 of the Revised Code. 51942

Sec. 5741.12. (A) Each seller required by section 5741.17 of 51943
the Revised Code to register with the tax commissioner, and any 51944
seller authorized by the commissioner to collect the tax imposed 51945
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 51946
of the Revised Code is subject to the same requirements and 51947
entitled to the same deductions and discount for prompt payments 51948

as are vendors under section 5739.12 of the Revised Code. The 51949
powers and duties of the commissioner and the treasurer of state 51950
with respect to returns and tax remittances under this section 51951
shall be identical with those prescribed in section 5739.12 of the 51952
Revised Code. 51953

(B) Every person storing, using, or consuming tangible 51954
personal property or receiving the benefit of a service, the 51955
storage, use, consumption, or receipt of which is subject to the 51956
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 51957
or 5741.023 of the Revised Code, when such tax was not paid to a 51958
seller, shall, on or before the twenty-third day of each month, 51959
file with the ~~treasurer of state~~ tax commissioner a return for the 51960
preceding month in such form as is prescribed by the commissioner, 51961
showing such information as the commissioner deems necessary, and 51962
shall pay the tax shown on the return to be due. Remittance shall 51963
be made payable to the treasurer of state. The commissioner may 51964
require consumers to file returns and pay the tax at other than 51965
monthly intervals, if ~~he~~ the commissioner determines that such 51966
filing is necessary for the efficient administration of the tax. 51967
If the commissioner determines that a consumer's tax liability is 51968
not such as to merit monthly filing, the commissioner may 51969
authorize the consumer to file returns and pay tax at less 51970
frequent intervals. ~~The treasurer of state shall show on the~~ 51971
~~return the date it was filed and the amount of the payment~~ 51972
~~remitted to the treasurer. Thereafter, the treasurer immediately~~ 51973
~~shall transmit all returns filed under this section to the tax~~ 51974
~~commissioner.~~ 51975

Any consumer required to file a return and pay the tax under 51976
this section whose payment for any year indicated in section 51977
5741.121 of the Revised Code equals or exceeds the amount shown in 51978
that section shall make each payment required by this section in 51979
the second ensuing and each succeeding year by means of electronic 51980

funds transfer as prescribed by section 5741.121 of the Revised Code, except as otherwise prescribed by that section. 51981
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(C) Every person storing, using, or consuming a motor vehicle, watercraft, or outboard motor, the ownership of which must be evidenced by certificate of title, shall file the return required by this section and pay the tax due at or prior to the time of filing an application for certificate of title. 51983
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Sec. 5743.62. (A) To provide revenue for the general revenue fund of the state, an excise tax is hereby levied on the seller of tobacco products in this state at the rate of seventeen per cent of the wholesale price of the tobacco product whenever the tobacco product is delivered to a consumer in this state for the storage, use, or other consumption of such tobacco products. The tax imposed by this section applies only to sellers having nexus in this state, as defined in section 5741.01 of the Revised Code. 51988
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(B) A seller of tobacco products who has nexus in this state as defined in section 5741.01 of the Revised Code shall register with the tax commissioner and supply any information concerning ~~his~~ the seller's contacts with this state as may be required by the tax commissioner. A seller who does not have nexus in this state may voluntarily register with the tax commissioner. A seller who voluntarily registers with the tax commissioner is entitled to the same benefits and is subject to the same duties and requirements as a seller required to be registered with the tax commissioner under this division. 51996
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(C) Each seller of tobacco products subject to the tax levied by this section, on or before the last day of each month, shall file with the ~~treasurer of state~~ tax commissioner a return for the preceding month showing any information the tax commissioner finds necessary for the proper administration of sections 5743.51 to 52007
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5743.66 of the Revised Code, together with remittance of the tax 52012
due. ~~The, payable to the treasurer of state shall stamp or~~ 52013
~~otherwise mark on the return the date it was received and the~~ 52014
~~amount of payment received with the return. Thereafter, the~~ 52015
~~treasurer of state shall immediately transmit all returns filed~~ 52016
~~under this section to the commissioner.~~ The return and payment of 52017
the tax required by this section shall be filed in such a manner 52018
that it is received by the ~~treasurer of state~~ tax commissioner on 52019
or before the last day of the month following the reporting 52020
period. If the return is filed and the amount of the tax shown on 52021
the return to be due is paid on or before the date the return is 52022
required to be filed, the seller is entitled to a discount equal 52023
to two and five-tenths per cent of the amount shown on the return 52024
to be due. 52025

(D) The tax commissioner shall immediately forward to the 52026
treasurer of state all money received ~~into the state treasury~~ from 52027
the tax levied by this section, and the treasurer shall be 52028
~~credited~~ credit the amount to the general revenue fund. 52029

(E) Each seller of tobacco products subject to the tax levied 52030
by this section shall mark on the invoices of tobacco products 52031
sold that the tax levied by that section has been paid and shall 52032
indicate the seller's account number as assigned by the tax 52033
commissioner. 52034

Sec. 5743.63. (A) To provide revenue for the general revenue 52035
fund of the state, an excise tax is hereby levied on the storage, 52036
use, or other consumption of tobacco products at the rate of 52037
seventeen per cent of the wholesale price of the tobacco product, 52038
provided the tax has not been paid by the seller as provided in 52039
section 5743.62 of the Revised Code, or by the distributor as 52040
provided in section 5743.51 of the Revised Code. 52041

(B) Each person subject to the tax levied by this section, on 52042

or before the last day of each month, shall file with the 52043
~~treasurer of state tax commissioner~~ a return for the preceding 52044
month showing any information the tax commissioner finds necessary 52045
for the proper administration of sections 5743.51 to 5743.66 of 52046
the Revised Code, together with remittance of the tax due. ~~The,~~ 52047
~~payable to the~~ treasurer of state ~~shall stamp or otherwise mark on~~ 52048
~~the return the date it was received and the amount of payment~~ 52049
~~received with the return. Thereafter, the treasurer of state shall~~ 52050
~~immediately transmit all returns filed under this section to the~~ 52051
commissioner. The return and payment of the tax required by this 52052
section shall be filed in such a manner that it is received by the 52053
~~treasurer of state tax commissioner~~ on or before the last day of 52054
the month following the reporting period. 52055

(C) The tax commissioner shall immediately forward to the 52056
treasurer of state all money received into the state treasury from 52057
the tax levied by this section, and the treasurer shall be 52058
credited credit the amount to the general revenue fund. 52059

Sec. 5745.03. (A) For each taxable year, each taxpayer shall 52060
file an annual report with the ~~treasurer of state tax commissioner~~ 52061
not later than the fifteenth day of the fourth month after the end 52062
of the taxpayer's taxable year, and shall remit with that report 52063
the amount of tax due as shown on the report less the amount paid 52064
for the year under section 5745.04 of the Revised Code. The 52065
remittance shall be made in the form prescribed by the ~~treasurer~~ 52066
~~of state, including electronic funds transfer if tax commissioner.~~ 52067
If the amount payable with the report exceeds one thousand 52068
dollars, the taxpayer shall remit the amount by electronic funds 52069
transfer as prescribed by the treasurer of state. The tax 52070
commissioner shall immediately forward to the treasurer of state 52071
all amounts that the tax commissioner receives pursuant to this 52072
chapter. The treasurer of state shall credit ninety-eight and 52073
one-half per cent of such remittances to the municipal income tax 52074

fund, which is hereby created in the state treasury, and credit 52075
the remainder to the municipal income tax administrative fund, 52076
which is hereby created in the state treasury. ~~The treasurer of 52077
state shall indicate on the report the date it was filed and the 52078
amount remitted, and immediately shall transmit the report to the 52079
tax commissioner.~~ 52080

(B) Any taxpayer that has been granted an extension for 52081
filing a federal income tax return may request an extension for 52082
filing the return required under this section by filing with the 52083
tax commissioner a copy of the taxpayer's request for the federal 52084
filing extension. The request shall be filed not later than the 52085
last day for filing the return as required under division (A) of 52086
this section. If such a request is properly and timely filed, the 52087
tax commissioner shall extend the last day for filing the return 52088
required under this section for the same period for which the 52089
federal filing extension was granted. The tax commissioner may 52090
deny the filing extension request only if the taxpayer fails to 52091
timely file the request, fails to file a copy of the federal 52092
extension request, owes past due taxes, interest, or penalty under 52093
this chapter, or has failed to file a required report or other 52094
document for a prior taxable year. The granting of an extension 52095
under this section does not extend the last day for paying taxes 52096
without penalty pursuant to this chapter unless the tax 52097
commissioner extends the payment date. 52098

(C) The annual report shall include statements of the 52099
following facts as of the last day of the taxpayer's taxable year: 52100

(1) The name of the taxpayer; 52101

(2) The name of the state or country under the laws of which 52102
it is incorporated; 52103

(3) The location of its principal office in this state and, 52104
in the case of a taxpayer organized under the laws of another 52105

state, the principal place of business in this state and the name	52106
and address of the officer or agent of the taxpayer in charge of	52107
the business conducted in this state;	52108
(4) The names of the president, secretary, treasurer, and	52109
statutory agent in this state, with the post-office address of	52110
each;	52111
(5) The date on which the taxpayer's taxable year begins and	52112
ends;	52113
(6) The taxpayer's federal taxable income during the	52114
taxpayer's taxable year;	52115
(7) Any other information the tax commissioner requires for	52116
the proper administration of this chapter.	52117
(D) The tax commissioner may require any reports required	52118
under this chapter to be filed in an electronic format.	52119
(E) A municipal corporation may not require a taxpayer	52120
required to file a report under this section to file a report of	52121
the taxpayer's income, but a municipal corporation may require a	52122
taxpayer to report to the municipal corporation the value of the	52123
taxpayer's real and tangible personal property situated in the	52124
municipal corporation, compensation paid by the taxpayer to its	52125
employees in the municipal corporation, and sales made in the	52126
municipal corporation by the taxpayer, to the extent necessary for	52127
the municipal corporation to compute the taxpayer's municipal	52128
property, payroll, and sales factors for the municipal	52129
corporation.	52130
(F) On or before the thirty-first day of January each year,	52131
each municipal corporation imposing a tax on income shall certify	52132
to the tax commissioner the rate of the tax in effect on the first	52133
day of January of that year. If any municipal corporation fails to	52134
certify its income tax rate as required by this division, the tax	52135
commissioner shall notify the director of budget and management,	52136

who, upon receiving such notification, shall withhold from each 52137
payment made to the municipal corporation under section 5745.05 of 52138
the Revised Code fifty per cent of the amount of the payment 52139
otherwise due the municipal corporation under that section as 52140
computed on the basis of the tax rate most recently certified 52141
until the municipal corporation certifies the tax rate in effect 52142
on the first day of January of that year. 52143

The tax rate used to determine the tax payable to a municipal 52144
corporation under this section for a taxpayer's taxable year shall 52145
be the tax rate in effect in a municipal corporation on the first 52146
day of January in that taxable year. If a taxpayer's taxable year 52147
is for a period less than twelve months that does not include the 52148
first day of January, the tax rate used to determine the tax 52149
payable to a municipal corporation under this section for the 52150
taxpayer's taxable year shall be the tax rate in effect in a 52151
municipal corporation on the first day of January in the preceding 52152
taxable year. 52153

Sec. 5745.04. (A) As used in this section, "combined tax 52154
liability" means the total of a taxpayer's income tax liabilities 52155
to all municipal corporations in this state for a taxable year. 52156

(B) Beginning with its taxable year beginning in 2003, each 52157
taxpayer shall file a declaration of estimated tax report with, 52158
and remit estimated taxes to the tax commissioner, payable to the 52159
treasurer of state, at the times and in the amounts prescribed in 52160
divisions (B)(1) to (4) of this section. This division also 52161
applies to a taxpayer having a taxable year consisting of fewer 52162
than twelve months, at least one of which is in 2002, that ends 52163
before January 1, 2003. 52164

(1) Not less than twenty-five per cent of the combined tax 52165
liability for the preceding taxable year or twenty per cent of the 52166
combined tax liability for the current taxable year shall have 52167

been remitted not later than the fifteenth day of the fourth month 52168
after the end of the preceding taxable year. 52169

(2) Not less than fifty per cent of the combined tax 52170
liability for the preceding taxable year or forty per cent of the 52171
combined tax liability for the current taxable year shall have 52172
been remitted not later than the fifteenth day of the sixth month 52173
after the end of the preceding taxable year. 52174

(3) Not less than seventy-five per cent of the combined tax 52175
liability for the preceding taxable year or sixty per cent of the 52176
combined tax liability for the current taxable year shall have 52177
been remitted not later than the fifteenth day of the ninth month 52178
after the end of the preceding taxable year. 52179

(4) Not less than one hundred per cent of the combined tax 52180
liability for the preceding taxable year or eighty per cent of the 52181
combined tax liability for the current taxable year shall have 52182
been remitted not later than the fifteenth day of the twelfth 52183
month after the end of the preceding taxable year. 52184

(C) Each taxpayer shall report on the declaration of 52185
estimated tax report the portion of the remittance that the 52186
taxpayer estimates that it owes to each municipal corporation for 52187
the taxable year. 52188

(D) Upon receiving a declaration of estimated tax report and 52189
remittance of estimated taxes under this section, the tax 52190
commissioner shall immediately forward to the treasurer of state 52191
such remittance. The treasurer of state shall credit ninety-eight 52192
and one-half per cent of the remittance to the municipal income 52193
tax fund and credit the remainder to the municipal income tax 52194
administrative fund, ~~and shall transmit the report to the tax~~ 52195
~~commissioner.~~ 52196

(E) If any remittance of estimated taxes is for one thousand 52197
dollars or more, the taxpayer shall make the remittance by 52198

electronic funds transfer as prescribed by section 5745.04 of the Revised Code. 52199
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(F) Notwithstanding section 5745.08 or 5745.09 of the Revised Code, no penalty or interest shall be imposed on a taxpayer if the declaration of estimated tax report is properly filed, and the estimated tax is ~~remitted~~ paid, within the time prescribed by division (B) of this section. 52201
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Sec. 5747.122. (A) The tax commissioner, in accordance with section 5101.184 of the Revised Code, shall cooperate with the director of job and family services to collect overpayments of assistance under Chapter 5107., 5111., or 5115., former Chapter 5113., or ~~sections~~ section 5101.54 ~~to 5101.543~~ of the Revised Code from refunds of state income taxes for taxable year 1992 and thereafter that are payable to the recipients of such overpayments. 52206
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(B) At the request of the department of job and family services in connection with the collection of an overpayment of assistance from a refund of state income taxes pursuant to this section and section 5101.184 of the Revised Code, the tax commissioner shall release to the department the home address and social security number of any recipient of assistance whose overpayment may be collected from a refund of state income taxes under those sections. 52214
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(C) In the case of a joint income tax return for two people who were not married to each other at the time one of them received an overpayment of assistance, only the portion of a refund that is due to the recipient of the overpayment shall be available for collection of the overpayment under this section and section 5101.184 of the Revised Code. The tax commissioner shall determine such portion. A recipient's spouse who objects to the portion as determined by the commissioner may file a complaint 52222
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with the commissioner within twenty-one days after receiving 52230
notice of the collection, and the commissioner shall afford the 52231
spouse an opportunity to be heard on the complaint. The 52232
commissioner shall waive or extend the twenty-one-day period if 52233
the recipient's spouse establishes that such action is necessary 52234
to avoid unjust, unfair, or unreasonable results. After the 52235
hearing, the commissioner shall make a final determination of the 52236
portion of the refund available for collection of the overpayment. 52237

(D) The welfare overpayment intercept fund is hereby created 52238
in the state treasury. The tax commissioner shall deposit amounts 52239
collected from income tax refunds under this section to the credit 52240
of the welfare overpayment intercept fund. The director of job and 52241
family services shall distribute money in the fund in accordance 52242
with appropriate federal or state laws and procedures regarding 52243
collection of welfare overpayments. 52244

Sec. 5747.221. For (A) As used in this section, "investment 52245
pass-through entity" has the same meaning as in section 5733.401 52246
of the Revised Code. 52247

(B) Except as provided in division (C) of this section, for 52248
the purposes of sections 5747.20, 5747.21, and 5747.22 of the 52249
Revised Code, no item of income or deduction shall be allocated or 52250
apportioned to this state to the extent that such item represents 52251
~~or relates to~~ the portion of an adjusted qualifying amount for 52252
which the withholding tax is not imposed under section 5747.41 of 52253
the Revised Code by reason of division (C) of section 5733.401 of 52254
the Revised Code. This section shall be applied without regard to 52255
division (I) of section 5733.40 of the Revised Code. 52256

(C) If a taxpayer has a direct or indirect investment in an 52257
investment pass-through entity that has a direct or indirect 52258
investment in any other pass-through entity, division (B) of this 52259
section does not apply to any item of income, gain, deduction, or 52260

loss where, under section 5747.231 of the Revised Code, the item 52261
is directly or indirectly attributable to either of the following: 52262

(1) A distributive share of income or gain from a 52263
pass-through entity that does not qualify as an investment 52264
pass-through entity; 52265

(2) A pass-through entity's income or gain to which division 52266
(C) of section 5733.401 of the Revised Code does not apply. 52267
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An indirect investment includes any interest that a person 52269
constructively owns on account of the attribution rules set forth 52270
in section 267, 318, or 1563 of the Internal Revenue Code. 52271

Sec. 5747.39. As used in this section, "eligible employee" 52272
and "eligible training costs" have the same meanings as in section 52273
5733.42 of the Revised Code, and "pass-through entity" includes a 52274
sole proprietorship. 52275

For taxable years beginning after ~~December 31, 2000~~ in 2003, 52276
2004, and 2005, there is hereby allowed a nonrefundable credit 52277
against the tax imposed by section 5747.02 of the Revised Code for 52278
a taxpayer that is an investor in a pass-through entity for which 52279
a tax credit certificate is issued under section 5733.42 of the 52280
Revised Code. ~~The~~ For the taxable year beginning in 2003, the 52281
amount of eligible training costs for which a credit may be 52282
claimed by all taxpayers that are investors in an entity shall 52283
equal one-half of the average of the eligible training costs 52284
incurred by the entity during ~~the three~~ calendar years ~~that end in~~ 52285
~~the taxable year for which the credit is claimed~~ 1999, 2000, and 52286
2001, but shall not exceed one thousand dollars for each eligible 52287
employee on account of whom such costs were paid or incurred by 52288
the entity, and the total amount of credits that may be claimed by 52289
all such taxpayers shall not exceed one hundred thousand dollars 52290
each year. ~~Each taxpayer's credit shall be claimed for the~~ 52291

~~taxpayer's taxable year that includes the last day of the third 52292
calendar year of the three-year period during which eligible 52293
training costs are paid or incurred by the entity. The credit may 52294
be claimed for eligible training costs paid or incurred on or 52295
before December 31, 2003. The 52296~~

The amount of a taxpayer's credit for the taxpayer's taxable 52297
year beginning in 2003 shall equal the taxpayer's interest in the 52298
entity on December 31, 2001, multiplied by the credit available to 52299
the entity as computed by the entity. 52300

For the taxable year beginning in 2004, the amount of the 52301
eligible training costs for which a credit may be claimed by all 52302
taxpayers that are investors in an entity shall equal one-half of 52303
the average of the eligible training costs incurred by the entity 52304
during calendar years 2002, 2003, and 2004, but shall not exceed 52305
one thousand dollars for each eligible employee on account of whom 52306
such costs were paid or incurred by the entity, and the total 52307
amount of credits that may be claimed by all such taxpayers shall 52308
not exceed one hundred thousand dollars. The amount of a 52309
taxpayer's credit for the taxpayer's taxable year beginning in 52310
2004 shall equal the taxpayer's interest in the entity on December 52311
31, 2004, multiplied by the credit available to the entity as 52312
computed by the entity. 52313

For the taxable year beginning in 2005, the amount of the 52314
eligible training costs for which a credit may be claimed by all 52315
taxpayers that are investors in an entity shall equal one-half of 52316
the average of the eligible training costs incurred by the entity 52317
during calendar years 2003, 2004, and 2005, but shall not exceed 52318
one thousand dollars for each eligible employee on account of whom 52319
such costs were paid or incurred by the entity, and the total 52320
amount of credits that may be claimed by all such taxpayers shall 52321
not exceed one hundred thousand dollars. The amount of a 52322
taxpayer's credit for the taxpayer's taxable year beginning in 52323

~~2005~~ shall equal the taxpayer's interest in the entity on ~~the last~~ 52324
~~day of the third calendar year of the three-year period ending in~~ 52325
~~or with the last day of the taxpayer's taxable year~~ December 31, 52326
~~2005~~, multiplied by the credit available to the entity as computed 52327
by the entity. 52328

The credit shall be claimed in the order prescribed by 52329
section 5747.98 of the Revised Code. A taxpayer may carry forward 52330
the credit to the extent that the taxpayer's credit exceeds the 52331
taxpayer's tax due after allowing for any other credits that 52332
precede the credit allowed by this section in the order prescribed 52333
by section 5747.98 of the Revised Code. The taxpayer may carry the 52334
excess credit forward for three taxable years following the 52335
taxable year for which the taxpayer first claims the credit under 52336
this section. 52337

A pass-through entity shall apply to the director of job and 52338
family services for a tax credit certificate in the manner 52339
prescribed by division (C) of section 5733.42 of the Revised Code. 52340
Divisions (C) to (H) of that section govern the tax credit allowed 52341
by this section, except that "taxable year" shall be substituted 52342
for "tax year" wherever that phrase appears in those divisions, 52343
and that "pass-through entity" shall be substituted for "taxpayer" 52344
wherever "taxpayer" appears in those divisions. 52345

Sec. 5749.06. Each severer liable for the tax imposed by 52346
section 5749.02 of the Revised Code shall make and file returns 52347
with the tax commissioner in the prescribed form and as of the 52348
prescribed times, computing and reflecting therein the tax as 52349
required by this chapter. 52350

The returns shall be filed for every quarterly period, which 52351
periods shall end on the thirty-first of March, the thirtieth day 52352
of June, the thirtieth day of September, and the thirty-first day 52353
of December of each year, as required by this section, unless a 52354

different return period is prescribed for a taxpayer by the tax commissioner. 52355
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A separate return shall be filed for each calendar quarterly period, or other period, or any part thereof, during which the severer holds a license as provided by section 5749.04 of the Revised Code, or is required to hold such license, and such return shall be filed within forty-five days after the last day of each such calendar month, or other period, or any part thereof, for which such return is required and shall include remittance payable to the treasurer of state of the amount of tax due. All such returns shall contain such information as the commissioner may require to fairly administer the tax. 52357
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All returns shall be signed by the severer, shall contain the full and complete information requested, and shall be made under penalty of perjury. 52367
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If the commissioner believes that quarterly payments of tax would result in a delay which might jeopardize the collection of such tax payments, the commissioner may order that such payments be made weekly, or more frequently if necessary, such payments to be made not later than seven days following the close of the period for which the jeopardy payment is required. Such an order shall be delivered to the taxpayer personally or by certified mail and shall remain in effect until the commissioner notifies the taxpayer to the contrary. 52370
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Upon good cause the commissioner may extend the period for filing any notice or return required to be filed under this section, and may remit all or a part of penalties that may become due under this chapter. 52379
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Any tax not paid by the day the tax is due shall bear interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that amount of tax due from the day 52383
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that such amount was originally required to be paid to the day of 52386
actual payment or to the day an assessment was issued under 52387
section 5749.07 or 5749.10 of the Revised Code, whichever occurs 52388
first. 52389

The severer shall make all payments payable to the treasurer 52390
of state. All amounts that the tax commissioner receives under 52391
this section shall be deemed to be revenue from taxes imposed 52392
under this chapter. The tax commissioner shall immediately forward 52393
to the treasurer of state all amounts received under this section. 52394

Sec. 6109.13. No official, officer, or employee in charge of 52395
or being employed in the maintenance and operation of a public 52396
water system and no other person, ~~or firm, or corporation~~ shall 52397
establish or permit to be established any connection whereby water 52398
from a private, auxiliary, or emergency water system may enter the 52399
public water system, unless ~~such~~ the private, auxiliary, or 52400
emergency water system, and the method of connection and use of 52401
~~such~~ the system, ~~has~~ have been approved by the environmental 52402
protection agency. However, a backflow prevention device shall not 52403
be required when a physical separation exists between the public 52404
water system and the private, auxiliary, or emergency water 52405
system. 52406

As used in this section: 52407

(A) "Backflow prevention device" means any device, method, or 52408
type of construction that is intended to prevent backflow into a 52409
potable water sytem. 52410

(B) "Physical separation" means that there is no direct or 52411
indirect connection between a public water system and a private, 52412
auxiliary, or emergency water system. 52413

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) 52414
of this section, on and after January 1, 1994, no person shall 52415

operate or maintain a public water system in this state without a license issued by the director of environmental protection. A person who operates or maintains a public water system on January 1, 1994, shall obtain an initial license under this section in accordance with the following schedule:

(1) If the public water system is a community water system, not later than January 31, 1994;

(2) If the public water system is not a community water system and serves a nontransient population, not later than January 31, 1994;

(3) If the public water system is not a community water system and serves a transient population, not later than January 31, 1995.

A person proposing to operate or maintain a new public water system after January 1, 1994, in addition to complying with section 6109.07 of the Revised Code and rules adopted under it, shall submit an application for an initial license under this section to the director prior to commencing operation of the system.

A license or license renewal issued under this section shall be renewed annually. Such a license or license renewal shall expire on the thirtieth day of January in the year following its issuance. A license holder that proposes to continue operating the public water system for which the license or license renewal was issued shall apply for a license renewal at least thirty days prior to that expiration date.

The director shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code establishing procedures governing and information to be included on applications for licenses and license renewals under this section. Through June 30, ~~2002~~ 2004, each application shall be accompanied

by the appropriate fee established under division (M) of section 52447
3745.11 of the Revised Code, provided that an applicant for an 52448
initial license who is proposing to operate or maintain a new 52449
public water system after January 1, 1994, shall submit a fee that 52450
equals a prorated amount of the appropriate fee established under 52451
that division for the remainder of the licensing year. 52452

(B) Not later than thirty days after receiving a completed 52453
application and the appropriate license fee for an initial license 52454
under division (A) of this section, the director shall issue the 52455
license for the public water system. Not later than thirty days 52456
after receiving a completed application and the appropriate 52457
license fee for a license renewal under division (A) of this 52458
section, the director shall do one of the following: 52459

(1) Issue the license renewal for the public water system; 52460

(2) Issue the license renewal subject to terms and conditions 52461
that the director determines are necessary to ensure compliance 52462
with this chapter and rules adopted under it; 52463

(3) Deny the license renewal if the director finds that the 52464
public water system was not operated in substantial compliance 52465
with this chapter and rules adopted under it. 52466

(C) The director may suspend or revoke a license or license 52467
renewal issued under this section if the director finds that the 52468
public water system was not operated in substantial compliance 52469
with this chapter and rules adopted under it. The director shall 52470
adopt, and may amend and rescind, rules in accordance with Chapter 52471
119. of the Revised Code governing such suspensions and 52472
revocations. 52473

(D)(1) As used in division (D) of this section, "church" 52474
means a fellowship of believers, congregation, society, 52475
corporation, convention, or association that is formed primarily 52476
or exclusively for religious purposes and that is not formed or 52477

operated for the private profit of any person. 52478

(2) This section does not apply to a church that operates or 52479
maintains a public water system solely to provide water for that 52480
church or for a campground that is owned by the church and 52481
operated primarily or exclusively for members of the church and 52482
their families. A church that, on or before March 5, 1996, has 52483
obtained a license under this section for such a public water 52484
system need not obtain a license renewal under this section. 52485

(E) This section does not apply to any public or nonpublic 52486
school that meets minimum standards of the state board of 52487
education that operates or maintains a public water system solely 52488
to provide water for that school. 52489

Sec. 6111.035. (A) The director of environmental protection, 52490
consistent with the Federal Water Pollution Control Act and the 52491
regulations adopted thereunder, without application therefor, may 52492
issue, modify, revoke, or terminate a general permit under this 52493
chapter for both of the following: 52494

(1) Discharge of stormwater; the discharge of liquids, 52495
sediments, solids, or water-borne mining related waste, such as, 52496
but not limited to, acids, metallic cations, or their salts, from 52497
coal mining and reclamation operations as defined in section 52498
1513.01 of the Revised Code; or treatment works whose discharge 52499
would have de minimis impact on the waters of the state receiving 52500
the discharge; 52501

(2) Installation or modification of disposal systems or any 52502
parts thereof, including disposal systems for stormwater or for 52503
coal mining and reclamation operations as defined in section 52504
1513.01 of the Revised Code. 52505

A general permit shall apply to a class or category of 52506
discharges or disposal systems or to persons conducting similar 52507
activities, within any area of the state, including the entire 52508

state. 52509

A general permit shall not be issued unless the director 52510
determines that the discharges authorized by the permit will have 52511
only minimal cumulative adverse effects on the environment when 52512
the discharges are considered collectively and individually and 52513
if, in the opinion of the director, the discharges, installations, 52514
or modifications authorized by the permit are more appropriately 52515
authorized by a general permit than by an individual permit. 52516

A general permit shall be issued subject to applicable 52517
mandatory provisions and may be issued subject to any applicable 52518
permissive provision of the Federal Water Pollution Control Act 52519
and the regulations adopted thereunder. 52520

The director, at the director's discretion, may require any 52521
person authorized to discharge or to install or modify a disposal 52522
system under a general permit to apply for and obtain an 52523
individual permit for the discharge, installation, or 52524
modification. When a particular discharge, installation, or 52525
modification is subject to an individual permit, a general permit 52526
shall not apply to that discharge, installation, or modification 52527
until the individual permit is revoked, terminated, or modified to 52528
exclude the discharge, installation, or modification. 52529

(B) Notwithstanding any requirement under Chapter 119. of the 52530
Revised Code concerning the manner in which notice of a permit 52531
action is provided, the director shall not be required to provide 52532
certified mail notice to persons subject to the issuance, 52533
modification, revocation, or termination of a general permit under 52534
division (A) of this section. 52535

Notwithstanding section 3745.07 of the Revised Code 52536
concerning the location of newspapers in which notices of permit 52537
actions are published, the director shall cause notice of the 52538
issuance, modification, revocation, or termination of a general 52539

permit to be published in the newspapers of general circulation 52540
determined by the director to provide reasonable notice to persons 52541
affected by the permit action in the geographic area covered by 52542
the general permit within the time periods prescribed by section 52543
3745.07 of the Revised Code. Any notice under this section or 52544
section 3745.07 of the Revised Code concerning the issuance, 52545
modification, revocation, or termination of a general permit shall 52546
include a summary of the permit action and instructions on how to 52547
obtain a copy of the full text of the permit action. The director 52548
may take other appropriate measures, such as press releases and 52549
notice to trade journals, associations, and other persons known to 52550
the director to desire notification, in order to provide notice of 52551
the director's actions concerning the issuance, modification, 52552
revocation, or termination of a general permit; however, the 52553
failure to provide such notice shall not invalidate any general 52554
permit. 52555

(C) Notwithstanding any other provision of the Revised Code, 52556
a person subject to the proposed issuance, modification, 52557
revocation, or termination of a general permit under division (A) 52558
of this section may request an adjudication hearing pursuant to 52559
section 119.07 of the Revised Code concerning the proposed action 52560
within thirty days after publication of the notice of the proposed 52561
action in newspapers of general circulation pursuant to division 52562
(B) of this section. This division shall not be interpreted to 52563
affect the authority of the director to take actions on general 52564
permits in forms other than proposed general permits. 52565

(D) The director may exercise all incidental powers required 52566
to carry out this section, including, without limitation, the 52567
adoption, amendment, and rescission of rules to implement a 52568
general permit program for classes or categories of dischargers or 52569
disposal systems. 52570

(E) On and after the date on which the United States 52571

environmental protection agency approves the NPDES program 52572
submitted by the director of agriculture under section 903.08 of 52573
the Revised Code, this section does not apply to storm water from 52574
an animal feeding facility, as defined in section 903.01 of the 52575
Revised Code, or to manure, as defined in that section. 52576

(F) As used in this section, "Federal Water Pollution Control 52577
Act" means the "Federal Water Pollution Control Act Amendments of 52578
1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean 52579
Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, the "Act of 52580
October 21, 1980," 94 Stat. 2360, 33 U.S.C.A. 1254, the "Municipal 52581
Wastewater Treatment Construction Grant Amendments of 1981," 95 52582
Stat. 1623, 33 U.S.C.A. 1281, and the "Water Quality Act of 1987," 52583
101 Stat. 7, 33 U.S.C.A. 1251. 52584

Sec. 6111.044. Upon receipt of an application for an 52585
injection well drilling permit, an injection well operating 52586
permit, a renewal of an injection well operating permit, or a 52587
modification of an injection well drilling permit, operating 52588
permit, or renewal of an operating permit, the director of 52589
environmental protection shall determine whether the application 52590
is complete and demonstrates that the activities for which the 52591
permit, renewal permit, or modification is requested will comply 52592
with the Federal Water Pollution Control Act and regulations 52593
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 52594
(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted 52595
under it; and this chapter and the rules adopted under it. If the 52596
application demonstrates that the proposed activities will not 52597
comply or will pose an unreasonable risk of inducing seismic 52598
activity, inducing geologic fracturing, or contamination of an 52599
underground source of drinking water, the director shall deny the 52600
application. If the application does not make the required 52601
demonstrations, the director shall return it to the applicant with 52602
an indication of those matters about which a required 52603

demonstration was not made. If the director determines that the application makes the required demonstrations, the director shall transmit copies of the application and all of the accompanying maps, data, samples, and information to the chief of the division of mineral resources management, the chief of the division of geological survey, and the chief of the division of water in the department of natural resources.

The chief of the division of geological survey shall comment upon the application if the chief determines that the proposed well or injection will present an unreasonable risk of loss or damage to valuable mineral resources. If the chief submits comments on the application, those comments shall be accompanied by an evaluation of the geological factors upon which the comments are based, including fractures, faults, earthquake potential, and the porosity and permeability of the injection zone and confining zone, and by the documentation supporting the evaluation. The director shall take into consideration the chief's comments, and the accompanying evaluation of geologic factors and supporting documentation, when considering the application. The director shall provide written notice to the chief of the director's decision on the application and, if the chief's comments are not included in the permit, renewal permit, or modification, of the director's rationale for not including them.

The chief of the division of mineral resources management shall comment upon the application if the chief determines that the proposed well or injection will present an unreasonable risk that waste or contamination of recoverable oil or gas in the earth will occur. If the chief submits comments on the application, those comments shall be accompanied by an evaluation of the oil or gas reserves that, in the best professional judgment of the chief, are recoverable and will be adversely affected by the proposed well or injection, and by the documentation supporting the

evaluation. The director shall take into consideration the chief's 52636
comments, and the accompanying evaluation and supporting 52637
documentation, when considering the application. The director 52638
shall provide written notice to the chief of the director's 52639
decision on the application and, if the chief's comments are not 52640
included in the permit, renewal permit, or modification, of the 52641
director's rationale for not including them. 52642

The chief of the division of water shall assist the director 52643
in determining whether all underground sources of drinking water 52644
in the area of review of the proposed well or injection have been 52645
identified and correctly delineated in the application. If the 52646
application fails to identify or correctly delineate an 52647
underground source of drinking water, the chief shall provide 52648
written notice of that fact to the director. 52649

The chief of the division of mineral resources management 52650
also shall review the application as follows: 52651

If the application concerns the drilling or conversion of a 52652
well or the injection into a well that is not or is not to be 52653
located within five thousand feet of the excavation and workings 52654
of a mine, the chief of the division of mineral resources 52655
management shall note upon the application that it has been 52656
examined by the division of mineral resources management, retain a 52657
copy of the application and map, and immediately return a copy of 52658
the application to the director. 52659

If the application concerns the drilling or conversion of a 52660
well or the injection into a well that is or is to be located 52661
within five thousand feet, but more than five hundred feet from 52662
the surface excavations and workings of a mine, the chief of the 52663
division of mineral resources management immediately shall notify 52664
the owner or lessee of the mine that the application has been 52665
filed and send to the owner or lessee a copy of the map 52666
accompanying the application setting forth the location of the 52667

well. The chief of the division of mineral resources management 52668
shall note on the application that the notice has been sent to the 52669
owner or lessee of the mine, retain a copy of the application and 52670
map, and immediately return a copy of the application to the 52671
director with the chief's notation on it. 52672

If the application concerns the drilling or conversion of a 52673
well or the injection into a well that is or is to be located 52674
within five thousand feet of the underground excavations and 52675
workings of a mine or within five hundred feet of the surface 52676
excavations and workings of a mine, the chief of the division of 52677
mineral resources management immediately shall notify the owner or 52678
lessee of the mine that the application has been filed and send to 52679
the owner or lessee a copy of the map accompanying the application 52680
setting forth the location of the well. If the owner or lessee 52681
objects to the application, the owner or lessee shall notify the 52682
chief of the division of mineral resources management of the 52683
objection, giving the reasons, within six days after the receipt 52684
of the notice. If the chief of the division of mineral resources 52685
management receives no objections from the owner or lessee of the 52686
mine within ten days after the receipt of the notice by the owner 52687
or lessee, or if in the opinion of the chief of the division of 52688
mineral resources management the objections offered by the owner 52689
or lessee are not sufficiently well-founded, the chief shall 52690
retain a copy of the application and map and return a copy of the 52691
application to the director with any applicable notes concerning 52692
it. 52693

If the chief of the division of mineral resources management 52694
receives an objection from the owner or lessee of the mine as to 52695
the application, within ten days after receipt of the notice by 52696
the owner or lessee, and if in the opinion of the chief the 52697
objection is well-founded, the chief shall disapprove the 52698
application and immediately return it to the director together 52699

with the chief's reasons for the disapproval. The director 52700
promptly shall notify the applicant for the permit, renewal 52701
permit, or modification of the disapproval. The applicant may 52702
appeal the disapproval of the application by the chief of the 52703
division of mineral resources management to the ~~mine-examining~~ 52704
~~board~~ reclamation commission created under section ~~1561.10~~ 1513.05 52705
of the Revised Code, and the ~~board~~ commission shall hear the 52706
appeal in accordance with section ~~1561.53~~ 1513.13 of the Revised 52707
Code. The appeal shall be filed within thirty days from the date 52708
the applicant receives notice of the disapproval. No comments 52709
concerning or disapproval of an application shall be delayed by 52710
the chief of the division of mineral resources management for more 52711
than fifteen days from the date of sending of notice to the mine 52712
owner or lessee as required by this section. 52713

The director shall not approve an application for an 52714
injection well drilling permit, an injection well operating 52715
permit, a renewal of an injection well operating permit, or a 52716
modification of an injection well drilling permit, operating 52717
permit, or renewal of an operating permit for a well that is or is 52718
to be located within three hundred feet of any opening of any mine 52719
used as a means of ingress, egress, or ventilation for persons 52720
employed in the mine, nor within one hundred feet of any building 52721
or flammable structure connected with the mine and actually used 52722
as a part of the operating equipment of the mine, unless the chief 52723
of the division of mineral resources management determines that 52724
life or property will not be endangered by drilling and operating 52725
the well in that location. 52726

Upon review by the chief of the division of mineral resources 52727
management, the chief of the division of geological survey, and 52728
the chief of the division of water, and if the chief of the 52729
division of mineral resources management has not disapproved the 52730
application, the director shall issue a permit, renewal permit, or 52731

modification with any terms and conditions that may be necessary 52732
to comply with the Federal Water Pollution Control Act and 52733
regulations adopted under it; the "Safe Drinking Water Act," 88 52734
Stat. 1661 (1974), 42 U.S.C.A. 300(f) as amended, and regulations 52735
adopted under it; and this chapter and the rules adopted under it. 52736
The director shall not issue a permit, renewal permit, or 52737
modification to an applicant if the applicant or persons 52738
associated with the applicant have engaged in or are engaging in a 52739
substantial violation of this chapter that is endangering or may 52740
endanger human health or the environment or if, in the case of an 52741
applicant for an injection well drilling permit, the applicant, at 52742
the time of applying for the permit, did not hold an injection 52743
well operating permit or renewal of an injection well drilling 52744
permit and failed to demonstrate sufficient expertise and 52745
competency to operate the well in compliance with the applicable 52746
provisions of this chapter. 52747

If the director receives a disapproval from the chief of the 52748
division of mineral resources management regarding an application 52749
for an injection well drilling or operating permit, renewal 52750
permit, or modification, if required, the director shall issue an 52751
order denying the application. 52752

The director need not issue a proposed action under section 52753
3745.07 of the Revised Code or hold an adjudication hearing under 52754
that section and Chapter 119. of the Revised Code before issuing 52755
or denying a permit, renewal permit, or modification of a permit 52756
or renewal permit. Before issuing or renewing a permit to drill or 52757
operate a class I injection well or a modification of it, the 52758
director shall propose the permit, renewal permit, or modification 52759
in draft form and shall hold a public hearing to receive public 52760
comment on the draft permit, renewal permit, or modification. At 52761
least fifteen days before the public hearing on a draft permit, 52762
renewal permit, or modification, the director shall publish notice 52763

of the date, time, and location of the public hearing in at least 52764
one newspaper of general circulation serving the area where the 52765
well is or is to be located. The proposing of such a draft permit, 52766
renewal permit, or modification does not constitute the issuance 52767
of a proposed action under section 3745.07 of the Revised Code, 52768
and the holding of the public hearing on such a draft permit, 52769
renewal permit, or modification does not constitute the holding of 52770
an adjudication hearing under that section and Chapter 119. of the 52771
Revised Code. Appeals of orders other than orders of the chief of 52772
the division of mineral resources management shall be taken under 52773
sections 3745.04 to 3745.08 of the Revised Code. 52774

The director may order that an injection well drilling permit 52775
or an injection well operating permit or renewal permit be 52776
suspended and that activities under it cease after determining 52777
that those activities are occurring in violation of law, rule, 52778
order, or term or condition of the permit. Upon service of a copy 52779
of the order upon the permit holder or the permit holder's 52780
authorized agent or assignee, the permit and activities under it 52781
shall be suspended immediately without prior hearing and shall 52782
remain suspended until the violation is corrected and the order of 52783
suspension is lifted. If a violation is the second within a 52784
one-year period, the director, after a hearing, may revoke the 52785
permit. 52786

The director may order that an injection well drilling permit 52787
or an injection well operating permit or renewal permit be 52788
suspended and that activities under it cease if the director has 52789
reasonable cause to believe that the permit would not have been 52790
issued if the information available at the time of suspension had 52791
been available at the time a determination was made by one of the 52792
agencies acting under authority of this section. Upon service of a 52793
copy of the order upon the permit holder or the permit holder's 52794
authorized agent or assignee, the permit and activities under it 52795

shall be suspended immediately without prior hearing, but a permit 52796
may not be suspended for that reason without prior hearing unless 52797
immediate suspension is necessary to prevent waste or 52798
contamination of oil or gas, comply with the Federal Water 52799
Pollution Control Act and regulations adopted under it; the "Safe 52800
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 52801
amended, and regulations adopted under it; and this chapter and 52802
the rules adopted under it, or prevent damage to valuable mineral 52803
resources, prevent contamination of an underground source of 52804
drinking water, or prevent danger to human life or health. If 52805
after a hearing the director determines that the permit would not 52806
have been issued if the information available at the time of the 52807
hearing had been available at the time a determination was made by 52808
one of the agencies acting under authority of this section, the 52809
director shall revoke the permit. 52810

When a permit has been revoked, the permit holder or other 52811
person responsible for it immediately shall plug the well in the 52812
manner required by the director. 52813

The director may issue orders to prevent or require cessation 52814
of violations of this section, section 6111.043, 6111.045, 52815
6111.046, or 6111.047 of the Revised Code, rules adopted under any 52816
of those sections, and terms or conditions of permits issued under 52817
any of them. The orders may require the elimination of conditions 52818
caused by the violation. 52819

Section 2. That existing sections 9.03, 9.06, 9.821, 9.822, 52820
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5111.341, 5111.88, 5126.054, 5139.28, and 5741.18 of the Revised 52912
Code are hereby repealed. 52913

Section 3. That sections 1517.05, 1517.06, and 1517.07 of the 52914
Revised Code be amended to read as follows: 52915

Sec. 1517.05. The department of natural resources, for and on 52916
behalf of the state, shall acquire a system of nature preserves 52917
for the following uses and purposes: 52918

(A) For scientific research in such fields as ecology, 52919
taxonomy, genetics, forestry, pharmacology, agriculture, soil 52920
science, geology, paleontology, conservation, and similar fields; 52921

(B) For the teaching of biology, natural history, ecology,	52922
geology, conservation, and other subjects;	52923
(C) As habitats for plant and animal species and communities	52924
and other natural objects;	52925
(D) As reservoirs of natural materials;	52926
(E) As places of natural interest and beauty;	52927
(F) For visitation whereby persons may observe and experience	52928
natural biotic and environmental systems of the earth and their	52929
processes;	52930
(G) To promote understanding and appreciation of the	52931
aesthetic, cultural, scientific, and spiritual values of such	52932
areas by the people of the state;	52933
(H) For the preservation and protection of nature preserves	52934
against modification or encroachment resulting from occupation,	52935
development, or other use that would destroy their natural or	52936
aesthetic conditions.	52937
The director of natural resources, upon the advice and	52938
concurrence of the Ohio natural areas council, shall accept	52939
natural areas by articles of dedication or gift, provided that	52940
funds and services are available for their preservation and	52941
protection.	52942
A nature preserve is established when articles of dedication	52943
have been filed by or at the direction of the owner of land, or a	52944
governmental agency having ownership or control thereof, in the	52945
office of the county recorder of the county in which the land is	52946
located.	52947
Articles of dedication shall be executed by the owner of the	52948
land in the same manner and with the same effect as a conveyance	52949
of an interest in land and shall be irrevocable except as provided	52950
in this section. The county recorder may not accept articles of	52951

dedication for recording unless they have been accepted by the 52952
director of natural resources. The director may not accept 52953
articles of dedication unless they contain terms restricting the 52954
use of the land that adequately provide for its preservation and 52955
protection against modification or encroachment resulting from 52956
occupation, development, or other use that would destroy its 52957
natural or aesthetic conditions for one or more of the uses and 52958
purposes set forth in this section. Wherever possible and 52959
consistent with such preservation and protection of the land, the 52960
articles shall provide for public access in order that the maximum 52961
benefit be obtained for the uses and purposes stated in this 52962
section. 52963

Articles of dedication may contain provisions for the 52964
management, custody, and transfer of land, provisions defining the 52965
rights of the owner or operating agency, and the department, and 52966
such other provisions as may be necessary or advisable to carry 52967
out the uses and purposes for which the land is dedicated. They 52968
may contain conditions under which the owner and the director of 52969
natural resources may agree to rescind the articles. 52970

The attorney general, upon request of the director of natural 52971
resources, may bring an action for injunction in any court of 52972
competent jurisdiction to enforce the terms of articles of 52973
dedication. 52974

The department may make or accept amendments of any articles 52975
of dedication upon terms and conditions that ~~the director of~~ 52976
~~natural resources determines~~ will not destroy the natural or 52977
aesthetic conditions of a preserve, ~~including amendments that are~~ 52978
~~in regard to a dedicated preserve not owned in fee simple by the~~ 52979
~~department and that provide for the relocation of an existing~~ 52980
~~easement, license, or right of way within the boundaries of the~~ 52981
~~preserve if the relocation best serves to protect the natural or~~ 52982
~~aesthetic condition of the preserve.~~ If the fee simple interest in 52983

the area or preserve is not held by the state, no amendments shall 52984
be made without the written consent of the owner. Each amendment 52985
shall be recorded in the same manner as the articles of 52986
dedication. 52987

Sec. 1517.06. ~~(A)~~ Nature preserves dedicated under section 52988
1517.05 of the Revised Code are to be held in trust, for the uses 52989
and purposes set forth in that section, for the benefit of the 52990
people of the state of present and future generations. They shall 52991
be managed and protected in the manner approved by, and subject to 52992
rules established by the chief of the division of natural areas 52993
and preserves. They shall not be taken for any other use except 52994
another public use after a finding by the department of natural 52995
resources of the existence of an imperative and unavoidable public 52996
necessity for such other public use and with the approval of the 52997
governor. Except as may otherwise be provided in the articles of 52998
dedication, the department may grant, upon such terms and 52999
conditions as it may determine, an estate, interest, or right in, 53000
or dispose of, a nature preserve, but only after a finding by the 53001
department of the existence of an imperative and unavoidable 53002
public necessity for ~~such~~ the grant or disposition and with the 53003
approval of the governor. 53004

~~(B) For purposes of this section, the relocation of an 53005
existing easement, license, or right of way within the boundaries 53006
of a preserve does not constitute the taking of land for another 53007
use. In addition, the relocation does not require a finding of the 53008
existence of an imperative and unavoidable public necessity by the 53009
department and does not require the approval of the governor. 53010~~

Sec. 1517.07. ~~(A) Except as provided in division (B) of this 53011
section, before Before the department of natural resources makes 53012
any finding of the existence of an imperative and unavoidable 53013
public necessity, or grants any estate, interest, or right in a 53014~~

nature preserve or disposes of a nature preserve or of any estate, 53015
interest, or right therein as provided in section 1517.06 of the 53016
Revised Code, it shall give notice of the proposed action and an 53017
opportunity for any person to be heard at a public hearing in the 53018
county in which the preserve is located. In the event the preserve 53019
is located in more than one county, the public hearing shall be 53020
held in the most populous county. The notice shall be published at 53021
least once in a newspaper with a general circulation in the county 53022
in which the nature preserve is located. The notice shall set 53023
forth the substance of the proposed action and describe, with or 53024
without legal description, the nature preserve affected, and shall 53025
specify a place and time not less than thirty days after the 53026
publication for a public hearing before the department on the 53027
proposed action. All persons desiring to be heard shall have a 53028
reasonable opportunity to be heard prior to action by the 53029
department on ~~such~~ the proposal. 53030

~~(B) A public hearing under this section is not required for 53031
the relocation of an existing easement, license, or right of way 53032
within the boundaries of a preserve. 53033~~

Section 3a. That existing sections 1517.05, 1517.06, and 53034
1517.07 of the Revised Code are hereby repealed. 53035

Section 3b. Sections 3 and 3a of this act take effect two 53036
years after the effective date of this section. 53037

Section 4. That the versions of sections 5139.29, 5139.31, 53038
and 5705.19 of the Revised Code that are scheduled to take effect 53039
January 1, 2002, be amended to read as follows: 53040

Sec. 5139.29. The department of youth services shall adopt 53041
and promulgate regulations prescribing the method of calculating 53042
the amount of and the time and manner for the payment of financial 53043

assistance granted under sections 5139.27, and 5139.271, ~~and~~ 53044
~~5139.28~~ of the Revised Code, for the construction or acquisition 53045
of a district detention facility established under section 2152.41 53046
of the Revised Code, or for the construction and maintenance of a 53047
school, forestry camp, or other facility established under section 53048
2151.65 of the Revised Code. 53049

Sec. 5139.31. The department of youth services may inspect 53050
any school, forestry camp, district detention facility, or other 53051
facility for which an application for financial assistance has 53052
been made to the department under section 2152.43, or 2151.651, ~~or~~ 53053
~~2151.652~~ of the Revised Code or for which financial assistance has 53054
been granted by the department under section 5139.27, 5139.271, 53055
~~5139.28~~, or 5139.281 of the Revised Code. The inspection may 53056
include, but need not be limited to, examination and evaluation of 53057
the physical condition of the school, forestry camp, district 53058
detention facility, or other facility, including any equipment 53059
used in connection with it; observation and evaluation of the 53060
training and treatment of children admitted to it; examination and 53061
analysis and copying of any papers, records, or other documents 53062
relating to the qualifications of personnel, the commitment of 53063
children to it, and its administration. 53064

Sec. 5705.19. This section does not apply to school districts 53065
or county school financing districts. 53066

The taxing authority of any subdivision at any time and in 53067
any year, by vote of two-thirds of all the members of the taxing 53068
authority, may declare by resolution and certify the resolution to 53069
the board of elections not less than seventy-five days before the 53070
election upon which it will be voted that the amount of taxes that 53071
may be raised within the ten-mill limitation will be insufficient 53072
to provide for the necessary requirements of the subdivision and 53073
that it is necessary to levy a tax in excess of that limitation 53074

for any of the following purposes:	53075
(A) For current expenses of the subdivision, except that the	53076
total levy for current expenses of a detention facility district	53077
or district organized under section 2151.65 of the Revised Code	53078
shall not exceed two mills and that the total levy for current	53079
expenses of a combined district organized under sections 2152.41	53080
and 2151.65 of the Revised Code shall not exceed four mills;	53081
(B) For the payment of debt charges on certain described	53082
bonds, notes, or certificates of indebtedness of the subdivision	53083
issued subsequent to January 1, 1925;	53084
(C) For the debt charges on all bonds, notes, and	53085
certificates of indebtedness issued and authorized to be issued	53086
prior to January 1, 1925;	53087
(D) For a public library of, or supported by, the subdivision	53088
under whatever law organized or authorized to be supported;	53089
	53090
(E) For a municipal university, not to exceed two mills over	53091
the limitation of one mill prescribed in section 3349.13 of the	53092
Revised Code;	53093
(F) For the construction or acquisition of any specific	53094
permanent improvement or class of improvements that the taxing	53095
authority of the subdivision may include in a single bond issue;	53096
(G) For the general construction, reconstruction,	53097
resurfacing, and repair of streets, roads, and bridges in	53098
municipal corporations, counties, or townships;	53099
(H) For recreational purposes;	53100
(I) For the purpose of providing and maintaining fire	53101
apparatus, appliances, buildings, or sites therefor, or sources of	53102
water supply and materials therefor, or the establishment and	53103
maintenance of lines of fire alarm telegraph, or the payment of	53104

permanent, part-time, or volunteer firefighters or firefighting 53105
companies to operate the same, including the payment of the 53106
firefighter employers' contribution required under section 742.34 53107
of the Revised Code, or the purchase of ambulance equipment, or 53108
the provision of ambulance, paramedic, or other emergency medical 53109
services operated by a fire department or firefighting company; 53110

(J) For the purpose of providing and maintaining motor 53111
vehicles, communications, and other equipment used directly in the 53112
operation of a police department, or the payment of salaries of 53113
permanent police personnel, including the payment of the police 53114
officer employers' contribution required under section 742.33 of 53115
the Revised Code, or the payment of the costs incurred by 53116
townships as a result of contracts made with other political 53117
subdivisions in order to obtain police protection, or the 53118
provision of ambulance or emergency medical services operated by a 53119
police department; 53120

(K) For the maintenance and operation of a county home or 53121
detention facility; 53122

(L) For community mental retardation and developmental 53123
disabilities programs and services pursuant to Chapter 5126. of 53124
the Revised Code, except that the procedure for such levies shall 53125
be as provided in section 5705.222 of the Revised Code; 53126

(M) For regional planning; 53127

(N) For a county's share of the cost of maintaining and 53128
operating schools, district detention facilities, forestry camps, 53129
or other facilities, or any combination thereof, established under 53130
section 2152.41 or 2151.65 of the Revised Code or both of those 53131
sections; 53132

(O) For providing for flood defense, providing and 53133
maintaining a flood wall or pumps, and other purposes to prevent 53134
floods; 53135

(P) For maintaining and operating sewage disposal plants and facilities;	53136 53137
(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 section 306.06 of the Revised Code;	53138 53139 53140 53141 53142 53143 53144
(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;	53145 53146 53147 53148
(S) For the prevention, control, and abatement of air pollution;	53149 53150
(T) For maintaining and operating cemeteries;	53151
(U) For providing ambulance service, emergency medical service, or both;	53152 53153
(V) For providing for the collection and disposal of garbage or refuse, including yard waste;	53154 53155
(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;	53156 53157 53158
(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;	53159 53160
(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;	53161 53162 53163
(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the	53164 53165

Revised Code;	53166
(AA) For the maintenance and operation of a free public museum of art, science, or history;	53167 53168
(BB) For the establishment and operation of a 9-1-1 system, as defined in section 4931.40 of the Revised Code;	53169 53170
(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.	53171 53172 53173 53174 53175
(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;	53176 53177 53178
(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;	53179 53180 53181 53182 53183
(FF) For the purpose of acquiring, establishing, constructing, improving, equipping, maintaining, or operating, or any combination of the foregoing, a township airport, landing field, or other air navigation facility pursuant to section 505.15 of the Revised Code;	53184 53185 53186 53187 53188
(GG) For the payment of costs incurred by a township as a result of a contract made with a county pursuant to section 505.263 of the Revised Code in order to pay all or any part of the cost of constructing, maintaining, repairing, or operating a water supply improvement;	53189 53190 53191 53192 53193
(HH) For a board of township trustees to acquire, other than by appropriation, an ownership interest in land, water, or	53194 53195

wetlands, or to restore or maintain land, water, or wetlands in 53196
which the board has an ownership interest, not for purposes of 53197
recreation, but for the purposes of protecting and preserving the 53198
natural, scenic, open, or wooded condition of the land, water, or 53199
wetlands against modification or encroachment resulting from 53200
occupation, development, or other use, which may be styled as 53201
protecting or preserving "greenspace" in the resolution, notice of 53202
election, or ballot form; 53203

(II) For the support by a county of a crime victim assistance 53204
program that is provided and maintained by a county agency or a 53205
private, nonprofit corporation or association under section 307.62 53206
of the Revised Code; 53207

(JJ) For any or all of the purposes set forth in divisions 53208
(I) and (J) of this section. This division applies only to a 53209
township. 53210

(KK) For a countywide public safety communications system 53211
under section 307.63 of the Revised Code. This division applies 53212
only to counties. 53213

(LL) For the support by a county of criminal justice services 53214
under section 307.45 of the Revised Code; 53215

(MM) For the purpose of maintaining and operating a jail or 53216
other detention facility as defined in section 2921.01 of the 53217
Revised Code; 53218

(NN) For purchasing, maintaining, or improving, or any 53219
combination of the foregoing, real estate on which to hold 53220
agricultural fairs. This division applies only to a county. 53221

(OO) For constructing, rehabilitating, repairing, or 53222
maintaining sidewalks, walkways, trails, bicycle pathways, or 53223
similar improvements, or acquiring ownership interests in land 53224
necessary for the foregoing improvements, by a board of township 53225
trustees; 53226

(PP) For both of the purposes set forth in divisions (G) and (OO) of this section. This division applies only to a township. 53227
53228

(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township. 53229
53230

(RR) For the legislative authority of a municipal corporation, board of county commissioners of a county, or board of township trustees of a township to acquire agricultural easements, as defined in section 5301.67 of the Revised Code, and to supervise and enforce the easements. 53231
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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. 53236
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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. 53238
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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: 53245
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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. 53251
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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: 53254
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(a) For the current expenses for a detention facility 53256

district, a district organized under section 2151.65 of the
Revised Code, or a combined district organized under sections
2152.41 and 2151.65 of the Revised Code;

(b) For providing a county's share of the cost of maintaining
and operating schools, district detention facilities, forestry
camps, or other facilities, or any combination thereof,
established under section 2152.41 or 2151.65 of the Revised Code
or under both of those sections.

(3) When the additional rate is for any of the following, the
increased rate may be for a continuing period of time:

(a) For the purposes set forth in division (I), (J), (U), or
(KK) of this section;

(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 53287
or permanently reduced by the taxing authority if it adopts a 53288
resolution stating that the continuance of the levy is unnecessary 53289
and the levy shall be terminated or that the millage is excessive 53290
and the levy shall be decreased by a designated amount. 53291

A resolution of a detention facility district, a district 53292
organized under section 2151.65 of the Revised Code, or a combined 53293
district organized under both sections 2152.41 and 2151.65 of the 53294
Revised Code may include both current expenses and other purposes, 53295
provided that the resolution shall apportion the annual rate of 53296
levy between the current expenses and the other purpose or 53297
purposes. The apportionment need not be the same for each year of 53298
the levy, but the respective portions of the rate actually levied 53299
each year for the current expenses and the other purpose or 53300
purposes shall be limited by the apportionment. 53301

Whenever a board of county commissioners, acting either as 53302
the taxing authority of its county or as the taxing authority of a 53303
sewer district or subdistrict created under Chapter 6117. of the 53304
Revised Code, by resolution declares it necessary to levy a tax in 53305
excess of the ten-mill limitation for the purpose of constructing, 53306
improving, or extending sewage disposal plants or sewage systems, 53307
the tax may be in effect for any number of years not exceeding 53308
twenty, and the proceeds of the tax, notwithstanding the general 53309
provisions of this section, may be used to pay debt charges on any 53310
obligations issued and outstanding on behalf of the subdivision 53311
for the purposes enumerated in this paragraph, provided that any 53312
such obligations have been specifically described in the 53313
resolution. 53314

The resolution shall go into immediate effect upon its 53315
passage, and no publication of the resolution is necessary other 53316
than that provided for in the notice of election. 53317

When the electors of a subdivision have approved a tax levy 53318

under this section, the taxing authority of the subdivision may 53319
anticipate a fraction of the proceeds of the levy and issue 53320
anticipation notes in accordance with section 5705.191 or 5705.193 53321
of the Revised Code. 53322

Section 4a. That the existing versions of sections 5139.29, 53323
5139.31, and 5705.19 and the version of section 2151.652 of the 53324
Revised Code that are scheduled to take effect January 1, 2002, 53325
are hereby repealed. 53326

Section 5. Sections 4 and 4a of this act shall take effect on 53327
January 1, 2002. 53328

Section 6. That the versions of sections 5139.01 and 5139.11 53329
of the Revised Code that are scheduled to take effect January 1, 53330
2002, be amended to read as follows: 53331

Sec. 5139.01. (A) As used in this chapter: 53332

(1) "Commitment" means the transfer of the physical custody 53333
of a child or youth from the court to the department of youth 53334
services. 53335

(2) "Permanent commitment" means a commitment that vests 53336
legal custody of a child in the department of youth services. 53337

(3) "Legal custody," insofar as it pertains to the status 53338
that is created when a child is permanently committed to the 53339
department of youth services, means a legal status in which the 53340
department has the following rights and responsibilities: the 53341
right to have physical possession of the child; the right and duty 53342
to train, protect, and control the child; the responsibility to 53343
provide the child with food, clothing, shelter, education, and 53344
medical care; and the right to determine where and with whom the 53345
child shall live, subject to the minimum periods of, or periods 53346

of, institutional care prescribed in sections 2152.13 to 2152.18 53347
of the Revised Code; provided, that these rights and 53348
responsibilities are exercised subject to the powers, rights, 53349
duties, and responsibilities of the guardian of the person of the 53350
child, and subject to any residual parental rights and 53351
responsibilities. 53352

(4) Unless the context requires a different meaning, 53353
"institution" means a state facility that is created by the 53354
general assembly and that is under the management and control of 53355
the department of youth services or a private entity with which 53356
the department has contracted for the institutional care and 53357
custody of felony delinquents. 53358

(5) "Full-time care" means care for twenty-four hours a day 53359
for over a period of at least two consecutive weeks. 53360

(6) "Placement" means the conditional release of a child 53361
under the terms and conditions that are specified by the 53362
department of youth services. The department shall retain legal 53363
custody of a child released pursuant to division (C) of section 53364
2152.22 of the Revised Code or division (C) of section 5139.06 of 53365
the Revised Code until the time that it discharges the child or 53366
until the legal custody is terminated as otherwise provided by 53367
law. 53368

(7) "Home placement" means the placement of a child in the 53369
home of the child's parent or parents or in the home of the 53370
guardian of the child's person. 53371

(8) "Discharge" means that the department of youth services' 53372
legal custody of a child is terminated. 53373

(9) "Release" means the termination of a child's stay in an 53374
institution and the subsequent period during which the child 53375
returns to the community under the terms and conditions of 53376
supervised release. 53377

- (10) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code. 53378
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- (11) "Felony delinquent" means any child who is at least twelve years of age but less than eighteen years of age and who is adjudicated a delinquent child for having committed an act that if committed by an adult would be a felony. "Felony delinquent" includes any adult who is between the ages of eighteen and twenty-one and who is in the legal custody of the department of youth services for having committed an act that if committed by an adult would be a felony. 53380
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- (12) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code. 53388
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- (13) "Public safety beds" means all of the following: 53390
- (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; 53391
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- (b) Felony delinquents who, while committed to the department of youth services and in the care and custody of an institution or a community corrections facility, are adjudicated delinquent children for having committed in that institution or community corrections facility an act that if committed by an adult would be a felony; 53398
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- (c) Children who satisfy all of the following: 53404
- (i) They are at least twelve years of age but less than eighteen years of age. 53405
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- (ii) They are adjudicated delinquent children for having 53407

committed acts that if committed by an adult would be a felony. 53408

(iii) They are committed to the department of youth services 53409
by the juvenile court of a county that has had one-tenth of one 53410
per cent or less of the statewide adjudications for felony 53411
delinquents as averaged for the past four fiscal years. 53412

(iv) They are in the care and custody of an institution or a 53413
community corrections facility. 53414

(d) Felony delinquents who, while committed to the department 53415
of youth services and in the care and custody of an institution, 53416
commit in that institution an act that if committed by an adult 53417
would be a felony, who are serving disciplinary time for having 53418
committed that act, and who have been institutionalized or 53419
institutionalized in a secure facility for the minimum period of 53420
time specified in divisions (A)(1)(b) to (e) of section 2152.16 of 53421
the Revised Code. 53422

(e) Felony delinquents who are subject to and serving a 53423
three-year period of commitment order imposed by a juvenile court 53424
pursuant to divisions (A) and (B) of section 2152.17 of the 53425
Revised Code for an act, other than a violation of section 2911.11 53426
of the Revised Code, that would be a category one offense or 53427
category two offense if committed by an adult. 53428

(f) Felony delinquents who are described in divisions 53429
(A)(13)(a) to (e) of this section, who have been granted a 53430
judicial release to court supervision under division (B) of 53431
section 2152.22 of the Revised Code or a judicial release to the 53432
department of youth services supervision under division (C) of 53433
that section from the commitment to the department of youth 53434
services for the act described in divisions (A)(13)(a) to (e) of 53435
this section, who have violated the terms and conditions of that 53436
release, and who, pursuant to an order of the court of the county 53437
in which the particular felony delinquent was placed on release 53438

that is issued pursuant to division (D) of section 2152.22 of the Revised Code, have been returned to the department for institutionalization or institutionalization in a secure facility.

(g) Felony delinquents who have been committed to the custody of the department of youth services, who have been granted supervised release from the commitment pursuant to section 5139.51 of the Revised Code, who have violated the terms and conditions of that supervised release, and who, pursuant to an order of the court of the county in which the particular child was placed on supervised release issued pursuant to division (F) of section 5139.52 of the Revised Code, have had the supervised release revoked and have been returned to the department for institutionalization. A felony delinquent described in this division shall be a public safety bed only for the time during which the felony delinquent is institutionalized as a result of the revocation subsequent to the initial thirty-day period of institutionalization required by division (F) of section 5139.52 of the Revised Code.

(14) "State target youth" means twenty-five per cent of the projected total number of felony delinquents for each year of a biennium, factoring in revocations and recommitments.

(15) Unless the context requires a different meaning, "community corrections facility" means a county or multicounty rehabilitation center for felony delinquents who have been committed to the department of youth services and diverted from care and custody in an institution and placed in the rehabilitation center pursuant to division (E) of section 5139.36 of the Revised Code.

(16) "Secure facility" means any facility that is designed and operated to ensure that all of its entrances and exits are under the exclusive control of its staff and to ensure that, because of that exclusive control, no child who has been

institutionalized in the facility may leave the facility without 53471
permission or supervision. 53472

(17) "Community residential program" means a program that 53473
satisfies both of the following: 53474

(a) It is housed in a building or other structure that has no 53475
associated major restraining construction, including, but not 53476
limited to, a security fence. 53477

(b) It provides twenty-four-hour care, supervision, and 53478
programs for felony delinquents who are in residence. 53479

(18) "Category one offense" and "category two offense" have 53480
the same meanings as in section 2151.26 of the Revised Code. 53481

(19) "Disciplinary time" means additional time that the 53482
department of youth services requires a felony delinquent to serve 53483
in an institution, that delays the person's or felony delinquent's 53484
planned release, and that the department imposes upon the person 53485
or felony delinquent following the conduct of an internal due 53486
process hearing for having committed any of the following acts 53487
while committed to the department and in the care and custody of 53488
an institution: 53489

(a) An act that if committed by an adult would be a felony; 53490

(b) An act that if committed by an adult would be a 53491
misdemeanor; 53492

(c) An act that is not described in division (A)(19)(a) or 53493
(b) of this section and that violates an institutional rule of 53494
conduct of the department. 53495

(20) "Unruly child" has the same meaning as in section 53496
2151.022 of the Revised Code. 53497

(21) "Revocation" means the act of revoking a child's 53498
supervised release for a violation of a term or condition of the 53499
child's supervised release in accordance with section 5139.52 of 53500

- the Revised Code. 53501
- (22) "Release authority" means the release authority of the 53502
department of youth services that is established by section 53503
5139.50 of the Revised Code. 53504
- (23) "Supervised release" means the event of the release of a 53505
child under this chapter from an institution and the period after 53506
that release during which the child is supervised and assisted by 53507
an employee of the department of youth services under specific 53508
terms and conditions for reintegration of the child into the 53509
community. 53510
- (24) "Victim" means the person identified in a police report, 53511
complaint, or information as the victim of an act that would have 53512
been a criminal offense if committed by an adult and that provided 53513
the basis for adjudication proceedings resulting in a child's 53514
commitment to the legal custody of the department of youth 53515
services. 53516
- (25) "Victim's representative" means a member of the victim's 53517
family or another person whom the victim or another authorized 53518
person designates in writing, pursuant to section 5139.56 of the 53519
Revised Code, to represent the victim with respect to proceedings 53520
of the release authority of the department of youth services and 53521
with respect to other matters specified in that section. 53522
- (26) "Member of the victim's family" means a spouse, child, 53523
stepchild, sibling, parent, stepparent, grandparent, other 53524
relative, or legal guardian of a child but does not include a 53525
person charged with, convicted of, or adjudicated a delinquent 53526
child for committing a criminal or delinquent act against the 53527
victim or another criminal or delinquent act arising out of the 53528
same conduct, criminal or delinquent episode, or plan as the 53529
criminal or delinquent act committed against the victim. 53530
- (27) "Judicial release to court supervision" means a release 53531

of a child from institutional care or institutional care in a
secure facility that is granted by a court pursuant to division
(B) of section 2152.22 of the Revised Code during the period
specified in that division.

(28) "Judicial release to department of youth services
supervision" means a release of a child from institutional care or
institutional care in a secure facility that is granted by a court
pursuant to division (C) of section 2152.22 of the Revised Code
during the period specified in that division.

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

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

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

(32) "Criminal justice coordinating council" means a criminal
justice services agency that is established pursuant to division
(D) of section 181.56 of the Revised Code.

(33) "Comprehensive plan" means a document that coordinates,
evaluates, and otherwise assists, on an annual or multi-year
basis, all of the functions of the juvenile justice systems of the
state or a specified area of the state, that conforms to the
priorities of the state with respect to juvenile justice systems,
and that conforms with the requirements of all federal criminal
justice acts. These functions include, but are not limited to, all

<u>of the following:</u>	53563
<u>(a) Delinquency;</u>	53564
<u>(b) Identification, detection, apprehension, and detention of persons charged with delinquent acts;</u>	53565 53566
<u>(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;</u>	53567 53568 53569 53570
<u>(d) Adjudication or diversion of persons charged with delinquent acts;</u>	53571 53572
<u>(e) Custodial treatment of delinquent children;</u>	53573
<u>(f) Institutional and noninstitutional rehabilitation of delinquent children.</u>	53574 53575
(B) There is hereby created the department of youth services. The governor shall appoint the director of the department with the advice and consent of the senate. The director shall hold office during the term of the appointing governor but subject to removal at the pleasure of the governor. Except as otherwise authorized in section 108.05 of the Revised Code, the director shall devote the director's entire time to the duties of the director's office and shall hold no other office or position of trust or profit during the director's term of office.	53576 53577 53578 53579 53580 53581 53582 53583 53584
The director is the chief executive and administrative officer of the department and has all the powers of a department head set forth in Chapter 121. of the Revised Code. The director may adopt rules for the government of the department, the conduct of its officers and employees, the performance of its business, and the custody, use, and preservation of the department's records, papers, books, documents, and property. The director shall be an appointing authority within the meaning of Chapter	53585 53586 53587 53588 53589 53590 53591 53592

124. of the Revised Code. Whenever this or any other chapter or
section of the Revised Code imposes a duty on or requires an
action of the department, the duty or action shall be performed by
the director or, upon the director's order, in the name of the
department.

Sec. 5139.11. The department of youth services shall do all
of the following:

(A) Through a program of education, promotion, and
organization, form groups of local citizens and assist these
groups in conducting activities aimed at the prevention and
control of juvenile delinquency, making use of local people and
resources for the following purposes:

(1) Combatting local conditions known to contribute to
juvenile delinquency;

(2) Developing recreational and other programs for youth
work;

(3) Providing adult sponsors for delinquent children cases;

(4) Dealing with other related problems of the locality.

(B) Advise local, state, and federal officials, public and
private agencies, and lay groups on the needs for and possible
methods of the reduction and prevention of juvenile delinquency
and the treatment of delinquent children;

(C) Consult with the schools and courts of this state on the
development of programs for the reduction and prevention of
delinquency and the treatment of delinquents;

(D) Cooperate with other agencies whose services deal with
the care and treatment of delinquent children to the end that
delinquent children who are state wards may be assisted whenever
possible to a successful adjustment outside of institutional care;

(E) Cooperate with other agencies in surveying, developing, 53622
and utilizing the recreational resources of a community as a means 53623
of combatting the problem of juvenile delinquency and effectuating 53624
rehabilitation; 53625

(F) Hold district and state conferences from time to time in 53626
order to acquaint the public with current problems of juvenile 53627
delinquency and develop a sense of civic responsibility toward the 53628
prevention of juvenile delinquency; 53629

(G) Assemble and distribute information relating to juvenile 53630
delinquency and report on studies relating to community conditions 53631
that affect the problem of juvenile delinquency; 53632

(H) Assist any community within the state by conducting a 53633
comprehensive survey of the community's available public and 53634
private resources, and recommend methods of establishing a 53635
community program for combatting juvenile delinquency and crime, 53636
but no survey of that type shall be conducted unless local 53637
individuals and groups request it through their local authorities, 53638
and no request of that type shall be interpreted as binding the 53639
community to following the recommendations made as a result of the 53640
request; 53641

(I) Evaluate the rehabilitation of children committed to the 53642
department and prepare and submit periodic reports to the 53643
committing court for the following purposes: 53644

(1) Evaluating the effectiveness of institutional treatment; 53645

(2) Making recommendations for judicial release under section 53646
2152.22 of the Revised Code if appropriate and recommending 53647
conditions for judicial release; 53648

(3) Reviewing the placement of children and recommending 53649
alternative placements where appropriate. 53650

(J) Coordinate dates for hearings to be conducted under 53651

section 2152.22 of the Revised Code and assist in the transfer and
release of children from institutionalization to the custody of
the committing court;
(K)(1) Coordinate and assist juvenile justice systems by
doing the following:
(a) Performing juvenile justice system planning in the state,
including any planning that is required by any federal law;
(b) Collecting, analyzing, and correlating information and
data concerning the juvenile justice system in the state;
(c) Cooperating with and providing technical assistance to
state departments, administrative planning districts, metropolitan
county criminal justice services agencies, criminal justice
coordinating councils, and agencies, offices, and departments of
the juvenile justice system in the state, and other appropriate
organizations and persons;
(d) Encouraging and assisting agencies, offices, and
departments of the juvenile justice system in the state and other
appropriate organizations and persons to solve problems that
relate to the duties of the department;
(e) Administering within the state any juvenile justice acts
and programs that the governor requires the department to
administer;
(f) Implementing the state comprehensive plans;
(g) Auditing grant activities of agencies, offices,
organizations, and persons that are financed in whole or in part
by funds granted through the department;
(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;

(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. 53682
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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; 53693
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53695

(k) Overseeing the activities of metropolitan county criminal justice services agencies, administrative planning districts, and juvenile justice coordinating councils in the state; 53696
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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; 53700
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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; 53704
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(n) Assisting, advising, and making any reports that are required by the governor, attorney general, or general assembly; 53707
53708

(o) Adopting rules pursuant to Chapter 119. of the Revised Code. 53709
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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 53711
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crime victim assistance and criminal and juvenile justice programs. 53713
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(3) Nothing in division (K)(1) of this section is intended to diminish or alter the status of the office of the attorney general as a criminal justice services agency. 53715
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(4) The governor may appoint any advisory committees to assist the department that the governor considers appropriate or that are required under any state or federal law. 53718
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Section 7. That the existing versions of sections 5139.01 and 5139.11 of the Revised Code that are scheduled to take effect January 1, 2002, are hereby repealed. 53721
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Section 8. Sections 6 and 7 of this act shall take effect on January 1, 2002. 53724
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Section 9. Except as otherwise provided, all appropriation items (AI) in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2002 and the amounts in the second column are for fiscal year 2003. 53726
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FND AI AI TITLE FY 2002 FY 2003 53732
53733

Section 10. ACC ACCOUNTANCY BOARD OF OHIO 53734

General Services Fund Group 53735

4J8	889-601	CPA Education	\$	204,400	\$	209,510	53736
		Assistance					
4K9	889-609	Operating Expenses	\$	870,318	\$	917,458	53737
TOTAL GSF General Services Fund							53738
Group							53739
			\$	1,074,718	\$	1,126,968	

appropriated.	53767
STATE EMPLOYEE HEALTH BENEFIT FUND	53768
The foregoing appropriation item 995-668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 808), pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.	53769 53770 53771 53772 53773 53774
DEPENDENT CARE SPENDING ACCOUNT	53775
The foregoing appropriation item 995-669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Account (Fund 809) to employees eligible for dependent care expenses. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.	53776 53777 53778 53779 53780 53781
LIFE INSURANCE INVESTMENT FUND	53782
The foregoing appropriation item 995-670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 810) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.	53783 53784 53785 53786 53787 53788 53789
PARENTAL LEAVE BENEFIT FUND	53790
The foregoing appropriation item 995-671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 811) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated.	53791 53792 53793 53794 53795 53796

Section 12. ADJ ADJUTANT GENERAL				53797
General Revenue Fund				53798
GRF 745-401	Ohio Military Reserve	\$ 14,901	\$ 15,200	53799
GRF 745-404	Air National Guard	\$ 1,845,527	\$ 1,921,854	53800
GRF 745-409	Central Administration	\$ 3,975,185	\$ 4,222,598	53801
GRF 745-499	Army National Guard	\$ 3,878,881	\$ 3,988,519	53802
GRF 745-502	Ohio National Guard	\$ 106,980	\$ 103,058	53803
Unit Fund				
TOTAL GRF	General Revenue Fund	\$ 9,821,474	\$ 10,251,229	53804
General Services Fund Group				53805
534 745-612	Armory Improvements	\$ 529,014	\$ 534,304	53806
536 745-620	Camp Perry Clubhouse and Rental	\$ 1,054,359	\$ 1,094,970	53807
537 745-604	ONG Maintenance	\$ 214,464	\$ 219,826	53808
TOTAL GSF	General Services Fund Group	\$ 1,797,837	\$ 1,849,100	53809
Federal Special Revenue Fund Group				53810
3E8 745-628	Air National Guard Operations and Maintenance Agreement	\$ 11,821,084	\$ 12,770,931	53811
3R8 745-603	Counter Drug Operations	\$ 25,000	\$ 25,000	53812
3S0 745-602	Higher Ground Training	\$ 20,000	\$ 20,000	53813
341 745-615	Air National Guard Base Security	\$ 1,770,744	\$ 1,841,573	53814
342 745-616	Army National Guard Service Agreement	\$ 6,429,352	\$ 6,749,210	53815
TOTAL FED	Federal Special Revenue Fund Group	\$ 20,066,180	\$ 21,406,714	53816
State Special Revenue Fund Group				53817
528 745-605	Marksmanship	\$ 64,466	\$ 66,078	53818

	Development Programs			
GRF 100-417	MARCS	\$	5,350,344	\$ 6,176,160 53842
GRF 100-418	E-Government	\$	2,000,000	\$ 4,000,000 53843
	Development			
GRF 100-419	Ohio SONET	\$	4,527,924	\$ 4,625,879 53844
GRF 100-420	Innovation Ohio	\$	144,000	\$ 144,000 53845
GRF 100-421	ERP Project	\$	600,000	\$ 624,000 53846
	Implementation			
GRF 100-433	State of Ohio Computer	\$	5,003,580	\$ 5,027,234 53847
	Center			
GRF 100-439	Equal Opportunity	\$	817,894	\$ 861,093 53848
	Certification Programs			
GRF 100-447	OBA - Building Rent	\$	96,106,300	\$ 110,268,500 53849
	Payments			
GRF 100-448	OBA - Building	\$	26,098,000	\$ 26,098,000 53850
	Operating Payments			
GRF 100-449	DAS - Building	\$	5,126,955	\$ 5,126,968 53851
	Operating Payments			
GRF 100-451	Minority Affairs	\$	119,706	\$ 118,043 53852
GRF 100-734	Major Maintenance	\$	70,224	\$ 68,376 53853
GRF 102-321	Construction	\$	1,392,590	\$ 1,396,506 53854
	Compliance			
GRF 130-321	State Agency Support	\$	3,632,427	\$ 3,740,888 53855
	Services			
TOTAL GRF	General Revenue Fund	\$	157,541,119	\$ 176,324,530 53856
	General Services Fund Group 53857			
112 100-616	DAS Administration	\$	5,243,105	\$ 5,503,547 53858
115 100-632	Central Service Agency	\$	399,438	\$ 376,844 53859
117 100-644	General Services	\$	5,790,000	\$ 7,091,000 53860
	Division - Operating			
122 100-637	Fleet Management	\$	1,600,913	\$ 1,652,189 53861
125 100-622	Human Resources	\$	23,895,125	\$ 24,640,311 53862
	Division - Operating			

127	100-627	Vehicle Liability Insurance	\$	3,373,835	\$	3,487,366	53863
128	100-620	Collective Bargaining	\$	3,292,859	\$	3,410,952	53864
130	100-606	Risk Management Reserve	\$	185,900	\$	197,904	53865
131	100-639	State Architect's Office	\$	7,504,787	\$	7,772,789	53866
132	100-631	DAS Building Management	\$	10,887,913	\$	11,362,872	53867
188	100-649	Equal Opportunity Programs	\$	1,214,691	\$	1,253,311	53868
201	100-653	General Services Resale Merchandise	\$	1,779,000	\$	1,833,000	53869
210	100-612	State Printing	\$	6,648,503	\$	6,928,823	53870
4H2	100-604	Governor's Residence Gift	\$	22,628	\$	23,194	53871
4P3	100-603	Departmental MIS Services	\$	7,447,713	\$	7,761,365	53872
427	100-602	Investment Recovery	\$	4,204,735	\$	4,179,184	53873
5C2	100-605	MARCS Development	\$	3,429,947	\$	4,475,190	53874
5C3	100-608	Skilled Trades	\$	2,237,200	\$	2,332,464	53875
5D7	100-621	Workforce Development	\$	12,000,000	\$	12,000,000	53876
5L7	100-610	Professional Development	\$	2,700,000	\$	2,700,000	53877
TOTAL GSF General Services Fund							53878
Group			\$	103,858,292	\$	108,982,305	53879
Intragovernmental Service Fund Group							53880
133	100-607	Information Technology Fund	\$	104,482,097	\$	111,387,436	53881
4N6	100-617	Major Computer Purchases	\$	12,000,000	\$	4,500,000	53882
TOTAL ISF Intragovernmental							53883
Service Fund Group			\$	116,482,097	\$	115,887,436	53884

Agency Fund Group				53885
113 100-628 Unemployment	\$	3,500,000	\$ 3,577,000	53886
Compensation				
124 100-629 Payroll Deductions	\$	1,877,100,000	\$ 1,999,100,000	53887
TOTAL AGY Agency Fund Group	\$	1,880,600,000	\$ 2,002,677,000	53888
Holding Account Redistribution Fund Group				53889
R08 100-646 General Services	\$	20,000	\$ 20,000	53890
Refunds				
TOTAL 090 Holding Account				53891
Redistribution Fund Group	\$	20,000	\$ 20,000	53892
TOTAL ALL BUDGET FUND GROUPS	\$	2,258,501,508	\$ 2,403,891,271	53893

Section 13.01. AGENCY AUDIT EXPENSES 53895

Of the foregoing appropriation item 100-405, Agency Audit 53896
Expenses, up to \$145,261 in fiscal year 2002 and up to \$74,447 in 53897
fiscal year 2003 shall be used to subsidize the operations of the 53898
Central Service Agency. The Department of Administrative Services 53899
shall transfer cash from appropriation item 100-405, Agency Audit 53900
Expenses, to the Central Service Agency Fund (Fund 115) using an 53901
intrastate transfer voucher. 53902

Of the foregoing appropriation item 100-405, Agency Audit 53903
Expenses, up to \$30,000 in fiscal year 2002 and \$30,000 in fiscal 53904
year 2003 shall be used for the Department of Administrative 53905
Services' GRF appropriation item-related auditing expenses. The 53906
remainder of the appropriation shall be used for auditing expenses 53907
designated in division (A)(1) of section 117.13 of the Revised 53908
Code for those state agencies audited on a biennial basis. 53909

Section 13.02. OHIO BUILDING AUTHORITY 53910

The foregoing appropriation item 100-447, OBA - Building Rent 53911
Payments, shall be used to meet all payments at the times they are 53912
required to be made during the period from July 1, 2001, to June 53913

30, 2003, by the Department of Administrative Services to the Ohio Building Authority pursuant to leases and agreements under Chapter 152. of the Revised Code, but limited to the aggregate amount of \$212,374,800. The foregoing appropriation item 100-448, OBA - Building Operating Payments, shall be used to meet all payments at the times that they are required to be made during the period from July 1, 2001, to June 30, 2003, by the Department of Administrative Services to the Ohio Building Authority pursuant to leases and agreements under Chapter 152. of the Revised Code, but limited to the aggregate amount of \$52,196,000. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 152. of the Revised Code.

The payments to the Ohio Building Authority are for the purpose of paying the expenses of agencies that occupy space in the various state facilities. The Department of Administrative Services may enter into leases and agreements with the Ohio Building Authority providing for the payment of these expenses. The Ohio Building Authority shall report to the Department of Administrative Services and the Office of Budget and Management not later than five months after the start of a fiscal year the actual expenses incurred by the Ohio Building Authority in operating the facilities and any balances remaining from payments and rentals received in the prior fiscal year. The Department of Administrative Services shall reduce subsequent payments by the amount of the balance reported to it by the Ohio Building Authority.

Section 13.03. DAS - BUILDING OPERATING PAYMENTS 53941

The foregoing appropriation item 100-449, DAS - Building Operating Payments, shall be used to pay the rent expenses of veterans organizations pursuant to section 123.024 of the Revised

Code in fiscal years 2002 and 2003. 53945

The foregoing appropriation item, 100-449, DAS - Building 53946
Operating Payments, may be used to provide funding for the cost of 53947
property appraisals that the Department of Administrative Services 53948
may be required to obtain for property that is being sold by the 53949
state or property under consideration to be purchased by the 53950
state. 53951

Of the foregoing appropriation item 100-449, DAS - Building 53952
Operating Payment, \$100,000 shall be used in fiscal year 2002 to 53953
fund the renovation of new office space for the State Library and 53954
the Ohioana Library Association. 53955

Notwithstanding section 125.28 of the Revised Code, the 53956
remaining portion of the appropriation may be used to pay the 53957
operating expenses of state facilities maintained by the 53958
Department of Administrative Services that are not billed to 53959
building tenants. These expenses may include, but are not limited 53960
to, the costs for vacant space and space undergoing renovation, 53961
and the rent expenses of tenants that are relocated due to 53962
building renovations. These payments shall be processed by the 53963
Department of Administrative Services through intrastate transfer 53964
vouchers and placed in the Facilities Management Fund (Fund 132). 53965

Section 13.04. MINORITY AFFAIRS 53966

The foregoing appropriation item 100-451, Minority Affairs, 53967
shall be used to establish minority affairs programs within the 53968
Equal Opportunity Division. The office shall provide an access 53969
point and official representation to multi-cultural communities; 53970
research and reports on multi-cultural issues; and educational, 53971
governmental, and other services that foster multi-cultural 53972
opportunities and understanding in the state of Ohio. 53973

Section 13.05. CENTRAL SERVICE AGENCY FUND 53974

In order to complete the migration of the licensing applications of the professional licensing boards to a local area network, the Director of Budget and Management may, at the request of the Director of Administrative Services, cancel related encumbrances in the Central Service Agency Fund (Fund 115) and reestablish these encumbrances in fiscal year 2002 for the same purpose and to the same vendor. The Director of Budget and Management shall reduce the appropriation balance in fiscal year 2001 by the amount of encumbrances canceled in Fund 115. As determined by the Director of Budget and Management, the amount necessary to reestablish such encumbrances or parts of encumbrances in fiscal year 2002 in the Central Service Agency Fund (Fund 115) is appropriated.

The Director of Budget and Management may transfer up to \$399,000 in fiscal year 2002 and up to \$354,000 in fiscal year 2003 from the Occupational Licensing and Regulatory Fund (Fund 4K9) to the Central Service Agency Fund (Fund 115). The Director of Budget and Management may transfer up to \$34,000 in fiscal year 2002 and up to \$30,000 in fiscal year 2003 from the State Medical Board Operating Fund (Fund 5C6) to the Central Service Agency Fund (Fund 115). The Director of Budget and Management may transfer up to \$18,000 in fiscal year 2002 and up to \$16,000 in fiscal year 2003 from the Pharmacy Board Operating Fund (Fund 5N2) to the Central Service Agency Fund (Fund 115). The appropriation item 100-632, Central Service Agency, shall be used to purchase the necessary equipment, products, and services to install and maintain a local area network for the professional licensing boards, and to support their licensing applications. The amount of the cash transfer is appropriated to appropriation item 100-632, Central Service Agency.

Section 13.06. TUITION REIMBURSEMENT

54005

Of the foregoing appropriation item 100-622, Human Resources 54006
Division - Operating, \$350,000 in fiscal year 2002 and \$400,000 in 54007
fiscal year 2003 shall be set aside for the District 1199 Health 54008
Care Employees Tuition Reimbursement Program, per existing 54009
collective bargaining agreements. Of the foregoing appropriation 54010
item 100-622, Human Resources Division - Operating, \$75,000 in 54011
fiscal year 2002 and \$75,000 in fiscal year 2003 shall be set 54012
aside for the Ohio Education Association Tuition Reimbursement 54013
Program, per existing collective bargaining agreements. The 54014
Department of Administrative Services, with the approval of the 54015
Director of Budget and Management, shall establish charges for 54016
recovering the costs of administering the District 1199 Health 54017
Care Employees Tuition Reimbursement Program and the Ohio 54018
Education Association Tuition Reimbursement Program. Receipts for 54019
these charges shall be deposited into the Human Resources Services 54020
Fund (Fund 125). 54021

Section 13.07. COLLECTIVE BARGAINING ARBITRATION EXPENSES 54022

With approval of the Director of Budget and Management, the 54023
Department of Administrative Services may seek reimbursement from 54024
state agencies for the actual costs and expenses the department 54025
incurs in the collective bargaining arbitration process. The 54026
reimbursements shall be processed through intrastate transfer 54027
vouchers and placed in the Collective Bargaining Fund (Fund 128). 54028

Section 13.08. EQUAL OPPORTUNITY PROGRAM 54029

The Department of Administrative Services, with the approval 54030
of the Director of Budget and Management, shall establish charges 54031
for recovering the costs of administering the activities supported 54032
by the Equal Opportunity Programs Fund (Fund 188). These charges 54033
shall be deposited to the credit of the Equal Opportunity Programs 54034
Fund (Fund 188) upon payment made by state agencies, 54035

state-supported or state-assisted institutions of higher 54036
education, and tax-supported agencies, municipal corporations, and 54037
other political subdivisions of the state, for services rendered. 54038

Section 13.09. MERCHANDISE FOR RESALE 54039

The foregoing appropriation item 100-653, General Services 54040
Resale Merchandise, shall be used to account for merchandise for 54041
resale, which is administered by the General Services Division. 54042
Deposits to the fund may comprise the cost of merchandise for 54043
resale and shipping fees. 54044

Section 13.10. GOVERNOR'S RESIDENCE GIFT 54045

The foregoing appropriation item 100-604, Governor's 54046
Residence Gift, shall be used to provide part or all of the 54047
funding related to construction, goods, or services for the 54048
Governor's residence. All receipts for this purpose shall be 54049
deposited into Fund 4H2. 54050

Section 13.11. DEPARTMENTAL MIS 54051

The foregoing appropriation item 100-603, Departmental MIS 54052
Services, may be used to pay operating expenses of management 54053
information systems activities in the Department of Administrative 54054
Services. The Department of Administrative Services shall 54055
establish charges for recovering the costs of management 54056
information systems activities. These charges shall be deposited 54057
to the credit of the Departmental MIS Fund (Fund 4P3). 54058

Notwithstanding any other language to the contrary, the 54059
Director of Budget and Management may transfer up to \$3,000,000 of 54060
fiscal year 2002 appropriations and up to \$3,000,000 of fiscal 54061
year 2003 appropriations from appropriation item 100-603, 54062
Departmental MIS Services, to any Department of Administrative 54063
Services non-General Revenue Fund appropriation item. The 54064

appropriations transferred shall be used to make payments for 54065
management information systems services. Notwithstanding any other 54066
language to the contrary, the Director of Budget and Management 54067
may transfer up to \$217,313 of fiscal year 2002 appropriations and 54068
up to \$193,031 of fiscal year 2003 appropriations from 54069
appropriation item 100-409, Departmental Information Services, to 54070
any Department of Administrative Services appropriation item in 54071
the General Revenue Fund. The appropriations transferred shall be 54072
used to make payments for management information systems services. 54073
54074

Section 13.12. INVESTMENT RECOVERY FUND 54075

Notwithstanding division (B) of section 125.14 of the Revised 54076
Code, cash balances in the Investment Recovery Fund may be used to 54077
support the operating expenses of the Federal Surplus Operating 54078
Program created in sections 125.84 to 125.90 of the Revised Code. 54079

Notwithstanding division (B) of section 125.14 of the Revised 54080
Code, cash balances in the Investment Recovery Fund may be used to 54081
support the operating expenses of the State Property Inventory and 54082
Fixed Assets Management System Program. 54083

Of the foregoing appropriation item 100-602, Investment 54084
Recovery, up to \$2,045,302 in fiscal year 2002 and up to 54085
\$1,959,192 in fiscal year 2003 shall be used to pay the operating 54086
expenses of the State Surplus Property Program, the Surplus 54087
Federal Property Program, and the State Property Inventory and 54088
Fixed Assets Management System Program pursuant to Chapter 125. of 54089
the Revised Code and this section. If additional appropriations 54090
are necessary for the operations of these programs, the Director 54091
of Administrative Services shall seek increased appropriations 54092
from the Controlling Board under section 131.35 of the Revised 54093
Code. 54094

Of the foregoing appropriation item 100-602, Investment 54095

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.

Notwithstanding division (B) of section 125.14 of the Revised
Code, the Director of Budget and Management, at the request of the
Director of Administrative Services, shall transfer up to
\$2,500,000 of the amounts held for transfer to the General Revenue
Fund from the Investment Recovery Fund (Fund 427) to the General
Services Fund (Fund 117) during the biennium beginning July 1,
2001, and ending June 30, 2003. The cash transferred to the
General Services Fund shall be used to pay the operating expenses
of the Competitive Sealed Proposal Program.

Section 13.13. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM

Notwithstanding division (B)(3) of section 4505.09 of the
Revised Code, the Director of Budget and Management, at the
request of the Director of Administrative Services, may transfer
up to \$3,429,947 in fiscal year 2002 and \$4,475,190 in fiscal year
2003 from the Automated Title Processing System (Fund 849) to the
Multi-Agency Radio Communications Systems Fund (Fund 5C2). The
cash transferred to the Multi-Agency Radio Communications Systems
Fund shall be used for the development of the MARCS system.

Effective with the implementation of the Multi-Agency Radio
Communications System, the Director of Administrative Services
shall collect user fees from participants in the system. The

Director of Administrative Services, with the advice of the 54127
Multi-Agency Radio Communications System Steering Committee and 54128
the Director of Budget and Management, shall determine the amount 54129
of the fees and the manner by which the fees shall be collected. 54130
Such user charges shall comply with the applicable cost principles 54131
issued by the federal Office of Management and Budget. All moneys 54132
from user charges and fees shall be deposited in the state 54133
treasury to the credit of the Multi-Agency Radio Communications 54134
System Administration Fund (Fund 5C2). 54135

Section 13.14. WORKFORCE DEVELOPMENT FUND 54136

There is hereby established in the state treasury the 54137
Workforce Development Fund (Fund 5D7). The foregoing appropriation 54138
item 100-621, Workforce Development, shall be used to make 54139
payments from the fund. The fund shall be under the supervision of 54140
the Department of Administrative Services, which may adopt rules 54141
with regard to administration of the fund. The fund shall be used 54142
to pay the costs of the Workforce Development Program established 54143
by Article 37 of the contract between the State of Ohio and 54144
OCSEA/AFSCME, Local 11, effective March 1, 2000. The program shall 54145
be administered in accordance with the contract. Revenues shall 54146
accrue to the fund as specified in the contract. The fund may be 54147
used to pay direct and indirect costs of the program that are 54148
attributable to staff, consultants, and service providers. All 54149
income derived from the investment of the fund shall accrue to the 54150
fund. 54151

If it is determined by the Director of Administrative 54152
Services that additional appropriation amounts are necessary, the 54153
Director of Administrative Services may request that the Director 54154
of Budget and Management increase such amounts. Such amounts are 54155
appropriated. 54156

Section 13.15. PROFESSIONAL DEVELOPMENT FUND 54157

The foregoing appropriation item 100-610, Professional 54158
Development, shall be used to make payments from the Professional 54159
Development Fund (Fund 5L7) pursuant to section 124.182 of the 54160
Revised Code. 54161

Section 13.16. COMPUTER EQUIPMENT PURCHASES 54162

The Director of Administrative Services shall compute the 54163
amount of revenue attributable to the amortization of all 54164
equipment purchases from appropriation item 100-607, Information 54165
Technology Fund; appropriation item 100-617, Major Computer 54166
Purchases; and appropriation item CAP-837, Major Equipment 54167
Purchases, which is recovered by the Department of Administrative 54168
Services as part of the rates charged by the Information 54169
Technology Fund (Fund 133) created in section 125.15 of the 54170
Revised Code. The Director of Budget and Management may transfer 54171
cash in an amount not to exceed the amount of amortization 54172
computed from the Information Technology Fund (Fund 133) to Major 54173
Computer Purchases (Fund 4N6). 54174

Section 13.17. INFORMATION TECHNOLOGY ASSESSMENT 54175

The Director of Administrative Services, with the approval of 54176
the Director of Budget and Management, may establish an 54177
information technology assessment for the purpose of recovering 54178
the cost of selected infrastructure development and statewide 54179
programs. Such assessment shall comply with applicable cost 54180
principles issued by the federal Office of Management and Budget. 54181
During the fiscal year 2001-2003 biennium, the information 54182
technology assessment may be used to partially fund the cost of 54183
electronic-government infrastructure. The information technology 54184
assessment shall be charged to all organized bodies, offices, or 54185

agencies established by the laws of the state for the exercise of 54186
any function of state government except for the General Assembly, 54187
any legislative agency, the Supreme Court, the other courts of 54188
record in Ohio, or any judicial agency, the Adjutant General, the 54189
Bureau of Workers' Compensation, and institutions administered by 54190
a board of trustees. Any state-entity exempted by this section may 54191
utilize the infrastructure or statewide program by participating 54192
in the information technology assessment. All charges for the 54193
information technology assessment shall be deposited to the credit 54194
of the Information Technology Fund (Fund 133) created in section 54195
125.15 of the Revised Code. 54196

Section 13.18. E-GOVERNMENT DEVELOPMENT FUND 54197

The Director of Budget and Management shall transfer any cash 54198
balances remaining in the E-Government Development Fund (Fund 5M6) 54199
after November 30, 2001, from the E-Government Development Fund to 54200
the Information Technology Fund (Fund 133) created in section 54201
125.15 of the Revised Code. 54202

Section 13.19. UNEMPLOYMENT COMPENSATION FUND 54203

The foregoing appropriation item 100-628, Unemployment 54204
Compensation, shall be used to make payments from the Unemployment 54205
Compensation Fund (Fund 113), pursuant to section 4141.241 of the 54206
Revised Code. If it is determined that additional amounts are 54207
necessary, such amounts are appropriated. 54208

Section 13.20. PAYROLL WITHHOLDING FUND 54209

The foregoing appropriation item 100-629, Payroll Deductions, 54210
shall be used to make payments from the Payroll Withholding Fund 54211
(Fund 124). If it is determined by the Director of Budget and 54212
Management that additional appropriation amounts are necessary, 54213
such amounts are appropriated. 54214

Section 13.21. GENERAL SERVICES REFUNDS 54215

The foregoing appropriation item 100-646, General Services 54216
Refunds, shall be used to hold bid guarantee and building plans 54217
and specifications deposits until they are refunded. The Director 54218
of Administrative Services may request that the Director of Budget 54219
and Management transfer cash received for the costs of providing 54220
the building plans and specifications to contractors from the 54221
General Services Refund Fund to Fund 131, State Architect's 54222
Office. Prior to the transfer of cash, the Director of 54223
Administrative Services shall certify that such amounts are in 54224
excess of amounts required for refunding deposits and are directly 54225
related to costs of producing building plans and specifications. 54226
If it is determined that additional appropriations are necessary, 54227
such amounts are appropriated. 54228

Section 13.22. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 54229
SERVICE PAYMENTS 54230

The Director of Administrative Services, in consultation with 54231
the Multi-Agency Radio Communication System (MARCS) Steering 54232
Committee and the Director of Budget and Management, shall 54233
determine the share of debt service payments attributable to 54234
spending for MARCS components that are not specific to any one 54235
agency and that shall be charged to agencies supported by the 54236
motor fuel tax. Such share of debt service payments shall be 54237
calculated for MARCS capital disbursements made beginning July 1, 54238
1997. Within thirty days of any payment made from appropriation 54239
item 100-447, OBA - Building Rent Payments, the Director of 54240
Administrative Services shall certify to the Director of Budget 54241
and Management the amount of this share. The Director of Budget 54242
and Management shall transfer such amounts to the General Revenue 54243
Fund from the Highway Operating Fund (Fund 002) established in 54244
section 5735.281 of the Revised Code. 54245

The Director of Administrative Services shall consider 54246
renting or leasing existing tower sites at reasonable or current 54247
market rates, so long as these existing sites are equipped with 54248
the technical capabilities to support the MARCS project. 54249

Section 13.23. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY 54250

Whenever the Director of Administrative Services declares a 54251
"Public Exigency," as provided in division (C) of section 123.15 54252
of the Revised Code, the Director shall also notify the members of 54253
the Controlling Board. 54254

Section 13.24. GENERAL SERVICE CHARGES 54255

The Department of Administrative Services, with the approval 54256
of the Director of Budget and Management, shall establish charges 54257
for recovering the costs of administering the programs in the 54258
General Services Fund (Fund 117) and the State Printing Fund (Fund 54259
210). 54260

Section 14. AAM COMMISSION ON AFRICAN AMERICAN MALES 54261

General Revenue Fund 54262

GRF 036-100 Personal Services	\$	254,538	\$	267,265	54263
GRF 036-200 Maintenance	\$	47,500	\$	47,175	54264
GRF 036-300 Equipment	\$	19,000	\$	18,870	54265
GRF 036-501 CAAM Awards and	\$	15,200	\$	15,096	54266

Scholarships

GRF 036-502 Community Projects	\$	38,000	\$	27,750	54267
TOTAL GRF General Revenue Fund	\$	374,238	\$	376,156	54268

State Special Revenue Fund Group 54269

4H3 036-601 Commission on African	\$	10,000	\$	10,000	54270
American Males -					
Gifts/Grants					

TOTAL SSR State Special Revenue	\$	10,000	\$	10,000	54271
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Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$	384,238	\$	386,156	54272
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COMMISSION ON AFRICAN AMERICAN MALES PROGRESS REVIEW					54273
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No later than December 31, 2001, the Commission on African					54274
American Males shall submit to the chairperson and ranking					54275
minority member of the Human Services Subcommittee of the Finance					54276
and Appropriations Committee of the House of Representatives a					54277
report that demonstrates the progress that has been made toward					54278
meeting the Commission's mission statement.					54279

Section 15. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW					54280
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General Revenue Fund					54281
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GRF 029-321 Operating Expenses	\$	365,881	\$	365,881	54282
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TOTAL GRF General Revenue Fund	\$	365,881	\$	365,881	54283
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TOTAL ALL BUDGET FUND GROUPS	\$	365,881	\$	365,881	54284
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OPERATING					54285
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The Chief Administrative Officer of the House of					54286
Representatives and the Clerk of the Senate shall determine, by					54287
mutual agreement, which of them shall act as fiscal agent for the					54288
Joint Committee on Agency Rule Review.					54289

Section 16. AGE DEPARTMENT OF AGING					54290
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General Revenue Fund					54291
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GRF 490-321 Operating Expenses	\$	2,896,946	\$	2,877,346	54292
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GRF 490-403 PASSPORT	\$	60,630,444	\$	62,563,924	54293
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GRF 490-405 Golden Buckeye Card	\$	377,560	\$	377,560	54294
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GRF 490-406 Senior Olympics	\$	39,862	\$	39,862	54295
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GRF 490-407 Long-Term Care	\$	622,799	\$	622,799	54296
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Consumer Guide					
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GRF 490-409 Ohio Community Service	\$	311,640	\$	311,640	54297
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Council Operations					
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GRF 490-410 Long-Term Care	\$	1,412,058	\$	1,412,058	54298
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	Ombudsman				
GRF 490-411	Senior Community Services	\$	13,784,750	\$	13,784,750 54299
GRF 490-412	Residential State Supplement	\$	12,534,591	\$	12,290,915 54300
GRF 490-414	Alzheimers Respite	\$	4,436,673	\$	4,436,673 54301
GRF 490-416	Transportation For Elderly	\$	183,000	\$	183,000 54302
GRF 490-499	Senior Employment Program	\$	15,574	\$	15,574 54303
GRF 490-504	Senior Facilities	\$	130,000	\$	100,000 54304
GRF 490-506	Senior Volunteers	\$	491,614	\$	496,580 54305
TOTAL GRF	General Revenue Fund	\$	97,867,511	\$	99,512,681 54306
	General Services Fund Group				54307
480 490-606	Senior Citizens Services Special Events	\$	363,587	\$	372,677 54308
TOTAL GSF	General Services Fund Group				54309
		\$	363,587	\$	372,677 54310
	Federal Special Revenue Fund Group				54311
3C4 490-607	PASSPORT	\$	129,645,833	\$	144,875,065 54312
3M3 490-611	Federal Aging Nutrition	\$	22,943,588	\$	23,517,178 54313
3M4 490-612	Federal Supportive Services	\$	21,025,940	\$	21,545,338 54314
3R7 490-617	Ohio Community Service Council Programs	\$	7,350,920	\$	7,350,920 54315
322 490-618	Older Americans Support Services	\$	10,873,661	\$	11,144,778 54316
TOTAL FED	Federal Special Revenue Fund Group				54317
		\$	191,839,942	\$	208,433,279 54318
	State Special Revenue Fund Group				54319

4C4	490-609	Regional Long-Term Care Ombudsman Program	\$	440,185	\$	451,190	54320
4J4	490-610	PASSPORT/Residential State Supplement	\$	24,000,000	\$	24,000,000	54321
4U9	490-602	PASSPORT Fund	\$	5,000,000	\$	5,000,000	54322
5K9	490-613	Nursing Home Consumer Guide	\$	400,000	\$	400,000	54323
624	490-604	OCSC Community Support	\$	2,500	\$	2,500	54324
TOTAL SSR State Special Revenue							54325
Fund Group			\$	29,842,685	\$	29,853,690	54326
TOTAL ALL BUDGET FUND GROUPS			\$	319,913,725	\$	338,172,327	54327

Section 16.01. PRE-ADMISSION REVIEW FOR NURSING FACILITY 54329
ADMISSION 54330

Pursuant to sections 5101.751 and 5101.754 of the Revised 54331
Code and an interagency agreement, the Department of Job and 54332
Family Services shall designate the Department of Aging to perform 54333
assessments under sections 5101.75 and 5111.204 of the Revised 54334
Code. Of the foregoing appropriation item 490-403, PASSPORT, the 54335
Department of Aging may use not more than \$2,390,300 in fiscal 54336
year 2002 and \$2,450,058 in fiscal year 2003 to perform the 54337
assessments for persons not eligible for Medicaid in accordance 54338
with the department's interagency agreement with the Department of 54339
Job and Family Services and to assist individuals in planning for 54340
their long-term health care needs. 54341

Section 16.02. PASSPORT 54342

Appropriation item 490-403, PASSPORT, and the amounts set 54343
aside for the PASSPORT Waiver Program in appropriation item 54344
490-610, PASSPORT/Residential State Supplement, may be used to 54345
assess clients regardless of Medicaid eligibility. 54346

The Director of Aging shall adopt rules under section 111.15 54347

of the Revised Code governing the nonwaiver funded PASSPORT program, including client eligibility. 54348
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The Department of Aging shall administer the Medicaid Waiver funded PASSPORT Home Care program as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 490-403, PASSPORT, and the amounts set aside for the PASSPORT Waiver Program in appropriation item 490-610, PASSPORT/Residential State Supplement, shall be used to provide the required state match for federal Medicaid funds supporting the Medicaid Waiver funded PASSPORT Home Care program. Appropriation item 490-403, PASSPORT, and the amounts set aside for the PASSPORT Waiver Program in appropriation item 490-610, PASSPORT/Residential State Supplement, may also be used to support the Department of Aging's administrative costs associated with operating the PASSPORT program. 54350
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The foregoing appropriation item 490-607, PASSPORT, shall be used to provide the federal matching share for all PASSPORT program costs determined by the Department of Job and Family Services to be eligible for Medicaid reimbursement. 54363
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SENIOR COMMUNITY SERVICES 54367

The foregoing appropriation item 490-411, Senior Community Services, shall be used for services designated by the Department of Aging, including, but not limited to, home-delivered meals, transportation services, personal care services, respite services, home repair, and care coordination. Service priority shall be given to low income, frail, and cognitively impaired persons 60 years of age and over. The department shall promote cost sharing by service recipients for those services funded with block grant funds, including, where possible, sliding-fee scale payment systems based on the income of service recipients. 54368
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ALZHEIMERS RESPITE 54378

The foregoing appropriation item 490-414, Alzheimers Respite,	54379
shall be used only to fund Alzheimer's disease services under	54380
section 173.04 of the Revised Code.	54381
TRANSPORTATION FOR ELDERLY	54382
The foregoing appropriation item 490-416, Transportation for	54383
Elderly, shall be used for non-capital expenses related to	54384
transportation services for the elderly that provide access to	54385
such things as healthcare services, congregate meals,	54386
socialization programs, and grocery shopping. The appropriation	54387
shall be allocated to the following agencies:	54388
(A) \$45,000 per fiscal year to the Cincinnati Jewish	54389
Vocational Services;	54390
(B) \$45,000 per fiscal year to the Cleveland Jewish Community	54391
Center;	54392
(C) \$45,000 per fiscal year to the Columbus Jewish	54393
Federation;	54394
(D) \$20,000 per fiscal year to the Dayton Jewish Family	54395
Services;	54396
(E) \$10,000 per fiscal year to the Akron Jewish Community	54397
Center;	54398
(F) \$5,000 per fiscal year to the Youngstown Jewish	54399
Federation;	54400
(G) \$3,000 per fiscal year to the Canton Jewish Federation;	54401
(H) \$10,000 per fiscal year to the Toledo Jewish Federation.	54402
Agencies receiving funding from appropriation item 490-416,	54403
Transportation for Elderly, shall coordinate services with other	54404
local service agencies.	54405
RESIDENTIAL STATE SUPPLEMENT	54406
Under the Residential State Supplement Program, the amount	54407

used to determine whether a resident is eligible for payment and	54408
for determining the amount per month the eligible resident will	54409
receive shall be as follows:	54410
(A) \$900 for a residential care facility, as defined in	54411
section 3721.01 of the Revised Code;	54412
(B) \$900 for an adult group home, as defined in Chapter 3722.	54413
of the Revised Code;	54414
(C) \$800 for an adult foster home, as defined in Chapter 173.	54415
of the Revised Code;	54416
(D) \$800 for an adult family home, as defined in Chapter	54417
3722. of the Revised Code;	54418
(E) \$800 for an adult community alternative home, as defined	54419
in Chapter 3724. of the Revised Code;	54420
(F) \$800 for an adult residential facility, as defined in	54421
Chapter 5119. of the Revised Code;	54422
(G) \$600 for adult community mental health housing services,	54423
as defined in division (B)(5) of section 173.35 of the Revised	54424
Code.	54425
The Departments of Aging and Job and Family Services shall	54426
reflect this amount in any applicable rules the departments adopt	54427
under section 173.35 of the Revised Code.	54428
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	54429
The Department of Aging may transfer cash by intrastate	54430
transfer vouchers from the foregoing appropriation items 490-412,	54431
Residential State Supplement, and 490-610, PASSPORT/Residential	54432
State Supplement, to the Department of Job and Family Services'	54433
Fund 4J5, Home and Community-Based Services for the Aged Fund. The	54434
funds shall be used to make benefit payments to Residential State	54435
Supplement recipients.	54436

LONG-TERM CARE OMBUDSMAN	54437
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 homes, and home and community care services.	54438 54439 54440 54441
SENIOR FACILITIES	54442
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.	54443 54444 54445 54446
Of the foregoing appropriation item 490-504, Senior Facilities, in each fiscal year, \$10,000 shall be for the Jilliard Senior Center, \$10,000 shall be for the Northwest Stark County Senior Center, and \$10,000 shall be for the North Ridgeville Senior Center.	54447 54448 54449 54450 54451
REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAMS	54452
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.	54453 54454 54455
PASSPORT/RESIDENTIAL STATE SUPPLEMENT	54456
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.	54457 54458 54459 54460 54461
Section 16.03. RESIDENTIAL STATE SUPPLEMENT	54462
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	54463 54464 54465

department may establish priority policies to further limit 54466
eligibility criteria. 54467

TRANSFER OF APPROPRIATIONS - FEDERAL AGING NUTRITION, FEDERAL 54468
SUPPORTIVE SERVICES, AND OLDER AMERICANS SUPPORT SERVICES 54469

Upon written request of the Director of Aging, the Director 54470
of Budget and Management may transfer appropriation authority 54471
among appropriation items 490-611, Federal Aging Nutrition, 54472
490-612, Federal Supportive Services, and 490-618, Older Americans 54473
Support Services, in amounts not to exceed 30 per cent of the 54474
appropriation from which the transfer is made. The Department of 54475
Aging shall report such transfers to the Controlling Board at the 54476
next regularly scheduled meeting of the board. 54477

OHIO COMMUNITY SERVICE COUNCIL 54478

The foregoing appropriation items 490-409, Ohio Community 54479
Service Council, and 490-617, Ohio Community Service Council 54480
Programs, shall be used in accordance with section 121.40 of the 54481
Revised Code. 54482

Section 17. AGR DEPARTMENT OF AGRICULTURE 54483

General Revenue Fund 54484

GRF 700-321	Operating Expenses	\$	3,160,884	\$	3,334,073	54485
GRF 700-401	Animal Disease Control	\$	4,340,887	\$	4,385,108	54486
GRF 700-402	Amusement Ride Safety	\$	226,451	\$	230,769	54487
GRF 700-403	Dairy Division	\$	1,569,097	\$	1,707,877	54488
GRF 700-404	Ohio Proud	\$	222,856	\$	228,266	54489
GRF 700-405	Animal Damage Control	\$	86,780	\$	84,358	54490
GRF 700-406	Consumer Analytical	\$	889,058	\$	900,001	54491
	Lab					
GRF 700-407	Food Safety	\$	1,422,998	\$	1,377,956	54492
GRF 700-410	Plant Industry	\$	1,517,969	\$	1,561,620	54493
GRF 700-411	International Trade	\$	789,620	\$	598,062	54494

		and Market Development				
GRF	700-412	Weights and Measures	\$	991,136	\$	996,634 54495
GRF	700-413	Gypsy Moth Prevention	\$	633,214	\$	634,279 54496
GRF	700-414	Concentrated Animal	\$	23,275	\$	22,663 54497
		Feeding Facilities				
		Advisory Committee				
GRF	700-415	Poultry Inspection	\$	322,256	\$	320,960 54498
GRF	700-418	Livestock Regulation	\$	1,357,487	\$	1,563,898 54499
		Program				
GRF	700-424	Livestock Testing and	\$	229,996	\$	228,438 54500
		Inspections				
GRF	700-499	Meat Inspection	\$	4,654,566	\$	4,977,168 54501
		Program - State Share				
GRF	700-501	County Agricultural	\$	466,842	\$	466,842 54502
		Societies				
GRF	700-503	Swine and Cattle	\$	113,160	\$	107,076 54503
		Breeder Awards				
TOTAL GRF		General Revenue Fund	\$	23,018,532	\$	23,726,048 54504
		Federal Special Revenue Fund Group				54505
3J4	700-607	Indirect Cost	\$	1,380,026	\$	1,314,020 54506
3R2	700-614	Federal Plant Industry	\$	1,607,887	\$	1,682,330 54507
326	700-618	Meat Inspection	\$	4,401,707	\$	4,959,973 54508
		Service - Federal				
		Share				
336	700-617	Ohio Farm Loan	\$	181,774	\$	181,774 54509
		Revolving Fund				
382	700-601	Cooperative Contracts	\$	1,027,692	\$	1,091,347 54510
TOTAL FED		Federal Special Revenue				54511
Fund Group			\$	8,599,086	\$	9,229,444 54512
		State Special Revenue Fund Group				54513
4C9	700-605	Feed, Fertilizer, and	\$	909,033	\$	975,244 54514
		Lime Inspection				

As Reported by the Committee of Conference*

4D2	700-609	Auction Education	\$	30,476	\$	30,476	54515
4E4	700-606	Utility Radiological Safety	\$	69,016	\$	73,059	54516
4P7	700-610	Food Safety Inspection	\$	559,611	\$	575,797	54517
4R0	700-636	Ohio Proud Marketing	\$	125,297	\$	133,614	54518
4R2	700-637	Dairy Inspection Fund	\$	1,183,358	\$	1,174,591	54519
4T6	700-611	Poultry and Meat Inspection	\$	47,294	\$	47,294	54520
4T7	700-613	International Trade and Market Development Rotary	\$	161,991	\$	166,356	54521
4V5	700-615	Animal Industry Lab Fees	\$	626,633	\$	633,097	54522
493	700-603	Fruits and Vegetables Inspection Fees	\$	212,764	\$	171,772	54523
494	700-612	Agricultural Commodity Marketing Program	\$	166,536	\$	169,867	54524
496	700-626	Ohio Grape Industries	\$	1,048,667	\$	1,071,099	54525
497	700-627	Commodity Handlers Regulatory Program	\$	566,862	\$	648,616	54526
5B8	700-628	Auctioneers	\$	286,769	\$	365,390	54527
5H2	700-608	Metrology Lab	\$	74,674	\$	138,624	54528
5L8	700-604	Livestock Management Program	\$	250,000	\$	250,000	54529
578	700-620	Ride Inspection Fees	\$	634,099	\$	650,774	54530
579	700-630	Scale Certification	\$	230,047	\$	230,047	54531
652	700-634	Laboratory Services	\$	1,179,560	\$	1,144,766	54532
669	700-635	Pesticide Program	\$	2,108,049	\$	2,181,491	54533
TOTAL SSR State Special Revenue							54534
Fund Group			\$	10,470,236	\$	10,831,974	54535
TOTAL ALL BUDGET FUND GROUPS			\$	42,088,354	\$	43,787,466	54536
ANIMAL DISEASE CONTROL							54537

The funds in appropriation item 700-401, Animal Disease Control, may be used for the detection, prevention, and emergency management of, and the education of the public regarding, Foot and Mouth disease, Mad Cow disease, and West Nile virus.

COUNTY AGRICULTURAL SOCIETIES

Of the foregoing appropriation item 700-501, County Agricultural Societies, \$250,000 per fiscal year shall be earmarked for the Perry County Agricultural Society.

THE AUCTION FUND

On October 1, 2001, the Auction Education Fund (Fund 4D2) and the Auction Licensing Fund (Fund 5B8) shall be transferred from the Department of Commerce to the Department of Agriculture. At the request of the Director of Commerce, the Director of Budget and Management may cancel encumbrances in these funds from the Department of Commerce's appropriation item 800-605, Auctioneer Education, and appropriation item 800-628, Auctioneers, and reestablish such encumbrances or parts of encumbrances in fiscal year 2002 for the same purpose and to the same vendor in the Department of Agriculture's appropriation item 700-609, Auction Education, and appropriation item 700-628, Auctioneers. The Director of Budget and Management shall reduce the appropriation balances in fiscal year 2001 by the amount of the encumbrances canceled in the funds. As determined by the Director of Budget and Management, the appropriation authority necessary to reestablish such encumbrances or parts of encumbrances in fiscal year 2002 for the Department of Agriculture is hereby appropriated.

THE DAIRY INDUSTRY FUND

On July 1, 2001, or as soon thereafter as possible, the Director of Budget and Management shall transfer the cash balance in the License Fees (Fund 4V0) to the Dairy Inspection Fund (Fund

4R2). The director shall cancel any existing encumbrances against 54569
appropriation item 700-602, License Fees (Fund 4V0), and 54570
reestablish them against appropriation item 700-637, Dairy 54571
Inspection (Fund 4R2). The amounts of the reestablished 54572
encumbrances are appropriated. 54573

Section 18. AIR AIR QUALITY DEVELOPMENT AUTHORITY 54574

Agency Fund Group				54575
4Z9 898-602 Small Business	\$	222,719	\$ 233,482	54576
Ombudsman				
5A0 898-603 Small Business	\$	192,647	\$ 197,463	54577
Assistance				
570 898-601 Operating Expenses	\$	243,070	\$ 258,383	54578
TOTAL AGY Agency Fund Group	\$	658,436	\$ 689,328	54579
TOTAL ALL BUDGET FUND GROUPS	\$	658,436	\$ 689,328	54580

Section 19. ADA DEPARTMENT OF ALCOHOL AND 54582
DRUG ADDICTION SERVICES 54583

General Revenue Fund				54584
GRF 038-321 Operating Expenses	\$	1,500,549	\$ 1,548,211	54585
GRF 038-401 Alcohol and Drug	\$	29,742,355	\$ 28,946,504	54586
Addiction Services				
GRF 038-404 Prevention Services	\$	1,327,357	\$ 1,292,427	54587
TOTAL GRF General Revenue Fund	\$	32,570,261	\$ 31,787,142	54588
General Services Fund				54589
5B7 038-629 TANF Transfer -	\$	3,500,000	\$ 3,500,000	54590
Treatment				
5EB 038-630 TANF Transfer -	\$	1,500,000	\$ 1,500,000	54591
Mentoring				
TOTAL GSF General Services Fund	\$	5,000,000	\$ 5,000,000	54592
Group				
Federal Special Revenue Fund Group				54593

3G3	038-603	Drug Free Schools	\$	3,500,000	\$	3,500,000	54594
3G4	038-614	Substance Abuse Block Grant	\$	65,062,211	\$	65,062,211	54595
3H8	038-609	Demonstration Grants	\$	3,093,075	\$	3,093,075	54596
3J8	038-610	Medicaid	\$	21,500,000	\$	21,500,000	54597
3N8	038-611	Administrative Reimbursement	\$	500,000	\$	500,000	54598
TOTAL FED Federal Special Revenue							54599
Fund Group			\$	93,655,286	\$	93,655,286	54600
State Special Revenue Fund Group							54601
475	038-621	Statewide Treatment and Prevention	\$	15,100,000	\$	14,550,000	54602
5P1	038-615	Credentialing	\$	450,000	\$	0	54603
689	038-604	Education and Conferences	\$	245,000	\$	245,000	54604
TOTAL SSR State Special Revenue							54605
Fund Group			\$	15,795,000	\$	14,795,000	54606
TOTAL ALL BUDGET FUND GROUPS			\$	147,020,547	\$	145,237,428	54607

AM. SUB. H.B. 484 OF THE 122nd GENERAL ASSEMBLY 54608

Of the foregoing appropriation item 038-401, Alcohol and Drug 54609
Addiction Services, \$4 million in each fiscal year shall be 54610
allocated for services to families, adults, and adolescents 54611
pursuant to the requirements of Am. Sub. H.B. 484 of the 122nd 54612
General Assembly. 54613

ALCOHOL AND DRUG ADDICTION SERVICES TRANSFER 54614

The foregoing appropriation item 038-629, TANF 54615
Transfer-Treatment, shall be used to provide substance abuse 54616
prevention and treatment services to children, or their families, 54617
whose income is at or below 200 per cent of the official income 54618
poverty guideline. 54619

The foregoing appropriation item 038-630, TANF 54620

Transfer-Mentoring, shall be used to fund adolescent youth 54621
mentoring programs for children, or their families, whose income 54622
is at or below 200 per cent of the official income poverty 54623
guideline. The Director of Alcohol and Drug Addiction Services and 54624
the Director of Job and Family Services shall develop operating 54625
and reporting guidelines for these programs. 54626

PARENT AWARENESS TASK FORCE 54627

The Parent Awareness Task Force shall study ways to engage 54628
more parents in activities, coalitions, and educational programs 54629
in Ohio relating to alcohol and other drug abuse prevention. Of 54630
the foregoing appropriation item 038-404, Prevention Services, 54631
\$30,000 in each fiscal year may be used to support the functions 54632
of the Parent Awareness Task Force. 54633

PLAN TO EVALUATE PER CAPITA FORMULA 54634

Not later than June 30, 2002, the Department of Alcohol and 54635
Drug Addiction Services shall establish a plan to evaluate the 54636
current per capita formula used in determining how state and 54637
federal funds for alcohol and drug addiction services are 54638
allocated under section 3793.04 of the Revised Code. The plan 54639
shall evaluate all of the following: 54640

(A) Whether population statistics alone should be used to 54641
quantify the need for funding in a county; 54642

(B) Whether other social and economic demographic indicators 54643
should be utilized; 54644

(C) The appropriateness of the current per capita formula. 54645

Section 20. AMB AMBULANCE LICENSING BOARD 54646

General Services Fund Group 54647
4N1 915-601 Operating Expenses \$ 240,894 \$ 251,255 54648
TOTAL GSF General Services 54649

Fund Group	\$	240,894	\$	251,255	54650
TOTAL ALL BUDGET FUND GROUPS	\$	240,894	\$	251,255	54651

Section 21. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS 54653

General Services Fund Group					54654
4K9 891-609 Operating Expenses	\$	461,465	\$	484,574	54655
TOTAL GSF General Services Fund					54656
Group	\$	461,465	\$	484,574	54657
TOTAL ALL BUDGET FUND GROUPS	\$	461,465	\$	484,574	54658

Section 22. ART OHIO ARTS COUNCIL 54660

General Revenue Fund					54661
GRF 370-100 Personal Services	\$	2,104,509	\$	2,176,032	54662
GRF 370-200 Maintenance	\$	517,233	\$	513,694	54663
GRF 370-300 Equipment	\$	21,843	\$	21,693	54664
GRF 370-502 Program Subsidies	\$	13,199,273	\$	13,199,273	54665
TOTAL GRF General Revenue Fund	\$	15,842,858	\$	15,910,692	54666
General Services Fund Group					54667
4B7 370-603 Per Cent for Art	\$	84,672	\$	86,366	54668
Acquisitions					
460 370-602 Gifts and Donations	\$	334,969	\$	345,012	54669
TOTAL GSF General Services Fund	\$	419,641	\$	431,378	54670
Group					
Federal Special Revenue Fund Group					54671
314 370-601 Federal Programs	\$	862,000	\$	862,000	54672
TOTAL FED Federal Special Revenue	\$	862,000	\$	862,000	54673
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	17,124,499	\$	17,204,070	54674

PROGRAM SUBSIDIES 54675

A museum is not eligible to receive funds from appropriation					54676
item 370-502, Program Subsidies, if \$8,000,000 or more in capital					54677

appropriations were appropriated by the state for the museum				54678
between January 1, 1986, and December 31, 2002.				54679
PER CENT FOR ART ACQUISITIONS				54680
The unobligated balance remaining from prior projects of				54681
appropriation item 370-603, Per Cent for Art Acquisitions, shall				54682
be used by the Ohio Arts Council to pay for start-up costs in				54683
connection with the selection of artists of new Per Cent for Art				54684
projects.				54685
Section 23. AFC OHIO ARTS AND SPORTS FACILITIES				54686
COMMISSION				54687
General Revenue Fund				54688
GRF 371-321 Operating Expenses	\$	100,000	\$ 100,000	54689
GRF 371-401 Lease Rental Payments	\$	33,526,100	\$ 36,413,200	54690
TOTAL GRF General Revenue Fund	\$	33,626,100	\$ 36,513,200	54691
State Special Revenue Fund Group				54692
4T8 371-601 Riffe Theatre	\$	22,628	\$ 23,194	54693
Equipment Maintenance				
4T8 371-603 Project Administration	\$	924,075	\$ 921,868	54694
TOTAL SSR State Special Revenue	\$	946,703	\$ 945,062	54695
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	34,572,803	\$ 37,458,262	54696
OHIO BUILDING AUTHORITY LEASE PAYMENTS				54697
Appropriations to the Arts and Sports Facilities Commission				54698
from the General Revenue Fund include \$69,939,300 for the biennium				54699
for appropriation item 371-401, Lease Rental Payments. This				54700
appropriation shall be used for payments to the Ohio Building				54701
Authority for the period July 1, 2001, to June 30, 2003, pursuant				54702
to the primary leases and agreements for those buildings made				54703
under Chapter 152. of the Revised Code which are the source of				54704
funds pledged for bond service charges on related obligations				54705

issued pursuant to Chapter 152. of the Revised Code.	54706
OPERATING EXPENSES	54707
The foregoing appropriation item 371-603, Project Administration, shall be used by the Ohio Arts and Sports Facilities Commission to carry out its responsibilities pursuant to this section and Chapter 3383. of the Revised Code.	54708 54709 54710 54711
Within ten days after the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management shall determine the amount of cash to be transferred from interest earnings available to be transferred from the Arts Facilities Building Fund (Fund 030) and the Sports Facilities Building Fund (Fund 024) to the Arts and Sports Facilities Commission Administration Fund (Fund 4T8). The amount transferred may not exceed the appropriation in appropriation item 371-603, Project Administration.	54712 54713 54714 54715 54716 54717 54718 54719 54720
By July 10, 2002, or as soon as possible thereafter, the Director of Budget and Management shall determine the amount of cash from interest earnings to be transferred from the Arts Facilities Building Fund (Fund 030) and the Sports Facilities Fund (Fund 024) to the Arts and Sports Administration Fund (Fund 4T8). The amount transferred may not exceed the appropriation in appropriation item 371-603, Project Administration.	54721 54722 54723 54724 54725 54726 54727
The amount transferred may not exceed investment earnings credited to the Arts Facilities Building Fund (Fund 030) and the Sports Facilities Fund (Fund 024) less any amount required to be paid for federal arbitrage rebate purposes.	54728 54729 54730 54731
Section 24. ATH ATHLETIC COMMISSION	54732
General Services Fund Group	54733
4K9 175-609 Athletic Commission - \$ 140,088 \$ 144,343	54734
Operating	

5R1	175-602	Athlete Agents Registration	\$	35,000	\$	35,000	54735
TOTAL	GSF	General Services Fund Group	\$	175,088	\$	179,343	54736
TOTAL	ALL BUDGET FUND GROUPS		\$	175,088	\$	179,343	54737
Section 25. AGO ATTORNEY GENERAL							54739
General Revenue Fund							54740
GRF	055-321	Operating Expenses	\$	59,120,482	\$	61,775,856	54741
GRF	055-405	Law-Related Education	\$	199,790	\$	204,785	54742
GRF	055-406	Community Police Match and Law Enforcement Assistance	\$	3,013,464	\$	3,111,336	54743
GRF	055-411	County Sheriffs	\$	620,506	\$	636,019	54744
GRF	055-415	County Prosecutors	\$	520,084	\$	533,086	54745
TOTAL	GRF	General Revenue Fund	\$	63,474,326	\$	66,261,082	54746
General Services Fund Group							54747
106	055-612	General Reimbursement	\$	14,997,546	\$	15,786,163	54748
107	055-624	Employment Services	\$	1,211,307	\$	1,284,396	54749
195	055-660	Workers' Compensation Section	\$	7,343,128	\$	7,769,628	54750
4Y7	055-608	Title Defect Rescission	\$	840,260	\$	870,623	54751
4Z2	055-609	BCI Asset Forfeiture and Cost Reimbursement	\$	324,009	\$	332,109	54752
418	055-615	Charitable Foundations	\$	1,841,113	\$	1,899,066	54753
420	055-603	Attorney General Antitrust	\$	435,560	\$	446,449	54754
421	055-617	Police Officers' Training Academy Fee	\$	1,134,861	\$	1,193,213	54755
5A9	055-618	Telemarketing Fraud Enforcement	\$	51,100	\$	52,378	54756
590	055-633	Peace Officer Private	\$	94,784	\$	98,370	54757

		Security Fund					
629	055-636	Corrupt Activity	\$	105,590	\$	108,230	54758
		Investigation and Prosecution					
631	055-637	Consumer Protection	\$	1,254,020	\$	1,373,832	54759
		Enforcement					
TOTAL GSF General Services Fund							54760
Group			\$	29,633,278	\$	31,214,457	54761
Federal Special Revenue Fund Group							54762
3E5	055-638	Anti-Drug Abuse	\$	2,939,693	\$	2,939,693	54763
3R6	055-613	Attorney General	\$	1,929,110	\$	1,998,972	54764
		Federal Funds					
306	055-620	Medicaid Fraud Control	\$	2,633,348	\$	2,765,015	54765
381	055-611	Civil Rights Legal	\$	334,249	\$	354,304	54766
		Service					
383	055-634	Crime Victims	\$	14,500,000	\$	15,225,000	54767
		Assistance					
TOTAL FED Federal Special Revenue							54768
Fund Group			\$	22,336,400	\$	23,282,984	54769
State Special Revenue Fund Group							54770
4L6	055-606	DARE	\$	3,830,137	\$	3,927,962	54771
402	055-616	Victims of Crime	\$	26,144,763	\$	27,933,893	54772
417	055-621	Domestic Violence	\$	14,139	\$	14,492	54773
		Shelter					
419	055-623	Claims Section	\$	14,017,852	\$	14,749,954	54774
659	055-641	Solid and Hazardous	\$	834,417	\$	880,751	54775
		Waste Background Investigations					
TOTAL SSR State Special Revenue							54776
Fund Group			\$	44,841,308	\$	47,507,052	54777
Holding Account Redistribution Fund Group							54778
R03	055-629	Bingo License Refunds	\$	5,200	\$	5,200	54779

R04	055-631	General Holding Account	\$	275,000	\$	275,000	54780
R05	055-632	Antitrust Settlements	\$	10,400	\$	10,400	54781
R18	055-630	Consumer Frauds	\$	750,000	\$	750,000	54782
R42	055-601	Organized Crime Commission Account	\$	200,000	\$	200,000	54783
TOTAL 090 Holding Account							54784
Redistribution Fund Group			\$	1,240,600	\$	1,240,600	54785
TOTAL ALL BUDGET FUND GROUPS			\$	161,525,912	\$	169,506,175	54786

LAW-RELATED EDUCATION 54787

The foregoing appropriation item 055-405, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students and accessing additional public and private money for new programs. 54788
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WORKERS' COMPENSATION SECTION 54794

The Workers' Compensation Section Fund (Fund 195) shall receive payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission at the beginning of each quarter of each fiscal year to fund legal services to be provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the ensuing quarter. Such advance payment shall be subject to adjustment. 54795
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In addition, the Bureau of Workers' Compensation shall transfer payments at the beginning of each quarter for the support of the Workers' Compensation Fraud Unit. 54802
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All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission. 54805
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CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 54808

The foregoing appropriation item 055-636, Corrupt Activity Investigation and Prosecution, shall be used as provided by division (D)(2) of section 2923.35 of the Revised Code to dispose of the proceeds, fines, and penalties credited to the Corrupt Activity Investigation and Prosecution Fund, which is created in division (D)(1)(b) of section 2923.35 of the Revised Code. If it is determined that additional amounts are necessary, the amounts are appropriated.

COMMUNITY POLICE MATCH AND LAW ENFORCEMENT ASSISTANCE

In fiscal years 2002 and 2003, the Attorney General's Office may request that the Director of Budget and Management transfer appropriation authority from appropriation Item 055-321, Operating Expenses, to appropriation item 055-406, Community Police Match and Law Enforcement Assistance. The Director of Budget and Management shall then transfer appropriation authority from appropriation item 055-321, Operating Expenses, to appropriation item 055-406, Community Police Match and Law Enforcement Assistance. Moneys transferred to appropriation item 055-406 shall be used to pay operating expenses and to provide grants to local law enforcement agencies and communities for the purpose of supporting law enforcement-related activities.

Section 26. AUD AUDITOR OF STATE

General Revenue Fund					54831	
GRF 070-321	Operating Expenses	\$	34,052,713	\$	35,006,189	54832
GRF 070-403	Fiscal Watch/Emergency	\$	1,000,000	\$	1,000,000	54833
	Technical Assistance					
GRF 070-405	Electronic Data	\$	1,030,137	\$	1,058,981	54834
	Processing - Auditing					
	and Administration					
GRF 070-406	Uniform Accounting	\$	2,423,314	\$	2,458,201	54835
	Network/Technology					

Improvements Fund					
TOTAL GRF General Revenue Fund	\$	38,506,164	\$	39,523,371	54836
General Services Fund Group					54837
109 070-601 Public Audit Expense -	\$	9,497,201	\$	9,629,588	54838
Intra-State					
422 070-601 Public Audit Expense -	\$	37,450,472	\$	37,617,072	54839
Local Government					
584 070-603 Training Program	\$	198,200	\$	217,000	54840
675 070-605 Uniform Accounting	\$	2,809,200	\$	2,741,600	54841
Network					
TOTAL GSF General Services Fund					54842
Group	\$	49,955,073	\$	50,205,260	54843
Holding Account Redistribution Fund Group					54844
R06 070-604 Continuous Receipts	\$	204,400	\$	209,510	54845
TOTAL 090 Holding Account					54846
Redistribution Fund Group	\$	204,400	\$	209,510	54847
TOTAL ALL BUDGET FUND GROUPS	\$	88,665,637	\$	89,938,141	54848

FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE 54849

The foregoing appropriation item 070-403, Fiscal 54850
 Watch/Emergency Technical Assistance, shall be used for all 54851
 expenses incurred by the Office of the Auditor of State in its 54852
 role relating to fiscal watch or fiscal emergency activities under 54853
 Chapters 118. and 3316. of the Revised Code. Expenses shall 54854
 include, but shall not be limited to, the following: duties 54855
 related to the determination or termination of fiscal watch or 54856
 fiscal emergency of municipal corporations, counties, or townships 54857
 as outlined in Chapter 118. of the Revised Code and of school 54858
 districts as outlined in Chapter 3316. of the Revised Code; 54859
 development of preliminary accounting reports; performance of 54860
 annual forecasts; provision of performance audits; and 54861
 supervisory, accounting, or auditing services for the mentioned 54862
 public entities and school districts. The unencumbered balance of 54863

appropriation item 070-403, Fiscal Watch/Fiscal Emergency 54864
 Technical Assistance, at the end of fiscal year 2002 is 54865
 transferred to fiscal year 2003 for use under the same 54866
 appropriation item. 54867

ELECTRONIC DATA PROCESSING 54868

The unencumbered balance of appropriation item 070-405, 54869
 Electronic Data Processing-Auditing and Administration, at the end 54870
 of fiscal year 2002 is transferred to fiscal year 2003 for use 54871
 under the same appropriation item. 54872

UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND 54873

The foregoing appropriation item 070-406, Uniform Accounting 54874
 Network/Technology Improvements Fund, shall be used to pay the 54875
 costs of developing and implementing the Uniform Accounting 54876
 Network and technology improvements for the Office of the Auditor 54877
 of State. The unencumbered balance of the appropriation at the end 54878
 of fiscal year 2002 is transferred to fiscal year 2003 to pay the 54879
 costs of the developing and implementing the Uniform Accounting 54880
 Network and technology improvements for the Office of the Auditor 54881
 of State. 54882

Section 27. BRB BOARD OF BARBER EXAMINERS 54883

General Services Fund Group 54884
 4K9 877-609 Operating Expenses \$ 479,264 \$ 505,999 54885
 TOTAL GSF General Services Fund 54886
 Group \$ 479,264 \$ 505,999 54887
 TOTAL ALL BUDGET FUND GROUPS \$ 479,264 \$ 505,999 54888

Section 28. OBM OFFICE OF BUDGET AND MANAGEMENT 54890

General Revenue Fund 54891
 GRF 042-321 Budget Development and \$ 2,356,547 \$ 2,492,956 54892
 Implementation

GRF 042-401	Office of Quality Services	\$	583,551	\$	606,924	54893
GRF 042-409	Commission Closures	\$	42,500	\$	0	54894
GRF 042-410	National Association Dues	\$	24,522	\$	25,296	54895
GRF 042-412	Audit of Auditor of State	\$	44,160	\$	46,080	54896
TOTAL GRF	General Revenue Fund	\$	3,051,280	\$	3,171,255	54897
	General Services Fund Group					54898
105 042-603	State Accounting	\$	9,554,743	\$	9,934,755	54899
4C1 042-601	Quality Services Academy	\$	125,000	\$	125,000	54900
TOTAL GSF	General Services Fund Group	\$	9,679,743	\$	10,059,755	54901
	State Special Revenue Fund Group					54902
5N4 042-602	ERP Project Implementation	\$	6,600,000	\$	2,600,000	54903
TOTAL SSR	State Special Revenue Fund Group	\$	6,600,000	\$	2,600,000	54904
TOTAL ALL BUDGET FUND GROUPS		\$	19,331,023	\$	15,831,011	54905

Section 28.01. OFFICE OF QUALITY SERVICES 54907

A portion of the foregoing appropriation item 042-401, Office of Quality Services, may be used to provide financial sponsorship support for conferences and showcases that promote quality improvement efforts. These expenditures are not subject to Chapter 125. of the Revised Code. 54908
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OHIO'S QUALITY SHOWCASE 54913

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. 54914
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Any state agency, at the discretion and with the approval of the director or other executive authority of the agency, may provide financial or in-kind support for Ohio's Quality Showcase cosponsored by the Office of Quality Services. Any financial contribution made by an agency shall not exceed \$5,000 annually.

AUDIT COSTS

Of the foregoing appropriation item 042-603, State Accounting, not more than \$450,000 in fiscal year 2002 and \$350,000 in fiscal year 2003 shall be used to pay for centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state.

Section 28.02. TRANSFER OF GRF FUNDS TO DEPARTMENT OF DEVELOPMENT

The Director of Budget and Management, at the request of the Director of Development, may transfer up to \$25 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.

COAL RESEARCH AND DEVELOPMENT FUND

Notwithstanding sections 1555.08 and 1555.15 of the Revised Code, on July 1, 2001, or as soon as possible thereafter, the Director of Budget and Management shall transfer all cash in the Coal Research and Development Fund (Fund 046), which represents investment earnings of that fund previously credited to that fund, to the General Revenue Fund.

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 54947
fewer full-time equivalent personnel than any of the departments 54948
listed in that section, to prepare a full zero-base budget for the 54949
biennium ending June 30, 2005, shall inform the agencies of their 54950
selection, and shall offer the two agencies substantial technical 54951
assistance throughout the process of preparing their zero-base 54952
budgets. Each of the agencies shall prepare a full zero-base 54953
budget in such manner and according to such schedule as the 54954
Director of Budget and Management requires. The zero-base budgets 54955
shall, as the Director of Budget and Management determines, be in 54956
addition to or in place of the estimates of revenue and proposed 54957
expenditures that other state agencies are required to prepare 54958
under section 126.02 of the Revised Code. 54959

Section 29. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 54960

General Revenue Fund 54961

GRF 874-321 Operating Expenses	\$	3,696,546	\$	3,312,263	54962
TOTAL GRF General Revenue Fund	\$	3,696,546	\$	3,312,263	54963

General Services Fund Group 54964

4G5 874-603 Capitol Square	\$	15,000	\$	15,000	54965
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Maintenance Expenses

4S7 874-602 Statehouse Gift	\$	623,293	\$	670,484	54966
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Shop/Events

4T2 874-604 Government Television/	\$	75,000	\$	0	54967
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Telecommunications

Operating

TOTAL GSF General Services 54968

Fund Group	\$	713,293	\$	685,484	54969
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Underground Parking Garage 54970

208 874-601 Underground Parking	\$	2,863,603	\$	2,996,801	54971
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Garage Operating

TOTAL UPG Underground Parking 54972

Garage	\$	2,863,603	\$	2,996,801	54973
TOTAL ALL BUDGET FUND GROUPS	\$	7,273,442	\$	6,994,548	54974

OHIO GOVERNMENT TELEVISION/TELECOMMUNICATIONS 54976

The Capitol Square Review and Advisory Board shall seek 54977
Controlling Board approval before spending any of the funds 54978
appropriated in appropriation item 874-604, Government 54979
Television/Telecommunications Operating. 54980

Section 30. CHR STATE BOARD OF CHIROPRACTIC EXAMINERS 54981

General Services Fund Group					54982
4K9 878-609 Operating Expenses	\$	561,949	\$	591,724	54983
TOTAL GSF General Services Fund					54984
Group	\$	561,949	\$	591,724	54985
TOTAL ALL BUDGET FUND GROUPS	\$	561,949	\$	591,724	54986

Section 30.01. CHIROPRACTIC LICENSE EXAMINATION REQUIREMENTS 54988

If the State Chiropractic Board refused to issue a license to 54989
practice chiropractic to an individual solely because the 54990
individual did not meet the examination requirements of division 54991
(B)(4)(b) or (c) of section 4734.20 of the Revised Code, as 54992
specified on and after the effective date of Am. Sub. H.B. 506 of 54993
the 123rd General Assembly but before the effective date of this 54994
section, the Board shall reconsider the application and issue or 54995
refuse to issue a license according to the examination 54996
requirements specified in division (B)(4)(b) or (c) of section 54997
4734.20 of the Revised Code, as amended by this act. 54998

Section 31. CIV OHIO CIVIL RIGHTS COMMISSION 54999

General Revenue Fund					55000
GRF 876-100 Personal Services	\$	9,159,420	\$	9,159,421	55001
GRF 876-200 Maintenance	\$	987,372	\$	987,372	55002

GRF 876-300 Equipment	\$	111,842	\$	111,842	55003
TOTAL GRF General Revenue Fund	\$	10,258,634	\$	10,258,635	55004
Federal Special Revenue Fund Group					55005
334 876-601 Federal Programs	\$	3,702,577	\$	4,284,113	55006
TOTAL FED Federal Special Revenue					55007
Fund Group	\$	3,702,577	\$	4,284,113	55008
State Special Revenue Fund Group					55009
217 876-604 General Reimbursement	\$	20,440	\$	20,951	55010
TOTAL SSR State Special					55011
Revenue Fund Group	\$	20,440	\$	20,951	55012
TOTAL ALL BUDGET FUND GROUPS	\$	13,981,651	\$	14,563,699	55013
Section 32. COM DEPARTMENT OF COMMERCE					55014
General Revenue Fund					55015
GRF 800-402 Grants-Volunteer Fire	\$	912,500	\$	793,750	55016
Departments					
GRF 800-410 Labor and Worker	\$	3,898,792	\$	4,042,587	55017
Safety					
Total GRF General Revenue Fund	\$	4,811,292	\$	4,836,337	55018
General Services Fund Group					55019
163 800-620 Division of	\$	5,873,604	\$	6,189,578	55020
Administration					
5F1 800-635 Small Government Fire	\$	250,000	\$	250,000	55021
Departments					
TOTAL GSF General Services Fund					55022
Group	\$	6,123,604	\$	6,439,578	55023
Federal Special Revenue Fund Group					55024
348 800-622 Underground Storage	\$	195,008	\$	195,008	55025
Tanks					
348 800-624 Leaking Underground	\$	1,850,000	\$	1,850,000	55026
Storage Tanks					
349 800-626 OSHA Enforcement	\$	1,346,000	\$	1,386,380	55027

Am. Sub. H. B. No. 94
As Reported by the Committee of Conference*

TOTAL FED Federal Special Revenue				55028
Fund Group	\$	3,391,008	\$ 3,431,388	55029
State Special Revenue Fund Group				55030
4B2 800-631 Real Estate Appraisal	\$	69,870	\$ 71,267	55031
Recovery				
4H9 800-608 Cemeteries	\$	260,083	\$ 273,465	55032
4L5 800-609 Fireworks Training and	\$	10,526	\$ 10,976	55033
Education				
4X2 800-619 Financial Institutions	\$	2,020,646	\$ 2,134,754	55034
5B8 800-628 Auctioneers	\$	60,000	\$ 0	55035
5B9 800-632 PI & Security Guard	\$	1,139,377	\$ 1,188,716	55036
Provider				
5K7 800-621 Penalty Enforcement	\$	2,000	\$ 2,000	55037
543 800-602 Unclaimed	\$	5,921,792	\$ 6,151,051	55038
Funds-Operating				
543 800-625 Unclaimed Funds-Claims	\$	24,890,602	\$ 25,512,867	55039
544 800-612 Banks	\$	6,346,230	\$ 6,657,997	55040
545 800-613 Savings Institutions	\$	2,790,960	\$ 2,894,399	55041
546 800-610 Fire Marshal	\$	10,245,737	\$ 10,777,694	55042
547 800-603 Real Estate	\$	258,796	\$ 264,141	55043
Education/Research				
548 800-611 Real Estate Recovery	\$	150,000	\$ 150,000	55044
549 800-614 Real Estate	\$	2,885,785	\$ 3,039,837	55045
550 800-617 Securities	\$	4,611,800	\$ 4,864,800	55046
552 800-604 Credit Union	\$	2,368,450	\$ 2,477,852	55047
553 800-607 Consumer Finance	\$	2,305,339	\$ 2,258,822	55048
556 800-615 Industrial Compliance	\$	22,176,840	\$ 23,415,776	55049
6A4 800-630 Real Estate	\$	522,125	\$ 548,006	55050
Appraiser-Operating				
653 800-629 UST	\$	1,072,795	\$ 1,121,632	55051
Registration/Permit				
Fee				
TOTAL SSR State Special Revenue				55052

Fund Group	\$	90,109,753	\$	93,816,052	55053
Liquor Control Fund Group					55054
043 800-601 Merchandising	\$	322,741,245	\$	341,222,192	55055
043 800-627 Liquor Control Operating	\$	16,250,400	\$	15,801,163	55056
043 800-633 Development Assistance Debt Service	\$	16,134,800	\$	16,141,100	55057
043 800-636 Revitalization Debt Service	\$	1,600,000	\$	6,700,000	55058
TOTAL LCF Liquor Control					55059
Fund Group	\$	356,726,445	\$	379,864,455	55060
TOTAL ALL BUDGET FUND GROUPS	\$	461,162,102	\$	488,387,810	55061

GRANTS-VOLUNTEER FIRE DEPARTMENTS 55062

The foregoing appropriation item 800-402, Grants-Volunteer 55063
Fire Departments, shall be used to make annual grants to volunteer 55064
fire departments of up to \$10,000, or up to \$25,000 if the 55065
volunteer fire department provides service for an area affected by 55066
a natural disaster. The grant program shall be administered by the 55067
Fire Marshal under the Department of Commerce. The Fire Marshal 55068
shall adopt rules necessary for the administration and operation 55069
of the grant program. 55070

Notwithstanding section 3737.17 of the Revised Code, upon the 55071
request of the Director of Commerce, the Director of Budget and 55072
Management shall transfer \$200,000 cash in fiscal year 2002 and 55073
\$100,000 cash in fiscal year 2003 from the State Fire Marshal Fund 55074
(Fund 546) to the General Revenue Fund. 55075

Of the foregoing appropriation item 800-402, Grants-Volunteer 55076
Fire Departments, \$200,000 in fiscal year 2002 shall be granted to 55077
the Monday Creek Fire Department. 55078

LABOR AND WORKER SAFETY 55079

The Department of Commerce may designate a portion of 55080

appropriation item 800-410, Labor and Worker Safety, to be used to	55081
match federal funding for the OSHA on-site consultation program.	55082
SMALL GOVERNMENT FIRE DEPARTMENTS	55083
Upon the request of the Director of Commerce, the Director of	55084
Budget and Management shall transfer \$250,000 cash in each fiscal	55085
year from the State Fire Marshal Fund (Fund 546) within the State	55086
Special Revenue Fund Group to the Small Government Fire	55087
Departments Fund (Fund 5F1) within the General Services Fund	55088
Group.	55089
Notwithstanding section 3737.17 of the Revised Code, the	55090
foregoing appropriation item 800-635, Small Government Fire	55091
Departments, may be used to provide loans to private fire	55092
departments.	55093
PENALTY ENFORCEMENT	55094
The foregoing appropriation item 800-621, Penalty	55095
Enforcement, shall be used to enforce sections 4115.03 to 4115.16	55096
of the Revised Code.	55097
On July 1, 2001, or as soon thereafter as possible, the	55098
Director of Budget and Management shall transfer the cash balance	55099
in the Penalty Enforcement Fund that was in the custody of the	55100
state treasury to the Penalty Enforcement Fund (Fund 5K7) that is	55101
created in the state treasury by section 4115.10 of the Revised	55102
Code. The fund shall be used for deposit of moneys received from	55103
penalties paid under section 4115.10 of the Revised Code.	55104
UNCLAIMED FUNDS PAYMENTS	55105
The foregoing appropriation item 800-625, Unclaimed	55106
Funds-Claims, shall be used to pay claims pursuant to section	55107
169.08 of the Revised Code. If it is determined that additional	55108
amounts are necessary, the amounts are appropriated.	55109
INCREASED APPROPRIATION AUTHORITY - MERCHANDISING	55110

The Director of Commerce may, upon concurrence by the 55111
Director of Budget and Management, submit to the Controlling Board 55112
for approval a request for increased appropriation authority for 55113
appropriation item 800-601, Merchandising. 55114

CASH BALANCE TRANSFER 55115

On July 1, 2001, or as soon thereafter as possible, the 55116
Director of Budget and Management shall transfer the cash balance 55117
in the Salvage and Exchange Fund (Fund 861) to the Liquor Control 55118
Fund (Fund 043) created in section 4301.12 of the Revised Code. 55119
Upon the completion of the transfer, the Salvage and Exchange 55120
Fund, which was created by the Controlling Board during the 55121
1973-1975 biennium, is abolished. The director shall cancel any 55122
existing encumbrances against appropriation item 800-634, Salvage 55123
and Exchange, and reestablish them against appropriation item 55124
800-627, Liquor Control Operating. 55125

DEVELOPMENT ASSISTANCE DEBT SERVICE 55126

The foregoing appropriation item 800-633, Development 55127
Assistance Debt Service, shall be used to meet all payments at the 55128
times they are required to be made during the period from July 1, 55129
2001, to June 30, 2003, for bond service charges on obligations 55130
issued under section 166.08 of the Revised Code, but limited to 55131
the aggregate amount of \$32,275,900. If it is determined that 55132
additional appropriations are necessary for this purpose, such 55133
amounts are hereby appropriated, provided that the appropriation 55134
does not exceed \$25,000,000 in any fiscal year, except as may be 55135
needed for payments on obligations issued to meet guarantees. The 55136
General Assembly acknowledges that an appropriation for this 55137
purpose is not required, but is made in this form and in this act 55138
for record purposes only. 55139

REVITALIZATION DEBT SERVICE 55140

The foregoing appropriation item 800-636, Revitalization Debt 55141

Service, shall be used to pay debt service and related financing 55142
costs during the period from July 1, 2001, to June 30, 2003, on 55143
obligations to be issued for revitalization purposes under Section 55144
2o of Article VIII, Ohio Constitution, and implementing 55145
legislation. If it is determined that additional appropriations 55146
are necessary for this purpose, such amounts are hereby 55147
appropriated. The General Assembly acknowledges: (A) the priority 55148
of the pledge of a portion of receipts from that source to 55149
obligations issued and to be issued and guarantees made and to be 55150
made under Chapter 166. of the Revised Code; and (B) that this 55151
appropriation is subject to further consideration pursuant to 55152
implementing legislation. 55153

ADMINISTRATIVE ASSESSMENTS 55154

Notwithstanding any other provision of law to the contrary, 55155
Fund 163, Administration, shall receive assessments from all 55156
operating funds of the department in accordance with procedures 55157
prescribed by the Director of Commerce and approved by the 55158
Director of Budget and Management. 55159

Section 33. OCC OFFICE OF CONSUMERS' COUNSEL 55160

General Services Fund Group 55161

5F5 053-601 Operating Expenses	\$	8,560,182	\$	9,277,518	55162
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TOTAL GSF General Services Fund	\$	8,560,182	\$	9,277,518	55163
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	8,560,182	\$	9,277,518	55164
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CONSUMERS' COUNSEL TRANSFER 55165

On July 1, 2001, or as soon as possible thereafter, the 55166
Director of Budget and Management shall transfer \$349,758.12 in 55167
cash from Fund 5F5, Consumers' Counsel Operating Fund, to the 55168
General Revenue Fund. 55169

Section 34. CEB CONTROLLING BOARD	55170
General Revenue Fund	55171
GRF 911-404 Mandate Assistance \$ 2,000,000 \$ 2,000,000	55172
GRF 911-408 Ohio's Bicentennial Celebration \$ 3,000,000 \$ 5,000,000	55173
GRF 911-441 Ballot Advertising Costs \$ 600,000 \$ 600,000	55174
TOTAL GRF General Revenue Fund \$ 5,600,000 \$ 7,600,000	55175
State Special Revenue Fund Group	55176
5E2 911-601 Disaster Services \$ 8,000,000 \$ 4,000,000	55177
TOTAL SSR State Special Revenue Fund Group \$ 8,000,000 \$ 4,000,000	55179
TOTAL ALL BUDGET FUND GROUPS \$ 13,600,000 \$ 11,600,000	55180
FEDERAL SHARE	55181
In transferring appropriations to or from appropriation items 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.	55182 55183 55184 55185 55186 55187
DISASTER ASSISTANCE	55188
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.	55189 55190 55191 55192 55193 55194 55195 55196
SOUTHERN OHIO CORRECTIONAL FACILITY COST	55197

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;	55228
(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.	55229 55230 55231
MANDATE ASSISTANCE	55232
(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:	55233 55234 55235 55236
(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;	55237 55238 55239 55240
(2) The cost, primarily to small villages and townships, of providing firefighter training and equipment or gear;	55241 55242
(3) The cost to school districts of in-service training for child abuse detection.	55243 55244
(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.	55245 55246 55247 55248 55249 55250 55251 55252
	ADMINISTERING ESTIMATED ANNUAL 55253
	PROGRAM AGENCY AMOUNT 55254
Prosecution Costs	Office of Criminal Justice Services \$200,000 55255
Firefighter Training Costs	Department of Commerce \$1,000,000 55256 55257

Child Abuse Detection	Department of	\$800,000	55258
Training Costs	Education		

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the Department of Commerce, the Office of Criminal Justice Services, and the Department of Education may request from the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the Department of Commerce, the Office of Criminal Justice Services, and the Department of Education, the Controlling Board may transfer appropriations received by a state agency under this section back to appropriation item 911-404, Mandate Assistance, or to one or more of the other programs of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government, school districts, and fire departments under each of the three programs of state financial assistance identified under this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the Department of Commerce, the Office of Criminal Justice Services, and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of government, school districts, and fire departments.

(F) Each of these programs of state financial assistance shall be carried out as follows:

(1) PROSECUTION COSTS

(a) Appropriations may be transferred to the Office of

Criminal Justice Services to cover local prosecution costs for 55288
aggravated murder, murder, felonies of the first degree, and 55289
felonies of the second degree that occur on the grounds of 55290
institutions operated by the Department of Rehabilitation and 55291
Correction and the Department of Youth Services. 55292

(b) Upon a delinquency filing in juvenile court or the return 55293
of an indictment for aggravated murder, murder, or any felony of 55294
the first or second degree that was committed at a Department of 55295
Youth Services or a Department of Rehabilitation and Correction 55296
institution, the affected county may, in accordance with rules 55297
that the Office of Criminal Justice Services shall adopt, apply to 55298
the Office of Criminal Justice Services for a grant to cover all 55299
documented costs that are incurred by the county prosecutor's 55300
office. 55301

(c) Twice each year, the Office of Criminal Justice Services 55302
shall designate counties to receive grants from those counties 55303
that have submitted one or more applications in compliance with 55304
the rules that have been adopted by the Office of Criminal Justice 55305
Services for the receipt of such grants. In each year's first 55306
round of grant awards, if sufficient appropriations have been 55307
made, up to a total of \$100,000 may be awarded. In each year's 55308
second round of grant awards, the remaining appropriations 55309
available for this purpose may be awarded. 55310

(d) If for a given round of grants there are insufficient 55311
appropriations to make grant awards to all the eligible counties, 55312
the first priority shall be given to counties with cases involving 55313
aggravated murder and murder, second priority shall be given to 55314
cases involving a felony of the first degree, and third priority 55315
shall be given to cases involving a felony of the second degree. 55316
Within these priorities, the grant awards shall be based on the 55317
order in which the applications were received, except that 55318
applications for cases involving a felony of the first or second 55319

degree shall not be considered in more than two consecutive rounds of grant awards. 55320
55321

(2) FIREFIGHTER TRAINING COSTS 55322

Appropriations may be transferred to the Department of Commerce for use as full or partial reimbursement to local units of government and fire departments for the cost of firefighter training and equipment or gear. In accordance with rules that the department shall adopt, a local unit of government or fire department may apply to the department for a grant to cover all documented costs that are incurred to provide firefighter training and equipment or gear. The department shall make grants within the limits of the funding provided, with priority given to fire departments that serve small villages and townships. 55323
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(3) CHILD ABUSE DETECTION TRAINING COSTS 55333

Appropriations may be transferred to the Department of Education for disbursement to local school districts as full or partial reimbursement for the cost of providing in-service training for child abuse detection. In accordance with rules that the department shall adopt, a local school district may apply to the department for a grant to cover all documented costs that are incurred to provide in-service training for child abuse detection. The department shall make grants within the limits of the funding provided. 55334
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(G) Any moneys allocated within appropriation item 911-404, Mandate Assistance, not fully utilized may, upon application of the Department of Education, and with the approval of the Controlling Board, be disbursed to boards of county commissioners to provide reimbursement for office space, equipment, and related mandated expenses for educational service centers. 55343
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The amount to be disbursed to each county shall be allocated proportionately to the ADM of the educational service center for 55349
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which a board of county commissioners is required to provide an 55351
office under section 3319.19 of the Revised Code. 55352

OHIO'S BICENTENNIAL CELEBRATION 55353

The foregoing appropriation item 911-408, Ohio's Bicentennial 55354
Celebration, shall be distributed according to a plan approved by 55355
the Ohio Bicentennial Commission. Pursuant to requests submitted 55356
by the Ohio Bicentennial Commission, the Controlling Board may 55357
approve transfers from the foregoing appropriation item 911-408, 55358
Ohio's Bicentennial Celebration, to appropriation item 360-503, 55359
Ohio Bicentennial Commission, or to other new or existing 55360
appropriation items of a state agency or other entity as specified 55361
by the commission. 55362

Of the foregoing appropriation item 911-408, Ohio's 55363
Bicentennial Celebration, \$100,000 in each fiscal year shall be 55364
distributed to Inventing Flight 2003, \$75,000 in each fiscal year 55365
shall be distributed to the North Ridgeville Historical Society, 55366
and \$62,500 in each fiscal year shall be distributed to the Gallia 55367
County Historical Society. 55368

BALLOT ADVERTISING COSTS 55369

Pursuant to requests submitted by the Ohio Ballot Board, the 55370
Controlling Board shall approve transfers from the foregoing 55371
appropriation item 911-441, Ballot Advertising Costs, to an Ohio 55372
Ballot Board appropriation item in order to reimburse county 55373
boards of elections for the cost of public notices associated with 55374
statewide ballot initiatives. 55375

Of the foregoing appropriation item 911-441, Ballot 55376
Advertising Costs, the Director of Budget and Management shall 55377
transfer any amounts that are not needed for the purpose of 55378
reimbursing county boards of elections for the cost of public 55379
notices associated with statewide ballot initiatives to 55380
appropriation item 911-404, Mandate Assistance. 55381

Section 35. COS STATE BOARD OF COSMETOLOGY				55382
General Services Fund Group				55383
4K9 879-609 Operating Expenses	\$	2,528,489	\$ 2,728,359	55384
TOTAL GSF General Services Fund				55385
Group	\$	2,528,489	\$ 2,728,359	55386
TOTAL ALL BUDGET FUND GROUPS				55387
 Section 36. CSW COUNSELOR AND SOCIAL WORKERS BOARD				55389
General Services Fund Group				55390
4K9 899-609 Operating Expenses	\$	907,772	\$ 953,563	55391
TOTAL GSF General Services Fund				55392
Group	\$	907,772	\$ 953,563	55393
TOTAL ALL BUDGET FUND GROUPS				55394
 Section 37. CLA COURT OF CLAIMS				55396
General Revenue Fund				55397
GRF 015-321 Operating Expenses	\$	2,953,045	\$ 3,035,730	55398
TOTAL GRF General Revenue Fund				55399
State Special Revenue Fund Group				55400
5K2 015-603 CLA Victims of Crime	\$	1,891,183	\$ 1,602,716	55401
TOTAL SSR State Special Revenue				55402
Fund Group	\$	1,891,183	\$ 1,602,716	55403
TOTAL ALL BUDGET FUND GROUPS				55404
 Section 38. CJS OFFICE OF CRIMINAL JUSTICE SERVICES				55406
General Revenue Fund				55407
GRF 196-401 Criminal Justice	\$	772,236	\$ 798,575	55408
Information System				
GRF 196-403 Violence Prevention	\$	292,891	\$ 277,924	55409
GRF 196-405 Family Violence	\$	775,000	\$ 775,000	55410
Prevention Program				

GRF 196-424 Operating Expenses	\$	1,655,987	\$	1,840,186	55411
TOTAL GRF General Revenue Fund	\$	3,496,114	\$	3,691,685	55412
General Services Fund Group					55413
4P6 196-601 General Services	\$	107,310	\$	109,992	55414
TOTAL GSF General Services Fund	\$	107,310	\$	109,992	55415
Group					
Federal Special Revenue Fund Group					55416
3L5 196-604 Justice Programs	\$	29,464,972	\$	29,494,089	55417
3U1 196-602 Juvenile Justice	\$	250,000	\$	0	55418
Program					
TOTAL FED Federal Special Revenue	\$	29,714,972	\$	29,494,089	55419
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	33,318,396	\$	33,295,766	55420
INDIGENT DEFENSE					55421
The Office of Criminal Justice Services shall make all					55422
efforts to maximize the amount of funding available for the					55423
defense of indigent persons.					55424
CRIMINAL JUSTICE INFORMATION SYSTEM					55425
The foregoing appropriation item 196-401, Criminal Justice					55426
Information System, shall be used by the Office of Criminal					55427
Justice Services to work on a plan to improve Ohio's criminal					55428
justice information systems. The Director of Criminal Justice					55429
Services shall evaluate the progress of this plan and issue a					55430
report to the Governor, the Speaker and the Minority Leader of the					55431
House of Representatives, the President and the Minority Leader of					55432
the Senate, the Criminal Justice Policy Board, and the Legislative					55433
Service Commission by the first day of January of each year of the					55434
two-year biennium beginning July 1, 2001, and ending June 30,					55435
2003.					55436
OPERATING EXPENSES					55437
Of the foregoing appropriation item 196-424, Operating					55438

Expenses, up to \$577,642 in fiscal year 2002 and up to \$606,109 in 55439
fiscal year 2003 shall be used for the purpose of matching federal 55440
funds. 55441

JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT 55442

The foregoing appropriation item 196-602, Juvenile Justice 55443
Program, shall be used to fund and close out the Juvenile 55444
Accountability Incentive Block Grant Program for federal fiscal 55445
year 1999. 55446

Section 39. DEN STATE DENTAL BOARD 55447

General Services Fund Group 55448

4K9 880-609 Operating Expenses \$ 1,250,703 \$ 1,281,056 55449

TOTAL GSF General Services Fund 55450

Group \$ 1,250,703 \$ 1,281,056 55451

TOTAL ALL BUDGET FUND GROUPS \$ 1,250,703 \$ 1,281,056 55452

Section 40. BDP BOARD OF DEPOSIT 55454

General Services Fund Group 55455

4M2 974-601 Board of Deposit \$ 838,000 \$ 838,000 55456

TOTAL GSF General Services Fund 55457

Group \$ 838,000 \$ 838,000 55458

TOTAL ALL BUDGET FUND GROUPS \$ 838,000 \$ 838,000 55459

BOARD OF DEPOSIT EXPENSE FUND 55460

Upon receiving certification of expenses from the Treasurer 55461
of State, the Director of Budget and Management shall transfer 55462
cash from the Investment Earnings Redistribution Fund (Fund 608) 55463
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund 55464
shall be used to pay for banking charges and fees required for the 55465
operation of the State of Ohio Regular Account. 55466

Section 41. DEV DEPARTMENT OF DEVELOPMENT 55467

General Revenue Fund				55468
GRF 195-100 Personal Services	\$	2,651,334	\$ 2,920,941	55469
GRF 195-200 Maintenance	\$	589,524	\$ 601,314	55470
GRF 195-300 Equipment	\$	108,161	\$ 110,324	55471
GRF 195-401 Thomas Edison Program	\$	20,000,000	\$ 20,000,000	55472
GRF 195-404 Small Business Development	\$	2,452,342	\$ 2,529,843	55473
GRF 195-405 Minority Business Development Division	\$	2,278,888	\$ 2,297,314	55474
GRF 195-406 Transitional and Permanent Housing	\$	2,770,145	\$ 2,770,155	55475
GRF 195-407 Travel and Tourism	\$	6,345,500	\$ 6,448,399	55476
GRF 195-408 Coal Research Development	\$	562,551	\$ 585,290	55477
GRF 195-412 Business Development Grants	\$	8,033,935	\$ 9,092,851	55478
GRF 195-414 First Frontier Match	\$	490,000	\$ 490,000	55479
GRF 195-415 Regional Offices and Economic Development	\$	6,420,675	\$ 6,735,253	55480
GRF 195-416 Governor's Office of Appalachia	\$	5,466,954	\$ 5,475,126	55481
GRF 195-417 Urban/Rural Initiative	\$	980,000	\$ 980,000	55482
GRF 195-422 Technology Action	\$	14,000,000	\$ 14,000,000	55483
GRF 195-431 Community Development Corporation Grants	\$	2,530,860	\$ 2,530,860	55484
GRF 195-432 International Trade	\$	5,390,000	\$ 5,551,700	55485
GRF 195-434 Investment in Training Grants	\$	12,500,000	\$ 12,500,000	55486
GRF 195-436 Labor/Management Cooperation	\$	1,146,805	\$ 1,152,752	55487
GRF 195-440 Emergency Shelter Housing Grants	\$	2,768,313	\$ 2,841,441	55488
GRF 195-441 Low and Moderate	\$	19,000,000	\$ 19,000,000	55489

	Income Housing			
GRF 195-497	CDBG Operating Match			55490
	State	\$ 1,208,576	\$ 1,215,295	55491
	Federal	\$ 5,200,000	\$ 6,500,000	55492
	CDBG Operating Match	\$ 6,408,576	\$ 7,715,295	55493
	Total			
GRF 195-498	State Energy Match	\$ 153,558	\$ 158,548	55494
GRF 195-501	Appalachian Local	\$ 453,962	\$ 453,962	55495
	Development Districts			
GRF 195-502	Appalachian Regional	\$ 219,912	\$ 219,912	55496
	Commission Dues			
GRF 195-505	Utility Bill Credits	\$ 7,350,000	\$ 7,350,000	55497
GRF 195-507	Travel and Tourism	\$ 1,250,000	\$ 1,250,000	55498
	Grants			
GRF 195-510	Issue 1 Implementation	\$ 1,000,000	\$ 1,500,000	55499
GRF 195-906	Coal Research and	\$ 8,971,700	\$ 9,420,300	55500
	Development General			
	Obligation Debt			
	Service			
TOTAL GRF	General Revenue Fund			55501
	State	\$ 137,093,695	\$ 140,181,580	55502
	Federal	\$ 5,200,000	\$ 6,500,000	55503
GRF TOTAL		\$ 142,293,695	\$ 146,681,580	55504
	General Services Fund Group			
135 195-605	Supportive Services	\$ 9,038,988	\$ 9,531,707	55506
136 195-621	International Trade	\$ 100,000	\$ 24,915	55507
685 195-636	General Reimbursements	\$ 1,275,234	\$ 1,323,021	55508
TOTAL GSF	General Services Fund			55509
Group		\$ 10,414,222	\$ 10,879,643	55510
	Federal Special Revenue Fund Group			
3K8 195-613	Community Development	\$ 65,149,441	\$ 65,088,961	55512
	Block Grant			

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As Reported by the Committee of Conference*

3K9	195-611	Home Energy Assistance Block Grant	\$	62,000,000	\$	62,000,000	55513
3K9	195-614	HEAP Weatherization	\$	10,412,041	\$	10,412,041	55514
3L0	195-612	Community Services Block Grant	\$	22,135,000	\$	22,135,000	55515
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000	55516
308	195-602	Appalachian Regional Commission	\$	350,000	\$	350,200	55517
308	195-603	Housing and Urban Development	\$	5,000,000	\$	5,000,000	55518
308	195-605	Federal Projects	\$	7,855,501	\$	7,855,501	55519
308	195-609	Small Business Administration	\$	3,799,626	\$	3,799,626	55520
308	195-618	Energy Federal Grants	\$	2,803,560	\$	2,803,560	55521
335	195-610	Oil Overcharge	\$	8,500,000	\$	8,500,000	55522
380	195-622	Housing Development Operating	\$	4,507,212	\$	4,696,198	55523
TOTAL FED Federal Special Revenue							55524
Fund Group			\$	232,512,381	\$	232,641,087	55525
State Special Revenue Fund Group							55526
4F2	195-639	State Special Projects	\$	1,052,762	\$	1,079,082	55527
4H4	195-641	First Frontier	\$	600,000	\$	650,000	55528
4S0	195-630	Enterprise Zone Operating	\$	211,900	\$	211,900	55529
4S1	195-634	Job Creation Tax Credit Operating	\$	372,700	\$	375,800	55530
4W1	195-646	Minority Business Enterprise Loan	\$	2,572,960	\$	2,580,597	55531
444	195-607	Water and Sewer Commission Loans	\$	511,000	\$	523,775	55532
445	195-617	Housing Finance Operating	\$	3,782,808	\$	3,968,184	55533
450	195-624	Minority Business	\$	13,232	\$	13,563	55534

		Bonding Program				
		Administration				
451	195-625	Economic Development	\$	2,062,451	\$	2,143,918
		Financing Operating				55535
5M4	195-659	Universal Service	\$	160,000,000	\$	160,000,000
5M5	195-660	Energy Efficiency	\$	12,000,000	\$	12,000,000
		Revolving Loan				55537
611	195-631	Water and Sewer	\$	15,330	\$	15,713
		Administration				55538
617	195-654	Volume Cap	\$	200,000	\$	200,000
		Administration				55539
646	195-638	Low and Moderate	\$	21,539,552	\$	22,103,807
		Income Housing Trust				55540
		Fund				
		TOTAL SSR State Special Revenue				55541
		Fund Group	\$	204,934,695	\$	205,866,339
		Facilities Establishment Fund				55542
037	195-615	Facilities	\$	56,701,684	\$	58,119,226
		Establishment				55543
4Z6	195-647	Rural Industrial Park	\$	5,000,000	\$	5,000,000
		Loan				55545
5D1	195-649	Port Authority Bond	\$	2,500,000	\$	2,500,000
		Reserves				55546
5D2	195-650	Urban Redevelopment	\$	10,000,000	\$	10,475,000
		Loans				55547
5H1	195-652	Family Farm Loan	\$	2,246,375	\$	2,246,375
		Guarantee				55548
		TOTAL 037 Facilities				55549
		Establishment Fund	\$	76,448,059	\$	78,340,601
		Coal Research/Development Fund				55550
046	195-632	Coal Research and	\$	12,847,178	\$	13,168,357
		Development Fund				55551
						55552

TOTAL 046 Coal Research/				55553	
Development Fund	\$	12,847,178	\$	13,168,357	55554
TOTAL ALL BUDGET FUND GROUPS	\$	679,450,230	\$	687,577,607	55555

Section 41.01. WASHINGTON OFFICE 55557

Of the foregoing appropriation items 195-100, Personal 55558
Services, 195-200, Maintenance, and 195-300, Equipment, no more 55559
than \$335,700 in fiscal year 2002 and \$335,700 in fiscal year 2003 55560
may be transferred to the General Reimbursement Fund (Fund 685) to 55561
support the Washington Office. The transfer shall be made using an 55562
intrastate transfer voucher. 55563

THOMAS EDISON PROGRAM 55564

The foregoing appropriation item 195-401, Thomas Edison 55565
Program, shall be used for the purposes of sections 122.28 to 55566
122.38 of the Revised Code in order to provide funds for 55567
cooperative public and private efforts in technological innovation 55568
to promote the development and transfer of technology by and to 55569
Ohio businesses that will lead to the creation of jobs, and to 55570
provide for the administration of this program by the Technology 55571
Division. 55572

Of the foregoing appropriation item 195-401, Thomas Edison 55573
Program, not more than \$2,153,282 in fiscal year 2002 and 55574
\$2,228,537 in fiscal year 2003 shall be used for the Technology 55575
Division's operating expenses in administering this program. 55576

Of the foregoing appropriation item 195-401, Thomas Edison 55577
Program, \$187,500 in each fiscal year shall be used for the 55578
establishment of an e-logistics port at Rickenbacker Port 55579
Authority, and \$100,000 in fiscal year 2002 shall be used for the 55580
University of Akron Metals Technology Facility Feasibility Study. 55581

Section 41.02. SMALL BUSINESS DEVELOPMENT 55582

The foregoing appropriation item 195-404, Small Business Development, shall be used to ensure that the unique needs and concerns of small businesses are addressed.

The foregoing appropriation shall be used to provide grants to local organizations to support the operation of Small Business Development Centers, and other local economic development activity promoting small business and for the cost of administering the program. The centers shall provide technical, financial, and management consultation for small business, and facilitate access to state and federal programs. These funds shall be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Public Law No. 96-302 (1980) as amended by Public Law No. 98-395 (1984), and regulations and policy guidelines for these programs.

In addition, the Office of Small Business shall operate the One-Stop Business Permit Center, the Women's Business Resource Program, support government procurement assistance, and implement and coordinate the duties imposed on the Department of Development by Am. Sub. S.B. 239 of the 115th General Assembly.

MINORITY BUSINESS DEVELOPMENT DIVISION

Of the foregoing appropriation item 195-405, Minority Business Development Division, no less than \$1,060,000 in each fiscal year shall be used to fund minority contractors and business assistance organizations. The Minority Business Development Division shall determine which cities need minority contractors and business assistance organizations by utilizing United States Census Bureau data and zip codes to locate the highest concentrations of minority businesses. The Minority Business Development Division also shall determine the numbers of minority contractors and business assistance organizations necessary and the amount of funding to be provided each. In addition, the Minority Business Development Division shall

continue to plan and implement business conferences. 55615

Section 41.03. TRANSITIONAL AND PERMANENT HOUSING PROGRAM 55616

Of the foregoing appropriation item 195-406, Transitional and 55617
Permanent Housing, the Office of Housing and Community 55618
Partnerships shall make grants to local governments and nonprofit 55619
organizations for the acquisition, rehabilitation, renovation, 55620
construction, conversion, operating, and supportive services costs 55621
for both new and existing transitional and permanent housing for 55622
the homeless. 55623

COAL RESEARCH DEVELOPMENT 55624

The foregoing appropriation item 195-408, Coal Research 55625
Development, shall be used for the administrative costs of the 55626
Coal Development Office within the Technology Division and for 55627
grants that encourage, promote, and assist the use of Ohio coal 55628
pursuant to section 1551.32 of the Revised Code. 55629

Section 41.04. BUSINESS DEVELOPMENT 55630

The foregoing appropriation item 195-412, Business 55631
Development Grants, shall be used as an incentive for attracting 55632
and retaining business opportunities for the state. Any such 55633
business opportunity, whether new, expanding, or relocating in 55634
Ohio, is eligible for funding. The project must create or retain a 55635
significant number of jobs for Ohioans. Grant awards may be 55636
considered only when (1) the project's viability hinges on an 55637
award of appropriation item 195-412, Business Development Grants, 55638
funds; (2) all other public or private sources of financing have 55639
been considered; or (3) the funds act as a catalyst for the 55640
infusion into the project of other financing sources. 55641

The department's primary goal shall be to award funds to 55642
political subdivisions of the state for off-site infrastructure 55643

improvements. In order to meet the particular needs of economic 55644
development in a region, the department may elect to award funds 55645
directly to a business for on-site infrastructure improvements. 55646
Infrastructure improvements mean improvements to water system 55647
facilities, sewer and sewage treatment facilities, electric or gas 55648
service facilities, fiber optic facilities, rail facilities, site 55649
preparation, and parking facilities. The Director of Development 55650
may recommend the funds be used in an alternative manner when 55651
deemed appropriate to meet an extraordinary economic development 55652
opportunity or need. 55653

The foregoing appropriation item 195-412, Business 55654
Development Grants, may be expended only after the submission of a 55655
request to the Controlling Board by the Department of Development 55656
outlining the planned use of the funds, and the subsequent 55657
approval of the request by the Controlling Board. 55658

The foregoing appropriation item 195-412, Business 55659
Development Grants, may be used for, but is not limited to, 55660
construction, rehabilitation, and acquisition projects for rail 55661
freight assistance as requested by the Department of 55662
Transportation. The Director of Transportation shall submit the 55663
proposed projects to the Director of Development for an evaluation 55664
of potential economic benefit. 55665

Section 41.05. FIRST FRONTIER MATCH 55666

The foregoing appropriation item 195-414, First Frontier 55667
Match, shall be used as matching funds to targeted counties for 55668
the purpose of marketing state, regional, and local 55669
characteristics that may attract economic development. Targeted 55670
counties mean counties that have a population of less than 175,000 55671
residents. The appropriation may be used either for marketing 55672
programs by individual targeted counties or regional marketing 55673
campaigns, which are marketing programs in which at least one 55674

targeted county is participating with one or more other targeted	55675
counties or larger counties.	55676
REGIONAL OFFICES AND ECONOMIC DEVELOPMENT	55677
The foregoing appropriation item 195-415, Regional Offices	55678
and Economic Development, shall be used for the operating expenses	55679
of the Economic Development Division and the regional economic	55680
development offices and for grants for cooperative economic	55681
development ventures.	55682
Section 41.06. GOVERNOR'S OFFICE OF APPALACHIAN OHIO	55683
The foregoing appropriation item 195-416, Governor's Office	55684
of Appalachia, shall be used for the administrative costs of	55685
planning and liaison activities for the Governor's Office of	55686
Appalachian Ohio. Funds not expended for liaison and training	55687
activities may be expended for special project grants within the	55688
Appalachian Region.	55689
Of the foregoing appropriation item 195-416, Governor's	55690
Office of Appalachia, up to \$250,000 each fiscal year shall be	55691
used to match federal funds from the Appalachian Development	55692
Commission to provide job training to impact the Appalachian	55693
Region.	55694
Of the foregoing appropriation item 195-416, Governor's	55695
Office of Appalachia, \$4,400,000 in each fiscal year shall be used	55696
in conjunction with other federal and state funds to provide	55697
financial assistance to projects in Ohio's Appalachian counties in	55698
order to further the goals of the Appalachian Regional Commission.	55699
Such projects and project sponsors shall meet Appalachian Regional	55700
Commission eligibility requirements. Grants shall be administered	55701
by the Department of Development.	55702
Of the foregoing appropriation item 195-416, Governor's	55703
Office of Appalachia, \$500,000 in each fiscal year shall be used	55704

by the Appalachian Energy Grant Authority to make grants to 55705
eligible applicants to enhance and maintain the economic welfare 55706
of the Appalachian Region through the support of manufacturing in 55707
the region. 55708

URBAN/RURAL INITIATIVE 55709

The foregoing appropriation item 195-417, Urban/Rural 55710
Initiative, shall be used to make grants in accordance with 55711
sections 122.19 to 122.22 of the Ohio Revised Code. 55712

Of the foregoing appropriation item 195-417, Urban/Rural 55713
Initiative, \$50,000 in each fiscal year shall be used for the 55714
Corning Civic Center; \$50,000 in each fiscal year shall be used 55715
for the Somerset Historic Building; \$365,000 in fiscal year 2002 55716
shall be used for State Route 13 Access Improvements; \$50,000 in 55717
each fiscal year shall be used for the Murray City Flood 55718
Prevention; \$62,800 in fiscal year 2002 and \$427,800 in fiscal 55719
year 2003 shall be used for the Northern Perry Sewer; \$75,000 in 55720
each fiscal year shall be used for the Village of Oak Hill Sewer 55721
System Improvements; \$25,000 in each fiscal year shall be used for 55722
the Laurelville Community Projects; \$62,500 in each fiscal year 55723
shall be used for the Gallia County Community Projects; \$75,000 in 55724
each fiscal year shall be used for the Meigs County Community 55725
Projects; \$125,000 in each fiscal year shall be used for the 55726
Crooksville Community Center; and \$25,000 in each fiscal year 55727
shall be used for the Huber Opera House and Civic Center. 55728

TECHNOLOGY ACTION 55729

Prior to the release of funds from appropriation item 55730
195-422, Technology Action, each grant award shall first obtain 55731
approval from eight members of the Technology Action Board and 55732
from the Controlling Board. 55733

The Technology Action Board shall consist of fourteen 55734
members. The following ten members shall be appointed by the 55735

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.

Of the foregoing appropriation item 195-422, Technology 55768
Action, not more than six per cent in each fiscal year shall be 55769
used for operating expenditures in administering this program. 55770

In addition to the six per cent for operating expenditures, 55771
an additional administrative amount, not to exceed \$1,500,000 55772
within the biennium, shall be used for research, analyses, and 55773
marketing efforts deemed necessary to receive and disseminate 55774
information about science and technology related opportunities. 55775

Of the foregoing appropriation item 195-422, Technology 55776
Action, \$500,000 in each fiscal year shall be used for the 55777
EMTEK/Delphi Project for Wire Break Technology, and \$50,000 in 55778
fiscal year 2002 shall be used for the Ohio Aerospace Institute. 55779

SCIENCE AND TECHNOLOGY COLLABORATION 55780

The Board of Regents shall work in close collaboration with 55781
the Department of Development, the Biomedical Research and 55782
Technology Transfer Commission, created within the Board of 55783
Regents by section 183.20 of the Revised Code, and the Technology 55784
Action Board in relation to appropriation items and programs 55785
listed in the following paragraph, and other technology-related 55786
appropriations and programs in the Department of Development and 55787
the Board of Regents as these agencies may designate, to ensure 55788
implementation of a coherent state strategy with respect to 55789
science and technology. 55790

Each of the following appropriations and programs: 194-401, 55791
Thomas Edison Program; 195-408, Coal Research Development; 55792
195-422, Technology Action; 195-632, Coal Research and Development 55793
Fund; 235-428, Appalachian New Economy Partnership; 235-454, 55794
Research Challenge; 235-510, Ohio Supercomputer Center; 235-527, 55795
Ohio Aerospace Institute; 235-535, Agricultural Research and 55796
Development Center; 235-554, Computer Science Graduate Education; 55797
235-556, Ohio Academic Resources Network; and 235-405, Biomedical 55798

Research and Technology Transfer Commission, shall be reviewed 55799
annually by the Technology Action Board with respect to its 55800
development of complementary relationships within a combined state 55801
science and technology investment portfolio and its overall 55802
contribution to the state's science and technology strategy, 55803
including the adoption of appropriately consistent criteria for: 55804
(1) the scientific merit of activities supported by the program; 55805
(2) the relevance of the program's activities to commercial 55806
opportunities in the private sector; and (3) the private sector's 55807
involvement in a process that continually evaluates commercial 55808
opportunities to use the work supported by the program. The annual 55809
review by the Technology Action Board shall be a comprehensive 55810
review of the entire state science and technology program 55811
portfolio rather than a review of individual programs. 55812

Section 41.07. COMMUNITY DEVELOPMENT CORPORATIONS 55813

Of the foregoing appropriation item 195-431, Community 55814
Development Corporation Grants, a portion of funds in each fiscal 55815
year of the biennium shall be used to make grants to the Ohio 55816
Community Development Finance Fund, a nonprofit corporation, in 55817
order to leverage private-sector funds to assist nonprofit 55818
development organizations to create affordable housing and 55819
permanent jobs in distressed areas of the state. The remaining 55820
moneys shall be used to provide funds to assist local community 55821
development corporations to develop affordable housing programs 55822
and economic development programs in their neighborhoods, and for 55823
operating costs. 55824

Of the foregoing appropriation item 195-431, Community 55825
Development Corporation Grants, not less than \$100,000 in each 55826
fiscal year shall be used to provide training, technical 55827
assistance, and capacity building assistance to nonprofit 55828
development organizations in underserved areas of the state. For 55829

grants awarded in each fiscal year of the biennium, priority shall 55830
be given to proposals submitted by nonprofit development 55831
organizations from underserved areas of the state. 55832

Section 41.08. INTERNATIONAL TRADE 55833

The foregoing appropriation item 195-432, International 55834
Trade, shall be used to operate and to maintain Ohio's 55835
out-of-state trade offices. 55836

The Director of Development may enter into contracts with 55837
foreign nationals to staff foreign offices. Such contracts may be 55838
paid in local currency or United States currency and shall be 55839
exempt from the provisions of section 127.16 of the Revised Code. 55840
The director also may establish foreign currency accounts in 55841
accordance with section 122.05 of the Revised Code for the payment 55842
of expenses related to the operation and maintenance of the 55843
foreign trade offices. 55844

The foregoing appropriation item 195-432, International 55845
Trade, shall be used to fund the International Trade Division and 55846
to assist Ohio manufacturers and agricultural producers in 55847
exporting to foreign countries in conjunction with the Department 55848
of Agriculture. 55849

Of the foregoing appropriation item 195-432, International 55850
Trade, up to \$35,000 may be used to purchase gifts for 55851
representatives of foreign governments or dignitaries of foreign 55852
countries. 55853

Section 41.09. OHIO INVESTMENT IN TRAINING PROGRAM 55854

The foregoing appropriation item 195-434, Investment in 55855
Training Grants, shall be used to promote industrial training 55856
through training grants for the reimbursement of eligible training 55857
expenses. 55858

Section 41.10. EMERGENCY SHELTER HOUSING GRANTS 55859

(A) As used in this section, "emergency shelter housing" 55860
means a structure suitable for the temporary housing of the 55861
homeless and the provision of, or referral to, supportive 55862
services. Shelters that restrict admission to victims of domestic 55863
violence, runaways, or alcohol or substance abusers shall not be 55864
considered emergency shelter housing. 55865

(B) The foregoing appropriation item 195-440, Emergency 55866
Shelter Housing Grants, shall be used by the Office of Housing and 55867
Community Partnerships in the Department of Development to make 55868
grants to private, nonprofit organizations to provide emergency 55869
shelter housing for the homeless. The department shall distribute 55870
the grants pursuant to rules adopted by the Director of 55871
Development. The director may amend or rescind the rules and may 55872
adopt other rules necessary to implement this section. In awarding 55873
grants, the department shall give preference to organizations 55874
applying to fund existing emergency shelter housing. 55875

The department shall notify each organization that applied 55876
for a grant under this section of the amount of its grant award, 55877
if any. To receive a grant, the organization shall provide 55878
matching funds equal to 50 per cent of the total grant it was 55879
awarded. The organization shall expend its grant for shelter 55880
operations and supportive services, which include employment 55881
assistance, case management, information and referral services, 55882
transportation, and clothing. In providing employment assistance, 55883
the organization shall, at a minimum, refer persons to the 55884
Department of Job and Family Services. 55885

LOW AND MODERATE INCOME HOUSING 55886

The Director of Budget and Management, after consulting with 55887
the Director of Development, shall transfer up to \$19,000,000 from 55888
appropriation item 195-441, Low and Moderate Income Housing, to 55889

appropriation item 195-638, Low and Moderate Income Housing Trust 55890
Fund. This transfer shall be made via an intrastate transfer 55891
voucher. 55892

TANF TRANSFER TO CDBG OPERATING MATCH 55893

The Office of Housing and Community Partnerships of the 55894
Department of Development shall use \$5,200,000 of appropriation 55895
authority transferred from appropriation item 600-689, TANF Block 55896
Grant, in the Department of Job and Family Services in fiscal year 55897
2002 to appropriation item 195-497, CDBG Operating Match, in the 55898
Department of Development, and \$6,500,000 of appropriation 55899
authority transferred from appropriation item 600-689, TANF Block 55900
Grant, in fiscal year 2003 to appropriation item 195-497, CDBG 55901
Operating Match, to provide grants supportive services for 55902
low-income families related to housing or homelessness, including 55903
housing counseling; to provide grants to nonprofit organizations 55904
to assist families with incomes at or below 200 per cent of the 55905
federal poverty guidelines with down payment assistance for 55906
homeownership, including the purchase of mobile homes; to provide 55907
emergency home repair funding for families with incomes at or 55908
below 200 per cent of the federal poverty guideline; to provide 55909
operating support for family emergency shelter programs; and to 55910
provide emergency rent and mortgage assistance for families with 55911
incomes at or below 200 per cent of the federal poverty guideline. 55912
TANF funds shall not be used to match federal funds. 55913

The Department of Development shall comply with all TANF 55914
requirements, including reporting requirements and timelines, as 55915
specified in state and federal laws, federal regulations, state 55916
rules, and the Title IV-A state plan, and is responsible for 55917
payment of any adverse audit finding, final disallowance of 55918
federal financial participation, or other sanction or penalty 55919
issued by the federal government or other entity concerning these 55920
funds. 55921

No more than five per cent of transferred funds may be used 55922
by the department for administrative expenses of these programs. 55923
Transfer of funds between these programs shall first obtain 55924
approval of the Controlling Board. 55925

As used in this section, "federal poverty guideline" means 55926
the poverty guideline as defined by the United States Office of 55927
Management and Budget and revised by the United States Secretary 55928
of Health and Human Services in accordance with section 673 of the 55929
"Community Services Block Grant Act," 95 Stat. 511 (1981), 42 55930
U.S.C.A. 9902, as amended. 55931

UTILITY BILL CREDIT 55932

The foregoing appropriation item 195-505, Utility Bill 55933
Credits, shall be used to provide utility and fuel assistance to 55934
eligible low-income Ohio households with elderly and disabled 55935
members. 55936

Section 41.11. TRAVEL AND TOURISM GRANTS 55937

The foregoing appropriation item 195-507, Travel and Tourism 55938
Grants, shall be used to provide grants to local organizations to 55939
support various local travel and tourism events in Ohio. 55940

Of the foregoing appropriation item 195-507, Travel and 55941
Tourism Grants, up to \$200,000 in each fiscal year of the biennium 55942
may be used to support the outdoor dramas Trumpet in the Land, 55943
Blue Jacket, Tecumseh, and the Becky Thatcher Showboat Drama; 55944
\$50,000 in each fiscal year shall be used for the Greater 55945
Cleveland Film Commission; \$50,000 in each fiscal year shall be 55946
used for the Cincinnati Film Commission; \$50,000 in each fiscal 55947
year shall be used for the American Classical Music Hall of Fame; 55948
\$100,000 in each fiscal year shall be used for the Ottawa County 55949
Visitors Bureau, the Sandusky/Erie County Visitors and Convention 55950
Bureau, and the Lorain County Visitors Bureau for collaborative 55951

efforts to promote tourism; \$50,000 in each fiscal year shall be 55952
used for the Ohio River Trails; and \$750,000 in each fiscal year 55953
shall be used for grants to the International Center for the 55954
Preservation of Wild Animals and the Ohio Zoo Consortium. 55955

ISSUE 1 IMPLEMENTATION 55956

The foregoing appropriation item 195-510, Issue 1 55957
Implementation, shall be used to begin the implementation of 55958
Article VIII, Section 20 of the Ohio Constitution. 55959

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 55960

The foregoing appropriation item 195-906, Coal Research and 55961
Development General Obligation Debt Service shall be used to pay 55962
all debt service and financing costs at the times they are 55963
required to be made under sections 151.01 and 151.07 of the 55964
Revised Code during the period from July 1, 2001, to June 30, 55965
2003. The Office of the Sinking Fund or the Director of Budget and 55966
Management shall effectuate the required payments by an intrastate 55967
transfer voucher. 55968

Section 41.12. SUPPORTIVE SERVICES 55969

The Director of Development may assess divisions of the 55970
department for the cost of central service operations. Such an 55971
assessment shall be based on a plan submitted to and approved by 55972
the Office of Budget and Management by the first day of August of 55973
each fiscal year, and contain the characteristics of 55974
administrative ease and uniform application. 55975

A division's payments shall be credited to the Supportive 55976
Services Fund (Fund 135) using an intrastate transfer voucher. 55977

GENERAL REIMBURSEMENT 55978

The foregoing appropriation item 195-636, General 55979
Reimbursements, shall be used for conference and subscription fees 55980

and other reimbursable costs. Revenues to the General 55981
Reimbursement Fund (Fund 685) shall consist of fees and other 55982
moneys charged for conferences, subscriptions, and other 55983
administrative costs that are not central service costs. 55984

HEAP WEATHERIZATION 55985

Fifteen per cent of the federal funds received by the state 55986
for the Home Energy Assistance Block Grant shall be deposited in 55987
the Department of Development's Federal Special Revenue Fund (Fund 55988
3K9) and shall be used to provide home weatherization services in 55989
the state. 55990

HOME PROGRAM 55991

On July 1, 2001, or as soon as possible thereafter, the 55992
Director of Development shall certify to the Director of Budget 55993
and Management the cash balance and open encumbrances relating to 55994
the HOME Program located within Fund 308, appropriation item 55995
195-603, Housing and Urban Development. The Director of Budget and 55996
Management shall transfer the certified amount to newly created 55997
Fund 3V1, HOME Program. Any existing encumbrances in appropriation 55998
item 195-603 for the HOME Program shall be canceled and 55999
re-established against appropriation item 195-601, HOME Program. 56000
These re-established amounts are appropriated. 56001

STATE SPECIAL PROJECTS 56002

The foregoing appropriation item 195-639, State Special 56003
Projects, shall be used as a general account for the deposit of 56004
private-sector funds from utility companies and other 56005
miscellaneous state funds. Private-sector moneys shall be used to 56006
(1) pay the expenses of verifying the income-eligibility of HEAP 56007
applicants, (2) market economic development opportunities in the 56008
state, and (3) leverage additional federal funds. State funds 56009
shall be used to match federal housing grants for the homeless. 56010

Section 41.13. MINORITY BUSINESS ENTERPRISE LOAN	56011
All repayments from the Minority Development Financing	56012
Advisory Board loan program and the Ohio Mini-Loan Guarantee	56013
Program shall be deposited in the State Treasury, to the credit of	56014
the Minority Business Enterprise Loan Fund (Fund 4W1).	56015
All operating costs of administering the Minority Business	56016
Enterprise Loan Fund shall be paid from the Minority Business	56017
Enterprise Loan Fund (Fund 4WI).	56018
MINORITY BUSINESS BONDING FUND	56019
Notwithstanding Chapters 122., 169., and 175. of the Revised	56020
Code and other provisions of Am. Sub. H.B. 283 of the 123rd	56021
General Assembly, the Director of Development may, upon the	56022
recommendation of the Minority Development Financing Advisory	56023
Board, pledge up to \$10,000,000 in the 2001-2003 biennium of	56024
unclaimed funds administered by the Director of Commerce and	56025
allocated to the Minority Business Bonding Program pursuant to	56026
section 169.05 of the Revised Code. The transfer of any cash by	56027
the Director of Budget and Management from the Department of	56028
Commerce's Unclaimed Funds Fund (Fund 543) to the Department of	56029
Development's Minority Business Bonding Fund (Fund 449) shall	56030
occur, if requested by the Director of Development, only if such	56031
funds are needed for payment of losses arising from the Minority	56032
Business Bonding Program, and only after proceeds of the initial	56033
transfer of \$2,700,000 by the Controlling Board to the Minority	56034
Business Bonding Program has been used for that purpose. Moneys	56035
transferred by the Director of Budget and Management from the	56036
Department of Commerce for this purpose may be moneys in custodial	56037
funds held by the Treasurer of State. If expenditures are required	56038
for payment of losses arising from the Minority Business Bonding	56039
Program, such expenditures shall be made from appropriation item	56040
195-623, Minority Business Bonding Contingency in the Minority	56041

Business Bonding Fund, and such amounts are appropriated.	56042
	56043
MINORITY BUSINESS BONDING PROGRAM ADMINISTRATION	56044
Investment earnings of the Minority Business Bonding Fund	56045
(Fund 449) shall be credited to the Minority Business Bonding	56046
Program Administration Fund (Fund 450).	56047
Section 41.14. ECONOMIC DEVELOPMENT FINANCING OPERATING	56048
The foregoing appropriation item 195-625, Economic	56049
Development Financing Operating, shall be used for the operating	56050
expenses of financial assistance programs authorized under Chapter	56051
166. of the Revised Code and under sections 122.43 and 122.45 of	56052
the Revised Code.	56053
UNIVERSAL SERVICE FUND	56054
The foregoing appropriation item 195-659, Universal Service,	56055
shall be used to provide electric utility assistance benefits to	56056
Percentage of Income Payment Plan (PIPP) electric accounts, to	56057
fund targeted energy efficiency and customer education services to	56058
PIPP customers, and to cover the department's administrative costs	56059
related to the Universal Service Fund Programs.	56060
ENERGY EFFICIENCY REVOLVING LOAN FUND	56061
The foregoing appropriation item 195-660, Energy Efficiency	56062
Revolving Loan, shall be used to provide financial assistance to	56063
customers for eligible energy efficiency projects for residential,	56064
commercial and industrial business, local government, educational	56065
institution, nonprofit, and agriculture customers, and to pay for	56066
the program's administrative costs as provided in the Revised Code	56067
and rules adopted by the Director of Development.	56068
VOLUME CAP ADMINISTRATION	56069
The foregoing appropriation item 195-654, Volume Cap	56070

Administration, shall be used for expenses related to the 56071
administration of the Volume Cap Program. Revenues received by the 56072
Volume Cap Administration Fund (Fund 617) shall consist of 56073
application fees, forfeited deposits, and interest earned from the 56074
custodial account held by the Treasurer of State. 56075

Section 41.15. FACILITIES ESTABLISHMENT FUND 56076

The foregoing appropriation item 195-615, Facilities 56077
Establishment (Fund 037), shall be used for the purposes of the 56078
Facilities Establishment Fund under Chapter 166. of the Revised 56079
Code. 56080

Of the foregoing appropriation item 195-615, Facilities 56081
Establishment (Fund 037), up to \$5,000,000 in each fiscal year 56082
shall be used for the implementation of H.B. 6 of the 124th 56083
General Assembly, if the bill becomes law. 56084

Notwithstanding Chapter 166. of the Revised Code, up to 56085
\$1,600,000 may be transferred each fiscal year from the Facilities 56086
Establishment Fund (Fund 037) to the Economic Development 56087
Financing Operating Fund (Fund 451). The transfer is subject to 56088
Controlling Board approval pursuant to division (B) of section 56089
166.03 of the Revised Code. 56090

Notwithstanding Chapter 166. of the Revised Code, up to 56091
\$3,800,000 may be transferred in each fiscal year of the biennium 56092
from the Facilities Establishment Fund (Fund 037) to the Minority 56093
Business Enterprise Loan Fund (Fund 4W1). The transfer is subject 56094
to Controlling Board approval pursuant to division (B) of section 56095
166.03 of the Revised Code. 56096

Notwithstanding Chapter 166. of the Revised Code, up to 56097
\$5,000,000 cash may be transferred during the biennium from the 56098
Facilities Establishment Fund (Fund 037) to the Port Authority 56099
Bond Reserves Fund (Fund 5D1) for use by any port authority in 56100

establishing or supplementing bond reserve funds for any bond 56101
issuance permitted under Chapter 4582. of the Revised Code. The 56102
Director of Development shall develop program guidelines for the 56103
transfer and release of funds, including, but not limited to, a 56104
provision that a port authority shall receive not more than 56105
\$2,000,000 total from the fund. The transfer and release of funds 56106
are subject to Controlling Board approval. Of the foregoing 56107
appropriation item 195-649, Port Authority Bond Reserves, 56108
\$2,000,000 over the biennium, subject to Controlling Board 56109
approval, shall go to the Dayton Montgomery County Port Authority 56110
to establish or supplement bond reserves for job retention 56111
purposes per the guidelines set forth by the Director of 56112
Development. 56113

Notwithstanding Chapter 166. of the Revised Code, up to 56114
\$20,475,000 cash may be transferred during the biennium from the 56115
Facilities Establishment Fund (Fund 037) to the Urban 56116
Redevelopment Loans Fund (Fund 5D2) for the purpose of removing 56117
barriers to urban core redevelopment. The Director of Development 56118
shall develop program guidelines for the transfer and release of 56119
funds, including, but not limited to, the completion of all 56120
appropriate environmental assessments before state assistance is 56121
committed to a project. 56122

Notwithstanding Chapter 166. of the Revised Code, up to 56123
\$5,000,000 per fiscal year in cash may be transferred from the 56124
Facilities Establishment Fund (Fund 037) to the Rural Industrial 56125
Park Loan Fund (Fund 4Z6). The transfer is subject to Controlling 56126
Board approval pursuant to section 166.03 of the Revised Code. 56127

FAMILY FARM LOAN PROGRAM 56128

Notwithstanding Chapter 166. of the Revised Code, up to 56129
\$2,246,375 in each fiscal year shall be transferred from moneys in 56130
the Facilities Establishment Fund (Fund 037) to the Family Farm 56131
Loan Fund (Fund 5H1) in the Department of Development. These 56132

moneys shall be used for loan guarantees. The transfer is subject	56133
to Controlling Board approval.	56134
Financial assistance from the Family Farm Loan Fund (Fund	56135
5H1) shall be repaid to Fund 5H1. This fund is established in	56136
accordance with sections 166.031, 901.80, 901.81, 901.82, and	56137
901.83 of the Revised Code.	56138
When the Family Farm Loan Fund (Fund 5H1) ceases to exist,	56139
all outstanding balances, all loan repayments, and any other	56140
outstanding obligations shall revert to the Facilities	56141
Establishment Fund (Fund 037).	56142
Section 41.16. FUND 5F7 TRANSFER	56143
On July 1, 2001, or as soon as possible thereafter, the	56144
Director of Budget and Management shall transfer all cash in Fund	56145
5F7, Local Government Y2K Loan Program, to the General Revenue	56146
Fund. Upon completion of the transfer, Fund 5F7 is abolished.	56147
Section 42. OBD OHIO BOARD OF DIETETICS	56148
General Services Fund Group	56149
4K9 860-609 Operating Expenses \$ 300,591 \$ 317,617	56150
TOTAL GSF General Services Fund	56151
Group \$ 300,591 \$ 317,617	56152
TOTAL ALL BUDGET FUND GROUPS \$ 300,591 \$ 317,617	56153
Section 43. CDR COMMISSION ON DISPUTE RESOLUTION AND CONFLICT	56155
MANAGEMENT	56156
General Revenue Fund	56157
GRF 145-401 Commission on Dispute \$ 581,192 \$ 609,974	56158
Resolution/Management	
TOTAL GRF General Revenue Fund \$ 581,192 \$ 609,974	56159
General Services Fund Group	56160

4B6 145-601 Gifts and Grants	\$	160,590	\$	164,605	56161
TOTAL GSF General Services Fund					56162
Group	\$	160,590	\$	164,605	56163
Federal Special Revenue Fund Group					56164
3S6 145-602 Dispute Resolution:	\$	32,917	\$	0	56165
Federal					
TOTAL FED Federal Special Revenue	\$	32,917	\$	0	56166
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	774,699	\$	774,579	56167

COMMISSION ON DISPUTE RESOLUTION/MANAGEMENT 56168

The foregoing appropriation item 145-401, Commission on 56169
 Dispute Resolution/Management, shall be used in each fiscal year 56170
 by the Commission on Dispute Resolution and Conflict Management 56171
 for the purpose of providing dispute resolution and conflict 56172
 management training, consultation, and materials for state and 56173
 local government, communities, school districts, and courts and, 56174
 in consultation with the Department of Education, for the purpose 56175
 of offering competitive school conflict programs to school 56176
 districts. 56177

The Commission shall assist the Department of Education in 56178
 the development and dissemination of the school conflict 56179
 management programs to school districts. 56180

Section 44. EDU DEPARTMENT OF EDUCATION 56181

General Revenue Fund					56182
GRF 200-100 Personal Services	\$	11,819,828	\$	12,113,828	56183
GRF 200-320 Maintenance and	\$	5,052,866	\$	5,185,051	56184
Equipment					
GRF 200-406 Head Start	\$	98,843,825	\$	98,843,825	56185
GRF 200-408 Public Preschool	\$	19,506,206	\$	19,506,206	56186
GRF 200-410 Professional	\$	23,463,829	\$	34,810,579	56187
Development					

GRF 200-411	Family and Children First	\$ 3,550,000	\$ 3,550,000	56188
GRF 200-416	Vocational Education Match	\$ 2,381,738	\$ 2,381,738	56189
GRF 200-420	Technical Systems Development	\$ 6,000,000	\$ 6,500,000	56190
GRF 200-421	Alternative Education Programs	\$ 18,000,000	\$ 18,000,000	56191
GRF 200-422	School Management Assistance	\$ 2,185,675	\$ 1,971,219	56192
GRF 200-424	Policy Analysis	\$ 642,756	\$ 674,894	56193
GRF 200-425	Tech Prep Administration	\$ 2,431,012	\$ 2,431,012	56194
GRF 200-426	Ohio Educational Computer Network	\$ 39,871,927	\$ 39,871,927	56195
GRF 200-427	Academic Standards	\$ 8,474,999	\$ 8,862,500	56196
GRF 200-431	School Improvement Initiatives	\$ 15,850,000	\$ 14,625,000	56197
GRF 200-432	School Conflict Management	\$ 626,496	\$ 657,821	56198
GRF 200-433	Reading/Writing Improvement	\$ 18,962,948	\$ 19,276,694	56199
GRF 200-437	Student Assessment	\$ 23,692,045	\$ 25,942,045	56200
GRF 200-438	Safe Schools	\$ 2,050,000	\$ 2,050,000	56201
GRF 200-441	American Sign Language	\$ 232,073	\$ 236,715	56202
GRF 200-442	Child Care Licensing	\$ 1,517,751	\$ 1,548,107	56203
GRF 200-444	Professional Recruitment	\$ 1,917,000	\$ 1,705,800	56204
GRF 200-445	OhioReads Admin/Volunteer Support	\$ 5,485,440	\$ 5,485,440	56205
GRF 200-446	Education Management Information System	\$ 16,479,636	\$ 17,573,430	56206

GRF 200-447	GED Testing/Adult High School	\$ 2,038,678	\$ 2,079,451	56207
GRF 200-455	Community Schools	\$ 4,728,935	\$ 4,824,517	56208
GRF 200-500	School Finance Equity	\$ 23,560,125	\$ 19,975,864	56209
GRF 200-501	Base Cost Funding	\$ 4,273,654,781	\$ 4,441,014,505	56210
GRF 200-502	Pupil Transportation	\$ 334,183,786	\$ 377,305,465	56211
GRF 200-503	Bus Purchase Allowance	\$ 36,735,279	\$ 36,799,984	56212
GRF 200-505	School Lunch Match	\$ 9,639,000	\$ 9,831,780	56213
GRF 200-509	Adult Literacy Education	\$ 8,628,000	\$ 8,628,000	56214
GRF 200-511	Auxiliary Services	\$ 122,782,475	\$ 127,650,709	56215
GRF 200-513	Student Intervention Services	\$ 31,900,000	\$ 38,280,000	56216
GRF 200-514	Post-Secondary/Adult Career-Technical Education	\$ 23,240,243	\$ 23,240,243	56217
GRF 200-520	Disadvantaged Pupil Impact Aid	\$ 360,149,743	\$ 360,149,743	56218
GRF 200-521	Gifted Pupil Program	\$ 45,930,131	\$ 47,983,321	56219
GRF 200-525	Parity Aid	\$ 99,813,832	\$ 210,305,911	56220
GRF 200-532	Nonpublic Administrative Cost Reimbursement	\$ 53,533,703	\$ 55,675,051	56221
GRF 200-534	Desegregation Costs	\$ 500,000	\$ 500,000	56222
GRF 200-540	Special Education Enhancements	\$ 139,006,701	\$ 141,950,428	56223
GRF 200-545	Career-Technical Education Enhancements	\$ 21,673,574	\$ 22,406,349	56224
GRF 200-546	Charge-Off Supplement	\$ 39,191,433	\$ 28,684,104	56225
GRF 200-552	County MR/DD Boards Vehicle Purchases	\$ 1,666,204	\$ 1,666,204	56226
GRF 200-553	County MR/DD Boards Transportation	\$ 9,575,910	\$ 9,575,910	56227

		Operating				
GRF	200-558	Emergency Loan	\$	4,500,000	\$	3,300,000 56228
		Interest Subsidy				
GRF	200-566	OhioReads Grants	\$	27,148,000	\$	27,148,000 56229
GRF	200-570	School Improvement	\$	837,500	\$	987,500 56230
		Incentive Grants				
GRF	200-574	Substance Abuse	\$	1,948,200	\$	1,948,200 56231
		Prevention				
GRF	200-580	Bethel School Cleanup	\$	65,000	\$	65,000 56232
GRF	200-901	Property Tax	\$	707,700,000	\$	743,000,000 56233
		Allocation - Education				
GRF	200-906	Tangible Tax Exemption	\$	73,500,000	\$	75,700,000 56234
		- Education				
TOTAL GRF		General Revenue Fund	\$	6,786,869,283	\$	7,164,480,070 56235
		General Services Fund Group				56236
138	200-606	Information Technology	\$	6,629,469	\$	6,761,034 56237
4D1	200-602	Ohio	\$	345,000	\$	345,000 56238
		Prevention/Education				
		Resource Center				
4L2	200-681	Teacher Certification	\$	4,684,143	\$	4,856,290 56239
		and Licensure				
452	200-638	Miscellaneous Revenue	\$	1,045,000	\$	1,045,000 56240
5H3	200-687	School District	\$	24,000,000	\$	24,000,000 56241
		Solvency Assistance				
596	200-656	Ohio Career	\$	743,217	\$	769,230 56242
		Information System				
TOTAL GSF		General Services				56243
Fund Group			\$	37,446,829	\$	37,776,554 56244
		Federal Special Revenue Fund Group				56245
3C5	200-661	Federal Dependent Care	\$	18,189,907	\$	18,233,488 56246
		Programs				
3D1	200-664	Drug Free Schools	\$	20,621,375	\$	20,660,570 56247

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3D2	200-667	Honors Scholarship Program	\$	2,454,688	\$	2,540,602	56248
3H9	200-605	Head Start Collaboration Project	\$	250,000	\$	250,000	56249
3M0	200-623	ESEA Chapter One	\$	320,505,063	\$	330,172,277	56250
3M1	200-678	ESEA Chapter Two	\$	13,595,978	\$	14,059,555	56251
3M2	200-680	Ind W/Disab Education Act	\$	186,000,000	\$	206,000,000	56252
3L6	200-617	Federal School Lunch	\$	175,274,000	\$	180,181,672	56253
3L7	200-618	Federal School Breakfast	\$	45,746,000	\$	47,026,888	56254
3L8	200-619	Child and Adult Care Programs	\$	60,257,639	\$	61,966,125	56255
3L9	200-621	Vocational Education Basic Grant	\$	43,613,582	\$	45,142,330	56256
3S2	200-641	Tech Literacy Transfer	\$	15,183,430	\$	15,183,430	56257
3T4	200-613	Public Charter Schools	\$	4,887,260	\$	5,055,185	56258
3T6	200-611	Class Size Reduction	\$	63,000,000	\$	65,000,000	56259
3U2	200-662	Teacher Quality Enhancement Grants	\$	1,300,501	\$	1,352,000	56260
3U3	200-665	Reading Excellence Grant Program	\$	10,018,756	\$	0	56261
3U6	200-675	Provision 2 & 3 Grant	\$	191,050	\$	0	56262
309	200-601	Educationally Disadvantaged	\$	20,759,222	\$	21,425,345	56263
366	200-604	Adult Basic Education	\$	17,527,286	\$	18,140,740	56264
367	200-607	School Food Services	\$	10,089,884	\$	10,408,199	56265
368	200-614	Veterans' Training	\$	648,514	\$	671,212	56266
369	200-616	Vocational Education	\$	8,000,000	\$	8,000,000	56267
370	200-624	Education of All Handicapped Children	\$	1,364,246	\$	1,410,908	56268
371	200-631	EEO Title IV	\$	1,155,361	\$	1,213,894	56269
374	200-647	E.S.E.A. Consolidated	\$	110,094	\$	110,094	56270

378	200-660	Math/Science	\$	12,696,055	\$	13,036,530	56271
		Technology Investments					
	TOTAL FED	Federal Special					56272
	Revenue Fund Group		\$	1,053,439,891	\$	1,087,241,044	56273
	State Special Revenue Fund Group						56274
4R7	200-695	Indirect Cost Recovery	\$	3,942,779	\$	4,168,947	56275
4V7	200-633	Interagency Vocational	\$	695,197	\$	731,674	56276
		Support					
053	200-900	School District	\$	102,000,000	\$	115,911,593	56277
		Property Tax					
		Replacement					
454	200-610	Guidance and Testing	\$	940,636	\$	956,761	56278
455	200-608	Commodity Foods	\$	10,000,000	\$	11,000,000	56279
598	200-659	Auxiliary Services	\$	1,328,910	\$	1,328,910	56280
		Mobile Units					
620	200-615	Educational Grants	\$	1,525,000	\$	1,525,000	56281
	TOTAL SSR	State Special Revenue					56282
	Fund Group		\$	120,432,522	\$	135,622,885	56283
	Lottery Profits Education Fund Group						56284
017	200-612	Base Cost Funding	\$	604,000,000	\$	596,000,000	56285
017	200-682	Lease Rental Payment	\$	29,722,100	\$	25,722,600	56286
		Reimbursement					
	TOTAL LPE	Lottery Profits					56287
	Education Fund Group		\$	633,722,100	\$	621,722,600	56288
	TOTAL ALL BUDGET FUND GROUPS		\$	8,631,910,625	\$	9,046,843,153	56289

Section 44.01. MAINTENANCE AND EQUIPMENT 56291

Of the foregoing appropriation item 200-320, Maintenance and 56292
Equipment, up to \$25,000 may be expended in each year of the 56293
biennium for State Board of Education out-of-state travel. 56294

Section 44.02. HEAD START 56295

No later than July 15, 2001, the Director of Budget and Management shall transfer \$76,156,175 from Fund 3W6, TANF Education, to the General Revenue Fund. No later than July 15, 2002, the Director of Budget and Management shall transfer \$98,843,825 from Fund 3W6, TANF Education, to the General Revenue Fund. The transferred funds are appropriated for the appropriation item 200-406, Head Start. The foregoing appropriation item 200-406, Head Start, includes transferred funds of \$76,156,175 in fiscal year 2002 and \$98,843,825 in fiscal year 2003.

Of the foregoing appropriation item 200-406, Head Start, \$100,000 per fiscal year shall be used for the Read Baby Read Book Club Program.

The remainder of foregoing appropriation item 200-406, Head Start, shall be distributed by the Department of Education to Head Start agencies. A "Head Start agency" means an entity that has been approved to be an agency in accordance with Section 641 (42 U.S.C. 9836) of the Head Start Act and amendments thereto, or an entity designated for state Head Start funding under this section. Participation in state-funded Head Start programs is voluntary.

Moneys distributed under this heading shall not be used to reduce expenditures from funds received by a Head Start agency from any other sources. Section 3301.31 of the Revised Code does not apply to funds distributed under this heading. In lieu of section 3301.31 of the Revised Code, distribution of moneys under this heading shall be as follows:

(A) In fiscal years 2002 and 2003, up to two per cent of the appropriation may be used by the department for administrative costs of complying with this section; developing program capacity; and assisting programs with facilities planning, construction, renovation, or lease agreements in combination with the Community Development Finance Fund (CDFS). 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 56328
Head Start classroom teachers and administrators to support the 56329
OhioReads Initiative. 56330

(B) The department shall provide an annual report to the 56331
Governor, the Speaker of the House of Representatives, the 56332
President of the Senate, the State Board of Education, Head Start 56333
grantees, and other interested parties. The report shall include 56334
the following: 56335

(1) The number and per cent of eligible children by county 56336
and by grantee; 56337

(2) The amount of state funds received for continuation per 56338
grantee; 56339

(3) A summary of program performance on the state critical 56340
performance indicators; 56341

(4) A summary of developmental progress of children 56342
participating in the state-funded Head Start program; 56343

(5) Any other data reflecting the performance of Head Start 56344
that the department considers pertinent. 56345

(C) For purposes of this section, "eligible child" means a 56346
child who is at least three years of age and not of compulsory 56347
school age whose family earns no more than 100 per cent of the 56348
federal poverty level, except as otherwise provided in this 56349
division. 56350

The Department of Education, in consultation with Head Start 56351
grantees or their designated representatives, shall establish 56352
criteria under which individual Head Start grantees may apply to 56353
the department for a waiver to include as "eligible children" 56354
those children from families earning up to 185 per cent of the 56355
federal poverty level when the children otherwise qualify as 56356
"eligible children" under this division. 56357

In order to serve children whose families receive child care subsidy and whose incomes do not exceed 185 per cent of the federal poverty guidelines, Head Start grantees may enroll children whose families receive child care subsidy from the Ohio Department of Job and Family Services. Head Start grantees providing full-day, full-year comprehensive services, or otherwise meeting the child care needs of working families, may partner with child care centers or family day care homes or may access child care subsidy directly. This provision is to meet the child care needs of low-income families who are working, in training or education programs, or participating in Ohio Works First approved activities.

(D) After setting aside amounts to make any payments due from the prior fiscal year, in fiscal years 2002 and 2003, funds shall only be distributed to recipients of Head Start funds during the preceding fiscal year. Awards under this division shall be based on a per-pupil formula prescribed by the Department of Education and may be adjusted for one-time start-up costs, actual months of program operation, or the number of children enrolled and receiving services, as defined by the Department of Education, reported during the first full week of December, and may be increased by a reasonable percentage for inflation to be determined by the Department of Education and in accordance with this section. The department may redistribute dollars to programs demonstrating an unmet need based on updated assessments of family needs and community resources. In fiscal years 2002 and 2003, the department may authorize recipients to carry over funds to the subsequent fiscal year.

The department may reallocate unobligated or unspent money to participating Head Start agencies for: (1) facilities planning grants and to leverage construction, renovation, or lease agreements and for repair of critical deferred maintenance and

safety items in combination with the CDFF; (2) teacher 56390
professional development and enhanced compensation in order to 56391
meet the requirements of section 3301.311 of the Revised Code; (3) 56392
meeting the documentation and reporting requirements and for 56393
technical support in accordance with division (F) of this section; 56394
and (4) expansion, improvement, or special projects to promote 56395
excellence and innovation. 56396

(E) Costs for developing and administering a Head Start 56397
program may not exceed fifteen per cent of the total approved 56398
costs of the program. 56399

All recipients of funds shall maintain such fiscal control 56400
and accounting procedures as may be necessary to ensure the 56401
disbursement of, and accounting for, these funds. The control of 56402
funds provided in this program, and title to property obtained 56403
therefrom, shall be under the authority of the approved recipient 56404
for purposes provided in the program. The approved recipient shall 56405
administer and use such property and funds for the purposes 56406
specified. 56407

Each recipient shall furnish the department an annual audit 56408
that includes the review of state funds received under this 56409
section. 56410

In conjunction with the required audit of federal Head Start 56411
funds, the independent auditor shall examine state Head Start 56412
funds in accordance with the federal regulations and agreed-upon 56413
state procedures formulated by the department. 56414

(F) The department shall prescribe target levels for critical 56415
performance indicators for the purpose of assessing Head Start 56416
programs. On-site reviews and follow-up visits shall be based on 56417
grantee progress in meeting the prescribed target levels. 56418

The Department of Education, in consultation with the 56419
interested parties, including the state Department of Job and 56420

Family Services, shall develop the criteria to be used by Head 56421
Start grantees and delegate agencies with developing partnership 56422
agreements. 56423

The department may audit a Head Start agency's financial and 56424
program records. Head Start agencies that have financial practices 56425
not in accordance with standard accounting principles, that fail 56426
to substantially meet the Head Start performance standards, or 56427
that exhibit below-average performance shall be subject to an 56428
on-site review. 56429

The department shall require corrective plans of action for 56430
programs not achieving target levels or financial and program 56431
standards. Action plans shall include activities to be conducted 56432
by the grantee and timelines for activities to be completed and 56433
timelines for additional data submission to the department 56434
demonstrating targets have been met. The Policy Council 56435
chairperson and the appropriate grantee board official shall sign 56436
the corrective plans of action. 56437

Head Start programs not meeting performance targets in 56438
accordance with the plan of action and prescribed timelines may 56439
have their funding reduced until targets are met, or have all 56440
state funds withdrawn. 56441

The department shall require school districts to collect 56442
"preschool" information by program type. All data shall be 56443
reported via the Education Management Information System (EMIS). 56444

(G) The department shall develop prekindergarten reading and 56445
mathematics content standards and model curricula. These standards 56446
and curricula shall be made available to grantees. Head Start 56447
grantees delegate agencies, and child care partners shall document 56448
child progress, using a common instrument prescribed by the 56449
department, and report results annually. The department shall 56450
determine the dates for documenting and reporting. 56451

(H) New agencies may be designated for state Head Start 56452
funding if a Head Start agency voluntarily waives its right for 56453
funding or is de-funded based on performance. In either event, the 56454
grantee and delegate shall transfer control of title to property, 56455
equipment, and remaining supplies obtained through this program to 56456
the newly designated grantee and return any unexpended funds to 56457
the department along with any reports prescribed by the 56458
department. 56459

Section 3313.646 of the Revised Code does not apply to funds 56460
distributed under this section. 56461

(I) It is the intent of the General Assembly that 56462
appropriations for appropriation items 200-406, Head Start, and 56463
200-408, Public Preschool, be available for transfer between Head 56464
Start and public preschool programs so that unallocated funds may 56465
be used between the two programs. 56466

(J) The Department of Education shall comply with all TANF 56467
requirements, including reporting requirements and timelines, as 56468
specified in state and federal laws, federal regulations, state 56469
rules, and the Title IV-A state plan, and is responsible for 56470
payment of any adverse audit finding, final disallowance of 56471
federal financial participation, or other sanction or penalty 56472
issued by the federal government or other entity concerning these 56473
funds. Having met all of the above requirements, the Department 56474
shall have the authority to administer these funds in accordance 56475
with its own rules and guidelines, including grant administration 56476
procedures. 56477

Section 44.03. PUBLIC PRESCHOOL 56478

The Department of Education shall distribute the foregoing 56479
appropriation item 200-408, Public Preschool, to pay the costs of 56480
comprehensive preschool programs. As used in this section, "school 56481
district" means a city, local, exempted village, or joint 56482

vocational school district, or an educational service center. 56483

(A) In fiscal years 2002 and 2003, up to two per cent of the 56484
total appropriation may be used by the department for 56485
administrative costs of complying with this section; developing 56486
program capacity; and assisting programs with facilities planning, 56487
construction, renovation, or lease agreements in conjunction with 56488
the Community Development Finance Fund (CDFF). 56489

(B) The department shall provide an annual report to the 56490
Governor, the Speaker of the House of Representatives, the 56491
President of the Senate, the State Board of Education, Head Start 56492
grantees, and other interested parties. The report shall include: 56493

(1) The number and per cent of eligible children by county 56494
and by school district; 56495

(2) The amount of state funds requested for continuation per 56496
school district; 56497

(3) The amount of state funds received for continuation per 56498
school district; 56499

(4) A summary of program performance on the state critical 56500
performance indicators in the public preschool program; 56501

(5) A summary of developmental progress of children 56502
participating in the state-funded public preschool program; 56503

(6) Any other data reflecting the performance of public 56504
preschool programs that the department considers pertinent. 56505

(C) For purposes of this section, "eligible child" means a 56506
child who is at least three years of age whose family earns no 56507
more than 185 per cent of the federal poverty level. 56508

The Department of Education, in consultation with the 56509
Department of Job and Family Services, interested parties, and 56510
Head Start agencies shall formulate a method for determining an 56511
estimate of the number of eligible children and the percentage 56512

served by grantees in each county. 56513

(D) After setting aside amounts to make any payments due from 56514
the prior fiscal year, in fiscal years 2002 and 2003, funds shall 56515
first be distributed to recipients of funds during the preceding 56516
fiscal year. Awards under this division may be reduced by the 56517
amount received in that fiscal year for one-time start-up costs 56518
and may be adjusted for actual months of program operation or 56519
enrollment as reported during the first full week of December, and 56520
may be increased by a reasonable percentage to be determined by 56521
the Department of Education. The department may redistribute 56522
dollars to programs demonstrating an unmet need based on updated 56523
assessments of family needs and community resources, with special 56524
attention to the projected impact of welfare reform. In fiscal 56525
years 2002 and 2003, the department may authorize recipients to 56526
carry over funds to the subsequent fiscal year. 56527

The department may reallocate unobligated or unspent money to 56528
participating school districts for purposes of program expansion, 56529
improvement, or special projects to promote excellence and 56530
innovation. 56531

(E) Costs for developing and administering a preschool 56532
program may not exceed fifteen per cent of the total approved 56533
costs of the program. 56534

All recipients of funds shall maintain such fiscal control 56535
and accounting procedures as may be necessary to ensure the 56536
disbursement of, and accounting for, these funds. The control of 56537
funds provided in this program, and title to property obtained 56538
therefrom, shall be under the authority of the approved recipient 56539
for purposes provided in the program. The approved recipient shall 56540
administer and use such property and funds for the purposes 56541
specified. 56542

(F) The department shall prescribe target levels for critical 56543

performance indicators for the purpose of assessing public 56544
preschool programs. On-site reviews and follow-up visits shall be 56545
based on progress in meeting the prescribed target levels. 56546
56547

The department may audit a school district's preschool 56548
financial and program records. School districts that have 56549
financial practices not in accordance with standard accounting 56550
principles, that operate preschool programs that fail to 56551
substantially meet the Head Start performance standards, or that 56552
exhibit below-average performance shall be subject to an on-site 56553
review. 56554

The department shall require corrective plans of action for 56555
programs not achieving target levels or financial and program 56556
standards. Action plans shall include activities to be conducted 56557
by the grantee and timelines for activities to be completed and 56558
timelines for additional data submission to the department 56559
demonstrating that targets have been met. The appropriate school 56560
board official shall sign the corrective plans of action. 56561

Public preschool programs not meeting performance targets in 56562
accordance with the plan of action and prescribed timelines may 56563
have their continuation funding reduced, be disqualified for 56564
expansion consideration until targets are met, or have all state 56565
funds withdrawn and a new program established. 56566

(G) The department shall require public preschool programs to 56567
document child progress, using a common instrument prescribed by 56568
the department, and report results annually. The department shall 56569
determine the dates for documenting and reporting. 56570

The State Board of Education shall adopt rules addressing the 56571
use of screening and assessment data, including, but not limited 56572
to, all of the following: 56573

(1) Protection of the identity of individual children through 56574

assignment of a unique but not personally identifiable code; 56575
56576

(2) Parents' rights; 56577

(3) Use of the data by school personnel as it relates to 56578
kindergarten entrance. 56579

(H) Each school district shall develop a sliding fee scale 56580
based on family incomes in the district and shall charge families 56581
who earn more than the federal poverty level for preschool. 56582

(I) It is the intent of the General Assembly that 56583
appropriations for appropriation items 200-406, Head Start, and 56584
200-408, Public Preschool, be available for transfer between Head 56585
Start and Public Preschool programs so that unallocated funds may 56586
be used between the two programs. 56587

Section 44.04. PROFESSIONAL DEVELOPMENT 56588

Of the foregoing appropriation item 200-410, Professional 56589
Development, \$5,997,829 in each fiscal year shall be used by the 56590
Department of Education to develop a statewide comprehensive 56591
system of twelve professional development centers that support 56592
local educators' ability to foster academic achievement in the 56593
students they serve. The centers shall include training teachers 56594
on site-based management concepts to encourage teachers to become 56595
involved in the management of their schools. 56596

Of the foregoing appropriation item 200-410, Professional 56597
Development, \$5,845,000 in fiscal year 2002 and \$6,000,000 in 56598
fiscal year 2003 shall be used by the Department of Education to 56599
pay the application fee for teachers from public and chartered 56600
nonpublic schools applying to the National Board for Professional 56601
Teaching Standards for professional teaching certificates or 56602
licenses that the board offers, and to provide grants in each 56603
fiscal year to recognize and reward teachers who become certified 56604

by the board pursuant to section 3319.55 of the Revised Code, and 56605
up to \$300,000 in each fiscal year of this set-aside may be used 56606
to pay for costs associated with activities to support candidates 56607
through the application and certification process. 56608

These moneys shall be used to pay for the first 900 56609
applications in fiscal year 2002 and up to the first 550 56610
applications in fiscal year 2003 received by the department. Each 56611
prospective applicant for certification or licensure shall submit 56612
an application to the Department of Education. When the department 56613
has collected a group of applications, but not later than 30 days 56614
after receipt of the first application in a group, it shall send 56615
the applications to the National Board for Professional Teaching 56616
Standards along with a check to cover the cost of the application 56617
fee for all applicants in that group. 56618

Of the foregoing appropriation item 200-410, Professional 56619
Development, up to \$8,296,000 in fiscal year 2002 and up to 56620
\$19,387,750 in fiscal year 2003 shall be allocated for entry year 56621
programs. These funds shall be used to support mentoring services 56622
of beginning teachers, including chartered nonpublic beginning 56623
teachers. In fiscal year 2002, the Department of Education shall 56624
select eligible beginning teachers to participate in a year-long 56625
entry year program that provides mentoring by experienced school 56626
and university faculty and Praxis III teacher performance 56627
assessment. In fiscal year 2003, the program shall also include 56628
the assessment of all beginning teachers with the Education 56629
Testing Service's Praxis III examination. 56630

Of the foregoing appropriation item 200-410, Professional 56631
Development, up to \$650,000 in each fiscal year shall be used to 56632
continue Ohio leadership academies to develop and train 56633
superintendents in new leadership and management practices to 56634
support high performance schools. This training shall be 56635
coordinated with other locally administered leadership programs. 56636

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. VOCATIONAL EDUCATION MATCH

The foregoing appropriation item 200-416, Vocational Education Match, shall be used by the Department of Education to provide vocational administration matching funds pursuant to 20 U.S.C. 2311.

TECHNICAL SYSTEMS DEVELOPMENT

The foregoing appropriation item 200-420, Technical Systems Development, shall be used to support the development and implementation of information technology solutions designed to improve the performance and customer service of the Department of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the department to provide greater levels of assistance to school districts and to provide more timely information to the public, including school districts, administrators, and legislators.

ALTERNATIVE EDUCATION PROGRAMS 56699

There is hereby created the Alternative Education Advisory 56700
Council, which shall consist of one representative from each of 56701
the following agencies: the Ohio Department of Education; the 56702
Department of Youth Services; the Ohio Department of Alcohol and 56703
Drug Addiction Services; the Department of Mental Health; the 56704
Office of the Governor or, at the Governor's discretion, the 56705
Office of the Lieutenant Governor; and the Office of the Attorney 56706
General. 56707

Of the foregoing appropriation item 200-421, Alternative 56708
Education Programs, not less than \$8,253,031 in each fiscal year 56709
shall be used for the renewal of successful implementation grants 56710
and for competitive matching grants to the 21 urban school 56711
districts as defined in division (O) of section 3317.02 of the 56712
Revised Code as it existed prior to July 1, 1998, and not less 56713
than \$8,163,031 in each fiscal year shall be used for the renewal 56714
of successful implementation of grants and for competitive 56715
matching grants to rural and suburban school districts for 56716
alternative educational programs for existing and new at-risk and 56717
delinquent youth. Programs shall be focused on youth in one or 56718
more of the following categories: those who have been expelled or 56719
suspended, those who have dropped out of school or who are at risk 56720
of dropping out of school, those who are habitually truant or 56721
disruptive, or those on probation or on parole from a Department 56722
of Youth Services facility. Grants shall be awarded according to 56723
the criteria established by the Alternative Education Advisory 56724
Council in 1999. Grants shall be awarded only to programs where 56725
the grant would not serve as the program's primary source of 56726
funding. These grants shall be administered by the Department of 56727
Education. 56728

The Department of Education may waive compliance with any 56729
minimum education standard established under section 3301.07 of 56730

the Revised Code for any alternative school that receives a grant 56731
under this section on the grounds that the waiver will enable the 56732
program to more effectively educate students enrolled in the 56733
alternative school. 56734

Of the foregoing appropriation item 200-421, Alternative 56735
Education Programs, up to \$480,552 in each fiscal year may be used 56736
for program administration, monitoring, technical assistance, 56737
support, research, and evaluation. Any unexpended balance may be 56738
used to provide additional matching grants to urban, suburban, or 56739
rural school districts as outlined above. 56740

Of the foregoing appropriation item 200-421, Alternative 56741
Education Programs, \$313,386 in each fiscal year shall be used to 56742
contract with the Center for Learning Excellence at The Ohio State 56743
University to provide technical support for the project and the 56744
completion of formative and summative evaluation of the grants. 56745

Of the foregoing appropriation item 200-421, Alternative 56746
Education Programs, up to \$700,000 in each fiscal year shall be 56747
used to support Amer-I-Can. Of this set aside, no funds shall be 56748
disbursed without approval of the Controlling Board. Amer-I-Can 56749
programs shall submit to the Controlling Board a biennial spending 56750
plan that delineates how these funds will be spent. Amer-I-can 56751
programs also shall demonstrate to the Controlling Board that they 56752
have hired an independent evaluator and have selected valid and 56753
reliable instruments to assess pre and post changes in student 56754
behavior. 56755

Of the foregoing appropriation item 200-421, Alternative 56756
Education Programs, \$75,000 in each fiscal year shall be used to 56757
support the Turning Point Applied Learning Center. 56758

Of the foregoing appropriation item 200-421, Alternative 56759
Education Programs, \$15,000 in each fiscal year shall be used to 56760
support the Bucyrus After School Enrichment Program. 56761

SCHOOL MANAGEMENT ASSISTANCE 56762

Of the foregoing appropriation item 200-422, School 56763
Management Assistance, \$700,000 in fiscal year 2002 and \$400,000 56764
in fiscal year 2003 shall be used by the Auditor of State for 56765
expenses incurred in the Auditor of State's role relating to 56766
fiscal caution activities as defined in Chapter 3316. of the 56767
Revised Code. Expenses include duties related to the completion of 56768
performance audits for school districts that the Superintendent of 56769
Public Instruction determines are employing fiscal practices or 56770
experiencing budgetary conditions that could produce a state of 56771
fiscal watch or fiscal emergency. 56772

The remainder of foregoing appropriation item 200-422, School 56773
Management Assistance, shall be used by the Department of 56774
Education to provide fiscal technical assistance and inservice 56775
education for school district management personnel and to 56776
administer, monitor, and implement the fiscal watch and fiscal 56777
emergency provisions under Chapter 3316. of the Revised Code. 56778

POLICY ANALYSIS 56779

The foregoing appropriation item 200-424, Policy Analysis, 56780
shall be used by the Department of Education to support a system 56781
of administrative, statistical, and legislative education 56782
information to be used for policy analysis. Staff supported by 56783
this appropriation shall administer the development of reports, 56784
analyses, and briefings to inform education policymakers of 56785
current trends in education practice, efficient and effective use 56786
of resources, and evaluation of programs to improve education 56787
results. The database shall be kept current at all times. These 56788
research efforts shall be used to supply information and analysis 56789
of data to the General Assembly and other state policymakers, 56790
including the Office of Budget and Management and the Legislative 56791
Service Commission. 56792

The Department of Education may use funding from this 56793
appropriation item to purchase or contract for the development of 56794
software systems or contract for policy studies that will assist 56795
in the provision and analysis of policy-related information. 56796
Funding from this appropriation item also may be used to monitor 56797
and enhance quality assurance for research-based policy analysis 56798
and program evaluation to enhance the effective use of education 56799
information to inform education policymakers. 56800

TECH PREP ADMINISTRATION 56801

The foregoing appropriation item 200-425, Tech Prep 56802
Administration, shall be used by the Department of Education to 56803
support state-level activities designed to support, promote, and 56804
expand tech prep programs. Use of these funds shall include, but 56805
not be limited to, administration of grants, program evaluation, 56806
professional development, curriculum development, assessment 56807
development, program promotion, communications, and statewide 56808
coordination of tech prep consortia. 56809

OHIO EDUCATIONAL COMPUTER NETWORK 56810

The foregoing appropriation item 200-426, Ohio Educational 56811
Computer Network, shall be used by the Department of Education to 56812
maintain a system of information technology throughout Ohio and to 56813
provide technical assistance for such a system in support of the 56814
State Education Technology Plan pursuant to section 3301.07 of the 56815
Revised Code. 56816

Of the foregoing appropriation item 200-426, Ohio Educational 56817
Computer Network, up to \$20,571,198 in fiscal year 2002 and up to 56818
\$21,188,334 in fiscal year 2003 shall be used by the Department of 56819
Education to support connection of all public school buildings to 56820
the state's education network, to each other, and to the Internet. 56821
In each fiscal year the Department of Education shall use these 56822
funds to help reimburse data acquisition sites or school districts 56823

for the operational costs associated with this connectivity. The 56824
Department of Education shall develop a formula and guidelines for 56825
the distribution of these funds to the data acquisition sites or 56826
individual school districts. As used in this section, "public 56827
school building" means a school building of any city, local, 56828
exempted village, or joint vocational school district, or any 56829
community school established under Chapter 3314. of the Revised 56830
Code, or any educational service center building used for 56831
instructional purposes. 56832

Of the foregoing appropriation item 200-426, Ohio Educational 56833
Computer Network, up to \$2,043,938 in fiscal year 2002 and up to 56834
\$2,095,037 in fiscal year 2003 shall be used for the Union Catalog 56835
and InfoOhio Network. 56836

The Department of Education shall use up to \$4,590,000 in 56837
fiscal year 2002 and up to \$4,727,700 in fiscal year 2003 to 56838
assist designated data acquisition sites with operational costs 56839
associated with the increased use of the state's education network 56840
by chartered nonpublic schools. The Department of Education shall 56841
develop a formula and guidelines for distribution of these funds 56842
to designated data acquisition sites. 56843

The remainder in each fiscal year of appropriation item 56844
200-426, Ohio Educational Computer Network, shall be used to 56845
support development, maintenance, and operation of a network of 56846
uniform and compatible computer-based information and 56847
instructional systems. The technical assistance shall include, but 56848
not be restricted to, development and maintenance of adequate 56849
computer software systems to support network activities. Program 56850
funds may be used, through a formula and guidelines devised by the 56851
department, to subsidize the activities of not more than 24 56852
designated data acquisition sites, as defined by State Board of 56853
Education rules, to provide school districts and chartered 56854
nonpublic schools with computer-based student and teacher 56855

instructional and administrative information services, including 56856
approved computerized financial accounting, and to ensure the 56857
effective operation of local automated administrative and 56858
instructional systems. To broaden the scope of the use of 56859
technology for education, the department may use up to \$250,000 in 56860
each fiscal year to coordinate the activities of the computer 56861
network with other agencies funded by the department or the state. 56862
In order to improve the efficiency of network activities, the 56863
department and data acquisition sites may jointly purchase 56864
equipment, materials, and services from funds provided under this 56865
appropriation for use by the network and, when considered 56866
practical by the department, may utilize the services of 56867
appropriate state purchasing agencies. 56868

ACADEMIC STANDARDS 56869

The foregoing appropriation item 200-427, Academic Standards, 56870
shall be used by the Department of Education to develop and 56871
disseminate academic content standards. These funds shall be used 56872
to develop academic content standards and curriculum models and to 56873
fund communication of expectations to teachers, school districts, 56874
parents, and communities. 56875

Section 44.06. SCHOOL IMPROVEMENT INITIATIVES 56876

Of the foregoing appropriation item 200-431, School 56877
Improvement Initiatives, up to \$3,700,000 in fiscal year 2002 56878
shall be used to continue previously awarded venture capital 56879
grants of \$25,000 to 148 schools and up to \$975,000 in fiscal year 56880
2003 shall be used to continue previously awarded venture capital 56881
grants of \$25,000 to 39 schools. 56882

Of the foregoing appropriation item 200-431, School 56883
Improvement Initiatives, \$4,500,000 in fiscal year 2002 and 56884
\$5,000,000 in fiscal year 2003 shall be used for the development 56885
and distribution of school report cards pursuant to section 56886

3302.03 of the Revised Code, for the development of core 56887
competencies for the proficiency tests, and to support the 56888
recommendations of the Governor's Commission for Student Success. 56889

Of the foregoing appropriation item 200-431, School 56890
Improvement Initiatives, \$7,500,000 in fiscal year 2002 and 56891
\$8,500,000 in fiscal year 2003 shall be used to provide technical 56892
assistance to school districts that are declared to be in a state 56893
of academic watch or academic emergency under section 3302.03 of 56894
the Revised Code to develop their continuous improvement plans as 56895
required in section 3302.04 of the Revised Code. 56896

Of the foregoing appropriation item 200-431, School 56897
Improvement Initiatives, up to \$150,000 in each fiscal year shall 56898
be used to support a teacher-in-residence at the Governor's office 56899
and related support staff, travel expenses, and administrative 56900
overhead. 56901

SCHOOL CONFLICT MANAGEMENT 56902

Of the foregoing appropriation item 200-432, School Conflict 56903
Management, amounts shall be used by the Department of Education 56904
for the purpose of providing dispute resolution and conflict 56905
management training, consultation, and materials for school 56906
districts, and for the purpose of providing competitive school 56907
conflict management grants to school districts. 56908

The Department of Education shall assist the Commission on 56909
Dispute Resolution and Conflict Management in the development and 56910
dissemination of the school conflict management program. The 56911
assistance provided by the Department of Education shall include 56912
the assignment of a full-time employee of the department to the 56913
Commission on Dispute Resolution and Conflict Management to 56914
provide technical and administrative support to maximize the 56915
quality of dispute resolution and conflict management programs and 56916
services provided to school districts. 56917

Of the foregoing appropriation item 200-432, School Conflict Management, up to \$5,000 in fiscal year 2002 shall be used to support the Character Council Initiative. The Initiative works to instill character and values at all levels in the community.

READING/WRITING IMPROVEMENT

Of the foregoing appropriation item 200-433, Reading/Writing Improvement, up to \$12,396,970 in each fiscal year shall be used for professional development in literacy for classroom teachers, administrators, and literacy specialists.

Of the foregoing appropriation item 200-433, Reading/Writing Improvement, up to \$1,780,268 in fiscal year 2002 and up to \$1,815,874 in fiscal year 2003 shall be used by the Department of Education to fund the Reading Recovery Training Network, to cover the cost of release time for the teacher trainers, and to provide grants to districts to implement other reading improvement programs on a pilot basis. Funds for this appropriation item may also be used to conduct evaluations of the impact and effectiveness of Reading Recovery and other reading improvement programs.

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, 56949
and report results from the tests required under sections 56950
3301.0710 and 3301.0711 of the Revised Code and for similar 56951
purposes as required by section 3301.27 of the Revised Code. 56952

SAFE SCHOOLS 56953

Of the foregoing appropriation item 200-438, Safe Schools, 56954
\$230,000 in each fiscal year shall be used for the development and 56955
operation of a Safe Schools Center. The Department of Education 56956
shall oversee the creation of a center to serve as a coordinating 56957
entity to assist school district personnel, parents, juvenile 56958
justice representatives, and law enforcement in identifying 56959
effective strategies and services for improving school safety and 56960
reducing threats to the security of students and school personnel. 56961

Of the foregoing appropriation item 200-438, Safe Schools, up 56962
to \$1,800,000 in each fiscal year shall be used for a safe-school 56963
help line program for students, parents, and the community to 56964
report threats to the safety of students or school personnel. The 56965
Department of Education shall establish criteria to distribute 56966
these funds to school districts whose superintendents indicate the 56967
program would be a meaningful aid to school security. 56968

Of the foregoing appropriation item 200-438, Safe Schools, up 56969
to \$20,000 in each fiscal year may be used by schools for the 56970
Eddie Eagle Gun Safety Pilot Program. School districts wishing to 56971
participate in the pilot program shall apply to the Department of 56972
Education under guidelines established by the Superintendent of 56973
Public Instruction. 56974

AMERICAN SIGN LANGUAGE 56975

Of the foregoing appropriation item 200-441, American Sign 56976
Language, up to \$153,000 in fiscal year 2002 and up to \$156,060 in 56977
fiscal year 2003 shall be used to implement pilot projects for the 56978
integration of American Sign Language deaf language into the 56979

kindergarten through twelfth-grade curriculum. 56980

The remainder of the appropriation shall be used by the 56981
Department of Education to provide supervision and consultation to 56982
school districts in dealing with parents of handicapped children 56983
who are deaf or hard of hearing, in integrating American Sign 56984
Language as a foreign language, and in obtaining interpreters and 56985
improving their skills. 56986

CHILD CARE LICENSING 56987

The foregoing appropriation item 200-442, Child Care 56988
Licensing, shall be used by the Department of Education to license 56989
and to inspect preschool and school-age child care programs in 56990
accordance with sections 3301.52 to 3301.59 of the Revised Code. 56991

PROFESSIONAL RECRUITMENT 56992

Of the foregoing appropriation item 200-444, Professional 56993
Recruitment, \$1,300,000 in each fiscal year shall be used by the 56994
Department of Education to establish programs targeted at 56995
recruiting underrepresented populations into the teaching 56996
profession. In each year, the recruitment programs shall include, 56997
but not be limited to, alternative teacher licensure or 56998
certification programs emphasizing the recruitment of highly 56999
qualified minority candidates into teaching, including emphasizing 57000
the recruitment of highly qualified minority candidates into 57001
teaching positions in schools that have a high percentage of 57002
minority students. The recruitment programs also shall target 57003
recruiting qualified candidates available as a result of 57004
downsizing of the military and business sectors. Funding also 57005
shall be targeted to statewide, regional, and local programs that 57006
are competitively selected as promising programs demonstrating the 57007
potential of significantly increasing Ohio's minority teaching 57008
force. 57009

The remainder of appropriation item 200-444 shall be used by 57010

the Department of Education for recruitment programs targeting 57011
special needs areas: recruiting prospective mathematics and 57012
science teachers, recruiting special educators, recruiting 57013
principals, developing a web-based placement bureau, establishing 57014
a pre-collegiate program to target future teachers, and piloting 57015
paraeducators-to-teacher programs. 57016

OHIOREADS ADMIN/VOLUNTEER SUPPORT 57017

The foregoing appropriation item 200-445, OhioReads 57018
Admin/Volunteer Support, may be allocated by the OhioReads Council 57019
for volunteer coordinators in public school buildings, to 57020
educational service centers for costs associated with volunteer 57021
coordination, for background checks for volunteers, to evaluate 57022
the OhioReads Program, and for operating expenses associated with 57023
administering the program. 57024

Section 44.07. EDUCATION MANAGEMENT INFORMATION SYSTEM 57025

The foregoing appropriation item 200-446, Education 57026
Management Information System, shall be used by the Department of 57027
Education to provide school districts with the means to implement 57028
local automated information systems and to implement, develop, and 57029
improve the Education Management Information System (EMIS) for the 57030
common student information management software developed by the 57031
Department of Education. 57032

Of the foregoing appropriation item 200-446, Education 57033
Management Information System, up to \$1,000,000 in each fiscal 57034
year may be used by the Department of Education to assist 57035
designated data acquisition sites or school districts with 57036
deployment and implementation of the common student management 57037
record system software, and for hardware, personnel, equipment, 57038
staff development, software, and forms modification, as well as to 57039
support EMIS special report activities in the department. 57040

Of the foregoing appropriation item 200-446, Education 57041
Management Information System, up to \$2,213,639 in fiscal year 57042
2002 and up to \$1,476,760 in fiscal year 2003 shall be distributed 57043
to designated data acquisition sites for costs relating to 57044
processing, storing, and transferring data for the effective 57045
operation of the EMIS. These costs may include, but are not 57046
limited to, personnel, hardware, software development, 57047
communications connectivity, professional development, and support 57048
services, and to provide services to participate in the State 57049
Education Technology Plan pursuant to section 3301.07 of the 57050
Revised Code. 57051

Of the foregoing appropriation item 200-446, Education 57052
Management Information System, up to \$7,763,297 in fiscal year 57053
2002 and up to \$8,999,708 in fiscal year 2003 shall be distributed 57054
to school districts, community schools established under Chapter 57055
3314. of the Revised Code, education service centers, and joint 57056
vocational school districts on a per-pupil basis. From this 57057
funding, each school district or community school established 57058
under Chapter 3314. of the Revised Code with enrollment greater 57059
than 100 students and each vocational school district shall 57060
receive a minimum of \$5,000 for each year of the biennium. Each 57061
school district or community school established under Chapter 57062
3314. of the Revised Code with enrollment between one and one 57063
hundred and each education service center and each county board of 57064
MR/DD that submits data through EMIS shall receive \$3,000 for each 57065
year of the biennium. This money shall be used for costs 57066
associated with the development and operation of local automated 57067
record-based information systems that provide data as required by 57068
the education management information system, and facilitate local 57069
district, school, and classroom management activities. 57070

GED TESTING/ADULT HIGH SCHOOL 57071

The foregoing appropriation item 200-447, GED Testing/Adult 57072

High School, shall be used to provide General Educational
Development (GED) testing at no cost to applicants, pursuant to
rules adopted by the State Board of Education. The Department of
Education shall reimburse school districts and community schools,
created in accordance with Chapter 3314. of the Revised Code, for
a portion of the costs incurred in providing summer instructional
or intervention services to students who have not graduated due to
their inability to pass one or more parts of the state's ninth
grade proficiency test. School districts shall also provide such
services to students who are residents of the district pursuant to
section 3313.64 of the Revised Code, but who are enrolled in
chartered, nonpublic schools. The services shall be provided in
the public school, in nonpublic schools, in public centers, or in
mobile units located on or off the nonpublic school premises. No
school district shall provide summer instructional or intervention
services to nonpublic school students as authorized by this
section unless such services are available to students attending
the public schools within the district. No school district shall
provide services for use in religious courses, devotional
exercises, religious training, or any other religious activity.
Chartered, nonpublic schools shall pay for any unreimbursed costs
incurred by school districts for providing summer costs incurred
by school districts for providing summer instruction or
intervention services to students enrolled in chartered, nonpublic
schools. School districts may provide these services to students
directly or contract with postsecondary or nonprofit
community-based institutions in providing instruction. The
appropriation also shall be used for state reimbursement to school
districts for adult high school continuing education programs
pursuant to section 3313.531 of the Revised Code or for costs
associated with awarding adult high school diplomas under section
3313.611 of the Revised Code.

COMMUNITY SCHOOLS 57105

Of the foregoing appropriation item 200-455, Community 57106
Schools, up to \$100,000 in each fiscal year may be used by the 57107
Lucas County Educational Service Center to pay for additional 57108
services provided to community schools, subject to the reporting 57109
by the service center of actual expenses incurred to the 57110
Department of Education. Up to \$1,628,935 in fiscal year 2002 and 57111
up to \$1,724,517 in fiscal year 2003 may be used by the Office of 57112
School Options in the Department of Education for additional 57113
services and responsibilities under section 3314.11 of the Revised 57114
Code. 57115

The remaining appropriation may be used by the Department of 57116
Education and the Lucas County Educational Service Center to make 57117
grants of up to \$50,000 to each proposing group with a preliminary 57118
agreement obtained under division (C)(2) of section 3314.02 of the 57119
Revised Code in order to defray planning and initial start-up 57120
costs. In the first year of operation of a community school, the 57121
Department of Education and the Lucas County Educational Service 57122
Center may make a grant of no more than \$100,000 to the governing 57123
authority of the school to partially defray additional start-up 57124
costs. The amount of the grant shall be based on a thorough 57125
examination of the needs of the community school. The Department 57126
of Education and the Lucas County Educational Service Center shall 57127
not utilize moneys received under this section for any other 57128
purpose other than those specified under this section. The 57129
department shall allocate an amount to the Lucas County 57130
Educational Service Center for grants to schools in the Lucas 57131
County area under this paragraph. 57132

A community school awarded start-up grants from appropriation 57133
item 200-613, Public Charter Schools (Fund 3T4), shall not be 57134
eligible for grants under this section. 57135

Section 44.08. SCHOOL FINANCE EQUITY 57136

The foregoing appropriation item 200-500, School Finance 57137
Equity, shall be distributed to school districts based on the 57138
formula specified in section 3317.0213 of the Revised Code. 57139

Section 44.09. BASE COST FUNDING 57140

The foregoing appropriation item 200-501, Base Cost Funding, 57141
includes \$91,488,407 in fiscal year 2003 for the state education 57142
aid offset due to the change in public utility valuation as a 57143
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 57144
General Assembly. This amount represents the total state education 57145
aid offset due to the valuation change for school districts and 57146
joint vocational school districts from all relevant line item 57147
sources. If it is determined that the state education aid offset 57148
is more than \$91,488,407, the Controlling Board may increase the 57149
appropriation for item 200-501, Base Cost Funding, by the 57150
difference amount if presented with such a request from the 57151
Department of Education. The appropriation increase, if any, is 57152
hereby appropriated. If it is determined that the state education 57153
aid offset is less than \$91,488,407, the Director of Budget and 57154
Management shall then reduce the appropriation for item 200-501, 57155
Base Cost Funding, by the difference amount and notify the 57156
Controlling Board of this action. The appropriation decrease 57157
determined by the Director of Budget and Management, if any, is 57158
hereby approved, and appropriations are hereby reduced by the 57159
amount determined. 57160

Of the foregoing appropriation item 200-501, Base Cost 57161
Funding, up to \$425,000 shall be expended in each year of the 57162
biennium for court payments pursuant to section 2151.357 of the 57163
Revised Code; an amount shall be available each year of the 57164
biennium for the cost of the reappraisal guarantee pursuant to 57165

section 3317.04 of the Revised Code; an amount shall be available 57166
in each year of the biennium to fund up to 225 full-time 57167
equivalent approved GRADS teacher grants pursuant to division (R) 57168
of section 3317.024 of the Revised Code; an amount shall be 57169
available in each year of the biennium to make payments to school 57170
districts pursuant to division (A)(2) of section 3317.022 of the 57171
Revised Code; an amount shall be available in fiscal year 2003 to 57172
make payments to school districts pursuant to division (F) of 57173
section 3317.022 of the Revised Code; an amount shall be available 57174
in fiscal year 2002 to make payments to school districts pursuant 57175
to division (C) of section 3317.0212 of the Revised Code; and up 57176
to \$15,000,000 in each year of the biennium shall be reserved for 57177
payments pursuant to sections 3317.026, 3317.027, and 3317.028 of 57178
the Revised Code except that the Controlling Board may increase 57179
the \$15,000,000 amount if presented with such a request from the 57180
Department of Education. Of the foregoing appropriation item 57181
200-501, Base Cost Funding, up to \$15,000,000 in each fiscal year 57182
shall be used to provide additional state aid to school districts 57183
for special education students pursuant to division (C)(3) of 57184
section 3317.022 of the Revised Code; up to \$2,000,000 in each 57185
year of the biennium shall be reserved for Youth Services tuition 57186
payments pursuant to section 3317.024 of the Revised Code; and up 57187
to \$52,000,000 in each fiscal year shall be reserved to fund the 57188
state reimbursement of educational service centers pursuant to 57189
section 3317.11 of the Revised Code. 57190

Of the foregoing appropriation item 200-501, Base Cost 57191
Funding, up to \$1,000,000 in each fiscal year shall be used by the 57192
Department of Education for a pilot program to pay for educational 57193
services for youth who have been assigned by a juvenile court or 57194
other authorized agency to any of the facilities described in 57195
division (A) of the section titled "Private Treatment Facility 57196
Pilot Project." 57197

The remaining portion of appropriation item 200-501, Base Cost Funding, shall be expended for the public schools of city, local, exempted village, and joint vocational school districts, including base cost funding, special education weight funding, special education speech service enhancement funding, career-technical education weight funding, career-technical education associated service funding, guarantee funding, and teacher training and experience funding pursuant to sections 3317.022, 3317.023, 3317.0212, and 3317.16 of the Revised Code.

Appropriation items 200-500, School Finance Equity, 200-501, Base Cost Funding, 200-502, Pupil Transportation, 200-520, Disadvantaged Pupil Impact Aid, 200-521, Gifted Pupil Program, 200-525, Parity Aid, and 200-546, Charge-Off Supplement, other than specific set-asides, are collectively used to pay state formula aid obligations for school districts and joint vocational school districts pursuant to Chapter 3317. of the Revised Code. The first priority of these appropriation items, with the exception of specific set-asides, is to fund state formula aid obligations under Chapter 3317. of the Revised Code. It may be necessary to reallocate funds among these appropriation items in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items to meet state formula aid obligations, the Department of Education shall seek approval from the Controlling Board to transfer funds among these appropriation items.

Section 44.10. SUPPLEMENTAL PAYMENT

Upon the recommendation of the Superintendent of Public Instruction, and subject to the approval of the Controlling Board, the Department of Education shall pay a school district in fiscal year 2002 an amount not greater than the difference between the following:

(A) The cost of increasing teachers' salaries above the district's salary schedule to comply with division (C) of section 3317.13 of the Revised Code as amended by this act, multiplied by one hundred fourteen per cent;

(B) The district's increases in state funds for fiscal year 2002.

The increases in state funds for fiscal year 2002 shall be calculated by determining additional state funds received for fiscal year 2002 under sections 3317.022, 3317.023, 3317.029, 3317.0212, and 3317.053 and division (P) of section 3317.024 of the Revised Code and uncodified sections of this act, above the amount of state funds the district received for fiscal year 2001 under sections 3317.022, 3317.023, 3317.029, 3317.0212, and 3317.162 and division (P) of section 3317.024 of the Revised Code and uncodified sections of Am. Sub. H.B. 282 of the 123rd General Assembly.

The Department shall determine application procedures and a schedule for applications and payments under this section, which shall be subject to the approval of the Controlling Board. The Department may pay one-half of an estimated amount of a district's payment under this section during the first half of fiscal year 2002, and the remainder of the actual calculated amount during the second half of the fiscal year. Subject to the approval of the Controlling Board, the amount of any overpayments under this section shall be deducted from payments made to the school district under Chapter 3317. of the Revised Code for the remainder of the fiscal year.

Section 44.11. PUPIL TRANSPORTATION

Of the foregoing appropriation item 200-502, Pupil Transportation, up to \$800,000 in fiscal year 2002 and up to \$822,400 in fiscal year 2003 may be used by the Department of

Education for training prospective and experienced school bus drivers in accordance with training programs prescribed by the department; an amount shall be available in each year of the biennium to be used for special education transportation reimbursements. The reimbursement rate in each year shall be based on the rate defined in division (D) of section 3317.022 of the Revised Code. The remainder of appropriation item 200-502, Pupil Transportation, shall be used for the state reimbursement of public school districts' costs in transporting pupils to and from the school they attend in accordance with the district's policy, State Board of Education standards, and the Revised Code.

BUS PURCHASE ALLOWANCE

The foregoing appropriation item 200-503, Bus Purchase Allowance, shall be distributed to school districts and educational service centers pursuant to rules adopted under section 3317.07 of the Revised Code. Up to 25 per cent of the amount appropriated may be used to reimburse school districts and educational service centers for the purchase of buses to transport handicapped and nonpublic school students.

SCHOOL LUNCH

The foregoing appropriation item 200-505, School Lunch Match, shall be used to provide matching funds to obtain federal funds for the school lunch program.

Section 44.12. ADULT LITERACY EDUCATION

The foregoing appropriation item 200-509, Adult Literacy Education, shall be used to support adult basic and literacy education instructional programs and the State Literacy Resource Center Program.

Of the foregoing appropriation item 200-509, Adult Literacy Education, up to \$543,150 in fiscal year 2002 and up to \$554,013

in fiscal year 2003 shall be used for the support and operation of 57290
the State Literacy Resource Center. 57291

The remainder shall be used to continue to satisfy the state 57292
match and maintenance of effort requirements for the support and 57293
operation of the Department of Education-administered 57294
instructional grant program for adult basic and literacy education 57295
in accordance with the department's state plan for adult basic and 57296
literacy education as approved by the State Board of Education and 57297
the Secretary of the United States Department of Education. 57298

AUXILIARY SERVICES 57299

The foregoing appropriation item 200-511, Auxiliary Services, 57300
shall be used by the State Board of Education for the purpose of 57301
implementing section 3317.06 of the Revised Code. Of the 57302
appropriation, up to \$1,250,000 in fiscal year 2002 and up to 57303
\$1,500,000 in fiscal year 2003 may be used for payment of the 57304
Post-Secondary Enrollment Options Program for nonpublic students 57305
pursuant to section 3365.10 of the Revised Code. 57306

STUDENT INTERVENTION SERVICES 57307

The foregoing appropriation item 200-513, Student 57308
Intervention Services, shall be used to assist districts providing 57309
the intervention services specified in section 3313.608 of the 57310
Revised Code. The Department of Education shall establish 57311
guidelines for the use and distribution of these moneys. School 57312
districts receiving funds from this appropriation shall report to 57313
the Department of Education on how funds were used. 57314

No later than July 15, 2002, the Director of Budget and 57315
Management shall transfer \$35,000,000 from Fund 3W6, TANF 57316
Education, to the General Revenue Fund. The transferred funds are 57317
appropriated for the appropriation item 200-513, Student 57318
Intervention Services. The foregoing appropriation item 200-513, 57319
Student Intervention Services, includes transferred funds of 57320

\$35,000,000 in fiscal year 2003. 57321

The Department of Education shall comply with all TANF 57322
requirements, including reporting requirements and timelines, as 57323
specified in state and federal laws, federal regulations, state 57324
rules, and the Title IV-A state plan, and is responsible for 57325
payment of any adverse audit finding, final disallowance of 57326
federal financial participation, or other sanction or penalty 57327
issued by the federal government or other entity concerning these 57328
funds. 57329

POST-SECONDARY/ADULT CAREER-TECHNICAL EDUCATION 57330

The foregoing appropriation item 200-514, 57331
Post-Secondary/Adult Career-Technical Education, shall be used by 57332
the State Board of Education to provide post-secondary/adult 57333
career-technical education under sections 3313.52 and 3313.53 of 57334
the Revised Code. 57335

Of the foregoing appropriation item 200-514, 57336
Post-Secondary/Adult Career-Technical Education, up to \$500,000 in 57337
each fiscal year shall be allocated for the Ohio Career 57338
Information System (OCIS) and used for the dissemination of career 57339
information data to public schools, libraries, rehabilitation 57340
centers, two- and four-year colleges and universities, and other 57341
governmental units. 57342

Of the foregoing appropriation item 200-514, 57343
Post-Secondary/Adult Career-Technical Education, up to \$40,000 in 57344
each fiscal year shall be used for the statewide coordination of 57345
the activities of the Ohio Young Farmers. 57346

DISADVANTAGED PUPIL IMPACT AID 57347

The foregoing appropriation item 200-520, Disadvantaged Pupil 57348
Impact Aid, shall be distributed to school districts according to 57349
section 3317.029 of the Revised Code. However, no money shall be 57350
distributed for all-day kindergarten to any school district whose 57351

three-year average formula ADM exceeds 17,500 but whose DPIA index 57352
is not at least equal to 1.00 in each fiscal year, unless the 57353
Department of Education certifies that sufficient funds exist in 57354
this appropriation to make all other payments required by section 57355
3317.029 of the Revised Code. 57356

The Department of Education shall pay all-day, everyday 57357
kindergarten funding to all school districts in fiscal year 2002 57358
and fiscal year 2003 that qualified for and provided the service 57359
in a preceding fiscal year pursuant to section 3317.029 of the 57360
Revised Code, regardless of changes to such districts' DPIA 57361
indexes in fiscal year 2002 and fiscal year 2003. 57362

The Department of Education shall pay to community schools an 57363
amount for all-day kindergarten if the school district in which 57364
the student is entitled to attend school is eligible but does not 57365
receive a payment for all-day kindergarten, pursuant to division 57366
(B) of section 3314.13 of the Revised Code, and the student is 57367
reported by the community school as enrolled in all-day 57368
kindergarten at the community school. 57369

Of the foregoing appropriation item 200-520, Disadvantaged 57370
Pupil Impact Aid, up to \$3,200,000 in fiscal year 2002 and up to 57371
\$3,300,000 in fiscal year 2003 shall be used for school breakfast 57372
programs. Of these amounts, up to \$500,000 shall be used each year 57373
by the Department of Education to provide start-up grants to rural 57374
school districts and to school districts with less than 1,500 ADM 57375
that start school breakfast programs. The remainder of the 57376
appropriation shall be used to: (1) partially reimburse school 57377
buildings within school districts that are required to have a 57378
school breakfast program pursuant to section 3313.813 of the 57379
Revised Code, at a rate decided by the department, for each 57380
breakfast served to any pupil enrolled in the district; (2) 57381
partially reimburse districts participating in the National School 57382
Lunch Program that have at least 20 per cent of students who are 57383

eligible for free and reduced meals according to federal 57384
standards, at a rate decided by the department; and (3) to 57385
partially reimburse districts participating in the National School 57386
Lunch Program for breakfast served to children eligible for free 57387
and reduced meals enrolled in the district, at a rate decided by 57388
the department. 57389

Of the portion of the funds distributed to the Cleveland City 57390
School District under section 3317.029 of the Revised Code 57391
calculated under division (F)(2) of that section, up to 57392
\$14,903,943 in fiscal year 2002 and up to \$18,066,820 in fiscal 57393
year 2003 shall be used to operate the pilot school choice program 57394
in the Cleveland City School District pursuant to sections 57395
3313.974 to 3313.979 of the Revised Code. 57396

Of the foregoing appropriation item 200-520, Disadvantaged 57397
Pupil Impact Aid, \$1,000,000 in each fiscal year shall be used to 57398
support dropout recovery programs administered by the Department 57399
of Education, Jobs for Ohio's Graduates Program. 57400

Section 44.13. GIFTED PUPIL PROGRAM 57401

The foregoing appropriation item 200-521, Gifted Pupil 57402
Program, shall be used for gifted education units not to exceed 57403
1,050 in fiscal year 2002 and 1,100 in fiscal year 2003 pursuant 57404
to division (P) of section 3317.024 and division (F) of section 57405
3317.05 of the Revised Code. 57406

Of the foregoing appropriation item 200-521, Gifted Pupil 57407
Program, up to \$5,000,000 in each fiscal year of the biennium may 57408
be used as an additional supplement for identifying gifted 57409
students pursuant to Chapter 3324. of the Revised Code. 57410

Of the foregoing appropriation item 200-521, Gifted Pupil 57411
Program, the Department of Education may expend up to \$1,000,000 57412
each year for the Summer Honors Institute for gifted freshman and 57413

sophomore high school students. Up to \$600,000 in each fiscal year 57414
shall be used for research and demonstration projects. The 57415
Department of Education shall research and evaluate the 57416
effectiveness of gifted education programs in Ohio. Up to \$70,000 57417
in each year shall be used for the Ohio Summer School for the 57418
Gifted (Martin Essex Program). 57419

Section 44.14. PARITY AID 57420

The foregoing appropriation item 200-525, Parity Aid, shall 57421
be distributed to school districts based on the formulas specified 57422
in section 3317.0217 of the Revised Code. 57423

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 57424

The foregoing appropriation item 200-532, Nonpublic 57425
Administrative Cost Reimbursement, shall be used by the State 57426
Board of Education for the purpose of implementing section 57427
3317.063 of the Revised Code. 57428

DESEGREGATION COSTS 57429

The foregoing appropriation item 200-534, Desegregation 57430
Costs, shall be used to pay the legal fees associated with 57431
desegregation cases brought against the state. 57432

As part of managing state desegregation costs, any board of 57433
education of a school district subject to a federal court 57434
desegregation order that requires the district board to bus 57435
students for the purpose of racial balance shall, within one year 57436
after the effective date of this section: 57437

(1) Update its plan required under Am. Sub. H.B. 298 of the 57438
119th General Assembly designed to satisfy the court so as to 57439
obtain release from the court's desegregation order; and 57440

(2) Submit an updated copy of the plan to the State Board of 57441
Education. 57442

Upon request of the district board, the State Board shall provide 57443
technical assistance to the school district board in developing a 57444
plan. 57445

Within ninety days after the date on which the plan is 57446
submitted to the State Board of Education, the district board, or 57447
the district board and the State Board of Education jointly if 57448
both are parties to the desegregation case, shall submit the plan 57449
to the court and apply for release from the court's desegregation 57450
order. 57451

Section 44.15. SPECIAL EDUCATION ENHANCEMENTS 57452

Of the foregoing appropriation item 200-540, Special 57453
Education Enhancements, up to \$45,295,000 in fiscal year 2002 and 57454
up to \$47,809,750 in fiscal year 2003 shall be used to fund 57455
special education and related services at county boards of mental 57456
retardation and developmental disabilities for eligible students 57457
under section 3317.20 of the Revised Code. Up to \$2,500,000 shall 57458
be used in each fiscal year to fund up to 57 special education 57459
classroom and related services units at institutions. 57460

Of the foregoing appropriation item 200-540, Special 57461
Education Enhancements, up to \$3,293,959 in fiscal year 2002 and 57462
up to \$3,425,717 in fiscal year 2003 shall be used for home 57463
instruction for handicapped children; up to \$1,500,000 in each 57464
fiscal year shall be used for parent mentoring programs; and up to 57465
\$2,744,966 in fiscal year 2002 and up to \$2,854,764 in fiscal year 57466
2003 may be used for school psychology interns. 57467

Of the foregoing appropriation item 200-540, Special 57468
Education Enhancements, \$3,852,160 in fiscal year 2002 and up to 57469
\$4,006,246 in fiscal year 2003 shall be used by the Department of 57470
Education to assist school districts in funding aides pursuant to 57471
paragraph (A)(3)(c)(i)(b) of rule 3301-51-04 of the Administrative 57472
Code. 57473

Of the foregoing appropriation item 200-540, Special 57474
Education Enhancements, \$78,623,506 in each fiscal year shall be 57475
distributed by the Department of Education to county boards of 57476
mental retardation and developmental disabilities, educational 57477
service centers, and school districts for preschool special 57478
education units and preschool supervisory units in accordance with 57479
section 3317.161 of the Revised Code. The department may reimburse 57480
county boards of mental retardation and developmental 57481
disabilities, educational service centers, and school districts 57482
for related services as defined in rule 3301-31-05 of the 57483
Administrative Code, for preschool occupational and physical 57484
therapy services provided by a physical therapy assistant and 57485
certified occupational therapy assistant, and for an instructional 57486
assistant. To the greatest extent possible, the Department of 57487
Education shall allocate these units to school districts and 57488
educational service centers. The Controlling Board may approve the 57489
transfer of unallocated funds from appropriation item 200-501, 57490
Base Cost Funding, to appropriation item 200-540, Special 57491
Education Enhancements, to fully fund existing units as necessary 57492
or to fully fund additional units. The Controlling Board may 57493
approve the transfer of unallocated funds from appropriation item 57494
200-540, Special Education Enhancements, to appropriation item 57495
200-501, Base Cost Funding, to fully fund the special education 57496
weight cost funding. 57497

The Department of Education shall require school districts, 57498
educational service centers, and county MR/DD boards serving 57499
preschool children with disabilities to document child progress 57500
using a common instrument prescribed by the department and report 57501
results annually. The reporting dates and methodology shall be 57502
determined by the department. 57503

The department shall adopt rules addressing the use of 57504
screening and assessment data including, but not limited to: 57505

(1) Protection of the identity of individual children through 57506
assignment of a unique, but not personally identifiable, code; 57507
57508

(2) Parents' rights; and 57509

(3) Use of the child data by school personnel as it relates 57510
to kindergarten entrance. 57511

Of the foregoing appropriation item 200-540, Special 57512
Education Enhancements, up to \$808,081 in fiscal year 2002 and up 57513
to \$832,323 in fiscal year 2003 shall be allocated to provide 57514
grants to research-based reading mentoring programs for students 57515
with disabilities in kindergarten through fourth grade. Priority 57516
shall be given to mentoring programs that have been recognized by 57517
the Education Commission of the States as promising educational 57518
practices for accelerating student achievement, are easily 57519
replicated, have strong evaluative components, and have goals 57520
aligned to the Ohio Proficiency Test. Priority in awarding grants 57521
funding in this program shall be given to existing targeted 57522
programs originally funded under Am. Sub. H.B. 282 of the 123rd 57523
General Assembly and that are currently being applied in school 57524
districts. Grants awarded under this program shall be made in 57525
conjunction with the Ohio Coalition for Education of Children with 57526
Disabilities. Programs may be implemented at times deemed most 57527
appropriate. Certified staff shall administer these programs and 57528
testing of participants shall be required prior to, during, and 57529
after participation in these programs. The results of the tests 57530
shall be reported to the Governor, Superintendent of Public 57531
Instruction, and General Assembly. 57532

Of the foregoing appropriation item 200-540, Special 57533
Education Enhancements, up to \$86,000 in each fiscal year shall be 57534
used to conduct a collaborative pilot program to provide 57535
educational services and develop best educational practices for 57536
autistic children. The pilot program shall include, but not be 57537

limited to, the involvement of the Wood County Board of Mental 57538
Retardation and Developmental Disabilities, Wood County 57539
Educational Services Center, Children's Resource Center of Wood 57540
County, and the Family and Children First Council of Wood County. 57541

Of the foregoing appropriation item 200-540, Special 57542
Education Enhancements, up to \$303,030 in fiscal year 2002 and up 57543
to \$312,121 in fiscal year 2003 shall be expended to conduct a 57544
demonstration project involving language and literacy intervention 57545
teams supporting student acquisition of language and literacy 57546
skills. The demonstration project shall demonstrate improvement of 57547
language and literacy skills of at-risk learners under the 57548
instruction of certified speech language pathologists and 57549
educators. Baseline data shall be collected and comparison data 57550
for fiscal year 2002 and fiscal year 2003 shall be collected and 57551
reported to the Governor, OhioReads Council, Department of 57552
Education, and the General Assembly. 57553

Section 44.16. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 57554

Of the foregoing appropriation item 200-545, Career-Technical 57555
Education Enhancements, up to \$2,616,001 in each fiscal year shall 57556
be used to fund career-technical education units at institutions. 57557
Up to \$4,200,000 in fiscal year 2002 and up to \$4,182,775 in 57558
fiscal year 2003 shall be used to fund the Jobs for Ohio Graduates 57559
(JOG) program. 57560

Of the foregoing appropriation item 200-545, Career-Technical 57561
Education Enhancements, up to \$4,182,573 in fiscal year 2002 and 57562
up to \$4,432,573 in fiscal year 2003 shall be used by the 57563
Department of Education to fund competitive grants to tech prep 57564
consortia that expand the number of students enrolled in tech prep 57565
programs. These grant funds shall be used to directly support 57566
expanded tech prep programs, including equipment, provided to 57567
students enrolled in school districts, including joint vocational 57568

school districts, and affiliated higher education institutions. 57569

If federal funds for career-technical education cannot be 57570
used for local school district leadership without being matched by 57571
state funds, then an amount as determined by the Superintendent of 57572
Public Instruction shall be made available from state funds 57573
appropriated for career-technical education. If any state funds 57574
are used for this purpose, federal funds in an equal amount shall 57575
be distributed for career-technical education in accordance with 57576
authorization of the state plan for vocational education for Ohio 57577
as approved by the Secretary of the United States Department of 57578
Education. 57579

Of the foregoing appropriation item 200-545, Career-Technical 57580
Education Enhancements, \$3,000,000 in fiscal year 2002 and 57581
\$3,250,000 in fiscal year 2003 shall be used to provide an amount 57582
to each eligible school district for the replacement or updating 57583
of equipment essential for the instruction of students in job 57584
skills taught as part of a career-technical program or programs 57585
approved for such instruction by the State Board of Education. 57586
School districts replacing or updating career-technical education 57587
equipment may purchase or lease such equipment. The Department of 57588
Education shall review and approve all equipment requests and may 57589
allot appropriated funds to eligible school districts on the basis 57590
of the number of full-time equivalent workforce development 57591
teachers in all eligible districts making application for funds. 57592

The State Board of Education may adopt standards of need for 57593
equipment allocation. Pursuant to the adoption of any such 57594
standards of need by the State Board of Education, appropriated 57595
funds may be allotted to eligible districts according to such 57596
standards. Equipment funds allotted under either process shall be 57597
provided to a school district on a 30, 40, or 50 per cent of cost 57598
on the basis of a district career-technical priority index rating 57599
developed by the Department of Education for all districts each 57600

year. The career-technical priority index shall give preference to 57601
districts with a large percentage of disadvantaged students and 57602
shall include other socio-economic factors as determined by the 57603
State Board of Education. 57604

Of the foregoing appropriation item 200-545, Career-Technical 57605
Education Enhancements, up to \$3,650,000 in each fiscal year shall 57606
be awarded by the Superintendent of Public Instruction to an Ohio 57607
nonprofit corporation to support existing High Schools That Work 57608
(HSTW) sites, develop new sites, fund technical assistance, and 57609
support regional centers and middle school programs. The purpose 57610
of HSTW is to combine challenging academic courses and modern 57611
vocational and technical studies to raise the academic achievement 57612
of students. It provides intensive technical assistance, focused 57613
staff development, targeted assessment services, and ongoing 57614
communications and networking opportunities. Any grant awarded 57615
under this program by the Superintendent of Public Instruction 57616
shall require a matching contribution of at least \$1,000,000 from 57617
the Ohio nonprofit corporation. 57618

Of the foregoing appropriation item 200-545, Career-Technical 57619
Education Enhancements, \$3,750,000 in fiscal year 2002 and 57620
\$4,000,000 in fiscal year 2003 shall be used for K-12 career 57621
development. 57622

Of the foregoing appropriation item 200-545, Career-Technical 57623
Educational Enhancements, \$300,000 in each fiscal year shall be 57624
used by the Department of Education to establish the Voc-Ag 5th 57625
Quarter Pilot Project. The project shall enable students in 57626
agricultural programs to enroll in a fifth quarter of instruction. 57627
The fifth quarter concept is based on the long-standing and 57628
successful agricultural education model of delivering work-based 57629
learning through supervised agricultural experience. The 57630
Department of Education shall establish rules governing 57631
eligibility criteria and the reporting process for the project 57632

that must include the following: (1) a school is required to hire 57633
a certified teacher for the fifth quarter, (2) a school must have 57634
a curriculum for the fifth quarter that is approved by the 57635
Department of Education, (3) students must earn credit for the 57636
agricultural experience, (4) the program must be approved by the 57637
school district's superintendent, and (5) the program must be in 57638
existence on the effective date of this section. The Department of 57639
Education shall fund as many programs as possible given the 57640
\$250,000 set aside. The Department of Education shall report 57641
students' performance results under the project to the General 57642
Assembly not later than December 31, 2002. 57643

Section 44.17. CHARGE-OFF SUPPLEMENT 57644

The foregoing appropriation item 200-546, Charge-Off 57645
Supplement, shall be used by the Department of Education to make 57646
payments pursuant to section 3317.0216 of the Revised Code. 57647

COUNTY MR/DD BOARDS - VEHICLE PURCHASES 57648

The foregoing appropriation item 200-552, County MR/DD Boards 57649
Vehicle Purchases, shall be used to provide financial assistance 57650
to MR/DD boards for the purchase of vehicles as permitted in 57651
section 3317.07 of the Revised Code. 57652

COUNTY MR/DD BOARDS - TRANSPORTATION 57653

The foregoing appropriation item 200-553, County MR/DD Boards 57654
Transportation Operating, shall be used to provide financial 57655
assistance for transportation operating costs as provided in 57656
division (M) of section 3317.024 of the Revised Code. 57657

EMERGENCY LOAN INTEREST SUBSIDY 57658

The foregoing appropriation item 200-558, Emergency Loan 57659
Interest Subsidy, shall be used to provide a subsidy to school 57660
districts receiving emergency school loans pursuant to section 57661
3313.484 of the Revised Code. The subsidy shall be used to pay 57662

these districts the difference between the amount of interest the 57663
district is paying on an emergency loan, and the interest that the 57664
district would have paid if the interest rate on the loan had been 57665
two per cent. 57666

Section 44.18. OHIOREADS GRANTS 57667

Of the foregoing appropriation item 200-566, OhioReads 57668
Grants, \$19,824,248 in fiscal year 2002 and \$19,814,448 in fiscal 57669
year 2003 shall be disbursed by the OhioReads Office in the 57670
Department of Education at the direction of the OhioReads Council 57671
to provide classroom grants to public schools in city, local, and 57672
exempted village school districts; community schools; and 57673
educational service centers serving kindergarten through fourth 57674
grade students. Of the foregoing appropriation item 200-566, 57675
OhioReads Grants, \$2,073,752 in fiscal year 2002 and \$2,083,552 in 57676
fiscal year 2003 shall be transferred by the Department of 57677
Education to the Department of Aging to be used for the STARS 57678
program. 57679

Of the foregoing appropriation item 200-566, OhioReads 57680
Grants, \$5,000,000 each year shall be disbursed by the OhioReads 57681
Office in the Department of Education at the direction of the 57682
OhioReads Council to provide community matching grants to 57683
community organizations and associations, libraries, and others 57684
for tutoring, tutor recruitment and training, and parental 57685
involvement. 57686

Of the foregoing appropriation item 200-566, OhioReads 57687
Grants, \$250,000 in each fiscal year shall be allocated to provide 57688
grants to research-based reading mentoring programs for students 57689
with disabilities in kindergarten through fourth grade. Priority 57690
shall be given to mentoring programs that have been recognized by 57691
the Education Commission of the States as promising educational 57692
practices for accelerating student achievement, are easily 57693

replicated, have strong evaluative components, and have goals 57694
aligned to the Ohio proficiency tests. Programs may be implemented 57695
at times deemed most appropriate but at least one program shall be 57696
created for and applied in an urban school district. The awarding 57697
of these grants shall be made in conjunction with the Ohio 57698
Coalition for Education of Children with Disabilities. Certified 57699
staff shall administer these programs and testing of participants 57700
shall be required prior to, during, and after participation in 57701
these programs. The results of the tests shall be reported to the 57702
Governor, Superintendent of Public Instruction, the General 57703
Assembly, and the OhioReads Council. 57704

Grants awarded by the OhioReads Council are intended to 57705
improve reading outcomes, especially on the fourth grade reading 57706
proficiency test. 57707

SCHOOL IMPROVEMENT INCENTIVE GRANTS 57708

Of the foregoing appropriation item 200-570, School 57709
Improvement Incentive Grants, \$100,000 in each fiscal year shall 57710
be used to support the Bellefaire Jewish Children's Bureau. 57711

Of the foregoing appropriation item 200-570, School 57712
Improvement Incentive Grants, \$50,000 in each fiscal year shall be 57713
used to support the Cleveland School of Art. 57714

Of the foregoing appropriation item 200-570, School 57715
Improvement Incentive Grants, \$50,000 in each fiscal year shall be 57716
used to support the Tuscarawas County Educational Service Center. 57717

Of the foregoing appropriation item 200-570, School 57718
Improvement Incentive Grants, \$50,000 in each fiscal year shall be 57719
used to support LEAF. 57720

Of the foregoing appropriation item 200-570, School 57721
Improvement Incentive Grants, \$50,000 in each fiscal year shall be 57722
used to support the Toledo Tech Academy. 57723

Of the foregoing appropriation item 200-570, School 57724
Improvement Incentive Grants, \$150,000 in fiscal year 2002 and 57725
\$300,000 in fiscal year 2003 shall be used to support the COSI 57726
Education Project. 57727

Of the foregoing appropriation item 200-570, School 57728
Improvement Incentive Grants, \$25,000 in each fiscal year shall be 57729
used to support the Magellan Program. 57730

Of the foregoing appropriation item 200-570, School 57731
Improvement Incentive Grants, \$25,000 in each fiscal year shall be 57732
used to support I Know I Can Columbus. 57733

Of the foregoing appropriation item 200-570, School 57734
Improvement Incentive Grants, \$25,000 in each fiscal year shall be 57735
used to support the Clerity Program. 57736

Of the foregoing appropriation item 200-570, School 57737
Improvement Incentive Grants, \$12,500 in each fiscal year shall be 57738
used to support the Strongsville Youth Council. 57739

Of the foregoing appropriation item 200-570, School 57740
Improvement Incentive Grants, \$50,000 in each fiscal year shall be 57741
used to support the Lorain County Access Program. 57742

Of the foregoing appropriation item 200-570, School 57743
Improvement Incentive Grants, \$100,000 in each fiscal year shall 57744
be used to support the Summit County Education Initiative. 57745

Of the foregoing appropriation item 200-570, School 57746
Improvement Incentive Grants, \$80,000 in each fiscal year shall be 57747
used to support the Cleveland Language Project. 57748

Of the foregoing appropriation item 200-570, School 57749
Improvement Incentive Grants, \$25,000 in each fiscal year shall be 57750
used to support the Columbus Language Project. 57751

Of the foregoing appropriation item 200-570, School 57752
Improvement Incentive Grants, \$30,000 in each fiscal year shall be 57753

used to support the Cincinnati Language Project. 57754

Of the foregoing appropriation item 200-570, School 57755
Improvement Incentive Grants, \$15,000 in each fiscal year shall be 57756
used to support the Dayton Language Project. 57757

SUBSTANCE ABUSE PREVENTION 57758

Of the foregoing appropriation item 200-574, Substance Abuse 57759
Prevention, up to \$1,660,200 in each fiscal year shall be used for 57760
the Safe and Drug Free Schools Coordinators Program. Of the 57761
foregoing appropriation item 200-574, Substance Abuse Prevention, 57762
up to \$288,000 in each fiscal year of the biennium shall be used 57763
for the Substance Abuse Prevention Student Assistance Program. The 57764
Department of Education and the Department of Alcohol and Drug 57765
Addiction Services shall jointly develop and approve a plan for 57766
the expenditure of these funds including, but not limited to, the 57767
development of position descriptions and training specifications 57768
for safe and drug free schools coordinators. Safe and drug free 57769
schools coordinators shall possess or be in the process of 57770
obtaining credentials issued by the Ohio Credentialing Board for 57771
Chemical Dependency Professionals or other credentials recognized 57772
by that board. 57773

BETHEL SCHOOL CLEANUP 57774

The foregoing appropriation item 200-580, Bethel School 57775
Cleanup, shall be used for the Bethel Local School District in 57776
Miami County. The moneys shall be used to purchase water for the 57777
school and four adjacent households, for expenses incurred by 57778
Bethel Local School District for well-monitoring activities and 57779
water-system conversions, and for expenses incurred by the Ohio 57780
Environmental Protection Agency as the Agency continues to monitor 57781
activities associated with the Bethel Local School District water 57782
supply. 57783

INFORMATION TECHNOLOGY 57784

Of the foregoing appropriation item 200-606, Information 57785
Technology, \$50,000 in fiscal year 2002 shall be used for the 57786
Beavercreek City Schools. 57787

AUXILIARY SERVICES MOBILE REPAIR 57788

Notwithstanding section 3317.064 of the Revised Code, if the 57789
unobligated cash balance is sufficient, the Treasurer of State 57790
shall transfer \$1,500,000 in fiscal year 2002 within thirty days 57791
after the effective date of this section and \$1,500,000 in fiscal 57792
year 2003 by August 1, 2002, from the Auxiliary Services Personnel 57793
Unemployment Compensation Fund to the Department of Education's 57794
Auxiliary Services Mobile Repair Fund (Fund 598). 57795

Section 44.19. LOTTERY PROFITS EDUCATION FUND 57796

Appropriation item 200-612, Base Cost Funding (Fund 017), 57797
shall be used in conjunction with appropriation item 200-501, Base 57798
Cost Funding (GRF), to provide payments to school districts 57799
pursuant to Chapter 3317. of the Revised Code. 57800

Of the foregoing appropriation item 200-612, Base Cost 57801
Funding (Fund 017), \$25,000,000 in each fiscal year shall be used 57802
from the funds transferred from the Unclaimed Prizes Trust Fund 57803
pursuant to the section entitled "Transfers from the Unclaimed 57804
Prizes Fund" of this act. 57805

The Department of Education, with the approval of the 57806
Director of Budget and Management, shall determine the monthly 57807
distribution schedules of appropriation item 200-501, Base Cost 57808
Funding (GRF), and appropriation item 200-612, Base Cost Funding 57809
(Fund 017). If adjustments to the monthly distribution schedule 57810
are necessary, the Department of Education shall make such 57811
adjustments with the approval of the Director of Budget and 57812
Management. 57813

The Director of Budget and Management shall transfer via 57814

intrastate transfer voucher the amount appropriated under the 57815
Lottery Profits Education Fund for appropriation item 200-682, 57816
Lease Rental Payment Reimbursement, to the General Revenue Fund on 57817
a schedule determined by the director. These funds shall support 57818
the appropriation item 230-428, Lease Rental Payments (GRF), of 57819
the School Facilities Commission. 57820

LOTTERY PROFITS TRANSFERS* 57821

On the fifteenth day of May of each fiscal year, the Director 57822
of Budget and Management shall determine if lottery profits 57823
transfers will meet the appropriation amounts from the Lottery 57824
Profits Education Fund. 57825

On or after the date specified in each fiscal year, if the 57826
director determines that lottery profits will not meet 57827
appropriations and if other funds are not available to meet the 57828
shortfall, the Superintendent of Public Instruction shall take the 57829
actions specified under the "Reallocation of Funds" section of 57830
this act. 57831

TRANSFERS FROM THE UNCLAIMED PRIZES FUND 57832

By the fifteenth day of January of fiscal year 2002 and 57833
fiscal year 2003, the Director of Budget and Management shall 57834
transfer \$25,000,000 from the State Lottery Commission's Unclaimed 57835
Prizes Fund to the Lottery Profits Education Fund, to be used 57836
solely for purposes specified in the Department of Education's 57837
budget. Transfers of unclaimed prizes under this provision shall 57838
not count as lottery profits in the determination made concerning 57839
excess profits titled "Lottery Profits" under the Department of 57840
Education in this act. 57841

TEACHER CERTIFICATION AND LICENSURE 57842

The foregoing appropriation item 200-681, Teacher 57843
Certification and Licensure, shall be used by the Department of 57844
Education in each year of the biennium to administer teacher 57845

certification and licensure functions pursuant to sections 57846
3301.071, 3301.074, 3301.50, 3301.51, 3319.088, 3319.22, 3319.24 57847
to 3319.28, 3319.281, 3319.282, 3319.29, 3319.301, 3319.31, and 57848
3319.51 of the Revised Code. 57849

Section 44.20. LOTTERY PROFITS 57850

(A) There is hereby created the Lottery Profits Education 57851
Reserve Fund (Fund 018) in the State Treasury. At no time shall 57852
the amount to the credit of the fund exceed \$75,000,000. 57853
Investment earnings of the Lottery Profits Education Reserve Fund 57854
shall be credited to the fund. Notwithstanding any provisions of 57855
law to the contrary, for fiscal years 2002 and 2003, there is 57856
appropriated to the Department of Education, from the Lottery 57857
Profits Education Reserve Fund, an amount necessary to make loans 57858
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 57859
Revised Code. All loan repayments from loans made in fiscal years 57860
1992, 1993, 1994, 1995, 1996, 1997, 1998, or 1999 shall be 57861
deposited into the credit of the Lottery Profits Education Reserve 57862
Fund. 57863

(B)(1) On or before July 15, 2001, the Director of Budget and 57864
Management shall determine the amount by which lottery profit 57865
transfers received by the Lottery Profits Education Fund for 57866
fiscal year 2001 exceed \$665,200,000. The amount so certified 57867
shall be distributed in fiscal year 2002 pursuant to divisions (C) 57868
and (D) of this section. 57869

(2) On or before July 15, 2002, the Director of Budget and 57870
Management shall determine the amount by which lottery profit 57871
transfers received by the Lottery Profits Education Fund for 57872
fiscal year 2002 exceed \$608,722,100. The amount so determined 57873
shall be distributed in fiscal year 2003 pursuant to divisions (E) 57874
and (F) of this section. 57875

The Director of Budget and Management shall annually certify 57876

the amounts determined pursuant to this section to the Speaker of
the House of Representatives and the President of the Senate. 57877
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(C) Not later than June 15, 2002, the Department of
Education, in consultation with the Director of Budget and
Management, shall determine, based upon estimates, if a
reallocation of funds as described in the section of this act
titled "Reallocation of Funds" is required. 57879
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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. 57884
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(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. 57891
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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. 57900
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(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 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.

(F) In fiscal year 2003, if the Department of Education does not determine that a reallocation of funds is necessary by the fifteenth day of June, as provided in division (E) of this section, or if there is a balance in the Lottery Profits Education Fund after the release of any amount needed to preclude a reallocation of funds as provided in division (E) of this section, the moneys in the Lottery Profits Education Fund shall be allocated as provided in this division. Any amounts so allocated are appropriated.

An amount equal to five per cent of the estimated lottery profits transfers of \$608,722,100 in fiscal year 2002 or the amount remaining in the fund, whichever is the lesser amount, shall be transferred to the Lottery Profits Education Reserve Fund within the limitations specified in division (A) of this section and be reserved and shall not be available for allocation or distribution during fiscal year 2003. Any amounts exceeding \$75,000,000 shall be distributed pursuant to division (G) of this section.

(G) In the appropriate fiscal year, any remaining amounts after the operations required by division (D) or (F) of this

section, respectively, shall be transferred to the Public School Building Fund (Fund 021) and such amount is appropriated to appropriation item CAP-622, Public School Buildings, in the School Facilities Commission. 57940
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Section 44.21. PROPERTY TAX ALLOCATION 57944

The Superintendent of Public Instruction shall not request, and the Controlling Board shall not approve, the transfer of funds from appropriation item 200-901, Property Tax Allocation-Education, to any other appropriation item. 57945
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SCHOOL DISTRICT SOLVENCY ASSISTANCE 57949

Of the foregoing appropriation item 200-687, School District Solvency Assistance, \$12,000,000 in each fiscal year shall be allocated to the School District Shared Resource Account and \$12,000,000 in each fiscal year shall be allocated to the Catastrophic Expenditures Account. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent pursuant to section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund. 57950
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SCHOOL DISTRICT PROPERTY TAX REPLACEMENT 57961

The foregoing appropriation item 200-900, School District Property Tax Replacement, shall be used by the Department of Education, in consultation with the Department of Taxation, to make payments to school districts and joint vocational school districts pursuant to section 5727.85 of the Revised Code. 57962
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Section 44.22. PROPERTY TAX ALLOCATION - EDUCATION 57967

The appropriation item 200-901, Property Tax Allocation - 57968

Education, is appropriated to pay for the state's costs incurred 57969
due to the homestead exemption and the property tax rollback. In 57970
cooperation with the Department of Taxation, the Department of 57971
Education shall distribute these funds directly to the appropriate 57972
school districts of the state, notwithstanding sections 321.24 and 57973
323.156 of the Revised Code, which provide for payment of the 57974
homestead exemption and property tax rollback by the Tax 57975
Commissioner to the appropriate county treasurer and the 57976
subsequent redistribution of these funds to the appropriate local 57977
taxing districts by the county auditor. 57978

Appropriation item 200-906, Tangible Tax Exemption - 57979
Education is appropriated to pay for the state's costs incurred 57980
due to the tangible personal property tax exemption required by 57981
division (C)(3) of section 5709.01 of the Revised Code. In 57982
cooperation with the Department of Taxation, the Department of 57983
Education shall distribute to each county treasurer the total 57984
amount certified by the county treasurer pursuant to section 57985
319.311 of the Revised Code, for all school districts located in 57986
the county, notwithstanding the provision in section 319.311 of 57987
the Revised Code which provides for payment of the \$10,000 57988
tangible personal property tax exemption by the Tax Commissioner 57989
to the appropriate county treasurer for all local taxing districts 57990
located in the county. Pursuant to division (G) of section 321.24 57991
of the Revised Code, the county auditor shall distribute the 57992
amount paid by the Department of Education among the appropriate 57993
school districts. 57994

Upon receipt of these amounts, each school district shall 57995
distribute the amount among the proper funds as if it had been 57996
paid as real or tangible personal property taxes. Payments for the 57997
costs of administration shall continue to be paid to the county 57998
treasurer and county auditor as provided for in sections 319.54, 57999
321.26, and 323.156 of the Revised Code. 58000

Any sums, in addition to the amounts specifically 58001
appropriated in appropriation items 200-901, Property Tax 58002
Allocation - Education, for the homestead exemption and the 58003
property tax rollback payments, and 200-906, Tangible Tax 58004
Exemption - Education, for the \$10,000 tangible personal property 58005
tax exemption payments, which are determined to be necessary for 58006
these purposes, are appropriated. 58007

Section 44.23. DISTRIBUTION FORMULAS* 58008

The Department of Education shall report the following to the 58009
Director of Budget and Management, the Legislative Office of 58010
Education Oversight, and the Legislative Service Commission: 58011

(A) Changes in formulas for distributing state 58012
appropriations, including administratively defined formula 58013
factors; 58014

(B) Discretionary changes in formulas for distributing 58015
federal appropriations; 58016

(C) Federally mandated changes in formulas for distributing 58017
federal appropriations. 58018

Any such changes shall be reported two weeks prior to the 58019
effective date of the change. 58020

Section 44.24. DISTRIBUTION - SCHOOL DISTRICT SUBSIDY 58021
PAYMENTS 58022

This section shall not take effect unless the Director of 58023
Budget and Management adopts an order putting it into effect and 58024
certifies a copy of the order to the Superintendent of Public 58025
Instruction and the Controlling Board. 58026

Notwithstanding any other provision of the Revised Code, the 58027
monthly distribution of payments made to school districts and 58028
educational service centers pursuant to section 3317.01 of the 58029

Revised Code for the first six months of each fiscal year shall 58030
equal, as nearly as possible, six and two-thirds per cent of the 58031
estimate of the amounts payable for each fiscal year. The monthly 58032
distribution of payments for the last six months of each fiscal 58033
year shall equal, as nearly as possible, ten per cent of the final 58034
calculation of the amounts payable to each school district for 58035
that fiscal year. 58036

The treasurer of each school district or educational service 58037
center may accrue, in addition to the payments defined in this 58038
section, to the accounts of the calendar years that end during 58039
each fiscal year, the difference between the sum of the first six 58040
months' payments in each fiscal year and the amounts the district 58041
would have received had the payments been made in, as nearly as 58042
possible in each fiscal year, twelve equal monthly payments. 58043

Notwithstanding the limitations on the amount of borrowing 58044
and time of payment provided for in section 133.10 of the Revised 58045
Code but subject to sections 133.26 and 133.30 of the Revised 58046
Code, a board of education of a school district may at any time 58047
between July 1, 2001, and December 31, 2001, or at any time 58048
between July 1, 2002, and December 31, 2002, borrow money to pay 58049
any necessary and actual expenses of the school district during 58050
the last six months of calendar years 2001 and 2002 and in 58051
anticipation of the receipt of any portion of the payments to be 58052
received by that district in the first six months of calendar 58053
years 2002 and 2003 representing the respective amounts accrued 58054
pursuant to the preceding paragraph, and issue notes to evidence 58055
that borrowing to mature no later than the thirtieth day of June 58056
of the calendar year following the calendar year in which such 58057
amount was borrowed. The principal amount borrowed in the last six 58058
months of calendar years 2001 or 2002 under this paragraph may not 58059
exceed the entire amount accrued or to be accrued by the district 58060
treasurer in those calendar years pursuant to the preceding 58061

paragraph. The proceeds of the notes shall be used only for the 58062
purposes for which the anticipated receipts are lawfully 58063
appropriated by the board of education. No board of education 58064
shall be required to use the authority granted by this paragraph. 58065
The receipts so anticipated, and additional amounts from 58066
distributions to the districts in the first six months of calendar 58067
years 2002 and 2003 pursuant to Chapter 3317. of the Revised Code 58068
needed to pay the interest on the notes, shall be deemed 58069
appropriated by the board of education to the extent necessary for 58070
the payment of the principal of and interest on the notes at 58071
maturity, and the amounts necessary to make those monthly 58072
distributions are appropriated from the General Revenue Fund. For 58073
the purpose of better ensuring the prompt payment of principal of 58074
and interest on the notes when due, the resolution of the board of 58075
education authorizing the notes may direct that the amount of the 58076
receipts anticipated, together with those additional amounts 58077
needed to pay the interest on the borrowed amounts, shall be 58078
deposited and segregated, in trust or otherwise, to the extent, at 58079
the time or times, and in the manner provided in that resolution. 58080
The borrowing authorized by this section does not constitute debt 58081
for purposes of section 133.04 of the Revised Code. School 58082
districts shall be reimbursed by the state for all necessary and 58083
actual costs to districts arising from this provision, including, 58084
without limitation, the interest paid on the notes while the notes 58085
are outstanding. The Department of Education shall adopt rules 58086
that are not inconsistent with this section for school district 58087
eligibility and application for reimbursement of such costs. 58088
Payments of these costs shall be made out of any anticipated 58089
balances in appropriation items distributed under Chapter 3317. of 58090
the Revised Code. The department shall submit all requests for 58091
reimbursement under these provisions to the Controlling Board for 58092
approval. 58093

During the last six months of each calendar year, instead of 58094
deducting the amount the Superintendent of Public Instruction 58095
would otherwise deduct from a school district's or educational 58096
service center's state aid payments in accordance with the 58097
certifications made for such year pursuant to sections 3307.56 and 58098
3309.51 of the Revised Code, the superintendent shall deduct an 58099
amount equal to forty per cent of the amount so certified. The 58100
secretaries of the retirement systems shall compute the 58101
certifications for the ensuing year under such sections as if the 58102
entire amounts certified as due in the calendar year ending the 58103
current fiscal year, but not deducted pursuant to this paragraph, 58104
had been deducted and paid in that calendar year. During the first 58105
six months of the ensuing calendar year, in addition to deducting 58106
the amounts the Superintendent of Public Instruction is required 58107
to deduct under such sections during such period, the 58108
superintendent shall deduct from a district's or educational 58109
service center's state aid payments an additional amount equal to 58110
the amount that was certified as due from the district for the 58111
calendar year that ends during the fiscal year, but that was not 58112
deducted because of this paragraph. The superintendent's 58113
certifications to the Director of Budget and Management during the 58114
first six months of the calendar year shall reflect such 58115
additional deduction. 58116

Section 44.25. REALLOCATION OF FUNDS 58117

(A) As used in this section: 58118

(1) "Basic aid" means the amount calculated for the school 58119
district received for the fiscal year under divisions (A) and (C) 58120
of section 3317.022 and sections 3317.023, 3317.025 to 3317.029, 58121
3317.0212, and 3317.0213 of the Revised Code and the amount 58122
computed for a joint vocational school district under section 58123
3317.16 of the Revised Code. 58124

(2) "Nonbasic aid" means the amount computed for a school district for fiscal year 2002 or fiscal year 2003 under Chapter 3317. of the Revised Code and this act, excluding the district's basic aid and the amount computed under such chapter and acts for educational service centers, MR/DD boards, and institutions.

(B) If in either fiscal year of the biennium the Governor issues an order under section 126.05 of the Revised Code to reduce expenditures and incurred obligations and the order requires the superintendent to reduce such state education payments, or if lottery profits transfers are insufficient to meet the amounts appropriated from the Lottery Profits Education Fund for base cost funding, and if other funds are not sufficient to offset the shortfall, the superintendent shall reduce nonbasic aid payments so that the total amount expended in the fiscal year will not exceed the amount available for expenditure pursuant to the Governor's order. Subject to Controlling Board approval, the superintendent shall reallocate appropriations not yet expended from one program to another.

(C)(1) If further reductions in nonbasic aid are necessary following the reallocations implemented pursuant to division (B) of this section, the superintendent shall request the Controlling Board to approve the use of the money appropriated by this division. The superintendent shall include with the superintendent's request a report listing the amount of reductions that each school district will receive if the request is not approved, and also the amount of the reduction, if any, that will still be required if the use of the money appropriated by this section is approved.

(2) In accordance with division (C)(1) of this section, there is appropriated to the Department of Education from the unobligated balance remaining in the Lottery Profits Education Fund at the end of fiscal year 2001 the lesser of: the unobligated

balance in the fund, or the amount needed to preclude a 58157
reallocation pursuant to this section. The money appropriated by 58158
this division may be spent or distributed by the department only 58159
with the approval of the Controlling Board. 58160

(D) If reductions in nonbasic aid are still necessary 58161
following the actions taken pursuant to divisions (B) and (C) of 58162
this section, the superintendent shall determine by what 58163
percentage expenditures for nonbasic aid must be reduced for the 58164
remainder of the fiscal year to make the total amount distributed 58165
for the year equal the amount appropriated or available for 58166
distribution. The superintendent shall reduce by that percentage 58167
the amount to be paid in nonbasic aid to each city, exempted 58168
village, local, and joint vocational school district, to each 58169
educational service center, to each county board of mental 58170
retardation and developmental disabilities, and to each 58171
institution providing special education programs under section 58172
3323.091 of the Revised Code for the remainder of the fiscal year. 58173

Section 44.26. EDUCATIONAL SERVICE CENTERS FUNDING 58174

Notwithstanding division (B) of section 3317.11 of the 58175
Revised Code, no funds shall be provided to an educational service 58176
center in either fiscal year for any pupils of a city or exempted 58177
village school district unless an agreement to provide services 58178
under section 3313.843 of the Revised Code was entered into by 58179
January 1, 1997, except that funds shall be provided to an 58180
educational service center for any pupils of a city school 58181
district if the agreement to provide services was entered into 58182
within one year of the date upon which such district changed from 58183
a local school district to a city school district. If insufficient 58184
funds are appropriated in fiscal year 2002 or fiscal year 2003 for 58185
the purposes of division (B) of section 3317.11 of the Revised 58186
Code, the department shall first distribute to each educational 58187

service center \$37 per pupil in its service center ADM, as defined 58188
in that section. The remaining funds in each fiscal year shall be 58189
distributed proportionally, on a per-student basis, to each 58190
educational service center for its client ADM, as defined in that 58191
section, that is attributable to each city and exempted village 58192
school district that had entered into an agreement with an 58193
educational service center for that fiscal year under section 58194
3313.843 of the Revised Code by January 1, 1997. 58195

Section 44.27. The Legislative Office of Education Oversight 58196
shall survey the individualized education programs developed for 58197
handicapped children who have been identified under Chapter 3323. 58198
of the Revised Code as having "other health handicaps." The Office 58199
shall categorize the specific medical conditions that school 58200
districts identify as "other health handicaps" and shall quantify 58201
the number of students identified in each category. The Office 58202
shall report its findings to the General Assembly no later than 58203
six months after the effective date of this section. 58204

Section 44.28. * For the school year commencing July 1, 2001, 58205
or the school year commencing July 1, 2002, or both, the 58206
Superintendent of Public Instruction may waive for the board of 58207
education of any school district the ratio of teachers to pupils 58208
in kindergarten through fourth grade required under paragraph 58209
(A)(3) of rule 3301-35-03 of the Administrative Code if the 58210
following conditions apply: 58211

(A) The board of education requests the waiver. 58212

(B) After the Department of Education conducts an on-site 58213
evaluation of the district related to meeting the required ratio, 58214
the board of education demonstrates to the satisfaction of the 58215
Superintendent of Public Instruction that providing the facilities 58216
necessary to meet the required ratio during the district's regular 58217

school hours with pupils in attendance would impose an extreme 58218
hardship on the district. 58219

(C) The board of education provides assurances that are 58220
satisfactory to the Superintendent of Public Instruction that the 58221
board will act in good faith to meet the required ratio as soon as 58222
possible. 58223

Section 44.29. PRIVATE TREATMENT FACILITY PILOT PROJECT 58224

(A) As used in this section: 58225

(1) The following are "participating residential treatment 58226
centers": 58227

(a) Private residential treatment facilities that have 58228
entered into a contract with the Department of Youth Services to 58229
provide services to children placed at the facility by the 58230
department and which, in fiscal year 2002 or 2003 or both, the 58231
department pays through appropriation item 470-401, Care and 58232
Custody; 58233

(b) Abraxas, in Shelby; 58234

(c) Paint Creek, in Bainbridge; 58235

(d) Act One, in Akron; 58236

(e) Friars Club, in Cincinnati. 58237

(2) "Education program" means an elementary or secondary 58238
education program or a special education program and related 58239
services. 58240

(3) "Served child" means any child receiving an education 58241
program pursuant to division (B) of this section. 58242

(4) "School district responsible for tuition" means a city, 58243
exempted village, or local school district that, if tuition 58244
payment for a child by a school district is required under law 58245

that existed in fiscal year 1998, is the school district required 58246
to pay that tuition. 58247

(5) "Residential child" means a child who resides in a 58248
participating residential treatment center and who is receiving an 58249
educational program under division (B) of this section. 58250

(B) A youth who is a resident of the state and has been 58251
assigned by a juvenile court or other authorized agency to a 58252
residential treatment facility specified in division (A) of this 58253
section shall be enrolled in an approved educational program 58254
located in or near the facility. Approval of the educational 58255
program shall be contingent upon compliance with the criteria 58256
established for such programs by the Department of Education. The 58257
educational program shall be provided by a school district or 58258
educational service center, or by the residential facility itself. 58259
Maximum flexibility shall be given to the residential treatment 58260
facility to determine the provider. In the event that a voluntary 58261
agreement cannot be reached and the residential facility does not 58262
choose to provide the educational program, the educational service 58263
center in the county in which the facility is located shall 58264
provide the educational program at the treatment center to 58265
children under twenty-two years of age residing in the treatment 58266
center. 58267

(C) Any school district responsible for tuition for a 58268
residential child shall, notwithstanding any conflicting provision 58269
of the Revised Code regarding tuition payment, pay tuition for the 58270
child for fiscal years 2002 and 2003 to the education program 58271
provider and in the amount specified in this division. If there is 58272
no school district responsible for tuition for a residential child 58273
and if the participating residential treatment center to which the 58274
child is assigned is located in the city, exempted village, or 58275
local school district that, if the child were not a resident of 58276
that treatment center, would be the school district where the 58277

child is entitled to attend school under sections 3313.64 and 58278
3313.65 of the Revised Code, that school district shall, 58279
notwithstanding any conflicting provision of the Revised Code, pay 58280
tuition for the child for fiscal years 2002 and 2003 under this 58281
division unless that school district is providing the educational 58282
program to the child under division (B) of this section. 58283
58284

A tuition payment under this division shall be made to the 58285
school district, educational service center, or residential 58286
treatment facility providing the educational program to the child. 58287

The amount of tuition paid shall be: 58288

(1) The amount of tuition determined for the district under 58289
division (A) of section 3317.08 of the Revised Code; 58290

(2) In addition, for any student receiving special education 58291
pursuant to an individualized education program as defined in 58292
section 3323.01 of the Revised Code, a payment for excess costs. 58293
This payment shall equal the actual cost to the school district, 58294
educational service center, or residential treatment facility of 58295
providing special education and related services to the student 58296
pursuant to the student's individualized education program, minus 58297
the tuition paid for the child under division (C)(1) of this 58298
section. 58299

A school district paying tuition under this division shall 58300
not include the child for whom tuition is paid in the district's 58301
average daily membership certified under division (A) of section 58302
3317.03 of the Revised Code. 58303

(D) In each of fiscal years 2002 and 2003, the Department of 58304
Education shall reimburse, from appropriations made for the 58305
purpose, a school district, educational service center, or 58306
residential treatment facility, whichever is providing the 58307
service, that has demonstrated that it is in compliance with the 58308

funding criteria for each served child for whom a school district
must pay tuition under division (C) of this section. The amount of
the reimbursement in either fiscal year shall be the formula
amount specified in section 3317.022 of the Revised Code, except
that the department shall proportionately reduce this
reimbursement if sufficient funds are not available to pay this
amount to all qualified providers.

(E) Funds provided to a school district, educational service
center, or residential treatment facility under this section shall
be used to supplement, not supplant, funds from other public
sources for which the school district, service center, or
residential treatment facility is entitled or eligible.

(F) The Department of Education shall track the utilization
of funds provided to school districts, educational service
centers, and residential treatment facilities under this section
and monitor the effect of the funding on the educational programs
they provide in participating residential treatment facilities.
The department shall monitor the programs for educational
accountability.

Section 44.30. SCHOOL DISTRICT PARTICIPATION IN NATIONAL
ASSESSMENT OF EDUCATION PROGRESS

The General Assembly intends for the Superintendent of Public
Instruction to provide for school district participation in the
administration of the National Assessment of Education Progress in
fiscal years 2002 and 2003 in accordance with section 3301.27 of
the Revised Code.

Section 44.31. Notwithstanding Chapter 3318. of the Revised
Code, for purposes of complying with the local share and repayment
tax requirements of section 3318.05 of the Revised Code, any
school district given conditional approval for classroom

facilities assistance under section 3318.04 of the Revised Code as 58339
of January 1, 1993, that approved a replacement permanent 58340
improvement levy at the November 5, 1996, election shall be 58341
permitted to use the proceeds of such levy, and any notes issued 58342
or to be issued in anticipation thereof, as available funds, 58343
within the meaning specified under section 3318.03 of the Revised 58344
Code, to pay the local share of the cost of the approved classroom 58345
facilities project. Notwithstanding the local share as previously 58346
determined for purposes of the conditional approval of the 58347
project, the local share shall be equal to the amount of proceeds 58348
to be obtained by the district under such replacement permanent 58349
improvement levy. Such school districts shall not be required to 58350
obtain approval of either of the propositions described in 58351
division (A) or (B) of section 3318.051 of the Revised Code. The 58352
agreement required under section 3318.08 of the Revised Code for 58353
the construction and sale of the project shall include provisions 58354
for the transfer of the proceeds of the replacement permanent 58355
improvement levy, and any notes issued in anticipation thereof, to 58356
the school district's project construction account, and for the 58357
levy of the replacement permanent improvement levy. 58358

Section 44.32. The Superintendent of Public Instruction shall 58359
contract with an independent research entity to evaluate the pilot 58360
project approved pursuant to section 3313.975 of the Revised Code. 58361
The evaluation shall study the impact of scholarships on student 58362
attendance, conduct, commitment to education, and standardized 58363
test scores; parental involvement; the school district's ability 58364
to provide services to district students; and the availability of 58365
alternative educational opportunities. The evaluation shall also 58366
study the economic impact of scholarships on the school district. 58367
58368

Section 44.33. Notwithstanding division (C)(1) of section 58369

3313.975 of the Revised Code, in addition to students in 58370
kindergarten through third grade, initial scholarships may be 58371
awarded to fourth, fifth, sixth, seventh, and eighth grade 58372
students in fiscal year 2002 and in fiscal year 2003. 58373

Section 44.34. (A) As used in this section, "pilot project 58374
area" means the school districts included in the territory of the 58375
former community school pilot project established by former 58376
Section 50.52 of Am. Sub. H.B. 215 of the 122nd General Assembly. 58377

(B) Any teacher or nonteaching employee of a school district 58378
in the pilot project area who, on the effective date of this 58379
section, is taking a leave of absence from the district pursuant 58380
to a policy adopted under former Section 50.52.13 of that act to 58381
work at a community school established under the pilot project and 58382
located in another school district may continue the leave under 58383
the terms of that policy and former section. Upon termination of 58384
the leave, the district shall return the teacher or nonteaching 58385
employee to a position, salary, and level of seniority as required 58386
by that former section. 58387

Section 44.35. As required by Section 50.52.2 of Am. Sub. 58388
H.B. 215 of the 122nd General Assembly, as subsequently amended, 58389
the Legislative Office of Education Oversight shall complete, by 58390
June 1, 2003, its final report on community schools with 58391
recommendations as to the future of community schools in Ohio. 58392
Copies of the report shall be delivered to the President of the 58393
Senate and the Speaker of the House of Representatives. 58394

Section 44.36. STATEMENT OF STATE SHARE PERCENTAGE FOR BASE 58395
COST AND PARITY AID FUNDING 58396

Pursuant to division (D)(3) of section 3317.012 of the 58397
Revised Code, and based on the most recent data available prior to 58398

the enactment of this act, the General Assembly has determined 58399
that the state share percentage of base cost and parity aid 58400
funding for the update year (fiscal year 2002) is 49.0%. This is 58401
the target percentage for fiscal years 2003 through 2007 that the 58402
General Assembly shall use to fulfill its obligation under 58403
division (D)(4) of section 3317.012 of the Revised Code. 58404

Pursuant to division (D)(4) of section 3317.012 of the 58405
Revised Code, and based on the most recent data available prior to 58406
the enactment of this act, the General Assembly has determined 58407
that the state share percentage of base cost and parity aid 58408
funding for fiscal year 2003 is 49.4%. This determination fulfills 58409
the General Assembly's obligation under that division for fiscal 58410
year 2003. 58411

Section 45. OEB OHIO EDUCATIONAL TELECOMMUNICATIONS NETWORK 58412
COMMISSION 58413

General Revenue Fund 58414

GRF 374-100	Personal Services	\$	1,585,648	\$	1,705,463	58415
GRF 374-200	Maintenance	\$	902,477	\$	891,968	58416
GRF 374-300	Equipment	\$	46,760	\$	45,313	58417
GRF 374-401	Statehouse News Bureau	\$	253,175	\$	245,344	58418
GRF 374-402	Ohio Government	\$	403,026	\$	910,296	58419

Telecommunications

Studio

GRF 374-404	Telecommunications	\$	5,239,754	\$	5,051,174	58420
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Operating Subsidy

TOTAL GRF	General Revenue Fund	\$	8,430,840	\$	8,849,558	58421
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General Services Fund Group 58422

4F3 374-603	Affiliate Services	\$	2,941,810	\$	3,067,586	58423
4T2 374-605	Government	\$	75,000	\$	150,000	58424

Television/Telecommunications

Operating

TOTAL GSF General Services				58425	
Fund Group	\$	3,016,810	\$	3,217,586	58426
TOTAL ALL BUDGET FUND GROUPS	\$	11,447,650	\$	12,067,144	58427

STATEHOUSE NEWS BUREAU 58428

The foregoing appropriation item 374-401, Statehouse News 58429
Bureau, shall be used solely to support the operations of the Ohio 58430
Statehouse News Bureau. 58431

OHIO GOVERNMENT TELECOMMUNICATIONS STUDIO 58432

The foregoing appropriation item 374-402, Ohio Government 58433
Telecommunications Studio, shall be used solely to support the 58434
operations of the Ohio Government Telecommunications Studio. 58435

TELECOMMUNICATIONS OPERATING SUBSIDY 58436

The foregoing appropriation item 374-404, Telecommunications 58437
Operating Subsidy, shall be distributed by the Ohio Educational 58438
Telecommunications Network Commission to Ohio's qualified public 58439
educational television stations, radio reading services, and 58440
educational radio stations to support their operations. The funds 58441
shall be distributed pursuant to an allocation developed by the 58442
Ohio Educational Telecommunications Network Commission. 58443

GOVERNMENT TELEVISION/TELECOMMUNICATIONS OPERATING 58444

Beginning on January 1, 2002, General Service Fund 4T2, 58445
Government Television/Telecommunications Operating, currently 58446
under the direction of the Capital Square Review and Advisory 58447
Board, shall be under the direction of the Ohio Educational 58448
Telecommunications Network Commission. The Director of Budget and 58449
Management shall transfer, by January 15, 2002, all remaining 58450
balances in General Services Fund 4T2, Government 58451
Television/Telecommunications Operating, in the Capital Square 58452
Review and Advisory Board to General Services Fund 4T2, Government 58453
Television/Telecommunications Operating, in the Ohio Educational 58454
Telecommunications Network Commission. General Services Fund 4T2, 58455

Government Television/Telecommunications Operating, is hereby	58456
created in the Ohio Educational Telecommunications Network	58457
Commission.	58458

Section 46. ELC OHIO ELECTIONS COMMISSION 58459

General Revenue Fund				58460	
GRF 051-321 Operating Expenses	\$	298,660	\$	307,022	58461
TOTAL GRF General Revenue Fund	\$	298,660	\$	307,022	58462
State Special Revenue Fund Group				58463	
4P2 051-601 Ohio Elections				58464	
Commission Fund	\$	298,660	\$	312,923	58465
TOTAL SSR State Special				58466	
Revenue Fund Group	\$	298,660	\$	312,923	58467
TOTAL ALL BUDGET FUND GROUPS	\$	597,320	\$	619,945	58468

Section 47. FUN STATE BOARD OF EMBALMERS AND FUNERAL 58470

DIRECTORS				58471	
General Services Fund Group				58472	
4K9 881-609 Operating Expenses	\$	507,667	\$	533,541	58473
TOTAL GSF General Services				58474	
Fund Group	\$	507,667	\$	533,541	58475
TOTAL ALL BUDGET FUND GROUPS	\$	507,667	\$	533,541	58476

Section 48. ERB STATE EMPLOYMENT RELATIONS BOARD 58478

General Revenue Fund				58479	
GRF 125-321 Operating Expenses	\$	3,622,827	\$	3,724,266	58480
TOTAL GRF General Revenue Fund	\$	3,622,827	\$	3,724,266	58481
General Services Fund Group				58482	
572 125-603 Training and	\$	73,699	\$	75,541	58483
Publications					
TOTAL GSF General Services				58484	

Fund Group	\$	73,699	\$	75,541	58485
TOTAL ALL BUDGET FUND GROUPS	\$	3,696,526	\$	3,799,807	58486

Section 49. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 58488

General Services Fund Group					58489
4K9 892-609 Operating Expenses	\$	919,315	\$	956,188	58490
TOTAL GSF General Services					58491
Fund Group	\$	919,315	\$	956,188	58492
TOTAL ALL BUDGET FUND GROUPS	\$	919,315	\$	956,188	58493

Section 50. EPA ENVIRONMENTAL PROTECTION AGENCY 58494

General Revenue Fund					58495
GRF 715-501 Local Air Pollution Control	\$	1,364,111	\$	1,444,068	58496
GRF 717-321 Surface Water	\$	10,005,388	\$	11,104,082	58497
GRF 718-321 Groundwater	\$	1,430,912	\$	1,540,938	58498
GRF 719-321 Air Pollution Control	\$	2,838,394	\$	3,015,444	58499
GRF 721-321 Drinking Water	\$	3,043,210	\$	3,216,737	58500
GRF 723-321 Hazardous Waste	\$	142,080	\$	142,080	58501
GRF 724-321 Pollution Prevention	\$	927,221	\$	986,633	58502
GRF 725-321 Laboratory	\$	1,411,197	\$	1,551,342	58503
GRF 726-321 Corrective Actions	\$	1,890,915	\$	1,912,937	58504
TOTAL GRF General Revenue Fund	\$	23,053,428	\$	24,914,261	58505
General Services Fund Group					58506
199 715-602 Laboratory Services	\$	1,003,616	\$	1,042,081	58507
219 715-604 Central Support Indirect	\$	14,935,955	\$	16,462,642	58508
4A1 715-640 Operating Expenses	\$	3,214,075	\$	3,304,835	58509
TOTAL GSF General Services					58510
Fund Group	\$	19,153,646	\$	20,809,558	58511
Federal Special Revenue Fund Group					58512
3F2 715-630 Revolving Loan Fund - Operating	\$	33,700	\$	80,000	58513

3F3	715-632	Fed Supported Cleanup and Response	\$	4,551,830	\$	4,600,910	58514
3F4	715-633	Water Quality Management	\$	702,849	\$	702,849	58515
3F5	715-641	Nonpoint Source Pollution Management	\$	5,820,330	\$	5,820,330	58516
3J1	715-620	Urban Stormwater	\$	522,000	\$	348,000	58517
3J5	715-615	Maumee River	\$	61,196	\$	0	58518
3K2	715-628	Clean Water Act 106	\$	3,769,255	\$	3,769,254	58519
3K4	715-634	DOD Monitoring and Oversight	\$	1,388,552	\$	1,487,341	58520
3K6	715-639	Remedial Action Plan	\$	600,000	\$	270,000	58521
3N4	715-657	DOE Monitoring and Oversight	\$	4,080,203	\$	4,162,907	58522
3T1	715-668	Rural Hardship Grant	\$	50,000	\$	50,000	58523
3V7	715-606	Agencywide Grants	\$	360,000	\$	80,000	58524
352	715-611	Wastewater Pollution	\$	200,000	\$	278,000	58525
353	715-612	Public Water Supply	\$	2,489,460	\$	2,489,460	58526
354	715-614	Hazardous Waste Management - Federal	\$	3,900,000	\$	3,900,000	58527
357	715-619	Air Pollution Control - Federal	\$	4,919,683	\$	4,835,600	58528
362	715-605	Underground Injection Control - Federal	\$	107,856	\$	107,856	58529
TOTAL FED Federal Special Revenue							58530
Fund Group			\$	33,556,914	\$	32,982,507	58531
State Special Revenue Fund Group							58532
3T3	715-669	Drinking Water SRF	\$	5,577,473	\$	5,839,217	58533
4J0	715-638	Underground Injection Control	\$	377,268	\$	394,097	58534
4K2	715-648	Clean Air - Non Title V	\$	3,558,719	\$	3,725,707	58535
4K3	715-649	Solid Waste	\$	12,883,012	\$	13,578,411	58536

As Reported by the Committee of Conference*

4K4	715-650	Surface Water Protection	\$	9,052,930	\$	9,053,183	58537
4K5	715-651	Drinking Water Protection	\$	5,420,914	\$	5,780,021	58538
4P5	715-654	Cozart Landfill	\$	140,404	\$	143,914	58539
4R5	715-656	Scrap Tire Management	\$	5,526,050	\$	5,607,911	58540
4R9	715-658	Voluntary Action Program	\$	760,038	\$	880,324	58541
4T3	715-659	Clean Air - Title V Permit Program	\$	16,330,021	\$	16,919,482	58542
4U7	715-660	Construction & Demolition Debris	\$	136,347	\$	143,435	58543
5H4	715-664	Groundwater Support	\$	1,718,659	\$	1,820,773	58544
500	715-608	Immediate Removal Special Account	\$	508,000	\$	428,547	58545
503	715-621	Hazardous Waste Facility Management	\$	10,274,613	\$	11,045,132	58546
503	715-662	Hazardous Waste Facility Board	\$	688,634	\$	725,713	58547
505	715-623	Hazardous Waste Cleanup	\$	12,786,201	\$	13,427,443	58548
541	715-670	Site Specific Cleanup	\$	2,206,952	\$	2,345,990	58549
542	715-671	Risk Management Reporting	\$	174,924	\$	185,605	58550
592	715-627	Anti-Tampering Settlement	\$	10,000	\$	10,000	58551
6A1	715-645	Environmental Education	\$	1,500,000	\$	1,500,000	58552
602	715-626	Motor Vehicle Inspection and Maintenance	\$	2,653,217	\$	2,795,062	58553
644	715-631	ER Radiological Safety	\$	242,446	\$	255,947	58554
660	715-629	Infectious Waste	\$	138,899	\$	145,271	58555

		Management				
676	715-642	Water Pollution	\$	4,874,302	\$	5,252,873 58556
		Control Loan				
		Administration				
678	715-635	Air Toxic Release	\$	394,489	\$	413,938 58557
679	715-636	Emergency Planning	\$	2,000,708	\$	2,054,868 58558
696	715-643	Air Pollution Control	\$	750,000	\$	750,000 58559
		Administration				
699	715-644	Water Pollution	\$	250,000	\$	250,000 58560
		Control Administration				
TOTAL SSR State Special Revenue						58561
Fund Group			\$	100,935,220	\$	105,472,864 58562
TOTAL ALL BUDGET FUND GROUPS			\$	176,699,208	\$	184,179,190 58563

Section 50.01. AREAWIDE PLANNING AGENCIES 58565

Of the foregoing appropriation item 717-321, Surface Water, 58566
 \$250,000 in fiscal year 2002 and \$250,000 in fiscal year 2003 58567
 shall be divided evenly between the following six areawide 58568
 planning agencies for the purpose of regional water management 58569
 planning: Eastgate Regional Council of Governments, Miami Valley 58570
 Regional Planning Commission, Northeast Ohio Four County Regional 58571
 Planning and Development Organization, Northeast Ohio Areawide 58572
 Coordinating Agency, Ohio-Kentucky-Indiana Regional Council of 58573
 Governments, and Toledo Metropolitan Area Council of Governments. 58574

GROUNDWATER 58575

Of the foregoing appropriation item 718-321, Groundwater, 58576
 \$125,000 per year shall be earmarked for the New Straitsville 58577
 Sewer. 58578

PUBLIC WATER SYSTEM SUPERVISION 58579

Of the foregoing appropriation item 721-321, Drinking Water, 58580
 \$225,000 per year shall be earmarked for the Northern Perry Water 58581
 Phase III. 58582

CENTRAL SUPPORT INDIRECT 58583

Notwithstanding any other provision of law to the contrary, 58584
the Director of Environmental Protection, with the approval of the 58585
Director of Budget and Management, shall utilize a methodology for 58586
determining each division's payments into the Central Support 58587
Indirect Fund (Fund 219). The methodology used shall contain the 58588
characteristics of administrative ease and uniform application. 58589
Payments to the Central Support Indirect Fund (Fund 219) shall be 58590
made using an intrastate transfer voucher. 58591

Not later than November 30, 2001, the Director of 58592
Environmental Protection shall certify to the Director of Budget 58593
and Management the cash balances in Fund 356, Indirect Costs, and 58594
Fund 4C3, Central Support Indirect, and may request the Director 58595
of Budget and Management to transfer up to the certified amounts 58596
into Fund 219, Central Support Indirect. The amount transferred is 58597
hereby appropriated. 58598

SOLID WASTE FUND TRANSFER 58599

Not later than March 1, 2002, the Director of Environmental 58600
Protection shall certify to the Director of Budget and Management 58601
the amount expended from Fund 4K3, Solid Waste, during fiscal 58602
years 2000 and 2001 for emergency expenses incurred as a result of 58603
the fire at the Kirby Tire site. In fiscal years 2002 and 2003, 58604
the Director of Environmental Protection shall request the 58605
Director of Budget and Management to transfer up to one-half of 58606
the certified amount during fiscal year 2002 and the balance of 58607
the certified amount during fiscal year 2003 from Fund 4R5, Scrap 58608
Tire Management, to Fund 4K3, Solid Waste. The amounts transferred 58609
are hereby appropriated. 58610

Moneys transferred from Fund 4R5, Scrap Tire Management, to 58611
Fund 4K3, Solid Waste, shall not consist of any moneys generated 58612
under division (A)(2) of section 3734.901 of the Revised Code as 58613

amended by this act. 58614

Section 51. There is hereby created the E-Check New Car 58615
Exemption Working Group consisting of a representative of the 58616
Governor's office appointed by the Governor, the Director of 58617
Environmental Protection or the Director's designee, a member of 58618
the House of Representatives appointed by the Speaker of the House 58619
of Representatives, and a member of the Senate appointed by the 58620
President of the Senate. The member from the House of 58621
Representatives and the member from the Senate shall be from 58622
different political parties. Appointments shall be made not later 58623
than five days after the effective date of this section. The 58624
Working Group shall begin meeting not later then two weeks after 58625
the effective date of this section. 58626

The Working Group shall enter into communications with the 58627
contractor hired under section 3704.14 of the Revised Code to 58628
conduct emissions inspections under the motor vehicle inspection 58629
and maintenance program in order to determine all implementing 58630
costs and contract-related costs associated with expanding the 58631
current new car exemption under that program from two years to 58632
five years through a three-year phase-in process. The Working 58633
Group shall issue a report of its findings to the Speaker of the 58634
House of Representatives and the President of the Senate not later 58635
than four weeks after the effective date of this section. Upon 58636
submittal of its report, the Working Group shall cease to exist. 58637

Section 52. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 58638

General Revenue Fund 58639
GRF 172-321 Operating Expenses \$ 465,008 \$ 481,221 58640
TOTAL GRF General Revenue Fund \$ 465,008 \$ 481,221 58641
TOTAL ALL BUDGET FUND GROUPS \$ 465,008 \$ 481,221 58642

Section 53. ETH OHIO ETHICS COMMISSION				58644	
General Revenue Fund				58645	
GRF 146-321 Operating Expenses	\$	1,325,713	\$	1,415,005	58646
TOTAL GRF General Revenue Fund	\$	1,325,713	\$	1,415,005	58647
General Services Fund Group				58648	
4M6 146-601 Operating Expenses	\$	386,485	\$	409,543	58649
TOTAL GSF General Services				58650	
Fund Group	\$	386,485	\$	409,543	58651
TOTAL ALL BUDGET FUND GROUPS	\$	1,712,198	\$	1,824,548	58652
 FEE REVENUE TRANSFER				58653	
 If the fee revenue that is raised and deposited into Fund 4M6				58654	
146-601, Operating Expenses, exceeds the amount appropriated each				58655	
fiscal year, the extra fee revenue shall be hereby appropriated				58656	
into Fund 4M6 146-601, Operating Expenses, and OBM shall reduce				58657	
the GRF appropriation item 146-321, Operating Expenses, in an				58658	
amount equal to the amount of the extra fee revenue generated each				58659	
fiscal year.				58660	
 Section 54. EXP OHIO EXPOSITIONS COMMISSION				58661	
General Revenue Fund				58662	
GRF 723-403 Junior Fair Subsidy	\$	525,000	\$	525,000	58663
TOTAL GRF General Revenue Fund	\$	525,000	\$	525,000	58664
State Special Revenue Fund Group				58665	
506 723-601 Operating Expenses	\$	14,411,437	\$	14,875,658	58666
4N2 723-602 Ohio State Fair	\$	511,000	\$	520,000	58667
 Harness Racing					
640 723-603 State Fair Reserve	\$	700,000	\$	0	58668
TOTAL SSR State Special Revenue				58669	
Fund Group	\$	15,622,437	\$	15,395,658	58670
TOTAL ALL BUDGET FUND GROUPS	\$	16,147,437	\$	15,920,658	58671

STATE FAIR RESERVE 58672

The foregoing appropriation item 723-603, State Fair Reserve, 58673
shall serve as a budget reserve fund for the Ohio Expositions 58674
Commission in the event of a significant decline in attendance due 58675
to inclement weather or extraordinary circumstances during the 58676
Ohio State Fair and resulting in a loss of revenue. The State Fair 58677
Reserve may be used by the Ohio Expositions Commission to pay 58678
bills resulting from the Ohio State Fair only if all the following 58679
criteria are met: 58680

(A) Admission revenues for the 2001 Ohio State Fair are less 58681
than \$2,920,000 or admission revenues for the 2002 Ohio State Fair 58682
are less than \$3,010,000 due to inclement weather or extraordinary 58683
circumstances. These amounts are ninety per cent of the projected 58684
admission revenues for each year. 58685

(B) The Ohio Expositions Commission declares a state of 58686
fiscal exigency and requests release of funds by the Director of 58687
Budget and Management. 58688

(C) The Director of Budget and Management releases the funds. 58689
The Director of Budget and Management may approve or disapprove 58690
the request for release of funds, may increase or decrease the 58691
amount of release, and may place such conditions as the director 58692
deems necessary on the use of the released funds. The Director of 58693
Budget and Management may transfer appropriation authority from 58694
fiscal year 2002 to fiscal year 2003 as needed. 58695

In the event that the Ohio Expositions Commission faces a 58696
temporary cash shortage that will preclude them from meeting 58697
current obligations, the Commission may request the Director of 58698
Budget and Management to approve use of the State Fair Reserve to 58699
meet those obligations. The request shall include a plan 58700
describing how the Commission will eliminate the cash shortage. If 58701
the Director of Budget and Management approves the expenditures, 58702

the Commission shall reimburse Fund 640 by the thirtieth day of 58703
June of that same fiscal year through an intrastate transfer 58704
voucher. The amount reimbursed is appropriated. 58705

Of the foregoing appropriation item 723-603, State Fair 58706
Reserve, up to \$500,000 shall be transferred in fiscal year 2003 58707
to appropriation item 723-403, Junior Fair Subsidy. 58708

Section 55. GOV OFFICE OF THE GOVERNOR 58709

General Revenue Fund 58710

GRF 040-321 Operating Expenses \$ 4,608,731 \$ 4,748,556 58711

GRF 040-403 National Governors \$ 174,001 \$ 179,224 58712

Conference

GRF 040-408 Office of Veterans' \$ 271,599 \$ 279,748 58713

Affairs

TOTAL GRF General Revenue Fund \$ 5,054,331 \$ 5,207,528 58714

TOTAL ALL BUDGET FUND GROUPS \$ 5,054,331 \$ 5,207,528 58715

APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR 58716

The Governor may expend a portion of the foregoing 58717
appropriation item 040-321, Operating Expenses, to hire or appoint 58718
legal counsel to be used in proceedings involving the Governor in 58719
the Governor's official capacity or the Governor's office only, 58720
without the approval of the Attorney General, notwithstanding 58721
sections 109.02 and 109.07 of the Revised Code. 58722

Section 56. DOH DEPARTMENT OF HEALTH 58723

General Revenue Fund 58724

GRF 440-406 Hemophilia Services \$ 1,230,492 \$ 1,230,492 58725

GRF 440-407 Animal Borne Disease \$ 2,643,874 \$ 2,598,297 58726

and Prevention

GRF 440-412 Cancer Incidence \$ 898,978 \$ 1,104,175 58727

Surveillance System

Am. Sub. H. B. No. 94
As Reported by the Committee of Conference*

GRF 440-413	Ohio Health Care Policy and Data	\$ 3,056,959	\$ 3,157,200	58728
GRF 440-416	Child and Family Health Services	\$ 11,187,078	\$ 10,839,187	58729
GRF 440-418	Immunizations	\$ 9,403,469	\$ 9,616,514	58730
GRF 440-419	Sexual Assault Prevention and Intervention	\$ 50,000	\$ 50,000	58731
GRF 440-444	AIDS Prevention and Treatment	\$ 9,142,101	\$ 9,476,508	58732
GRF 440-446	Infectious Disease Prevention	\$ 642,821	\$ 649,291	58733
GRF 440-451	Public Health Prevention Programs	\$ 7,708,440	\$ 7,212,245	58734
GRF 440-452	Child and Family Health Care Operations	\$ 1,316,947	\$ 1,320,455	58735
GRF 440-453	Health Care Facility Protection and Safety	\$ 12,466,643	\$ 12,662,779	58736
GRF 440-454	Local Environmental Health	\$ 1,243,340	\$ 1,244,824	58737
GRF 440-459	Help Me Grow	\$ 12,500,000	\$ 12,500,000	58738
GRF 440-461	Vital Statistics	\$ 3,891,580	\$ 3,863,425	58739
GRF 440-501	Local Health Districts	\$ 3,991,111	\$ 3,991,111	58740
GRF 440-504	Poison Control Network	\$ 388,000	\$ 388,000	58741
GRF 440-505	Medically Handicapped Children	\$ 7,634,095	\$ 7,540,879	58742
GRF 440-507	Cystic Fibrosis	\$ 818,131	\$ 818,131	58743
GRF 440-508	Migrant Health	\$ 120,767	\$ 118,049	58744
GRF 440-510	Arthritis Care	\$ 75,000	\$ 75,000	58745
TOTAL GRF	General Revenue Fund	\$ 90,409,826	\$ 90,456,562	58746
	General Services Fund Group			58747
142 440-618	General Operations	\$ 2,764,557	\$ 2,892,340	58748
211 440-613	Central Support	\$ 25,527,855	\$ 26,149,512	58749

Indirect Costs					
473	440-622	Lab Operating Expenses	\$ 4,006,440	\$ 4,154,045	58750
5C1	440-642	TANF Family Planning	\$ 255,500	\$ 261,888	58751
683	440-633	Employee Assistance	\$ 1,017,408	\$ 1,062,965	58752
Program					
698	440-634	Nurse Aide Training	\$ 240,000	\$ 265,808	58753
TOTAL GSF General Services					58754
Fund Group			\$ 33,811,760	\$ 34,786,558	58755
Federal Special Revenue Fund Group					58756
320	440-601	Maternal Child Health	\$ 32,702,100	\$ 34,335,562	58757
Block Grant					
387	440-602	Preventive Health	\$ 9,278,173	\$ 9,278,173	58758
Block Grant					
389	440-604	Women, Infants, and	\$ 185,850,000	\$ 195,142,500	58759
Children					
391	440-606	Medicaid/Medicare	\$ 24,297,017	\$ 25,778,700	58760
392	440-618	General Operations	\$ 74,384,890	\$ 77,720,166	58761
TOTAL FED Federal Special Revenue					58762
Fund Group			\$ 326,512,180	\$ 342,255,101	58763
State Special Revenue Fund Group					58764
3W5	440-611	Title XX Transfer	\$ 500,000	\$ 500,000	58765
4D6	440-608	Genetics Services	\$ 2,725,894	\$ 2,799,641	58766
4F9	440-610	Sickle Cell Disease	\$ 1,010,091	\$ 1,035,344	58767
Control					
4G0	440-636	Heirloom Birth	\$ 1,000	\$ 1,000	58768
Certificate					
4G0	440-637	Birth Certificate	\$ 5,000	\$ 5,000	58769
Surcharge					
4L3	440-609	Miscellaneous Expenses	\$ 257,548	\$ 258,570	58770
4T4	440-603	Child Highway Safety	\$ 224,855	\$ 233,894	58771
4V6	440-641	Save Our Sight	\$ 1,232,421	\$ 1,266,900	58772
470	440-618	General Operations	\$ 12,364,273	\$ 12,941,359	58773

471	440-619	Certificate of Need	\$	352,598	\$	370,524	58774
477	440-627	Medically Handicapped Children Audit	\$	4,400,452	\$	4,640,498	58775
5B5	440-616	Quality, Monitoring, and Inspection	\$	802,502	\$	838,479	58776
5C0	440-615	Alcohol Testing and Permit	\$	1,395,439	\$	1,455,405	58777
5D6	440-620	Second Chance Trust	\$	831,924	\$	852,723	58778
5L1	440-623	Nursing Facility Technical Assistance Program	\$	1,080,000	\$	1,157,150	58779
610	440-626	Radiation Emergency Response	\$	870,505	\$	923,315	58780
666	440-607	Medically Handicapped Children - County Assessments	\$	14,039,889	\$	14,039,889	58781
TOTAL SSR State Special Revenue							58782
Fund Group			\$	42,094,391	\$	43,319,691	58783
Holding Account Redistribution Fund Group							58784
R14	440-631	Vital Statistics	\$	49,000	\$	49,000	58785
R48	440-625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	58786
TOTAL 090 Holding Account							58787
Redistribution Fund Group			\$	69,000	\$	69,000	58788
TOTAL ALL BUDGET FUND GROUPS			\$	494,897,157	\$	510,886,912	58789

Section 56.01. HEMOPHILIA SERVICES 58791

Of the foregoing appropriation item 440-406, Hemophilia 58792
 Services, \$205,000 in each fiscal year shall be used to implement 58793
 the Hemophilia Insurance Pilot Project. 58794

Of the foregoing appropriation item 440-406, Hemophilia 58795

Services, up to \$245,000 in each fiscal year shall be used by the 58796
Department of Health to provide grants to the nine hemophilia 58797
treatment centers to provide prevention services for persons with 58798
hemophilia and their family members affected by AIDS and other 58799
bloodborne pathogens. 58800

CANCER REGISTRY SYSTEM 58801

Of the foregoing appropriation item 440-412, Cancer Incidence 58802
Surveillance System, \$50,000 in each fiscal year shall be provided 58803
to the Northern Ohio Cancer Resource Center. 58804

The remaining moneys in appropriation item 440-412, Cancer 58805
Incidence Surveillance System, shall be used to maintain and 58806
operate the Ohio Cancer Incidence Surveillance System pursuant to 58807
sections 3701.261 to 3701.263 of the Revised Code. 58808

No later than March 1, 2002, the Ohio Cancer Incidence 58809
Surveillance Advisory Board shall report to the General Assembly 58810
on the effectiveness of the cancer incidence surveillance system 58811
and the partnership between the Department of Health and the 58812
Arthur G. James Cancer Hospital and Richard J. Solove Research 58813
Institute of The Ohio State University. 58814

CHILD AND FAMILY HEALTH SERVICES 58815

Of the foregoing appropriation item 440-416, Child and Family 58816
Health Services, \$1,700,000 in each fiscal year shall be used for 58817
family planning services. None of the funds received through these 58818
family planning grants shall be used to provide abortion services. 58819
None of the funds received through these family planning grants 58820
shall be used for counseling for or referrals for abortion, except 58821
in the case of a medical emergency. These funds shall be 58822
distributed on the basis of the relative need in the community 58823
served by the Director of Health to family planning programs, 58824
which shall include family planning programs funded under Title V 58825
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 58826

301, as amended, and Title X of the "Public Health Services Act," 58827
58 Stat. 682 (1946), 42 U.S.C.A. 201, as amended, as well as to 58828
other family planning programs that the Department of Health also 58829
determines will provide services that are physically and 58830
financially separate from abortion-providing and 58831
abortion-promoting activities, and that do not include counseling 58832
for or referrals for abortion, other than in the case of medical 58833
emergency, with state moneys, but that otherwise substantially 58834
comply with the quality standards for such programs under Title V 58835
and Title X. 58836

The Director of Health, by rule, shall provide reasonable 58837
methods by which a grantee wishing to be eligible for federal 58838
funding may comply with these requirements for state funding 58839
without losing its eligibility for federal funding, while ensuring 58840
that a family planning program receiving a family planning grant 58841
must be organized so that it is physically and financially 58842
separate from the provision of abortion services and from 58843
activities promoting abortion as a method of family planning. 58844

Of the foregoing appropriation item 440-416, Child and Family 58845
Health Services, \$150,000 in each fiscal year shall be used to 58846
provide malpractice insurance for physicians and other health 58847
professionals providing prenatal services in programs funded by 58848
the Department of Health. 58849

Of the foregoing appropriation item 440-416, Child and Family 58850
Health Services, \$279,000 shall be used in each fiscal year for 58851
the OPTIONS dental care access program. 58852

Of the foregoing appropriation item 440-416, Child and Family 58853
Health Services, \$600,000 in each fiscal year shall be used by 58854
local child and family health services clinics to provide services 58855
to uninsured low-income persons. 58856

Of the foregoing appropriation item 440-416, Child and Family 58857

Health Services, \$900,000 in each fiscal year shall be used by 58858
federally qualified health centers and federally designated 58859
look-alikes to provide services to uninsured low-income persons. 58860

Of the foregoing appropriation item 440-416, Child and Family 58861
Health Services, \$50,000 in each fiscal year shall be used for the 58862
Tree of Knowledge Learning Center in Cleveland Heights. 58863

Of the foregoing appropriation item 440-416, Child and Family 58864
Health Services, \$25,000 in fiscal year 2002 shall be provided to 58865
the Suicide Prevention Program of Clermont County. 58866

Of the foregoing appropriation item 440-416, Child and Family 58867
Health Services, \$50,000 in fiscal year 2002 shall be provided to 58868
the Discover Health Project. 58869

Of the foregoing appropriation item 440-416, Child and Family 58870
Health Services, \$75,000 in fiscal year 2002 shall be provided to 58871
the Mayerson Center. 58872

Of the foregoing appropriation item 440-416, Child and Family 58873
Health Services, \$50,000 in fiscal year 2002 shall be provided to 58874
the Central Clinic at the University of Cincinnati. 58875

IMMUNIZATIONS 58876

Of the foregoing appropriation item 440-418, Immunizations, 58877
\$125,000 per fiscal year shall be used to provide vaccinations for 58878
Hepatitis B to all qualified underinsured students in the seventh 58879
grade who have not been previously immunized. 58880

Of the foregoing appropriation item 440-418, Immunizations, 58881
up to \$25,000 in each fiscal year shall be used to provide 58882
vaccinations for pneumococcal disease for children between the 58883
ages of two and five. 58884

SEXUAL ASSAULT PREVENTION AND INTERVENTION 58885

The foregoing appropriation item 440-419, Sexual Assault 58886
Prevention and Intervention, shall be used for the following 58887

purposes:	58888
(A) Funding of new services in counties with no services for sexual assault;	58889 58890
(B) Expansion of services provided in currently funded projects so that comprehensive crisis intervention and prevention services are offered;	58891 58892 58893
(C) Start-up funding for Sexual Assault Nurse Examiner (SANE) projects;	58894 58895
(D) Statewide expansion of local outreach and public awareness efforts.	58896 58897
HIV/AIDS PREVENTION/TREATMENT	58898
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.	58899 58900 58901 58902
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.	58903 58904 58905 58906 58907 58908
INFECTIOUS DISEASE PREVENTION	58909
Notwithstanding section 339.77 of the Revised Code, \$60,000 of the foregoing appropriation item 440-446, Infectious Disease Prevention, shall be used by the Director of Health to reimburse Boards of County Commissioners for the cost of detaining indigent persons with tuberculosis. Any portion of the \$60,000 allocated for detainment not used for that purpose shall be used to make payments to counties pursuant to section 339.77 of the Revised Code.	58910 58911 58912 58913 58914 58915 58916 58917

Of the foregoing appropriation item 440-446, Infectious 58918
Disease Prevention, \$200,000 in each fiscal year shall be used for 58919
the purchase of drugs for sexually transmitted diseases. 58920

HELP ME GROW 58921

The foregoing appropriation item 440-459, Help Me Grow, shall 58922
be used by the Department of Health to distribute subsidies to 58923
counties to implement section 3701.61 of the Revised Code. 58924
Appropriation item 440-459 may be used in conjunction with 58925
Temporary Assistance for Needy Families from the Department of Job 58926
and Family Services, Even Start from the Department of Education, 58927
and in conjunction with other early childhood funds and services 58928
to promote the optimal development of young children. Local 58929
contacts shall be developed between local departments of job and 58930
family services and family and children first councils for the 58931
administration of TANF funding for the Help Me Grow Program. The 58932
Department of Health shall enter into an interagency agreement 58933
with the Department of Education to coordinate the planning, 58934
design, and grant selection process for any new Even Start grants 58935
and to ensure that all new and existing programs within Help Me 58936
grow are school linked. 58937

POISON CONTROL NETWORK 58938

The foregoing appropriation item 440-504, Poison Control 58939
Network, shall be used in each fiscal year by the Department of 58940
Health for grants to the consolidated Ohio Poison Control Center 58941
to provide poison control services to Ohio citizens. 58942

BIRTH DEFECTS INFORMATION SYSTEM 58943

Of the foregoing appropriation item 440-507, Cystic Fibrosis, 58944
\$50,000 in each fiscal year shall be used to begin implementation 58945
of the Birth Defects Information System established under Sub. 58946
H.B. 534 of the 123rd General Assembly. 58947

TANF FAMILY PLANNING 58948

The Director of Budget and Management shall transfer by 58949
intrastate transfer voucher, no later than the fifteenth day of 58950
July of each fiscal year, cash from the General Revenue Fund, 58951
appropriation item 600-410, TANF State, to General Services Fund 58952
5C1 in the Department of Health, in an amount of \$250,000 in each 58953
fiscal year for the purpose of family planning services for 58954
children or their families whose income is at or below 200 per 58955
cent of the official poverty guideline. 58956

As used in this section, "poverty guideline" means the 58957
official poverty guideline as revised annually by the United 58958
States Secretary of Health and Human Services in accordance with 58959
section 673 of the "Community Services Block Grant Act," 95 Stat. 58960
511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal 58961
to the size of the family of the person whose income is being 58962
determined. 58963

MATERNAL CHILD HEALTH BLOCK GRANT 58964

Of the foregoing appropriation item 440-601, Maternal Child 58965
Health Block Grant (Fund 320), \$2,091,299 shall be used in each 58966
fiscal year for the purposes of abstinence-only education. The 58967
Director of Health shall develop guidelines for the establishment 58968
of abstinence programs for teenagers with the purpose of 58969
decreasing unplanned pregnancies and abortion. Such guidelines 58970
shall be pursuant to Title V of the "Social Security Act," 42 58971
U.S.C.A. 510, and shall include, but are not limited to, 58972
advertising campaigns and direct training in schools and other 58973
locations. 58974

A portion of the foregoing appropriation item 440-601, 58975
Maternal Child Health Block Grant (Fund 320), may be used to 58976
ensure that current information on sudden infant death syndrome is 58977
available for distribution by local health districts. 58978

TITLE XX TRANSFER 58979

Of the foregoing appropriation item 440-611, Title XX 58980
Transfer (Fund 3W5), \$500,000 in each fiscal year shall be used 58981
for the purposes of abstinence-only education. The Director of 58982
Health shall develop guidelines for the establishment of 58983
abstinence programs for teenagers with the purpose of decreasing 58984
unplanned pregnancies and abortion. The guidelines shall be 58985
developed pursuant to Title V of the "Social Security Act," 42 58986
U.S.C. 510, and shall include, but are not to be limited to, 58987
advertising campaigns and direct training in schools and other 58988
locations. 58989

GENETICS SERVICES 58990

The foregoing appropriation item 440-608, Genetics Services 58991
(Fund 4D6), shall be used by the Department of Health to 58992
administer programs authorized by sections 3701.501 and 3701.502 58993
of the Revised Code. None of these funds shall be used to counsel 58994
or refer for abortion, except in the case of a medical emergency. 58995

SICKLE CELL FUND 58996

The foregoing appropriation item 440-610, Sickle Cell Disease 58997
Control (Fund 4F9), shall be used by the Department of Health to 58998
administer programs authorized by section 3701.131 of the Revised 58999
Code. The source of the funds is as specified in section 3701.23 59000
of the Revised Code. 59001

SAFETY AND QUALITY OF CARE STANDARDS 59002

The Department of Health may use Fund 471, Certificate of 59003
Need, for administering sections 3702.11 to 3702.20 and 3702.30 of 59004
the Revised Code in each fiscal year. 59005

MEDICALLY HANDICAPPED CHILDREN AUDIT 59006

The Medically Handicapped Children Audit Fund (Fund 477) 59007
shall receive revenue from audits of hospitals and recoveries from 59008
third-party payors. Moneys may be expended for payment of audit 59009

settlements and for costs directly related to obtaining recoveries 59010
from third-party payors and for encouraging Medically Handicapped 59011
Children's Program recipients to apply for third-party benefits. 59012
Moneys also may be expended for payments for diagnostic and 59013
treatment services on behalf of medically handicapped children, as 59014
defined in division (A) of section 3701.022 of the Revised Code, 59015
and Ohio residents who are twenty-one or more years of age and who 59016
are suffering from cystic fibrosis. Moneys may also be expended 59017
for administrative expenses incurred in operating the Medically 59018
Handicapped Children's Program. 59019

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 59020
PERMIT FUND 59021

The Director of Budget and Management, pursuant to a plan 59022
submitted by the Department of Health, or as otherwise determined 59023
by the Director of Budget and Management, shall set a schedule to 59024
transfer cash from the Liquor Control Fund (Fund 043) to the 59025
Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating 59026
needs of the Alcohol Testing and Permit program. 59027

The Director of Budget and Management shall transfer to the 59028
Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control 59029
Fund (Fund 043) established in section 4301.12 of the Revised Code 59030
such amounts at such times as determined by the transfer schedule. 59031

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 59032

The foregoing appropriation item 440-607, Medically 59033
Handicapped Children - County Assessments (Fund 666), shall be 59034
used to make payments pursuant to division (E) of section 3701.023 59035
of the Revised Code. 59036

Section 56.02. (A) There is hereby created the Health Care 59037
Workforce Shortage Task Force to study the shortage of health care 59038
professionals and health care workers in the health care workforce 59039

and to propose a state plan to address the problem. For the 59040
purposes of the Task Force, "health care professional" and "health 59041
care worker" have the same meanings as in section 2305.234 of the 59042
Revised Code. 59043

(B) The Director of Health shall serve as chair of the Health 59044
Care Workforce Shortage Task Force. The Task Force shall consist 59045
of not more than twenty-one members, who shall serve without 59046
compensation. The Director of Aging, one member of the Senate, 59047
appointed by the President of the Senate, and one member of the 59048
House of Representatives, appointed by the Speaker of the House of 59049
Representatives, shall serve on the Task Force. The member from 59050
the House of Representatives and the member from the Senate shall 59051
be from different political parties. The Director of Health shall 59052
appoint health care professionals and health care workers 59053
representing each of the following organizations: 59054

- (1) Ohio Hospital Association; 59055
- (2) Ohio Association of Children's Hospitals; 59056
- (3) Ohio Council for Home Care; 59057
- (4) Ohio Health Care Association; 59058
- (5) Ohio Hospice and Palliative Care Organization; 59059
- (6) Ohio Association of Philanthropic Homes; 59060
- (7) Ohio Commission on Minority Health; 59061
- (8) Ohio Nurses Association; 59062
- (9) Ohio Pharmacists Association; 59063
- (10) Ohio State Medical Association; 59064
- (11) Families for Improved Care; 59065
- (12) Ohio Association of Health Care Quality; 59066
- (13) Ohio Academy of Family Physicians; 59067

- (14) Ohio Provider Resource Association; 59068
- (15) Ohio Association of Adult Day Services. 59069
- (C) The Department of Health shall provide the Task Force 59070
with office space, staff, supplies, services, and other support as 59071
needed. 59072
- (D) The Task Force shall do all of the following: 59073
- (1) Review the licensing standards for all health care 59074
professionals; 59075
- (2) Identify strategies to increase recruitment, retention, 59076
and development of qualified health care professionals and health 59077
care workers in health care settings; 59078
- (3) Develop recommendations for improving scopes of practice 59079
to remove unnecessary barriers to high quality provision of health 59080
care; 59081
- (4) Develop possible demonstration projects to present 59082
technology's potential to increase the efficiency of health care 59083
personnel; 59084
- (5) Recommend education strategies to meet health care 59085
workforce needs. 59086
- (E) The Task Force shall submit a report of its findings and 59087
recommendations to the Speaker and Minority Leader of the House of 59088
Representatives and to the President and Minority Leader of the 59089
Senate not later than July 1, 2002. On submission of the report, 59090
the Task Force shall cease to exist. 59091

Section 57. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 59092

Agency Fund Group				59093
461 372-601 Operating Expenses	\$	13,080	\$	13,900 59094
TOTAL AGY Agency Fund Group	\$	13,080	\$	13,900 59095
TOTAL ALL BUDGET FUND GROUPS	\$	13,080	\$	13,900 59096

Section 58. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS				59098
General Revenue Fund				59099
GRF 148-100	Personal Services	\$ 171,161	\$ 176,004	59100
GRF 148-200	Maintenance	\$ 35,821	\$ 35,751	59101
GRF 148-300	Equipment	\$ 3,648	\$ 3,552	59102
TOTAL GRF General Revenue Fund		\$ 210,630	\$ 215,307	59103
General Services Fund Group				59104
601 148-602	Gifts and	\$ 8,485	\$ 8,697	59105
Miscellaneous				
TOTAL GSF General Services				59106
Fund Group		\$ 8,485	\$ 8,697	59107
TOTAL ALL BUDGET FUND GROUPS		\$ 219,115	\$ 224,004	59108
COMMISSION ON HISPANIC/LATINO AFFAIRS PROGRESS REVIEW				59109
No later than December 31, 2001, the Commission on				59110
Hispanic/Latino Affairs shall submit to the chairperson and				59111
ranking minority member of the Human Services Subcommittee of the				59112
Finance and Appropriations Committee of the House of				59113
Representatives a report that demonstrates the progress that has				59114
been made toward meeting the Commission's mission statement.				59115
Section 59. OHS OHIO HISTORICAL SOCIETY				59116
General Revenue Fund				59117
GRF 360-501	Operating Subsidy	\$ 3,784,283	\$ 3,816,047	59118
GRF 360-502	Site Operations	\$ 7,471,775	\$ 7,458,843	59119
GRF 360-503	Ohio Bicentennial	\$ 1,750,000	\$ 1,750,000	59120
Commission				
GRF 360-504	Ohio Preservation	\$ 400,575	\$ 383,704	59121
Office				
GRF 360-505	Afro-American Museum	\$ 1,049,836	\$ 1,030,641	59122
GRF 360-506	Hayes Presidential	\$ 708,203	\$ 695,253	59123
Center				

GRF 360-508 Historical Grants	\$	1,005,000	\$	775,000	59124
TOTAL GRF General Revenue Fund	\$	16,169,672	\$	15,909,488	59125
TOTAL ALL BUDGET FUND GROUPS	\$	16,169,672	\$	15,909,488	59126

SUBSIDY APPROPRIATION 59127

Upon approval by the Director of Budget and Management, the 59128
foregoing appropriation items shall be released to the Ohio 59129
Historical Society in quarterly amounts that in total do not 59130
exceed the annual appropriations. The funds and fiscal records of 59131
the society for fiscal years 2002 and 2003 shall be examined by 59132
independent certified public accountants approved by the Auditor 59133
of State, and a copy of the audited financial statements shall be 59134
filed with the Office of Budget and Management. The society shall 59135
prepare and submit to the Office of Budget and Management the 59136
following: 59137

(A) An estimated operating budget for each fiscal year of the 59138
biennium. The operating budget shall be submitted at or near the 59139
beginning of each year. 59140

(B) Financial reports, indicating actual receipts and 59141
expenditures for the fiscal year to date. These reports shall be 59142
filed at least semiannually during the fiscal biennium. 59143

The foregoing appropriations shall be considered to be the 59144
contractual consideration provided by the state to support the 59145
state's offer to contract with the Ohio Historical Society under 59146
section 149.30 of the Revised Code. 59147

OPERATING SUBSIDY 59148

The Director of Budget and Management shall not release the 59149
second quarterly payment for FY 2002 of the foregoing 59150
appropriation item GRF 360-501, Operating Subsidy, to the Ohio 59151
Historical Society until the release of these moneys is approved 59152
by the Controlling Board. The Controlling Board shall not approve 59153
such release until the Ohio Historical Society submits a plan to 59154

the Controlling Board containing a detailed budget with current 59155
and projected costs of operating each state memorial by category, 59156
the sources and amounts of non-state income used at each site, and 59157
the Ohio Historical Society's management plan for each site during 59158
the biennium. The Controlling Board shall consult with the Ohio 59159
Historic Preservation Advisory Board and determine the Ohio 59160
Historical Society's submitted plan to adequately meet the state's 59161
goal of historic preservation prior to the approval of the release 59162
of moneys from GRF 360-501, Operating Subsidy, to the Ohio 59163
Historical Society. 59164

SITE OPERATIONS 59165

Of the foregoing appropriation item 360-502, Site Operations, 59166
\$75,000 in each fiscal year shall be distributed to the Ohio 59167
Ceramic Center; \$5,000 in each fiscal year shall be distributed to 59168
the New Straitsville Veterans' Monument; \$10,000 in each fiscal 59169
year shall be distributed to the Huron County Veterans' Memorial; 59170
and \$12,500 in each fiscal year shall be distributed to the 59171
Shalersville Veterans' Memorial. 59172

HAYES PRESIDENTIAL CENTER 59173

If a United States government agency, including, but not 59174
limited to, the National Park Service, chooses to take over the 59175
operations or maintenance of the Hayes Presidential Center, in 59176
whole or in part, the Ohio Historical Society shall make 59177
arrangements with the National Park Service or other United States 59178
government agency for the efficient transfer of operations or 59179
maintenance. 59180

HISTORICAL GRANTS 59181

Of the foregoing appropriation item 360-508, Historical 59182
Grants, \$50,000 in each fiscal year shall be distributed to the 59183
Hebrew Union College in Cincinnati for the Holocaust Education 59184
Project, \$20,000 in fiscal year 2002 shall be distributed to the 59185

Clinton County Historical Society, \$60,000 in fiscal year 2002 59186
shall be distributed to the Holbrook College Project, \$100,000 in 59187
each fiscal year shall be distributed to the Western Reserve 59188
Historical Society Hale Farm Project, \$125,000 in each fiscal year 59189
shall be distributed to the Great lakes Historical Society, 59190
\$500,000 in each fiscal year shall be distributed to the Western 59191
Reserve Historical Society, \$75,000 in fiscal year 2002 shall be 59192
distributed to the Cincinnati Museum Center, \$50,000 in fiscal 59193
year 2002 shall be distributed to the Underground Railroad Freedom 59194
Center, and \$25,000 in fiscal year 2002 shall be distributed to 59195
the Emery Theatre. 59196

Section 60. REP OHIO HOUSE OF REPRESENTATIVES 59197

General Revenue Fund 59198
GRF 025-321 Operating Expenses \$ 18,654,083 \$ 19,562,481 59199
TOTAL GRF General Revenue Fund \$ 18,654,083 \$ 19,562,481 59200
General Services Fund Group 59201
103 025-601 House Reimbursement \$ 1,287,500 \$ 1,287,500 59202
4A4 025-602 Miscellaneous Sales \$ 33,990 \$ 33,990 59203
TOTAL GSF General Services 59204
Fund Group \$ 1,321,490 \$ 1,321,490 59205
TOTAL ALL BUDGET FUND GROUPS \$ 19,975,573 \$ 20,883,971 59206

Section 61. IGO OFFICE OF THE INSPECTOR GENERAL 59208

General Revenue Fund 59209
GRF 965-321 Operating Expenses \$ 630,334 \$ 663,877 59210
TOTAL GRF General Revenue Fund \$ 630,334 \$ 663,877 59211
State Special Revenue Fund Group 59212
4Z3 965-602 Special Investigations \$ 100,000 \$ 100,000 59213
TOTAL SSR State Special Revenue \$ 100,000 \$ 100,000 59214
Fund Group
TOTAL ALL BUDGET FUND GROUPS \$ 730,334 \$ 763,877 59215

Of the foregoing appropriation item 965-602, Special 59216
Investigations, up to \$100,000 in each fiscal year may be used for 59217
investigative costs, pursuant to section 121.481 of the Revised 59218
Code. 59219

Section 62. INS DEPARTMENT OF INSURANCE 59220

Federal Special Revenue Fund Group 59221

3U5 820-602 OSHIIP Operating Grant \$ 400,000 \$ 400,000 59222

TOTAL FED Federal Special 59223

Revenue Fund Group \$ 400,000 \$ 400,000 59224

State Special Revenue Fund Group 59225

554 820-601 Operating Expenses - \$ 543,101 \$ 601,773 59226

OSHIIP

554 820-606 Operating Expenses \$ 20,090,984 \$ 22,350,783 59227

555 820-605 Examination \$ 6,581,705 \$ 6,963,535 59228

TOTAL SSR State Special Revenue 59229

Fund Group \$ 27,215,790 \$ 29,916,091 59230

TOTAL ALL BUDGET FUND GROUPS \$ 27,615,790 \$ 30,316,091 59231

MARKET CONDUCT EXAMINATION 59232

When conducting a market conduct examination of any insurer 59233
doing business in this state, the Superintendent of Insurance may 59234
assess the costs of the examination against the insurer. The 59235
superintendent may enter into consent agreements to impose 59236
administrative assessments or fines for conduct discovered that 59237
may be violations of statutes or regulations administered by the 59238
superintendent. All costs, assessments, or fines collected shall 59239
be deposited to the credit of the Department of Insurance 59240
Operating Fund (Fund 554). 59241

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 59242

The Superintendent of Insurance may transfer funds from the 59243
Department of Insurance Operating Fund (Fund 554), established by 59244

section 3901.021 of the Revised Code, to the Superintendent's 59245
 Examination Fund (Fund 555), established by section 3901.071 of 59246
 the Revised Code, only for the expenses incurred in examining 59247
 domestic fraternal benefit societies as required by section 59248
 3921.28 of the Revised Code. 59249

Section 63. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 59250

General Revenue Fund 59251

GRF 600-100 Personal Services 59252

State \$ 56,614,143 \$ 58,715,838 59253

Federal \$ 18,645,558 \$ 19,317,882 59254

Personal Services \$ 75,259,701 \$ 78,033,720 59255

Total

GRF 600-200 Maintenance 59256

State \$ 30,439,164 \$ 24,320,541 59257

Federal \$ 7,295,237 \$ 5,828,810 59258

Maintenance Total \$ 37,734,401 \$ 30,149,351 59259

GRF 600-300 Equipment 59260

State \$ 5,469,830 \$ 979,504 59261

Federal \$ 179,026 \$ 32,059 59262

Equipment Total \$ 5,648,856 \$ 1,011,563 59263

GRF 600-402 Electronic Benefits 59264

Transfer (EBT)

State \$ 7,551,305 \$ 7,715,079 59265

Federal \$ 7,551,305 \$ 7,715,079 59266

EBT Total \$ 15,102,610 \$ 15,430,158 59267

GRF 600-410 TANF State \$ 268,636,561 \$ 268,619,061 59268

GRF 600-413 Day Care \$ 84,120,606 \$ 84,120,606 59269

Match/Maintenance of

Effort

GRF 600-416 Computer Projects 59270

State \$ 137,583,171 \$ 142,908,736 59271

Federal \$ 32,665,206 \$ 34,770,353 59272

	Computer Projects	\$	170,248,377	\$	177,679,089	59273
	Total					
GRF 600-420	Child Support Administration	\$	7,919,511	\$	7,885,309	59274
GRF 600-426	Children's Health Insurance Plan (CHIP)					59275
	State	\$	13,571,338	\$	15,770,373	59276
	Federal	\$	33,535,007	\$	38,968,860	59277
	CHIP Total	\$	47,106,345	\$	54,739,233	59278
GRF 600-427	Child and Family Services Activities	\$	7,189,086	\$	7,000,427	59279
GRF 600-435	Unemployment Compensation Review Commission	\$	3,759,151	\$	3,785,380	59280
GRF 600-436	Medicaid Systems Enhancements	\$	4,445,384	\$	1,853,611	59281
GRF 600-502	Child Support Match	\$	17,383,992	\$	16,814,103	59282
GRF 600-504	Non-TANF County Administration	\$	70,554,373	\$	68,697,679	59283
GRF 600-511	Disability Assistance/Other Assistance	\$	84,662,017	\$	98,152,408	59284
GRF 600-512	Non-TANF Emergency Assistance	\$	1,079,000	\$	1,079,000	59285
GRF 600-525	Health Care/Medicaid					59286
	State	\$	2,908,181,745	\$	3,112,834,875	59287
	Federal	\$	4,174,579,446	\$	4,460,972,607	59288
	Health Care Total	\$	7,082,761,191	\$	7,573,807,482	59289
GRF 600-527	Child Protective Services	\$	59,592,059	\$	64,047,479	59290
GRF 600-528	Adoption Services					59291
	State	\$	33,085,023	\$	37,697,562	59292
	Federal	\$	32,158,564	\$	36,641,941	59293

	Adoption Services	\$	65,243,587	\$	74,339,503	59294
	Total					
GRF 600-534	Adult Protective Services	\$	2,850,975	\$	2,775,950	59295
GRF 600-552	County Social Services	\$	11,354,550	\$	11,055,746	59296
TOTAL GRF	General Revenue Fund					59297
	State	\$	3,816,042,984	\$	4,036,829,267	59298
	Federal	\$	4,306,609,349	\$	4,604,247,591	59299
	GRF Total	\$	8,122,652,333	\$	8,641,076,858	59300
	General Services Fund Group					59301
4A8 600-658	Child Support Collections	\$	42,389,027	\$	42,389,027	59302
4R4 600-665	BCII Service Fees	\$	124,522	\$	136,974	59303
5C9 600-671	Medicaid Program Support	\$	50,846,239	\$	59,226,893	59304
5R1 600-677	County Computers	\$	5,000,000	\$	5,000,000	59305
613 600-645	Training Activities	\$	1,462,626	\$	1,157,525	59306
TOTAL GSF	General Services Fund Group	\$	99,822,414	\$	107,910,419	59307
	Federal Special Revenue Fund Group					59308
3A2 600-641	Emergency Food Distribution	\$	2,018,844	\$	2,018,844	59309
3D3 600-648	Children's Trust Fund Federal	\$	2,040,524	\$	2,040,524	59310
3F0 600-623	Health Care Federal	\$	260,504,926	\$	281,562,040	59311
3F0 600-650	Hospital Care Assurance Match	\$	320,551,643	\$	332,807,785	59312
3G5 600-655	Interagency Reimbursement	\$	852,461,818	\$	860,986,436	59313
3G9 600-657	Special Activities Self Sufficiency	\$	522,500	\$	190,000	59314
3H7 600-617	Day Care Federal	\$	299,156,430	\$	337,848,130	59315

As Reported by the Committee of Conference*

3N0	600-628	IV-E Foster Care Maintenance	\$	152,981,760	\$	173,963,142	59317
3S5	600-622	Child Support Projects	\$	534,050	\$	534,050	59318
3V0	600-688	Workforce Investment Act	\$	128,476,093	\$	128,476,093	59319
3V4	600-678	Federal Unemployment Programs	\$	74,025,525	\$	74,025,525	59320
3V4	600-679	Unemployment Compensation Review Commission - Federal	\$	2,286,421	\$	2,286,421	59321
3V6	600-689	TANF Block Grant	\$	654,410,661	\$	677,098,311	59322
3V6	600-690	Wellness	\$	14,337,515	\$	14,337,515	59323
316	600-602	State and Local Training	\$	10,166,587	\$	10,325,460	59324
327	600-606	Child Welfare	\$	34,594,191	\$	34,592,977	59325
331	600-686	Federal Operating	\$	41,600,896	\$	41,640,897	59326
365	600-681	JOB Training Program	\$	25,000,000	\$	5,469,259	59327
384	600-610	Food Stamps and State Administration	\$	160,371,358	\$	161,716,857	59328
385	600-614	Refugee Services	\$	4,388,503	\$	4,559,632	59329
395	600-616	Special Activities/Child and Family Services	\$	9,491,000	\$	9,491,000	59330
396	600-620	Social Services Block Grant	\$	51,195,100	\$	51,297,478	59331
397	600-626	Child Support	\$	248,001,590	\$	247,353,041	59332
398	600-627	Adoption Maintenance/ Administration	\$	277,806,175	\$	341,298,661	59333
TOTAL FED Federal Special Revenue							59334
Fund Group			\$	3,626,924,110	\$	3,795,920,078	59335
State Special Revenue Fund Group							59336
198	600-647	Children's Trust Fund	\$	4,368,785	\$	4,379,333	59337
3W3	600-695	Adult Protective	\$	120,227	\$	120,227	59338

		Services					
3W3	600-696	Non-TANF Adult Assistance	\$	1,000,000	\$	1,000,000	59339
3W8	600-638	Hippy Program	\$	62,500	\$	62,500	59340
3W9	600-640	Adoption Connection	\$	50,000	\$	50,000	59341
4A9	600-607	Unemployment Compensation Admin Fund	\$	9,420,000	\$	9,420,000	59342
4E3	600-605	Nursing Home Assessments	\$	95,511	\$	95,511	59343
4E7	600-604	Child and Family Services Collections	\$	145,805	\$	149,450	59344
4F1	600-609	Foundation Grants/Child and Family Services	\$	116,400	\$	119,310	59345
4J5	600-613	Nursing Facility Bed Assessments	\$	31,179,798	\$	31,279,798	59346
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	59347
4K1	600-621	ICF/MR Bed Assessments	\$	21,604,331	\$	22,036,418	59348
4R3	600-687	Banking Fees	\$	592,937	\$	592,937	59349
4V2	600-612	Child Support Activities	\$	124,993	\$	124,993	59350
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	59351
5A5	600-685	Unemployment Benefit Automation	\$	19,607,027	\$	13,555,667	59352
5E6	600-634	State Option Food Stamps	\$	6,000,000	\$	6,000,000	59353
5P4	600-691	TANF Child Welfare	\$	7,500,000	\$	7,500,000	59354
5P5	600-692	Health Care Services	\$	223,847,498	\$	255,386,713	59355
5R2	600-608	Medicaid-Nursing Facilities	\$	59,462,415	\$	79,283,220	59356
651	600-649	Hospital Care	\$	222,480,109	\$	233,384,431	59357

Assurance Program Fund			
TOTAL SSR State Special Revenue			59358
Fund Group	\$ 633,478,336	\$ 690,240,508	59359
Agency Fund Group			59360
192 600-646 Support Intercept -	\$ 80,000,000	\$ 82,000,000	59361
Federal			
5B6 600-601 Food Stamp Intercept	\$ 5,283,920	\$ 5,283,920	59362
583 600-642 Support Intercept -	\$ 20,162,335	\$ 20,565,582	59363
State			
TOTAL AGY Agency Fund Group	\$ 105,446,255	\$ 107,849,502	59364
Holding Account Redistribution Fund Group			59365
R12 600-643 Refunds and Audit	\$ 200,000	\$ 200,000	59366
Settlements			
R13 600-644 Forgery Collections	\$ 700,000	\$ 700,000	59367
TOTAL 090 Holding Account			59368
Redistribution			
Fund Group	\$ 900,000	\$ 900,000	59369
TOTAL ALL BUDGET FUND GROUPS	\$12,589,223,448	\$13,343,897,365	59370

Section 63.01. JOB AND FAMILY SERVICES REPORT TO THE GENERAL ASSEMBLY 59372
ASSEMBLY 59373

In addition to other reporting requirements established in 59374
the Revised Code, the Department of Job and Family Services shall, 59375
not later than June 30, 2002, at the request of the Finance and 59376
Appropriations Committee of the House of Representatives, report 59377
to the General Assembly on the department's performance in 59378
carrying out its mission and include in the report at least the 59379
following: the long-term planning and vision for the various 59380
elements of the Department of Job and Family Services, and an 59381
analysis of the fund balances and cash flow in the department's 59382
budget. 59383

Section 63.02. DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 59384
SERVICES TITLE IV-A TREATMENT AND MENTORING PROGRAM 59385

There is hereby established the Title IV-A Treatment and 59386
Mentoring Program to be administered by the Department of Alcohol 59387
and Drug Addiction Services in accordance with an interagency 59388
agreement entered into with the Department of Job and Family 59389
Services under division (B)(2) of section 5101.801 of the Revised 59390
Code, except that division (C)(4) of that section shall not apply. 59391
The program shall provide benefits and services to TANF-eligible 59392
individuals with incomes at or below 200 per cent of the federal 59393
poverty guidelines under a Title IV-A program pursuant to the 59394
requirements of section 5101.801 of the Revised Code. Upon 59395
approval by the Department of Job and Family Services, the 59396
Department of Alcohol and Drug Addiction Services shall adopt 59397
rules establishing program requirements for eligibility, services, 59398
fiscal accountability, and other criteria necessary to comply with 59399
the provisions of Title IV-A of the "Social Security Act," 110 59400
Stat. 2113 (1996), 42 U.S.C. 601, as amended. Each fiscal year, 59401
the Director of Budget and Management shall transfer \$3,500,000 in 59402
appropriation authority from appropriation item 600-410, TANF 59403
State, to State Special Revenue Fund 5B7 appropriation item 59404
038-629, TANF Transfer-Treatment, and \$1,500,000 in appropriation 59405
authority from appropriation item 600-410, TANF State, to State 59406
Special Revenue Fund 5E8 appropriation item 038-630, TANF 59407
Transfer-Mentoring, in the Department of Alcohol and Drug 59408
Addiction Services. 59409

Section 63.03. DISABILITY ASSISTANCE 59410

The following schedule shall be used to determine monthly 59411
grant levels in the Disability Assistance Program effective July 59412
1, 2001. 59413

Persons in 59414

Assistance Group	Monthly Grant	
		59415
1	\$115	59416
2	159	59417
3	193	59418
4	225	59419
5	251	59420
6	281	59421
7	312	59422
8	361	59423
9	394	59424
10	426	59425
11	458	59426
12	490	59427
13	522	59428
14	554	59429
For each additional person add	40	59430

Section 63.04. ADULT EMERGENCY ASSISTANCE PROGRAM 59431

Appropriations in appropriation item 600-512, Non-TANF 59432
Emergency Assistance, in each fiscal year shall be used for the 59433
Adult Emergency Assistance Program established under section 59434
5101.86 of the Revised Code. 59435

Section 63.05. HEALTH CARE/MEDICAID 59436

The foregoing appropriation item 600-525, Health 59437
Care/Medicaid, shall not be limited by the provisions of section 59438
131.33 of the Revised Code. 59439

Section 63.06. CHILD SUPPORT COLLECTIONS/TANF MOE 59440

The foregoing appropriation item 600-658, Child Support 59441
Collections, shall be used by the Department of Job and Family 59442
Services to meet the TANF maintenance of effort requirements of 59443

Pub. L. No. 104-193. After the state has met the maintenance of 59444
effort requirement, the Department of Job and Family Services may 59445
use funds from appropriation item 600-658 to support public 59446
assistance activities. 59447

Section 63.07. MEDICAID PROGRAM SUPPORT FUND - STATE 59448

The foregoing appropriation item 600-671, Medicaid Program 59449
Support, shall be used by the Department of Job and Family 59450
Services to pay for Medicaid services and contracts. 59451

Section 63.08. HOSPITAL CARE ASSURANCE MATCH FUND 59452

Appropriation item 600-650, Hospital Care Assurance Match, 59453
shall be used by the Department of Job and Family Services in 59454
accordance with division (B) of section 5112.18 of the Revised 59455
Code. 59456

Section 63.09. TANF 59457

TANF COUNTY INCENTIVES 59458

Of the foregoing appropriation item 600-689, TANF Block 59459
Grant, the Department of Job and Family Services may provide 59460
financial incentives to those county departments of job and family 59461
services that have exceeded performance standards adopted by the 59462
state department, and where the board of county commissioners has 59463
entered into a written agreement with the state department under 59464
section 5101.21 of the Revised Code governing the administration 59465
of the county department. Any financial incentive funds provided 59466
pursuant to this division shall be used by the county department 59467
for additional or enhanced services for families eligible for 59468
assistance under Chapter 5107. or benefits and services under 59469
Chapter 5108. of the Revised Code or, on request by the county and 59470
approval by the Department of Job and Family Services, be 59471
transferred to the Child Care and Development Fund or the Social 59472

Services Block Grant. The county departments of job and family 59473
services may retain and expend such funds without regard to the 59474
state or county fiscal year in which the financial incentives were 59475
earned or paid. Each county department of job and family services 59476
shall file an annual report with the Department of Job and Family 59477
Services providing detailed information on the expenditure of 59478
these financial incentives and an evaluation of the effectiveness 59479
of the county department's use of these funds in achieving 59480
self-sufficiency for families eligible for assistance under 59481
Chapter 5107. or benefits and services under Chapter 5108. of the 59482
Revised Code. 59483

TANF YOUTH DIVERSION PROGRAMS 59484

Of the foregoing appropriation item 600-689, TANF Block 59485
Grant, \$19,500,000 in each fiscal year shall be allocated by the 59486
Department of Job and Family Services to the counties according to 59487
the allocation formula established in division (D) of section 59488
5101.14 of the Revised Code. Of the funds allocated to each 59489
county, up to half may be used for contract or county-provided 59490
services for unruly and misdemeanor diversionary programs. The 59491
juvenile court in each county shall have a right of first refusal 59492
for the use of these funds for the purpose of juvenile diversion 59493
activities in accordance with the county's comprehensive joint 59494
service plan, as provided by divisions (C), (D), and (E) of 59495
section 121.37 of the Revised Code. 59496

The remaining funds not allocated for use in juvenile 59497
diversion activities may be used by the county for other contract 59498
or county-provided child welfare services. In counties with 59499
separate departments of job and family services and public 59500
children services agencies, the county department of job and 59501
family services shall serve as a pass through to the public 59502
children services agencies for these funds. Separate public 59503
children services agencies receiving such funds shall comply with 59504

all TANF requirements, including reporting requirements and 59505
timelines, as specified in state and federal laws, federal 59506
regulations, state rules, and the Title IV-A state plan, and are 59507
responsible for payment of any adverse audit finding, final 59508
disallowance of federal financial participation, or other sanction 59509
or penalty issued by the federal government or other entity 59510
concerning these funds. 59511

Of the foregoing \$19,500,000 set aside, any funds remaining 59512
unspent on June 30, 2002, shall be carried forward and added to 59513
the earmark for fiscal year 2003, and allocated to the counties 59514
according to the allocation formula established in division (D) of 59515
section 5101.14 of the Revised Code. 59516

KINSHIP NAVIGATORS 59517

Of the foregoing appropriation item 600-689, TANF Block 59518
Grant, up to \$3 million in each fiscal year shall be allocated by 59519
the Department of Job and Family Services to county departments of 59520
job and family services for the purpose of making allocations to 59521
local public children services agencies to provide services in the 59522
Kinship Navigation program. The allocation to county departments 59523
of job and family services shall be based on the number of Ohio 59524
works first cases in the county, and the number of children 59525
seventeen years of age or younger in the county. The Department of 59526
Job and Family Services shall develop an appropriate method of 59527
reallocating these funds in each fiscal year among the county 59528
departments of job and family services, if they would otherwise be 59529
unspent. 59530

TANF FAITH-BASED CAPACITY-BUILDING PROGRAMS 59531

From the foregoing appropriation item 600-689, TANF Block 59532
Grant, up to \$1,000,000 in each fiscal year shall be used to 59533
support capacity-building efforts among faith-based organizations, 59534
for the purpose of providing allowable services to TANF-eligible 59535

individuals. Organizations receiving these funds shall comply with 59536
all TANF requirements, and shall agree with the Department of Job 59537
and Family Services on reporting requirements to be incorporated 59538
into the grant agreement. 59539

TANF EDUCATION 59540

Not later than July 15, 2002, the Director of Budget and 59541
Management shall transfer \$35,000,000 in appropriation authority 59542
from appropriation item 600-689, TANF Block Grant (Fund 3V6), to 59543
Fund 3W6, TANF Education, in the Department of Education, which is 59544
created in the State Treasury. The transferred funds shall be used 59545
for the purpose of providing allowable services to TANF-eligible 59546
individuals. 59547

Not later than July 15, 2001, the Director of Budget and 59548
Management shall transfer \$76,156,175 from Fund 3V6, TANF Block 59549
Grant, to Fund 3W6, TANF Education, in the Department of 59550
Education. Not later than July 15, 2002, the Director of Budget 59551
and Management shall transfer \$98,843,825 from Fund 3V6, TANF 59552
Block Grant, to Fund 3W6, TANF Education, in the Department of 59553
Education. The transferred funds shall be used for the purpose of 59554
providing allowable services to TANF-eligible individuals. The 59555
Department of Education shall comply with all TANF requirements, 59556
including reporting requirements and timelines, as specified in 59557
state and federal laws, federal regulations, state rules, and the 59558
Title IV-A state plan, and is responsible for payment of any 59559
adverse audit finding, final disallowance of federal financial 59560
participation, or other sanction or penalty issued by the federal 59561
government or other entity concerning these funds. 59562

COUNTY DEPARTMENTS OF JOB AND FAMILY SERVICES TITLE IV-A 59563
ADULT LITERACY AND CHILD READING PROGRAMS 59564

There is hereby established the Title IV-A Adult Literacy and 59565
Child Reading Program to be administered by the county departments 59566

of job and family services in accordance with division (B)(1) of 59567
section 5101.801 of the Revised Code. The program shall provide 59568
benefits and services to TANF-eligible individuals with incomes at 59569
or below 200 per cent of the federal poverty guidelines under a 59570
Title IV-A program pursuant to the requirements of section 59571
5101.801 of the Revised Code. The county departments of job and 59572
family services shall ensure program requirements for eligibility, 59573
services, fiscal accountability, and other criteria necessary to 59574
comply with the provisions of Title IV-A of the "Social Security 59575
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended, and ensure 59576
that benefits and services are allowable uses of federal Title 59577
IV-A funds as specified in 42 U.S.C.A. 604(a), except that they 59578
may not be "assistance" as defined in 45 C.F.R. 260.31(a). The 59579
benefits and services shall be benefits and services that 45 59580
C.F.R. 260.31(b) excludes from the definition of "assistance." 59581
From the foregoing appropriation item 600-689, TANF Block Grant, 59582
up to \$5,000,000 in each fiscal year shall be used to support 59583
local adult literacy and child reading programs. 59584

TALBERT HOUSE 59585

In each fiscal year, the Director of Job and Family Services 59586
shall provide \$100,500 from appropriation item 600-689, TANF Block 59587
Grant, to the Hamilton County Department of Job and Family 59588
Services to contract with the Talbert House for the purpose of 59589
providing allowable services to TANF-eligible individuals with 59590
incomes at or below 200 per cent of the federal poverty 59591
guidelines. The contract between the Hamilton County Department of 59592
Job and Family Services and the Talbert House shall establish 59593
conditions for the reimbursement of allowable Title IV-A 59594
expenditures for services that are allowable uses of federal Title 59595
IV-A funds as specified in 42 U.S.C.A. 604(a), except that they 59596
may not be "assistance" as defined in 45 C.F.R. 260.31(a). The 59597
benefits and services shall be benefits and services that 45 59598

C.F.R. 260.31(b) excludes from the definition of "assistance." The 59599
contract shall also require Talbert House to comply with 59600
requirements of Title IV-A of the "Social Security Act," 110 Stat. 59601
2113 (1996), 42 U.S.C. 601, as amended, including eligibility of 59602
individuals, reporting requirements, allowable benefits and 59603
services, use of funds, and audit requirements, as specified in 59604
state and federal laws, federal regulations, state rules, federal 59605
Office of Management and Budget circulars, and the Title IV-A 59606
state plan. 59607

MONTGOMERY COUNTY OUT-OF-SCHOOL YOUTH PROJECT 59608

In each fiscal year, the Director of Job and Family Services 59609
shall provide \$1,000,000 from appropriation item 600-689, TANF 59610
Block Grant, to the Montgomery County Department of Job and Family 59611
Services to be used to support the Out-of-School Youth Project in 59612
Montgomery County for the purpose of providing allowable services 59613
to TANF-eligible individuals. The Montgomery County Department of 59614
Job and Family Services and the Sinclair Community College shall 59615
comply with all TANF requirements, including reporting 59616
requirements and timelines, as specified in state and federal 59617
laws, federal regulations, state rules, and the Title IV-A state 59618
plan. 59619

APPALACHIAN WORKFORCE DEVELOPMENT AND JOB TRAINING 59620

From the foregoing appropriation item 600-689, TANF Block 59621
Grant, the Director of Job and Family Services shall provide up to 59622
\$15,000,000 in each fiscal year to be awarded to the county 59623
departments of job and family services in the twenty-nine 59624
Appalachian counties, contingent upon passage of H.B. 6 of the 59625
124th General Assembly. These funds shall be used by the county 59626
departments of job and family services in coordination with the 59627
Governor's Office of Appalachia, the Governor's Regional Economic 59628
Office, and local development districts. These funds shall be used 59629
for the following activities: workforce development and supportive 59630

services; economic development; technology expansion, technical 59631
assistance, and training; youth job training; organizational 59632
development for workforce development partners; and improving 59633
existing technology centers, workforce development, job creation 59634
and retention, purchasing technology, and technology and 59635
technology infrastructure upgrades. 59636

As a condition on the use of these funds, each county 59637
department of job and family services shall submit a plan for the 59638
intended use of these funds to the Department of Job and Family 59639
Services. The plan shall also be reviewed by the Governor's Office 59640
of Appalachia, the Governor's Regional Economic Office, and local 59641
development districts. Also as a condition on the use of these 59642
funds, each county and contract agency shall acknowledge that 59643
these funds are a one-time allocation, not intended to fund 59644
services beyond September 30, 2002. 59645

In fiscal year 2002, the TANF allocation to each of the 59646
Appalachian counties shall not be less than the TANF allocation 59647
amount for fiscal year 2001, as allocated according to the 59648
methodology set forth in paragraph (I) of rule 5101-6-03 of the 59649
Administrative Code. 59650

The use of these funds shall comply with all TANF 59651
requirements, including reporting requirements and timelines, as 59652
specified in state and federal laws, federal regulations, state 59653
rules, and the Title IV-A state plan. 59654

CENTER FOR FAMILY AND CHILDREN 59655

Of the foregoing appropriation item 600-689, TANF Block 59656
Brant, \$150,000 in fiscal year 2002 shall be provided to the 59657
Center for Family and Children. 59658

DYS COMPREHENSIVE STRATEGIES 59659

No later than July 15, 2001, the Director of Budget and 59660
Management shall transfer \$5,000,000 in appropriation authority 59661

from appropriation item 600-689, TANF Block Grant, to Federal 59662
Special Revenue Fund 321 appropriation item 470-614, TANF Transfer 59663
- Comprehensive Strategies, in the Department of Youth Services. 59664
These funds shall be used by the Department of Youth Services to 59665
make grants to local communities to establish models of 59666
inter-system collaboration to prevent children from entering the 59667
juvenile justice system. In making the grants, the Department of 59668
Youth Services shall require that grantees use the funds only to 59669
plan, develop, or enhance collaborative models. Funds provided to 59670
grantees may not be used for any type of direct or purchased 59671
services. The Department of Youth Services shall comply with all 59672
TANF requirements, including reporting requirements and timelines, 59673
as specified in state and federal laws, federal regulations, state 59674
rules, and the Title IV-A state plan, and is responsible for 59675
payment of any adverse audit finding, final disallowance of 59676
federal financial participation, or other sanction or penalty 59677
issued by the federal government or other entity concerning these 59678
funds. 59679

TANF TRANSFER DOWN PAYMENT ASSISTANCE AND FAMILY SHELTER 59680
PROGRAM 59681

No later than July 15, 2001, the Director of Budget and 59682
Management shall transfer \$5,200,000 in appropriation authority 59683
from appropriation item 600-689, TANF Block Grant, to 59684
appropriation item 195-497, CDBG Operating Match, in the 59685
Department of Development. No later than July 15, 2002, the 59686
Director of Budget and Management shall transfer \$6,500,000 in 59687
appropriation authority from appropriation item 600-689, TANF 59688
Block Grant, to appropriation item 195-497, CDBG Operating Match, 59689
in the Department of Development. These funds shall be used to 59690
provide supportive services for low-income families related to 59691
housing or homelessness, including housing counseling; to provide 59692
grants to nonprofit organizations to assist families with incomes 59693

at or below 200 per cent of the federal poverty guidelines with 59694
down-payment assistance for homeownership, including the purchase 59695
of mobile homes; to provide emergency home repair funding for 59696
families with incomes at or below 200 per cent of the federal 59697
poverty guidelines; to provide operating support for family 59698
emergency shelter programs; and to provide emergency rent and 59699
mortgage assistance for families with incomes at or below 200 per 59700
cent of the federal poverty guidelines. The funds shall not be 59701
used to match federal funds. The Department of Development shall 59702
comply with all TANF requirements, including reporting 59703
requirements and timelines, as specified in state and federal 59704
laws, federal regulations, state rules, and the Title IV-A state 59705
plan, and is responsible for payment of any adverse audit finding, 59706
final disallowance of federal financial participation, or other 59707
sanction or penalty issued by the federal government or other 59708
entity concerning these funds. 59709

TANF FAMILY PLANNING 59710

The Director of Budget and Management shall transfer by 59711
intrastate voucher, no later than the fifteenth day of July of 59712
each fiscal year, cash from the General Revenue Fund, 59713
appropriation item 600-410, TANF State, to General Services Fund 59714
5C1 in the Department of Health, in an amount of \$250,000 in each 59715
fiscal year for the purpose of family planning services for 59716
children or their families whose income is at or below 200 per 59717
cent of the official poverty guideline. 59718

TANF FEDERAL BLOCK GRANT FUNDS AND TRANSFERS 59719

From the foregoing appropriation items 600-410, TANF State; 59720
600-658, Child Support Collections; or 600-689, TANF Block Grant, 59721
or a combination of these appropriation items, no less than 59722
\$369,040,735 in each fiscal year shall be allocated to county 59723
departments of job and family services as follows: 59724

County Allocations	\$276,586,957	59725
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WIA Supplement	\$35,109,178	59726
Early Start - Statewide	\$38,034,600	59727
Transportation	\$5,000,000	59728
County Training	\$3,050,000	59729
Adult Literacy and Child		59730
Reading Programs	\$5,000,000	59731
Disaster Relief	\$5,000,000	59732
School Readiness Centers	\$1,260,000	59733

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 and 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 59758
Block Grant as permitted under federal law. Not later than July 59759
15, 2001, the Department of Job and Family Services shall draw 59760
\$60,000,000 in receipts from TANF funds that were transferred into 59761
the Social Services Block Grant into State Special Revenue Fund 59762
5Q8, in the Office of Budget and Management. Not later than June 59763
1, 2002, the Director of Budget and Management shall determine the 59764
amount of funds in State Special Revenue Fund 5Q8 that is needed 59765
for the purpose of balancing the General Revenue Fund, and may 59766
transfer that amount to the General Revenue Fund. Not later than 59767
June 1, 2003, the Director of Budget and Management shall 59768
determine the amount of funds in State Special Revenue Fund 5Q8 59769
that is needed for the purpose of balancing the General Revenue 59770
Fund, and may transfer that amount to the General Revenue Fund. 59771
Any moneys remaining in State Special Revenue Fund 5Q8 on June 15, 59772
2003, shall be transferred not later than June 20, 2003, to Fund 59773
3V6, TANF Block Grant, in the Department of Job and Family 59774
Services. 59775

Before the thirtieth day of September of each fiscal year, 59776
the Department of Job and Family Services shall file claims with 59777
the United States Department of Health and Human Services for 59778
reimbursement for all allowable expenditures for services provided 59779
by the Department of Job and Family Services, or other agencies 59780
that may qualify for Social Services Block Grant funding pursuant 59781
to Title XX of the Social Security Act. The Department of Job and 59782
Family Services shall deposit, during each fiscal year, into Fund 59783
5E6, State Option Food Stamps, \$6 million, into Fund 5P4, TANF 59784
Child Welfare, \$7.5 million, into Fund 3W5, Health Care Services, 59785
\$500,000, into Fund 3W8, Hippy Program, \$62,500, and into Fund 59786
3W9, Adoption Connection, \$50,000 and deposit in fiscal year 2002, 59787
into Fund 3W2, Title XX Vocational Rehabilitation, \$600,000, into 59788
Fund 162 in the Department of Natural Resources, \$7,885,349, and 59789

into Fund 3W3, Adult Special Needs, \$4,720,227 and deposit in		59790
fiscal year 2003, into Fund 3W2, Title XX Vocational		59791
Rehabilitation, \$897,052, into Fund 162 in the Department of		59792
Natural Resources, \$8,058,715, and into Fund 3W3, Adult Special		59793
Needs, \$4,720,227 in receipts from TANF Block Grant funds credited		59794
to the Social Services Block Grant. On verification of the receipt		59795
of the above revenue, the funds provided by these transfers shall		59796
be used as follows:		59797
Fund 5E6		59798
Second Harvest Food Bank	\$4,500,000	59799
Child Nutrition Services	\$900,000	59800
Ohio Alliance of Boys and Girls Clubs	\$600,000	59801
Fund 5P4		59802
Support and Expansion for PCSA Activities	\$5,500,000	59803
Pilot Projects for Violent and Aggressive Youth	\$2,000,000	59804
Fund 3W2		59805
Title XX Vocational Rehabilitation in fiscal	\$600,000	59806
year 2002		
Title XX Vocational Rehabilitation in fiscal	\$897,052	59807
year 2003		
Fund 3W3		59808
Adult Protective Services in fiscal year 2002	\$120,227	59809
Adult Protective Services in fiscal year 2003	\$120,227	59810
Non-TANF Adult Assistance in fiscal year 2002	\$1,000,000	59811
Non-TANF Adult Assistance in fiscal year 2003	\$1,000,000	59812
Community-Based Correctional Facilities in	\$3,600,000	59813
fiscal year 2002		
Community-Based Correctional Facilities in	\$3,600,000	59814
fiscal year 2003		
Fund 162		59815
CCC Operations in fiscal year 2002	\$7,885,349	59816
CCC Operations in fiscal year 2003	\$8,058,715	59817
Fund 3W5		59818

Abstinence-only Education	\$500,000	59819
Fund 3W8		59820
Hippy Program	\$62,500	59821
Fund 3W9		59822
Adoption Connection	\$50,000	59823
WELLNESS		59824
The foregoing appropriation item 600-690, Wellness, shall be		59825
used by county departments of job and family services for teen		59826
pregnancy prevention programming. Local contracts shall be		59827
developed between county departments of job and family services		59828
and local family and children first councils for the		59829
administration of TANF funding for this program.		59830
Section 63.10. OHIO ASSOCIATION OF SECOND HARVEST FOOD BANKS		59831
The Department of Job and Family Services may use up to		59832
\$4,500,000 of appropriation item 600-634, State Options Food		59833
Stamps (Fund 5E6), in each fiscal year of the biennium to support		59834
expenditures to the Ohio Association of Second Harvest Food Banks		59835
pursuant to the following criteria.		59836
As used in this section, "federal poverty guidelines" has the		59837
same meaning as in section 5101.46 of the Revised Code.		59838
The Department of Job and Family Services shall provide an		59839
annual grant of \$4,500,000 in each of the fiscal years 2002 and		59840
2003 to the Ohio Association of Second Harvest Food Banks. In each		59841
fiscal year, the Ohio Association of Second Harvest Food Banks		59842
shall use \$2,500,000 for the purchase of food products for the		59843
Ohio Food Program, of which up to \$105,000 may be used for food		59844
storage and transport, and shall use \$2,000,000 for the		59845
Agricultural Surplus Production Alliance Project. Funds provided		59846
for the Ohio Food Program shall be used to purchase food products		59847
and distribute those food products to agencies participating in		59848
the emergency food distribution program. No funds provided through		59849

this grant may be used for administrative expenses other than 59850
funds provided for food storage and transport. As soon as possible 59851
after entering into a grant agreement at the beginning of the 59852
fiscal year, the Department of Job and Family Services shall 59853
distribute the grant funds in one single payment. The Ohio 59854
Association of Second Harvest Food Banks shall develop a plan for 59855
the distribution of the food products to local food distribution 59856
agencies. Agencies receiving these food products shall ensure that 59857
individuals and families who receive any of the food products 59858
purchased with these funds have an income at or below 150 per cent 59859
of the federal poverty guidelines. The Department of Job and 59860
Family Services and the Ohio Association of Second Harvest Food 59861
Banks shall agree on reporting requirements to be incorporated 59862
into the grant agreement. 59863

The Ohio Association of Second Harvest Food Banks shall 59864
return any fiscal year 2002 funds from this grant remaining 59865
unspent on June 30, 2002, to the Department of Job and Family 59866
Services no later than November 1, 2002. The Ohio Association of 59867
Second Harvest Food Banks shall return any fiscal year 2003 funds 59868
from this grant remaining unspent on June 30, 2003, to the 59869
Department no later than November 1, 2003. 59870

Section 63.11. CHILD NUTRITION SERVICES 59871

The Department of Job and Family Services may use up to 59872
\$900,000 in each fiscal year of appropriation item 600-634, State 59873
Option Food Stamps(Fund 5E6), to support Child Nutrition Services 59874
in the Department of Education. As soon as possible after the 59875
effective date of this section, the Department of Job and Family 59876
Services shall enter into an interagency agreement with the 59877
Department of Education to reimburse the 19 pilot programs that 59878
provide nutritional evening meals to adolescents 13 through 18 59879
years of age participating in educational or enrichment activities 59880

at youth development centers. Such funds shall not be used as 59881
matching funds. Eligibility and reporting guidelines shall be 59882
detailed in the interagency agreement. 59883

OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 59884

Of the foregoing appropriation item 600-634, State Option 59885
Food Stamps (Fund 5E6), the Department of Job and Family Services 59886
shall use up to \$600,000 in each fiscal year to support 59887
expenditures of the Ohio Alliance of Boys and Girls Clubs to 59888
provide nutritional meals, snacks, and educational and enrichment 59889
services, including tutoring, homework assistance, and 59890
standardized achievement test preparation, to children 59891
participating in programs and activities operated by eligible Boys 59892
and Girls Clubs. The Ohio Alliance of Boys and Girls Clubs shall 59893
provide allowable services to Title XX eligible children. 59894

As soon as possible after entering into a grant agreement at 59895
the beginning of the fiscal year, the Department of Job and Family 59896
Services shall distribute the grant funds in one single payment. 59897
The Ohio Alliance of Boys and Girls Clubs shall return any fiscal 59898
year 2002 funds from this grant remaining unspent on June 30, 59899
2002, to the Department of Job and Family Services not later than 59900
November 1, 2002. The Ohio Alliance of Boys and Girls Clubs shall 59901
return any fiscal year 2003 funds from this grant remaining 59902
unspent on June 30, 2003, to the Department of Job and Family 59903
Services not later than November 1, 2003. 59904

Section 63.12. PRESCRIPTION DRUG REBATE FUND 59905

The foregoing appropriation item 600-692, Health Care 59906
Services, shall be used by the Department of Job and Family 59907
Services in accordance with section 5111.081 of the Revised Code. 59908

Section 63.13. MEDICAID PHARMACY SERVICES FOR NURSING HOME 59909
RESIDENTS 59910

(A) As used in this section: 59911

(1) "Nursing home" has the same meaning as in section 3721.01 59912
of the Revised Code. 59913

(2) "Pharmacy provider" has the same meaning as in rule 59914
5101:3-9-01 of the Administrative Code. 59915

(3) "Wholesale acquisition cost" is the cost of a particular 59916
drug estimated by the Department of Job and Family Services by 59917
periodic review of pricing information from drug wholesalers in 59918
this state, pharmaceutical manufacturers, and one or more pharmacy 59919
pricing update services. 59920

(B) During the first quarter of the biennium ending June 30, 59921
2003, a pharmacy provider shall be reimbursed for the pharmacy 59922
services provided to a Medicaid recipient who resides in a nursing 59923
home at a rate of the wholesale acquisition cost plus nine per 59924
cent plus any applicable dispensing fee. During each quarter of 59925
the biennium thereafter, the pharmacy provider shall be reimbursed 59926
for such services at a rate determined by comparing the provider's 59927
average monthly cost of providing such services in the immediately 59928
preceding quarter to the statewide average monthly cost of 59929
providing such services on March 31, 2001. The Department of Job 59930
and Family Services shall make the comparison at the end of each 59931
quarter of the biennium and shall take into account an adequate 59932
factor for inflation in the cost of drugs. 59933

If the provider's average monthly cost of such services in 59934
the quarter being examined is equal to or greater than the 59935
statewide average monthly cost of such services on March 31, 2001, 59936
the provider shall be reimbursed at a rate of the wholesale 59937
acquisition cost plus nine per cent plus any applicable dispensing 59938
fee. If the provider's average monthly cost of such services is 59939
less than the statewide average monthly cost of such services on 59940
March 31, 2001, the provider shall be reimbursed at a rate of the 59941

wholesale acquisition cost plus eleven per cent, plus any 59942
applicable dispensing fee, plus fifty per cent of the difference 59943
between the provider's average monthly cost of such services and 59944
the statewide average monthly cost of such services on March 31, 59945
2001. 59946

(C) A pharmacy provider may achieve a reduction in its 59947
average monthly cost of providing services to a Medicaid recipient 59948
who resides in a nursing home by providing consulting services to 59949
the physicians who prescribe drugs to the resident. These 59950
consulting services may include recommendations for eliminating 59951
unnecessary and duplicative drugs, modifying inefficient drug 59952
regimens, and implementing safe and cost-effective drug therapies. 59953

(D) The Department may adopt any rules it considers necessary 59954
to develop and administer this section. If rules are adopted, the 59955
rules shall be adopted in accordance with Chapter 119. of the 59956
Revised Code. 59957

Section 63.14. ODJFS FUNDS 59958

AGENCY FUND GROUP 59959

The Agency Fund Group shall be used to hold revenues until 59960
the appropriate fund is determined or until they are directed to 59961
the appropriate governmental agency other than the Department of 59962
Job and Family Services. If it is determined that additional 59963
appropriation authority is necessary, such amounts are 59964
appropriated. 59965

HOLDING ACCOUNT REDISTRIBUTION GROUP 59966

The foregoing appropriation items 600-643, Refunds and Audit 59967
Settlements, and 600-644, Forgery Collections, Holding Account 59968
Redistribution Fund Group, shall be used to hold revenues until 59969
they are directed to the appropriate accounts or until they are 59970
refunded. If it is determined that additional appropriation 59971

authority is necessary, such amounts are appropriated. 59972

Section 63.15. SINGLE ALLOCATION FOR COUNTY DEPARTMENTS OF 59973
JOB AND FAMILY SERVICES 59974

Using the foregoing appropriation items 600-504, Non-TANF 59975
County Administration; 600-610, Food Stamps and State 59976
Administration; 600-410, TANF State; 600-689, TANF Block Grant; 59977
600-620, Social Services Block Grant; 600-552, County Social 59978
Services; 600-413, Day Care Match/Maintenance of Effort; 600-617, 59979
Day Care Federal; 600-534, Adult Protective Services; and 600-614, 59980
Refugees Services, the Department of Job and Family Services may 59981
establish a single allocation for county departments of job and 59982
family services that are subject to a partnership agreement 59983
between a board of county commissioners and the department under 59984
section 5101.21 of the Revised Code. The county department is not 59985
required to use all the money from one or more of the 59986
appropriation items listed in this paragraph for the purpose for 59987
which the specific appropriation item is made so long as the 59988
county department uses the money for a purpose for which at least 59989
one of the other of those appropriation items is made. The county 59990
department may not use the money in the allocation for a purpose 59991
other than a purpose any of those appropriation items are made. If 59992
the spending estimates used in establishing the single allocation 59993
are not realized and the county department uses money in one or 59994
more of those appropriation items in a manner for which federal 59995
financial participation is not available, the department shall use 59996
state funds available in one or more of those appropriation items 59997
to ensure that the county department receives the full amount of 59998
its allocation. The single allocation is the maximum amount the 59999
county department shall receive from those appropriation items. 60000

ADULT PROTECTIVE SERVICES 60001

The foregoing appropriation item 600-695, Adult Protective 60002

Services, shall be used to provide adult protective services in accordance with section 5101.62 of the Revised Code.	60003 60004
NON-TANF ADULT ASSISTANCE	60005
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.	60006 60007 60008 60009
HIPPY PROGRAM	60010
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.	60011 60012 60013 60014 60015 60016
ADOPTION CONNECTION	60017
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.	60018 60019 60020 60021 60022 60023 60024
Section 63.16. TRANSFER OF FUNDS	60025
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 Retardation and Developmental Disabilities. The sum of the transfers shall equal \$12,783,463 in fiscal year 2002 and \$13,039,133 in fiscal year 2003. The transfer may occur on a	60026 60027 60028 60029 60030 60031 60032

quarterly basis or on a schedule developed and agreed to by both departments. 60033
60034

The Department of Job and Family Services shall transfer, through intrastate transfer vouchers, cash from the State Special Revenue Fund 4J5, Home and Community-Based Services for the Aged, to Fund 4J4, PASSPORT, in the Department of Aging. The sum of the transfers shall be equal to the amounts appropriated in fiscal year 2002 and fiscal year 2003 in appropriation item 490-610, PASSPORT/Residential State Supplement. The transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments. 60035
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TRANSFERS OF IMD/DSH CASH 60044

The Department of Job and Family Services shall transfer, through intrastate transfer voucher, cash from fund 5C9, Medicaid Program Support, to the Department of Mental Health's Fund 4X5, OhioCare, in accordance with an interagency agreement which delegates authority from the Department of Job and Family Services to the Department of Mental Health to administer specified Medicaid services. 60045
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Section 63.17. CONSOLIDATION OF STATE GRANTS 60052

With the consent of a county, the Department of Job and Family Services may combine into a single and consolidated grant of state aid, funds that would otherwise be provided to that county pursuant to the operation of section 5101.14 of the Revised Code and other funds that would otherwise be provided to that county for the purpose of providing kinship care. In fiscal year 2003, the grant shall also include unspent funds remaining from any grant provided to the county under this section in fiscal year 2002. 60053
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Funds contained in any such consolidation grant shall not be 60062

subject to either statutory or administrative rules that would 60063
otherwise govern allowable uses from such funds, except that such 60064
funds shall continue to be used by the county to meet the expenses 60065
of its children services program under Chapter 5153. of the 60066
Revised Code. Funds contained in a consolidation grant shall be 60067
paid to each county within thirty days after the beginning of each 60068
calendar quarter. Funds provided to a county under this section 60069
shall be deposited in the children services fund, established in 60070
section 5101.144 of the Revised Code, and shall be used for no 60071
other purpose than to meet the expenses of the children services 60072
program. Within ninety days after the end of fiscal year 2003, 60073
each county shall return to the Department of Job and Family 60074
Services any unspent balance in the consolidated grant, unless 60075
this section is renewed for a subsequent period of time. 60076

Section 63.18. EMPLOYER SURCHARGE 60077

The surcharge and the interest on the surcharge amounts due 60078
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 60079
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 60080
118th General Assembly, and section 4141.251 of the Revised Code 60081
as it existed prior to Sub. H.B. 478 of the 122nd General 60082
Assembly, again shall be assessed and collected by, accounted for, 60083
and made available to the Department of Job and Family Services in 60084
the same manner as set forth in section 4141.251 of the Revised 60085
Code as it existed prior to Sub. H.B. 478 of the 122nd General 60086
Assembly, notwithstanding the repeal of the surcharge for calendar 60087
years after 1990, pursuant to Sub. H.B. 478 of the 122nd General 60088
Assembly, except that amounts received by the Director on or after 60089
July 1, 2001, shall be deposited into the special administrative 60090
fund established pursuant to section 4141.11 of the Revised Code. 60091

Effective July 1, 2001, the balance of the unemployment 60092
compensation surcharge trust funds created in custody of the 60093

Treasurer of State pursuant to section 4141.251 of the Revised Code shall be transferred into the special administrative fund established pursuant to section 4141.11 of the Revised Code. 60094
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Section 63.19. OHIO ACCESS SUCCESS PROJECT 60097

(A) As used in this section, "nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 60098
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(B) To the extent funds are available as provided in this act, the Director of Job and Family Services may establish the Ohio Access Success Project to help Medicaid recipients make the transition from residing in a nursing facility to residing in a community setting. If the Director establishes the Project, the Director shall provide one-time benefits to not more than seventy-five Medicaid recipients in fiscal year 2002 and not more than one hundred twenty-five Medicaid recipients in fiscal year 2003. To be eligible for benefits under the Project, a Medicaid recipient must satisfy all of the following requirements: 60100
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(1) At the time of applying for the benefits, be a recipient of Medicaid-funded nursing facility care; 60110
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(2) Have resided continuously in a nursing facility since at least January 1, 2000; 60112
60113

(3) Need the level of care provided by nursing facilities; 60114

(4) Need benefits whose projected cost does not exceed eighty per cent of the average monthly Medicaid cost of individual Medicaid recipients' nursing facility care. 60115
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(C) If the Director of Job and Family Services establishes the Ohio Access Success Project, the benefits provided under the Project may include payment of all of the following: 60118
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(1) The first month's rent in a community setting; 60121

(2) Rental deposits; 60122

(3) Utility deposits;	60123
(4) Moving expenses;	60124
(5) Other expenses not covered by the Medicaid program that facilitate a Medicaid recipient's move from a nursing facility to a community setting.	60125 60126 60127
(D) No person may receive more than two thousand dollars worth of benefits under the Ohio Access Success Project.	60128 60129
Section 63.20. FUNDING FOR HABILITATIVE SERVICES	60130
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 habilitative 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.	60131 60132 60133 60134 60135 60136 60137 60138 60139 60140 60141 60142 60143 60144 60145
Section 63.21. FUNDING FOR INSTITUTIONAL FACILITY AUDITS AND THE OHIO ACCESS SUCCESS PROJECT	60146 60147
Notwithstanding any limitations in sections 3721.51 and 3721.56 of the Revised Code, in each fiscal year, cash from the State Special Revenue Fund 4J5, Home and Community-Based Services for the Aged, in excess of the amounts needed for the transfers	60148 60149 60150 60151

may be used by the Department of Job and Family Services for the 60152
following purposes: (A) up to \$1.0 million in each fiscal year to 60153
fund the state share of audits of Medicaid cost reports filed with 60154
the Department of Job and Family Services by nursing facilities 60155
and intermediate care facilities for the mentally retarded; and 60156
(B) up to \$150,000 in fiscal year 2002 and up to \$250,000 in 60157
fiscal year 2003 to provide one-time transitional benefits under 60158
the Ohio Access Success Project that the Director of Job and 60159
Family Services may establish under the section of this act titled 60160
"Ohio Access Success Project." 60161

Section 63.22. MR/DD WAIVER REDESIGN 60162

(A) The Director of Job and Family Services may submit a 60163
request to the United States Secretary of Health and Human 60164
Services pursuant to section 1915 of the "Social Security Act," 79 60165
Stat. 286 (1965), 42 U.S.C.A. 1396n, as amended, to create a 60166
Medicaid home and community-based services waiver program, or 60167
modify a current Medicaid home and community-based services waiver 60168
program, to serve individuals with mental retardation or a 60169
developmental disability who meet all of the following 60170
requirements: 60171

(1) Need the level of care provided by intermediate care 60172
facilities for the mentally retarded; 60173

(2) Need habilitation services; 60174

(3) Are enrolled in the Ohio Home Care Waiver Program on June 60175
30, 2001; 60176

(4) Are transferred from the Ohio Home Care Waiver Program to 60177
the new or modified home and community-based services waiver 60178
program. 60179

(B) If the United States Secretary of Health and Human 60180
Services grants a waiver request submitted under division (A) of 60181

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 appropriation item 322-639, Medicaid Waiver, by the corresponding

non-GRF federal share of the estimated costs. 60214

Section 63.23. MEDICALLY FRAGILE WAIVER REDESIGN 60215

(A) The Director of Job and Family Services may submit a 60216
request to the United States Secretary of Health and Human 60217
Services pursuant to section 1915 of the "Social Security Act," 79 60218
Stat. 286 (1965), 42 U.S.C.A. 1396n, as amended, to create a 60219
Medicaid home and community-based services waiver program, or 60220
modify a current Medicaid home and community-based services waiver 60221
program, to serve medically fragile individuals who meet all of 60222
the following requirements: 60223

(1) Need a skilled level of care as defined in rule 60224
5101:3-3-05 of the Administrative Code; 60225

(2) Are enrolled in the Ohio Home Care Waiver Program on June 60226
30, 2001, or, as limited by division (D) of this section, after 60227
that date; 60228

(3) Are transferred from the Ohio Home Care Waiver Program to 60229
the new or modified home and community-based services waiver 60230
program. 60231

(B) If the United States Secretary of Health and Human 60232
Services grants a waiver request submitted under division (A) of 60233
this section, the Director of Job and Family Services may create a 60234
new, or modify an existing, home and community-based services 60235
waiver program in accordance with the waiver. The new or modified 60236
waiver program shall specify the maximum amount that the program 60237
may spend per individual enrolled in the program. The Department 60238
of Job and Family Services shall administer the waiver program. 60239

(C) The Director of Job and Family Services may reduce the 60240
maximum number of individuals the Ohio Home Care Waiver Program 60241
may serve by the number of individuals transferred from that 60242
program to the new or modified home and community-based services 60243

waiver program provided for by this section. 60244

(D) No more than a number, approved by the Director of Budget 60245
and Management, of individuals who enroll in the Ohio Home Care 60246
Waiver Program after June 30, 2001, may transfer to the new or 60247
modified waiver program provided for by this section. 60248

Section 63.24. MEDICAID WAIVER 60249

(A) With the assistance of the Department of Mental Health 60250
and after consulting with community mental health facilities that 60251
provide mental health services included in the state Medicaid plan 60252
pursuant to section 5111.022 of the Revised Code and with the 60253
chairpersons and ranking minority members of the House of 60254
Representatives Health and Family Services Committee and the 60255
Senate Health, Human Services, and Aging Committee, the Department 60256
of Job and Family Services shall develop and submit to the Health 60257
Care Financing Administration of the United States Department of 60258
Health and Human Services an application for a waiver under which 60259
any of the federal Medicaid statutes and regulations that are 60260
subject to being waived may be waived as necessary for purposes of 60261
better ensuring both of the following: 60262

(1) That Medicaid coverage and payment methods for mental 60263
health services provided under section 5111.022 of the Revised 60264
Code are consistent with the service priorities established 60265
pursuant to Chapters 340. and 5119. of the Revised Code; 60266

(2) That the services provided under section 5111.022 of the 60267
Revised Code can be provided in a manner that maximizes the 60268
effectiveness of resources available to the Department of Mental 60269
Health and boards of alcohol, drug addiction, and mental health 60270
services. 60271

(B) The actions taken by the Department of Mental Health and 60272
Department of Job and Family Services to develop and submit the 60273

application for the waiver specified in division (A) of this 60274
section shall be taken in a manner that allows the provisions of 60275
the waiver to be implemented not later than July 1, 2002. 60276

Section 63.25. REFUND OF SETS PENALTY 60277

The Department of Job and Family Services shall notify the 60278
Controlling Board immediately on receipt of any refunds for 60279
penalties that were paid directly or indirectly by the state for 60280
the Support Enforcement Tracking System (SETS). Any and all 60281
refunds received for such penalties shall be deposited in their 60282
entirety to the General Revenue Fund. 60283

Section 63.26. As used in this section, "Medicaid waiver 60284
component" has the same meaning as in section 5111.85 of the 60285
Revised Code. 60286

A rule adopted by the Director of Job and Family Services 60287
governing a Medicaid waiver component that is in effect on the 60288
effective date of this section shall remain in effect until 60289
amended or rescinded as part of the adoption of rules under 60290
section 5111.85 of the Revised Code. 60291

The rule of this act that items in uncodified sections do not 60292
have effect after June 30, 2003, does not apply to this section. 60293

Section 63.27. The Health Care Compliance Fund created by 60294
section 5111.171 of the Revised Code is the same fund as the 60295
Health Care Compliance Fund created by the Controlling Board in 60296
October 1998. 60297

Section 63.28. Not later than February 28, 2002, the Director 60298
of Job and Family Services shall submit to the United States 60299
Secretary of Health and Human Services an amendment to the state 60300
Medicaid Plan to provide for the Department of Job and Family 60301

Services to continue the Program of All-Inclusive Care for the 60302
Elderly, known as PACE, in accordance with 42 U.S.C. 1396u-4. The 60303
Director may submit to the United States Secretary of Health and 60304
Human Services application for program agreements to operate the 60305
PACE program in accordance with 42 U.S.C. 1396u-4. The Director 60306
shall consider and, in the absence of just cause for refusal, 60307
shall give preference to, Condordia Care and TriHealth Senior 60308
Link, when determining the entities for which the first two PACE 60309
applications shall be submitted. The Director may submit to the 60310
United States Secretary a request to transfer the day-to-day 60311
administration of PACE to the Department of Aging. If the United 60312
States Secretary approves the amendment, the Directors of Job and 60313
Family Services and Aging may enter into an interagency agreement 60314
under section 5111.86 of the Revised Code to transfer 60315
responsibility for the day-to-day administration of PACE from the 60316
Department of Job and Family Services to the Department of Aging. 60317
The interagency agreement is subject to the approval of the 60318
Director of Budget and Management and shall include an estimated 60319
cost of services to be provided under PACE and an estimated cost 60320
for the administrative duties assigned by the agreement to the 60321
Department of Aging. 60322

If the Directors of Job and Family Services and Aging enter 60323
into the interagency agreement, the Director of Budget and 60324
Management shall reduce the amount in appropriation item 600-525, 60325
Health Care/Medicaid, by the estimated costs of PACE services and 60326
an estimated cost for the administrative duties assigned by the 60327
agreement to the Department of Aging included in the interagency 60328
agreement. If the Director of Budget and Management makes the 60329
reduction, the state and federal share of the estimated costs of 60330
PACE services and administration is hereby appropriated to the 60331
Department of Aging. The Director of Budget and Management shall 60332
establish a new appropriation item for the appropriation. 60333

Section 63.29. (A) The authority of the Director of Job and Family Services under section 5111.02 of the Revised Code to adopt a rule excluding drugs for the treatment of obesity from coverage under the Medicaid program is revoked. Therefore, the Director shall rescind paragraph (D)(1) of rule 5101:3-9-03 of the Administrative Code. Paragraph (D)(1) of rule 5101:3-9-03 of the Administrative Code is suspended pending the rescission. This division does not require the Medicaid program to cover drugs for the treatment of obesity.

The rule of this act that items in uncodified sections do not have effect after June 30, 2003, does not apply to this division.

(B) Not later than six months after the effective date of this section, the Director of Job and Family Services shall complete an evaluation and issue a report on whether the Medicaid program should cover anti-obesity agents that have been approved by the United States Food and Drug Administration for the treatment of obesity and obesity's related co-morbidities. At a minimum, the evaluation shall consider the safety, efficacy, and cost-effectiveness of having the Medicaid program cover such anti-obesity agents. The Director shall submit the report to the chairperson and ranking minority member of the House of Representatives Finance and Appropriations Committee and the chairperson and ranking minority member of the Senate Finance and Financial Institutions Committee.

Section 63.30. CHILD PROTECTIVE SERVICES

Of the foregoing appropriation item 600-527, Child Protective Services, \$15,000 in each fiscal year shall be provided to the Children's Advocacy Center in Portage County.

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 60364
living services under the John H. Chafee Foster Care Independence 60365
Program. 60366

Section 63.31. The Director of Job and Family Services may 60367
apply to the United States Secretary of Health and Human Services 60368
for approval to increase the number of slots for the Individual 60369
Options Medicaid home and community-based services waiver program 60370
as follows: 60371

(A) For fiscal year 2002, that the waiver program have at 60372
least five hundred more slots than the waiver program had in 60373
fiscal year 2001; 60374

(B) For fiscal year 2003, that the waiver program have at 60375
least five hundred more slots than the waiver program had in 60376
fiscal year 2002. 60377

Section 63.32. PREFERRED OPTION EVALUATION 60378

The Director of Job and Family Services shall evaluate the 60379
Medicaid managed care enrollment alternative known as Preferred 60380
Option. As part of the evaluation, the Director shall examine 60381
whether Preferred Option should be expanded to additional 60382
counties. Not later than June 30, 2003, the Director shall submit 60383
a report on the evaluation to the Governor, Speaker of the House 60384
of Representatives, and President of the Senate. The Director 60385
shall include in the report any findings made pursuant to the 60386
evaluation, including the Director's conclusions as to whether 60387
Preferred Option should be expanded to additional counties. The 60388
Director may not expand Preferred Option to any additional county 60389
before the Director submits the report. 60390

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Section 63.33. (A) The Director of Job and Family Services 60392

shall continue operations through each of the local public 60393
employment offices described in section 4141.04 of the Revised 60394
Code that exist on the effective date of this section until 60395
January 1, 2002. 60396

(B) The Director shall present a detailed report to the 60397
members of the Finance and Appropriations Committee of the House 60398
of Representatives and of the Finance and Financial Institutions 60399
Committee of the Senate on or before October 1, 2001, that 60400
describes the Director's plan to cease the Department of Job and 60401
Family Services operations at the offices described in division 60402
(A) of this section and instead commence operations at telephone 60403
registration centers, mail claims centers, and one-stop employment 60404
centers. The report shall include all of the following 60405
information: 60406

(1) A description of plans to employ personnel for telephone 60407
registration centers and mail claims centers, including plans to 60408
possibly reassign personnel employed at the offices described in 60409
division (A) of this section to the telephone registration 60410
centers, mail claims centers, or one-stop employment centers, and 60411
a description of model plans and actual plans detailing the manner 60412
in which personnel would be employed in each telephone 60413
registration center, mail claims center, or one-stop employment 60414
center; 60415

(2) A fiscal analysis of the impact of the transition, 60416
including all of the following information that is presented in a 60417
manner so that the costs described in division (B)(2)(a) of this 60418
section can be readily compared to the costs described in division 60419
(B)(2)(b) of this section: 60420

(a) The cost of operating the existing offices described in 60421
division (A) of this section, including the costs for 60422
administration, facilities, and employing personnel; 60423

(b) The number of proposed telephone registration centers and 60424
mail claims centers and the projected operational costs of those 60425
centers, including, but not limited to, the cost of employing 60426
personnel for those centers, the administrative overhead costs of 60427
those centers, the initial costs to establish those centers, the 60428
long-term costs of maintaining those centers, and the cost of 60429
renting facilities for those centers, if rental is necessary. 60430
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(3) The estimated cost projections of the initial start-up 60432
costs of transitioning from the existing offices described in 60433
division (A) of this section to the telephone registration 60434
centers, mail claims centers, and one-stop employment centers and 60435
the long-term operational costs of both operating those centers 60436
and assisting in providing personnel to staff the one-stop 60437
employment centers; 60438

(4) Funding projections that clearly indicate the amount of 60439
funding expected from federal, state, and local sources for the 60440
transition, and for maintaining the telephone registration centers 60441
and mail claims centers, and for assisting in providing personnel 60442
to staff the one-stop employment centers, with the amounts from 60443
each source stated separately; 60444

(5) Steps that the Director plans to take to assist local 60445
communities in improving services at one-stop employment centers 60446
so that service to unemployed individuals, other job seekers, and 60447
employers is not interrupted. 60448

(C) It is the intention of the General Assembly that during 60449
the period beginning on the effective date of this section and 60450
ending on January 1, 2002, the Director be strongly encouraged to 60451
negotiate with boards of county commissioners, local workforce 60452
policy boards, and other interested local officials in developing 60453
a plan to transfer operations from the offices described in 60454
division (A) of this section to telephone registration centers, 60455

mail claims centers, and one-stop employment centers. It is also 60456
the intention of the General Assembly that those negotiations 60457
include a process for agreeing to the division of resources and 60458
the allocation of costs between the Department of Job and Family 60459
Services, boards of county commissioners, and local workforce 60460
policy boards. 60461

Section 63.34. CHILD AND FAMILY SERVICES ACTIVITIES 60462

Of the foregoing appropriation item 600-427, Child and Family 60463
Services Activities, \$10,000 in each fiscal year shall be provided 60464
to the Parmadale Children's Home. 60465

Of the foregoing appropriation item 600-427, Child and Family 60466
Services Activities, \$10,000 in each fiscal year shall be provided 60467
to the Berea Children's Home. 60468

Section 63.35. (A) As used in this section: 60469

(1) "Medicaid days" means all days during which a resident 60470
who is a Medicaid recipient occupies a bed in a nursing facility 60471
that is included in the facility's certified capacity under Title 60472
XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 60473
1396, as amended. Therapeutic or hospital leave days for which 60474
payment is made under section 5111.33 of the Revised Code are 60475
considered Medicaid days proportionate to the percentage of the 60476
nursing facility's per resident per day rate paid for those days. 60477

(2) "Nursing facility" has the same meaning as in section 60478
5111.20 of the Revised Code. 60479

(3) "Total per diem rate" includes the payments made to 60480
nursing facilities under division (B)(3) of the section of this 60481
act titled "Nursing Facility Stabilization Fund." 60482

(B) Notwithstanding sections 5111.20 to 5111.32 of the 60483
Revised Code, rates paid to nursing facilities under the Medicaid 60484

program shall be subject to the following limitations:

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(1) For fiscal year 2002, the mean total per diem rate for all nursing facilities in the state, weighted by Medicaid days and calculated as of July 1, 2001, under sections 5111.20 to 5111.32 of the Revised Code, shall not exceed \$143.92.

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(2) For fiscal year 2003, the mean total per diem rate for all nursing facilities in the state, weighted by Medicaid days and calculated as of July 1, 2002, under sections 5111.20 to 5111.32 of the Revised Code, shall not exceed \$152.66, plus any difference between \$143.92 and the mean total per diem rate for all nursing facilities in the state for fiscal year 2002, weighted by Medicaid days and calculated as of July 1, 2001, under sections 5111.20 to 5111.32 of the Revised Code.

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(3) If the mean total per diem rate for all nursing facilities in the state for fiscal year 2002 or 2003, weighted by Medicaid days and calculated under sections 5111.20 to 5111.32 of the Revised Code as of the first day of July of the calendar year in which the fiscal year begins, exceeds the amount specified for that fiscal year in division (B)(1) or (2) of this section, the Department of Job and Family Services shall reduce the total per diem rate for each nursing facility in the state by a percentage that is equal to the percentage by which the mean total per diem rate exceeds the amount specified in division (B)(1) or (2) of this section for that fiscal year.

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(4) Subsequent to any reduction required by division (B)(1), (2), or (3) of this section, a nursing facility's rate shall be subject to any adjustments required or authorized by sections 5111.20 to 5111.32 of the Revised Code during the remainder of the fiscal year.

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(C) Except as follows, the Department of Job and Family Services shall continue to implement rules adopted under sections

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5111.02 and 5111.20 to 5111.32 of the Revised Code regarding 60516
Medicaid payments to nursing facilities that are in effect on the 60517
effective date of this section: 60518

(1) The Department shall not continue to implement a rule 60519
that is inconsistent with this act, but shall instead implement 60520
this act. 60521

(2) The Department may adopt, amend, or rescind rules under 60522
sections 5111.02 and 5111.20 to 5111.32 of the Revised Code as 60523
provided by those sections to the extent those sections are 60524
consistent with this act. 60525

Section 63.36. (A) Notwithstanding division (Q)(1) of section 60526
5111.20 of the Revised Code, when calculating indirect care costs 60527
for the purpose of establishing rates under section 5111.24 or 60528
5111.241 of the Revised Code for fiscal year 2002, "per diem," as 60529
used in sections 5111.20 to 5111.32 of the Revised Code, means a 60530
nursing facility's or intermediate care facility for the mentally 60531
retarded's actual, allowable indirect care costs in the cost 60532
reporting period divided by the greater of the facility's 60533
inpatient days for that period or the number of inpatient days the 60534
facility would have had during that period if its occupancy rate 60535
had been eighty-two per cent. 60536

(B) Notwithstanding division (Q)(1) of section 5111.20 of the 60537
Revised Code, when calculating indirect care costs for the purpose 60538
of establishing rates under section 5111.24 or 5111.241 of the 60539
Revised Code for fiscal year 2003, "per diem," as used in sections 60540
5111.20 to 5111.32 of the Revised Code, means a nursing facility's 60541
or intermediate care facility for the mentally retarded's actual, 60542
allowable indirect care costs in the cost reporting period divided 60543
by the greater of the facility's inpatient days for that period or 60544
the number of inpatient days the facility would have had during 60545
that period if its occupancy rate had been eighty-seven per cent. 60546

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(C) Notwithstanding division (Q)(2) of section 5111.20 of the Revised Code, when calculating capital costs for the purpose of establishing rates under section 5111.25 or 5111.251 of the Revised Code for fiscal year 2002, "per diem," as used in sections 5111.20 to 5111.32 of the Revised Code, means a nursing facility's or intermediate care facility for the mentally retarded's actual, allowable capital costs in the cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been eighty-eight per cent.

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(D) Notwithstanding division (Q)(2) of section 5111.20 of the Revised Code, when calculating capital costs for the purpose of establishing rates under section 5111.25 or 5111.251 of the Revised Code for fiscal year 2003, "per diem," as used in sections 5111.20 to 5111.32 of the Revised Code, means a nursing facility's or intermediate care facility for the mentally retarded's actual, allowable capital costs in the cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been ninety-one per cent.

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(E) As soon as practicable, the Department of Job and Family Services shall follow this section for the purpose of calculating nursing facilities' and intermediate care facilities for the mentally retarded's Medicaid reimbursement rates for indirect care and capital costs for fiscal years 2002 and 2003. If the Department is unable to calculate the rates before it makes payments for services provided during fiscal year 2002 or 2003, the Department shall pay a nursing facility or intermediate care facility for the mentally retarded the difference between the amount it pays the facility and the amount that would have been paid had the Department made the calculation in time.

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Section 63.37. NURSING FACILITY STABILIZATION FUND	60579
(A) As used in this section:	60580
(1) "Inpatient days" and "nursing facility" have the same meanings as in section 5111.20 of the Revised Code.	60581 60582
(2) "Medicaid day" means all days during which a resident who is a Medicaid recipient occupies a bed in a nursing facility that is included in the facility's certified capacity under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code are considered Medicaid days proportionate to the percentage of the nursing facility's per resident per day rate paid for those days.	60583 60584 60585 60586 60587 60588 60589 60590
(B) The Department of Job and Family Services shall use money in the Nursing Facility Stabilization Fund created under section 3721.56 of the Revised Code to do all of the following:	60591 60592 60593
(1) Make payments to nursing facilities under sections 5111.20 to 5111.32 of the Revised Code;	60594 60595
(2) Beginning with payments made to nursing facilities in August 2001, make payments to each nursing facility for each Medicaid day in fiscal years 2002 and 2003 in an amount equal to sixty-nine and seven-tenths per cent of the franchise permit fee the nursing facility pays under section 3721.53 of the Revised Code for the fiscal year the department makes the payment divided by the nursing facility's inpatient days for the calendar year preceding the calendar year in which that fiscal year begins;	60596 60597 60598 60599 60600 60601 60602 60603
(3) Beginning with payments made to nursing facilities in August 2001, make payments to each nursing facility that pays the franchise permit fee under section 3721.53 of the Revised Code for fiscal years 2002 and 2003 in an amount equal to one dollar and fifty cents per Medicaid day to assist the nursing facilities in	60604 60605 60606 60607 60608

paying reasonable Medicaid-related costs that are not adequately 60609
reimbursed under sections 5111.20 to 5111.32 of the Revised Code. 60610

(C) Any money remaining in the Nursing Facility Stabilization 60611
Fund after payments specified in division (B) of this section are 60612
made for fiscal years 2002 and 2003 shall be retained in the fund. 60613
Any interest or other investment proceeds earned on money in the 60614
fund shall be credited to the fund and used to make payments in 60615
accordance with division (B) of this section. 60616

(D) Notwithstanding division (N) of section 5111.20 of the 60617
Revised Code, the Department of Job and Family Services, in making 60618
Medicaid payments to a nursing facility under sections 5111.20 to 60619
5111.32 of the Revised Code, shall exclude from a nursing 60620
facility's other protected costs the cost of sixty-nine and 60621
seven-tenths per cent of the franchise permit fee that the nursing 60622
facility pays under section 3721.53 of the Revised Code for fiscal 60623
years 2002 and 2003 if the nursing facility receives payments 60624
under division (B)(2) of this section for sixty-nine and 60625
seven-tenths per cent of those franchise permit fees. 60626

Section 63.38. NURSING FACILITY REIMBURSEMENT STUDY COUNCIL 60627

During fiscal years 2002 and 2003, the Nursing Facility 60628
Reimbursement Study Council shall examine and report to the 60629
Governor, the Speaker of the House of Representatives, and the 60630
President of the Senate its activities, findings, and 60631
recommendations concerning at least all of the following: 60632

(1) The use of imputed occupancy factors in calculating 60633
reimbursement rates; 60634

(2) The identification and quantification of costs that vary 60635
with occupancy and costs that do not vary with occupancy; 60636

(3) Specific elements of the reimbursement formula that 60637
contribute to or detract from facility efficiency, including 60638

appropriate methods of defining and measuring efficiency; 60639

(4) The inclusion or exclusion of direct-care costs and 60640
case-mix scores for classes of facility residents the Council 60641
identifies from case-mix calculations and the effect of those 60642
inclusions or exclusions on direct care of residents; 60643

(5) Whether the return on equity provision in the 60644
reimbursement formula should remain; 60645

(6) The use of depreciation recapture in the case of 60646
transfers of nursing facilities; 60647

(7) The amount of time that elapses between when a facility 60648
incurs costs for wage increases or other expenditure and when 60649
those costs are included in the reimbursement rate; 60650

(8) The percentage of capital costs that are not included in 60651
the reimbursement rate; 60652

(9) The percentage of purchased nursing costs that are not 60653
included in the reimbursement rate. 60654

Section 63.39. The Department of Mental Retardation and 60655
Developmental Disabilities shall arrange for a study to be 60656
completed no later than January 1, 2003, of the implications of 60657
the "Health Insurance Portability and Accountability Act of 1996," 60658
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-42, as 60659
amended, on payment systems for Medicaid-funded services to 60660
individuals with mental retardation or other developmental 60661
disability, including the Multi-Agency Community Services 60662
Information System and similar payment systems. The study shall 60663
include consideration of the feasibility of a payment system under 60664
which a county board of mental retardation and developmental 60665
disabilities pays claims directly to persons and government 60666
entities under contract with the county board to provide 60667
Medicaid-funded services to individuals with mental retardation or 60668

other developmental disability. 60669

The Department shall contract with a person to administer an 60670
individual assessment instrument to a representative sample of 60671
individuals receiving or eligible to receive home and 60672
community-based services provided under a Medicaid component the 60673
Department administers under section 5111.871 of the Revised Code. 60674
The assessment instrument shall be identical or similar in design 60675
to the New York Developmental Disabilities Profile as developed by 60676
the New York Office of Mental Retardation and Developmental 60677
Disabilities. The purpose of the contract is to collect data 60678
necessary for constructing a statewide individual assessment 60679
instrument capable of reliably assessing an individual's needs 60680
that the Department is required to provide to the Department of 60681
Job and Family Services under division (A)(2) of section 5111.873 60682
of the Revised Code. 60683

Section 64. JCO JUDICIAL CONFERENCE OF OHIO 60684

General Revenue Fund 60685

GRF 018-321 Operating Expenses	\$	1,110,240	\$	1,141,327	60686
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TOTAL GRF General Revenue Fund	\$	1,110,240	\$	1,141,327	60687
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General Services Fund Group 60688

403 018-601 Ohio Jury Instructions	\$	200,000	\$	200,000	60689
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TOTAL GSF General Services Fund	\$	200,000	\$	200,000	60690
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	1,310,240	\$	1,341,327	60691
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STATE COUNCIL OF UNIFORM STATE LAWS 60692

Notwithstanding section 105.26 of the Revised Code, of the 60693
foregoing appropriation item 018-321, Operating Expenses, up to 60694
\$60,000 in fiscal year 2002 and up to \$63,000 in fiscal year 2003 60695
may be used to pay the expenses of the State Council of Uniform 60696
State Laws, including membership dues to the National Conference 60697
of Commissioners on Uniform State Laws. 60698

OHIO JURY INSTRUCTIONS FUND 60699

The Ohio Jury Instructions Fund (Fund 403) shall consist of 60700
 grants, royalties, dues, conference fees, bequests, devises, and 60701
 other gifts received for the purpose of supporting costs incurred 60702
 by the Judicial Conference of Ohio in dispensing education and 60703
 informational data to the state's judicial system. Fund 403 shall 60704
 be used by the Judicial Conference of Ohio to pay expenses 60705
 incurred in dispensing educational and informational data to the 60706
 state's judicial system. All moneys accruing to Fund 403 in excess 60707
 of \$200,000 in fiscal year 2002 and in excess of \$200,000 in 60708
 fiscal year 2003 are hereby appropriated for the purposes 60709
 authorized. 60710

No money in the Ohio Jury Instructions Fund shall be 60711
 transferred to any other fund by the Director of Budget and 60712
 Management or the Controlling Board. 60713

Section 65. JSC THE JUDICIARY/SUPREME COURT 60714

General Revenue Fund 60715

GRF 005-321	Operating Expenses -	\$	98,524,655	\$	103,540,214	60716
	Judiciary/Supreme					
	Court					

GRF 005-401	State Criminal	\$	294,096	\$	304,881	60717
	Sentencing Council					

GRF 005-406	Law-Related Education	\$	200,802	\$	206,826	60718
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GRF 005-502	Commission for Legal	\$	0	\$	657,600	60719
	Education Opportunity					

TOTAL GRF	General Revenue Fund	\$	99,019,553	\$	104,709,521	60720
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General Services Fund Group 60721

672 005-601	Continuing Judicial	\$	235,000	\$	265,000	60722
	Education					

TOTAL GSF	General Services Fund	\$	235,000	\$	265,000	60723
	Group					

State Special Revenue Fund Group				60724
4C8 005-605 Attorney Registration	\$	1,971,100	\$ 2,030,233	60725
6A8 005-606 Supreme Court	\$	1,042,536	\$ 1,089,111	60726
Admissions				
643 005-607 Commission on	\$	573,268	\$ 590,016	60727
Continuing Legal				
Education				
TOTAL SSR State Special Revenue	\$	3,586,904	\$ 3,709,360	60728
Fund Group				
Federal Special Revenue Fund Group				60729
3J0 005-603 Federal Grants	\$	1,093,306	\$ 964,484	60730
TOTAL FED Federal Special Revenue	\$	1,093,306	\$ 964,484	60731
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	103,934,763	\$ 109,648,365	60732
LAW-RELATED EDUCATION				60733
The foregoing appropriation item 005-406, Law-Related				60734
Education, shall be distributed directly to the Ohio Center for				60735
Law-Related Education for the purposes of providing continuing				60736
citizenship education activities to primary and secondary				60737
students, expanding delinquency prevention programs, increasing				60738
activities for at-risk youth, and accessing additional public and				60739
private money for new programs.				60740
OHIO COMMISSION FOR LEGAL EDUCATION OPPORTUNITY				60741
The foregoing appropriation item 005-502, Commission for				60742
Legal Education Opportunity, shall be used to fund the activities				60743
of the Commission for Legal Education Opportunity created by the				60744
Chief Justice of the Supreme Court of Ohio for the purpose of				60745
assisting minority, low-income, and educationally disadvantaged				60746
college graduates in the transition to legal education. Moneys				60747
appropriated to the Commission for Legal Education Opportunity may				60748
be used to establish and provide an intensive course of study				60749

designed to prepare eligible college graduates for law school 60750
education, provide annual stipends for students who successfully 60751
complete the course of study and are admitted to and maintain 60752
satisfactory academic standing in an Ohio law school, and pay the 60753
administrative costs associated with the program. 60754

CONTINUING JUDICIAL EDUCATION 60755

The Continuing Judicial Education Fund (Fund 672) shall 60756
consist of fees paid by judges and court personnel for attending 60757
continuing education courses and other gifts and grants received 60758
for the purpose of continuing judicial education. The foregoing 60759
appropriation item 005-601, Continuing Judicial Education, shall 60760
be used to pay expenses for continuing education courses for 60761
judges and court personnel. If it is determined by the 60762
Administrative Director of the Supreme Court that additional 60763
appropriations are necessary, the amounts are appropriated. 60764

No money in the Continuing Judicial Education Fund shall be 60765
transferred to any other fund by the Director of Budget and 60766
Management or the Controlling Board. Interest earned on moneys in 60767
the Continuing Judicial Education Fund shall be credited to the 60768
fund. 60769

ATTORNEY REGISTRATION 60770

In addition to funding other activities considered 60771
appropriate by the Supreme Court, the foregoing appropriation item 60772
005-605, Attorney Registration, may be used to compensate 60773
employees and fund the appropriate activities of the following 60774
offices established by the Supreme Court pursuant to the Rules for 60775
the Government of the Bar of Ohio: the Office of Disciplinary 60776
Counsel, the Board of Commissioners on Grievances and Discipline, 60777
the Clients' Security Fund, the Board of Commissioners on the 60778
Unauthorized Practice of Law, and the Office of Attorney 60779
Registration. If it is determined by the Administrative Director 60780

of the Supreme Court that additional appropriations are necessary, 60781
the amounts are appropriated. 60782

No moneys in the Attorney Registration Fund shall be 60783
transferred to any other fund by the Director of Budget and 60784
Management or the Controlling Board. Interest earned on moneys in 60785
the Attorney Registration Fund shall be credited to the fund. 60786

SUPREME COURT ADMISSIONS 60787

The foregoing appropriation item 005-606, Supreme Court 60788
Admissions, shall be used to compensate Supreme Court employees 60789
who are primarily responsible for administering the attorney 60790
admissions program, pursuant to the Rules for the Government of 60791
the Bar of Ohio, and to fund any other activities considered 60792
appropriate by the court. Moneys shall be deposited into the 60793
Supreme Court Admissions Fund (Fund 6A8) pursuant to the Supreme 60794
Court Rules for the Government of the Bar of Ohio. If it is 60795
determined by the Administrative Director of the Supreme Court 60796
that additional appropriations are necessary, the amounts are 60797
appropriated. 60798

No moneys in the Supreme Court Admissions Fund shall be 60799
transferred to any other fund by the Director of Budget and 60800
Management or the Controlling Board. Interest earned on moneys in 60801
the Supreme Court Admissions Fund shall be credited to the fund. 60802

CONTINUING LEGAL EDUCATION 60803

The foregoing appropriation item 005-607, Commission on 60804
Continuing Legal Education, shall be used to compensate employees 60805
of the Commission on Continuing Legal Education, established 60806
pursuant to the Supreme Court Rules for the Government of the Bar 60807
of Ohio, and to fund other activities of the commission considered 60808
appropriate by the court. If it is determined by the 60809
Administrative Director of the Supreme Court that additional 60810
appropriations are necessary, the amounts are appropriated. 60811

No moneys in the Continuing Legal Education Fund shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on moneys in the Continuing Legal Education Fund shall be credited to the fund.

FEDERAL MISCELLANEOUS

The Federal Miscellaneous Fund (3J0) shall consist of grants and other moneys awarded to the Supreme Court of Ohio (The Judiciary) by the United States Government, the State Justice Institute, or other entities that receive the moneys directly from the United States Government or the State Justice Institute and distribute those moneys to the Supreme Court of Ohio (The Judiciary). The foregoing appropriation item 005-603, Federal Grants, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are appropriated.

No money in the Federal Miscellaneous Fund shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on moneys in the Federal Miscellaneous Fund shall be credited or transferred to the General Revenue Fund.

Section 66. LEC LAKE ERIE COMMISSION

State Special Revenue Fund Group					
4C0 780-601 Lake Erie Protection	\$	1,044,854	\$	1,070,975	
Fund					
5D8 780-602 Lake Erie Resources	\$	661,009	\$	689,004	
Fund					
TOTAL SSR State Special Revenue					
Fund Group	\$	1,705,863	\$	1,759,979	
TOTAL ALL BUDGET FUND GROUPS	\$	1,705,863	\$	1,759,979	

CASH TRANSFER				60840
Not later than the thirtieth day of November of each fiscal				60841
year, the Executive Director of the Ohio Lake Erie Office, with				60842
the approval of the Lake Erie Commission, shall certify to the				60843
Director of Budget and Management the cash balance in the Lake				60844
Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet				60845
operating expenses of the Lake Erie Office. The Ohio Lake Erie				60846
Office may request the Director of Budget and Management to				60847
transfer up to the certified amount from the Lake Erie Resources				60848
Fund (Fund 5D8) to the Lake Erie Protection Fund (Fund 4C0). The				60849
Director of Budget and Management may transfer the requested				60850
amount, or the Director may transfer a different amount up to the				60851
certified amount. Cash transferred shall be used for the purposes				60852
described in division (A) of section 1506.23 of the Revised Code.				60853
The amount transferred by the director is appropriated to the				60854
foregoing appropriation item 780-601, Lake Erie Protection Fund,				60855
which shall be increased by the amount transferred.				60856
Section 67. LRS LEGAL RIGHTS SERVICE				60857
General Revenue Fund				60858
GRF 054-100 Personal Services	\$	274,718	\$ 269,974	60859
GRF 054-200 Maintenance	\$	45,278	\$ 46,184	60860
GRF 054-300 Equipment	\$	2,476	\$ 2,526	60861
GRF 054-401 Ombudsman	\$	321,769	\$ 318,491	60862
TOTAL GRF General Revenue Fund	\$	644,241	\$ 637,175	60863
General Services Fund Group				60864
416 054-601 Gifts and Donations	\$	1,319	\$ 1,352	60865
5M0 054-610 Settlements	\$	75,000	\$ 75,000	60866
524 054-608 Traumatic Brain Injury	\$	21,550	\$ 0	60867
TOTAL GSF General Services				60868
Fund Group	\$	97,869	\$ 76,352	60869
Federal Special Revenue Fund Group				60870

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As Reported by the Committee of Conference*

3B8	054-603	Protection and Advocacy - Mentally Ill	\$	810,314	\$	810,314	60871
3N3	054-606	Protection and Advocacy - Individual Rights	\$	468,445	\$	468,445	60872
3N9	054-607	Assistive Technology	\$	50,000	\$	50,000	60873
3R9	054-604	Family Support Collaborative	\$	242,500	\$	242,500	60874
3T2	054-609	Client Assistance Program	\$	406,772	\$	406,772	60875
305	054-602	Protection and Advocacy - Developmentally Disabled	\$	1,068,109	\$	1,068,109	60876
TOTAL FED	Federal Special Revenue						60877
Fund Group			\$	3,046,140	\$	3,046,140	60878
TOTAL ALL BUDGET FUND GROUPS			\$	3,788,250	\$	3,759,667	60879

Section 68. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 60881

General Revenue Fund							60882
GRF	028-321	Legislative Ethics Committee	\$	589,000	\$	612,000	60883
TOTAL GRF	General Revenue Fund		\$	589,000	\$	612,000	60884
State Special Revenue Fund Group							60885
4G7	028-601	Joint Legislative Ethics Committee	\$	50,000	\$	50,000	60886
TOTAL SSR	State Special Revenue Fund		\$	50,000	\$	50,000	60887
TOTAL ALL BUDGET FUND GROUPS			\$	639,000	\$	662,000	60888

Section 69. LSC LEGISLATIVE SERVICE COMMISSION 60890

General Revenue Fund				60891
GRF 035-321 Operating Expenses	\$	13,325,000	\$ 14,470,000	60892
GRF 035-402 Legislative Interns	\$	953,500	\$ 993,500	60893
GRF 035-404 Legislative Office of Education Oversight	\$	1,192,146	\$ 1,239,832	60894
GRF 035-406 ATMS Replacement Project	\$	90,000	\$ 90,000	60895
GRF 035-407 Legislative Task Force on Redistricting	\$	2,000,000	\$ 0	60896
GRF 035-409 National Associations	\$	417,906	\$ 427,381	60897
GRF 035-410 Legislative Information Systems	\$	4,343,000	\$ 4,690,000	60898
TOTAL GRF General Revenue Fund	\$	22,321,552	\$ 21,910,713	60899
General Services Fund Group				60900
4F6 035-603 Legislative Budget Services	\$	140,000	\$ 145,000	60901
410 035-601 Sale of Publications	\$	25,000	\$ 25,000	60902
TOTAL GSF General Services Fund Group	\$	165,000	\$ 170,000	60904
TOTAL ALL BUDGET FUND GROUPS	\$	22,486,552	\$ 22,080,713	60905
OPERATING EXPENSES				60906
On or before August 1, 2001, the Director of Budget and Management shall determine and certify to the Director of the Legislative Service Commission the total amount of unexpended, unobligated appropriations made to the Commission for fiscal year 2001 in appropriation items 035-321 and 035-403. Additional appropriation authority equal to the amount certified by the Director of Budget and Management to the Director of the Legislative Service Commission, not to exceed \$500,000, is hereby appropriated to appropriation item 035-321 Operating Expenses, for fiscal year 2002.				60907 60908 60909 60910 60911 60912 60913 60914 60915 60916
ATMS REPLACEMENT PROJECT				60917

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.

LEGISLATIVE TASK FORCE ON REDISTRICTING 60921

On or before August 1, 2001, the Director of Budget and Management shall determine and certify to the Director of the Legislative Service Commission the total amount of unexpended, unobligated appropriations made to the Commission for fiscal year 2001 in appropriation item 035-407, Legislative Task Force on Redistricting. Additional appropriation authority equal to the amount certified by the Director of Budget and Management to the Director of the Legislative Service Commission is hereby appropriated to appropriation item 035-407, Legislative Task Force on Redistricting, for fiscal year 2002.

NATIONAL ASSOCIATIONS 60932

Of the foregoing appropriation item 035-409, National Associations, \$10,000 in each fiscal year shall be used for the State and Local Legal Center.

LEGISLATIVE OFFICE OF EDUCATION OVERSIGHT 60936

The foregoing appropriation item 035-404, Legislative Office of Education Oversight, shall be used to support the legislative oversight activities of the Legislative Committee on Education Oversight established in section 3301.68 of the Revised Code.

Section 70. LIB STATE LIBRARY BOARD 60941

General Revenue Fund 60942

GRF 350-321 Operating Expenses \$ 7,645,422 \$ 7,969,585 60943

GRF 350-401 Ohioana Rental \$ 120,972 \$ 120,972 60944

Payments

GRF 350-501 Cincinnati Public \$ 758,699 \$ 753,594 60945

Library

GRF 350-502	Regional Library Systems	\$	1,792,357	\$	1,780,093	60946
GRF 350-503	Cleveland Public Library	\$	1,141,234	\$	1,133,512	60947
TOTAL GRF	General Revenue Fund	\$	11,458,684	\$	11,757,756	60948
	General Services Fund Group					60949
139 350-602	Intra-Agency Service Charges	\$	14,148	\$	14,502	60950
4S4 350-604	OPLIN Technology	\$	7,661,095	\$	7,777,962	60951
459 350-602	Interlibrary Service Charges	\$	845,896	\$	1,239,661	60952
TOTAL GSF	General Services Fund Group	\$	8,521,139	\$	9,032,125	60953 60954
	Federal Special Revenue Fund Group					60955
313 350-601	LSTA Federal	\$	5,241,306	\$	5,241,306	60956
TOTAL FED	Federal Special Revenue Fund Group	\$	5,241,306	\$	5,241,306	60957 60958
TOTAL ALL BUDGET FUND GROUPS		\$	25,221,129	\$	26,031,187	60959
	OHIOANA RENTAL PAYMENTS					60960
	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.					60961 60962 60963 60964
	REGIONAL LIBRARY SYSTEMS					60965
	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.					60966 60967 60968
	OHIO PUBLIC LIBRARY INFORMATION NETWORK					60969
	The foregoing appropriation item 350-604, OPLIN Technology, shall be used for an information telecommunications network linking public libraries in the state and such others as may be					60970 60971 60972

certified as participants by the Ohio Public Library Information Network Board. 60973
60974

The Ohio Public Library Information Network Board shall 60975
consist of eleven members appointed by the State Library Board 60976
from among the staff of public libraries and past and present 60977
members of boards of trustees of public libraries, based on the 60978
recommendations of the Ohio library community. The Ohio Public 60979
Library Information Network Board in consultation with the State 60980
Library shall develop a plan of operations for the network. The 60981
Board shall have the authority to make decisions regarding the use 60982
of the foregoing appropriation item 350-604, OPLIN Technology, and 60983
to receive and expend grants to carry out the operations of the 60984
network in accordance with state law and the authority to appoint 60985
and fix the compensation of a director and necessary staff. The 60986
State Library will be the fiscal agent for the network and shall 60987
have fiscal accountability for the expenditure of funds. The Ohio 60988
Public Library Information Network Board members shall be 60989
reimbursed for actual travel and necessary expenses incurred in 60990
the carrying out of their responsibilities. 60991

In order to limit access to obscene and illegal materials 60992
through internet use at Ohio Public Library Information Network 60993
(OPLIN) terminals, local libraries with OPLIN computer terminals 60994
shall adopt policies that control access to obscene and illegal 60995
materials. These policies may include use of technological systems 60996
to select or block certain internet access. The OPLIN shall 60997
condition provision of its funds, goods, and services on 60998
compliance with these policies. The OPLIN board shall also adopt 60999
and communicate specific recommendations to local libraries on 61000
methods to control such improper usage. These methods may include 61001
each library implementing a written policy controlling such 61002
improper use of library terminals and requirements for parental 61003
involvement or written authorization for juvenile internet usage. 61004

The OPLIN board shall research and assist or advise local libraries with emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Executive Director shall biannually provide written reports to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in this state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

The Ohio Public Library Information Network, InfoOhio, and OhioLink shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.

TRANSFER TO OPLIN TECHNOLOGY FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, (A) in fiscal year 2002, the Director of Budget and Management shall transfer \$6,361,095 from the Library and Local Government Support Fund (Fund 065) to the OPLIN Technology Fund (Fund 4S4); and (B) in fiscal year 2003, the Director of Budget and Management shall transfer \$6,477,962 from the Library and Local Government Support Fund (Fund 065) to the OPLIN Technology Fund (Fund 4S4).

Section 71. LCO LIQUOR CONTROL COMMISSION

Liquor Control Fund Group				61033	
043 970-321 Operating Expenses	\$	738,135	\$	756,472	61034
TOTAL LCF Liquor Control Fund Group	\$	738,135	\$	756,472	61035

ANNUITY PRIZES 61065

With the approval of the Office of Budget and Management, the 61066
 State Lottery Commission shall transfer cash from the State 61067
 Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund 61068
 (Fund 871) in an amount sufficient to fund deferred prizes. The 61069
 Treasurer of State, from time to time, shall credit the Deferred 61070
 Prizes Trust Fund (Fund 871) the pro rata share of interest earned 61071
 by the Treasurer of State on invested balances. 61072

Any amounts, in addition to the amounts appropriated in 61073
 appropriation item 950-602, Annuity Prizes, that are determined by 61074
 the Director of the State Lottery Commission to be necessary to 61075
 fund deferred prizes and interest earnings are appropriated. 61076

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 61077

The Ohio Lottery Commission shall transfer an amount greater 61078
 than or equal to \$633,722,100 in fiscal year 2002 and \$621,722,600 61079
 in fiscal year 2003 to the Lottery Profits Education Fund. 61080
 Transfers from the Commission to the Lottery Profits Education 61081
 Fund shall represent the estimated net income from operations for 61082
 the Commission and may be supplemented by transfers from the 61083
 Unclaimed Prizes Fund at any time in fiscal year 2002 or fiscal 61084
 year 2003. Transfers by the Commission to the Lottery Profits 61085
 Education Fund shall be administered in accordance with and 61086
 pursuant to the Revised Code. 61087

Section 73. MED STATE MEDICAL BOARD 61088

General Services Fund Group 61089

5C6 883-609 State Medical Board	\$	6,344,740	\$	6,728,301	61090
Operating					

TOTAL GSF General Services 61091

Fund Group	\$	6,344,740	\$	6,728,301	61092
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TOTAL ALL BUDGET FUND GROUPS	\$	6,344,740	\$	6,728,301	61093
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Section 74. DMH DEPARTMENT OF MENTAL HEALTH				61094
Division of General Administration Intragovernmental Service Fund				61095
Group				61096
151 235-601 General Administration	\$ 76,095,310	\$ 78,181,973		61097
TOTAL ISF Intragovernmental				61098
Service Fund Group	\$ 76,095,310	\$ 78,181,973		61099
Division of Mental Health--				61100
Psychiatric Services to Correctional Facilities				61101
General Revenue Fund				61102
GRF 332-401 Forensic Services	\$ 4,259,513	\$ 4,338,858		61103
TOTAL GRF General Revenue Fund	\$ 4,259,513	\$ 4,338,858		61104
TOTAL ALL BUDGET FUND GROUPS	\$ 80,354,823	\$ 82,520,831		61105
FORENSIC SERVICES				61106
The foregoing appropriation item 322-401, Forensic Services,				61107
shall be used to provide psychiatric services to courts of common				61108
pleas. The appropriation shall be allocated through community				61109
mental health boards to certified community agencies and shall be				61110
distributed according to the criteria delineated in rule				61111
5122:4-1-01 of the Administrative Code. These community forensic				61112
funds may also be used to provide forensic training to community				61113
mental health boards and to forensic psychiatry residency programs				61114
in hospitals operated by the Department of Mental Health and to				61115
provide evaluations of patients of forensic status in facilities				61116
operated by the Department of Mental Health prior to conditional				61117
release to the community.				61118
In addition, appropriation item 332-401, Forensic Services,				61119
may be used to support projects involving mental health, substance				61120
abuse, courts, and law enforcement to identify and develop				61121
appropriate alternative services to institutionalization for				61122
nonviolent mentally ill offenders, and to provide linkage to				61123
community services for severely mentally disabled offenders				61124

released from institutions operated by the Department of				61125	
Rehabilitation and Correction. Funds may also be utilized to				61126	
provide forensic monitoring and tracking in addition to community				61127	
programs serving persons of forensic status on conditional release				61128	
or probation.				61129	
Division of Mental Health--				61130	
Administration and Statewide Programs				61131	
General Revenue Fund				61132	
GRF 333-100 Personal Services -	\$	17,024,323	\$	16,807,353	61133
Central Administration					
GRF 333-200 Maintenance - Central	\$	2,276,155	\$	2,318,555	61134
Administration					
GRF 333-300 Equipment - Central	\$	490,894	\$	500,038	61135
Administration					
GRF 333-402 Resident Trainees	\$	1,472,858	\$	1,500,294	61136
GRF 333-403 Pre-Admission	\$	638,246	\$	650,135	61137
Screening Expenses					
GRF 333-415 Lease-Rental Payments	\$	24,754,900	\$	26,275,300	61138
GRF 333-416 Research Program	\$	956,224	\$	972,178	61139
Evaluation					
TOTAL GRF General Revenue Fund	\$	47,613,600	\$	49,023,853	61140
General Services Fund Group				61141	
149 333-609 Central Office Rotary	\$	2,013,823	\$	2,037,918	61142
- Operating					
TOTAL General Services Fund Group	\$	2,013,823	\$	2,037,918	61143
Federal Special Revenue Fund Group				61144	
3A7 333-612 Social Services Block	\$	25,000	\$	25,000	61145
Grant					
3A8 333-613 Federal Grant -	\$	87,000	\$	58,000	61146
Administration					
3A9 333-614 Mental Health Block	\$	642,264	\$	642,264	61147
Grant					

3B1	333-635	Community Medicaid Expansion	\$	6,550,000	\$	5,550,000	61148
324	333-605	Medicaid/Medicare	\$	379,009	\$	375,219	61149
TOTAL Federal Special Revenue							61150
Fund Group			\$	7,683,273	\$	6,650,483	61151
State Special Revenue Fund Group							61152
4X5	333-607	Behavioral Health Medicaid Services	\$	2,759,400	\$	2,828,385	61153
485	333-632	Mental Health Operating	\$	130,959	\$	134,233	61154
5M2	333-602	PWLC Campus Improvement	\$	1,000,000	\$	0	61155
TOTAL State Special Revenue							61156
Fund Group			\$	3,890,359	\$	2,962,618	61157
TOTAL ALL BUDGET FUND GROUPS			\$	61,201,055	\$	60,674,872	61158

RESIDENCY TRAINEESHIP PROGRAMS 61159

The foregoing appropriation item 333-402, Resident Trainees, 61160
shall be used to fund training agreements entered into by the 61161
Department of Mental Health for the development of curricula and 61162
the provision of training programs to support public mental health 61163
services. 61164

PRE-ADMISSION SCREENING EXPENSES 61165

The foregoing appropriation item 333-403, Pre-Admission 61166
Screening Expenses, shall be used to pay for costs to ensure that 61167
uniform statewide methods for pre-admission screening are in place 61168
to perform assessments for persons in need of mental health 61169
services or for whom institutional placement in a hospital or in 61170
another inpatient facility is sought. Pre-admission screening 61171
includes the following activities: pre-admission assessment, 61172
consideration of continued stay requests, discharge planning and 61173
referral, and adjudication of appeals and grievance procedures. 61174

RENTAL PAYMENTS TO THE OHIO PUBLIC FACILITIES COMMISSION				61175	
The foregoing appropriation item 333-415, Lease-Rental				61176	
Payments, shall be used to meet all payments at the times they are				61177	
required to be made during the period from July 1, 2001, to June				61178	
30, 2003, by the Department of Mental Health pursuant to leases				61179	
and agreements made under section 154.20 of the Revised Code, but				61180	
limited to the aggregate amount of \$51,030,200. Nothing in this				61181	
act shall be deemed to contravene the obligation of the state to				61182	
pay, without necessity for further appropriation, from the sources				61183	
pledged thereto, the bond service charges on obligations issued				61184	
pursuant to section 154.20 of the Revised Code.				61185	
Section 74.01. DIVISION OF MENTAL HEALTH - HOSPITALS				61186	
General Revenue Fund				61187	
GRF 334-408 Community and Hospital	\$	356,469,071	\$	352,719,838	61188
Mental Health Services					
GRF 334-506 Court Costs	\$	958,791	\$	976,652	61189
TOTAL GRF General Revenue Fund	\$	357,427,862	\$	353,696,490	61190
General Services Fund Group				61191	
149 334-609 Hospital Rotary -	\$	10,451,492	\$	10,451,492	61192
Operating Expenses					
150 334-620 Special Education	\$	152,500	\$	152,500	61193
TOTAL GSF General Services				61194	
Fund Group	\$	10,603,992	\$	10,603,992	61195
Federal Special Revenue Fund Group				61196	
3A8 334-613 Federal Letter of	\$	9,000	\$	0	61197
Credit					
3B0 334-617 Elementary and	\$	202,774	\$	214,340	61198
Secondary Education					
Act					
3B1 334-635 Hospital Medicaid	\$	2,000,000	\$	2,000,000	61199
Expansion					

324	334-605	Medicaid/Medicare	\$	8,791,748	\$	9,043,700	61200
5L2	334-619	Health	\$	131,600	\$	94,869	61201
		Foundation/Greater Cincinnati					
TOTAL FED Federal Special Revenue							61202
Fund Group			\$	11,135,122	\$	11,352,909	61203
State Special Revenue Fund Group							61204
485	334-632	Mental Health	\$	1,991,448	\$	1,989,912	61205
		Operating					
692	334-636	Community Mental	\$	361,323	\$	370,356	61206
		Health Board Risk Fund					
TOTAL SSR State Special Revenue							61207
Fund Group			\$	2,352,771	\$	2,360,268	61208
TOTAL ALL BUDGET FUND GROUPS			\$	381,519,747	\$	378,013,659	61209
COMMUNITY MENTAL HEALTH BOARD RISK FUND							61210
The foregoing appropriation item 334-636, Community Mental							61211
Health Board Risk Fund, shall be used to make payments pursuant to							61212
section 5119.62 of the Revised Code.							61213
Section 74.02. DIVISION OF MENTAL HEALTH - COMMUNITY SUPPORT							61214
SERVICES							61215
General Revenue Fund							61216
GRF	335-419	Community Medication	\$	7,682,295	\$	7,701,549	61217
		Subsidy					
GRF	335-502	Community Mental	\$	38,166,674	\$	38,166,674	61218
		Health Programs					
GRF	335-508	Services for Severely	\$	60,405,135	\$	60,905,135	61219
		Mentally Disabled					
TOTAL GRF General Revenue Fund			\$	106,254,104	\$	106,773,358	61220
General Services Fund Group							61221
4N8	335-606	Family Stability	\$	7,460,600	\$	7,647,115	61222

		Incentive				
4P9	335-604	Community Mental	\$	200,000	\$	200,000 61223
		Health Projects				
		TOTAL GSF General Services				61224
		Fund Group	\$	7,660,600	\$	7,847,115 61225
		Federal Special Revenue Fund Group				61226
3A7	335-612	Social Services Block	\$	9,314,108	\$	9,314,108 61227
		Grant				
3A8	335-613	Federal Grant -	\$	960,000	\$	960,000 61228
		Community Mental				
		Health Board Subsidy				
3A9	335-614	Mental Health Block	\$	12,754,654	\$	12,737,654 61229
		Grant				
3B1	335-635	Community Medicaid	\$	157,480,000	\$	165,355,000 61230
		Expansion				
		State Special Revenue Fund Group				61231
632	335-616	Community Capital	\$	250,000	\$	250,000 61232
		Replacement				
		TOTAL SSR State Special Revenue	\$	250,000	\$	250,000 61233
		Fund Group				
		TOTAL FED Federal Special Revenue				61234
		Fund Group	\$	180,508,762	\$	188,366,762 61235
		TOTAL ALL BUDGET FUND GROUPS	\$	294,673,466	\$	303,237,235 61236
		DEPARTMENT TOTAL				61237
		GENERAL REVENUE FUND	\$	515,555,079	\$	513,832,559 61238
		DEPARTMENT TOTAL				61239
		GENERAL SERVICES FUND GROUP	\$	20,278,415	\$	20,489,025 61240
		DEPARTMENT TOTAL				61241
		FEDERAL SPECIAL REVENUE				61242
		FUND GROUP	\$	199,327,157	\$	206,370,154 61243
		DEPARTMENT TOTAL				61244
		STATE SPECIAL REVENUE FUND GROUP	\$	6,493,130	\$	5,572,886 61245

DEPARTMENT TOTAL				61246	
INTRAGOVERNMENTAL FUND GROUP	\$	76,095,310	\$	78,181,973	61247
TOTAL DEPARTMENT OF MENTAL HEALTH	\$	817,749,091	\$	824,446,597	61248

Section 74.03. COMMUNITY MEDICATION SUBSIDY 61250

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. 61251
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GENERAL COMMUNITY MENTAL HEALTH PROGRAMS 61256

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. 61257
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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. 61260
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MENTAL HEALTH SERVICES FOR SEVERELY MENTALLY DISABLED PERSONS 61266

The foregoing appropriation item 335-508, Services for Severely Mentally Disabled, shall be used to fund mental health services for adults and children who meet or have formerly met criteria established by the Department of Mental Health under its definition of severely mentally disabled. Those adults and children who constitute severely mentally disabled include those with a history of recent or chronic psychiatric hospitalizations, a history of psychosis, a prognosis of continued severe social and adaptive functioning impairment, or those certified impaired by the Social Security Administration for reasons of mental illness. 61267
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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
make payments for free-standing psychiatric hospital inpatient
services as defined in an interagency agreement with the

Department of Job and Family Services.				61308
Section 74.04. To increase the cost-effectiveness of				61309
community mental health services, the Director of Mental Health				61310
shall amend or rescind any rules formerly adopted under section				61311
5119.01 of the Revised Code establishing certification standards				61312
for mental health services that do not improve the quality of				61313
services or the health and safety of clients of the services. The				61314
Director shall amend or rescind the rules not later than ninety				61315
days after the effective date of this section.				61316
Section 75. DMR DEPARTMENT OF MENTAL RETARDATION AND				61317
DEVELOPMENTAL DISABILITIES				61318
Section 75.01. GENERAL ADMINISTRATION AND STATEWIDE SERVICES				61319
General Revenue Fund				61320
GRF 320-321 Central Administration	\$ 11,001,218	\$ 11,361,253		61321
GRF 320-411 Special Olympics	\$ 200,000	\$ 200,000		61322
GRF 320-412 Protective Services	\$ 1,402,498	\$ 1,502,150		61323
GRF 320-415 Lease-Rental Payments	\$ 24,754,900	\$ 26,275,300		61324
TOTAL GRF General Revenue Fund	\$ 37,358,616	\$ 39,338,703		61325
General Services Fund Group				61326
4B5 320-640 Conference/Training	\$ 826,463	\$ 864,496		61327
TOTAL GSF General Services				61328
Fund Group	\$ 826,463	\$ 864,496		61329
Federal Special Revenue Fund Group				61330
3A4 320-605 Administrative Support	\$ 11,964,698	\$ 12,492,892		61331
3A5 320-613 DD Council Operating	\$ 992,486	\$ 992,486		61332
Expenses				61333
TOTAL FED Federal Special Revenue				61334
Fund Group	\$ 12,957,184	\$ 13,485,378		61335
TOTAL ALL GENERAL ADMINISTRATION				61336

AND STATEWIDE SERVICES				61337
BUDGET FUND GROUPS	\$	51,142,263	\$ 53,688,577	61338
LEASE-RENTAL PAYMENTS				61339
The foregoing appropriation item 320-415, Lease-Rental				61340
Payments, shall be used to meet all payments at the times they are				61341
required to be made during the period from July 1, 2001, to June				61342
30, 2003, by the Department of Mental Retardation and				61343
Developmental Disabilities pursuant to leases and agreements made				61344
under section 154.20 of the Revised Code, but limited to the				61345
aggregate amount of \$51,030,200. Nothing in this act shall be				61346
deemed to contravene the obligation of the state to pay, without				61347
necessity for further appropriation, from the sources pledged				61348
thereto, the bond service charges on obligations issued pursuant				61349
to section 154.20 of the Revised Code.				61350
Section 75.02. COMMUNITY SERVICES				61351
General Revenue Fund				61352
GRF 322-405 State Use Program	\$	264,685	\$ 264,685	61353
GRF 322-413 Residential and	\$	154,418,317	\$ 164,539,811	61354
Support				
Services				61355
GRF 322-451 Family Support	\$	7,975,870	\$ 7,975,870	61356
Services				
GRF 322-452 Case Management	\$	8,984,491	\$ 9,874,628	61357
GRF 322-501 County Boards	\$	45,366,297	\$ 46,817,644	61358
Subsidies				
TOTAL GRF General Revenue Fund	\$	217,009,660	\$ 229,722,638	61359
General Services Fund Group				61360
4J6 322-645 Intersystem Services	\$	5,000,000	\$ 5,000,000	61361
for				
Children				61362
4U4 322-606 Community MR and DD	\$	125,000	\$ 131,250	61363

		Trust					
4V1	322-611	Program Support	\$	2,000,000	\$	2,000,000	61364
488	322-603	Residential Services	\$	2,499,188	\$	2,499,188	61365
		Refund					61366
		TOTAL GSF General Services					61367
		Fund Group	\$	9,624,188	\$	9,630,438	61368
		Federal Special Revenue Fund Group					61369
3A4	322-605	Community Program	\$	3,024,047	\$	3,326,452	61370
		Support					
3A4	322-610	Community Residential	\$	5,924,858	\$	5,924,858	61371
		Support					61372
3A5	322-613	DD Council Grants	\$	3,358,290	\$	3,358,290	61373
3G6	322-639	Medicaid Waiver	\$	148,304,949	\$	151,754,169	61374
3M7	322-650	CAFS Medicaid	\$	163,747,903	\$	172,568,939	61375
325	322-608	Federal Grants -	\$	1,360,000	\$	1,360,000	61376
		Operating Expenses					61377
325	322-612	Social Service Block	\$	11,500,000	\$	11,500,000	61378
		Grant					61379
325	322-617	Education Grants -	\$	115,000	\$	115,000	61380
		Operating					61381
		TOTAL FED Federal Special Revenue					61382
		Fund Group	\$	337,335,047	\$	349,907,708	61383
		State Special Revenue Fund Group					61384
4K8	322-604	Waiver - Match	\$	13,783,463	\$	14,039,133	61385
5H0	322-619	Medicaid Repayment	\$	562,080	\$	576,132	61386
		TOTAL SSR State Special Revenue					61387
		Fund Group	\$	14,345,543	\$	14,615,265	61388
		TOTAL ALL COMMUNITY SERVICES					61389
		BUDGET FUND GROUPS	\$	578,314,438	\$	603,626,049	61390
		RESIDENTIAL AND SUPPORT SERVICES					61391
		The foregoing appropriation item 322-413, Residential and					61392
		Support Services, shall be used for any of the following:					61393

(A) Home and community-based waiver services pursuant to Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended;

(B) Services contracted by county boards of mental retardation and developmental disabilities;

(C) Supported living services contracted by county boards of mental retardation and developmental disabilities in accordance with sections 5126.40 to 5126.47 of the Revised Code;

(D) Sermak Class Services used to implement the requirements of the consent decree in *Sermak v. Manuel*, Case No. c-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;

(E) Other Medicaid-reimbursed programs, in an amount not to exceed \$1,000,000 in each fiscal year, that enable persons with mental retardation and developmental disabilities to live in the community.

Notwithstanding Chapters 5123. and 5126. of the Revised Code, the Department of Mental Retardation and Developmental Disabilities may develop residential and support service programs that enable persons with mental retardation and developmental disabilities to live in the community. Notwithstanding Chapter 5121. and section 5123.122 of the Revised Code, the department may waive the support collection requirements of those statutes for persons in community programs developed by the department under this section. The department shall adopt rules under Chapter 119. of the Revised Code or may use existing rules for the implementation of these programs.

The Department of Mental Retardation and Developmental Disabilities may designate a portion of appropriation item 332-413, Residential and Support Services, to county boards of mental retardation and developmental disabilities that have

greater need for various residential and support services due to a 61425
low percentage of residential and support services development in 61426
comparison to the number of individuals with mental retardation or 61427
developmental disabilities in the county. 61428

Not later than 30 days after the effective date of this 61429
section, the Director of Budget and Management shall transfer up 61430
to \$5,000,000 from appropriation item 322-413, Residential and 61431
Support Services, to appropriation item 322-501, County Boards 61432
Subsidies. The total amount that is transferred from appropriation 61433
item 322-413 to appropriation item 322-501 shall be used for the 61434
tax equalization program created under sections 5126.16 to 5126.18 61435
of the Revised Code and is subject to all statutes and rules 61436
established for the tax equalization program. 61437

Not later than July 30, 2002, the Director of Budget and 61438
Management shall transfer up to \$11,500,000 from appropriation 61439
item 322-413, Residential and Support Services, to appropriation 61440
item 322-501, County Boards Subsidies. The total amount that is 61441
transferred from appropriation item 322-413 to appropriation item 61442
322-501 shall be used for the tax equalization program created 61443
under sections 5126.16 to 5126.18 of the Revised Code and is 61444
subject to all statutes and rules established for the tax 61445
equalization program. 61446

Of the foregoing appropriation item 322-413, Residential and 61447
Support Services, \$9,700,000 in fiscal year 2002 and \$9,850,000 in 61448
fiscal year 2003 shall be distributed by the Department to county 61449
boards of mental retardation and developmental disabilities to 61450
support existing residential facilities waiver and individual 61451
options waiver related Medicaid activities provided for in the 61452
component of a county board's plan developed under division (A)(2) 61453
of section 5126.054 of the Revised Code and approved under section 61454
5123.046 of the Revised Code. Up to \$3,000,000 of these funds in 61455
each fiscal year may be used to implement day-to-day program 61456

management services under division (A)(2) of section 5126.054 of 61457
the Revised Code. Up to \$4,200,000 in each fiscal year may be used 61458
to implement the program and health and welfare requirements of 61459
division (A)(2) of section 5126.054 of the Revised Code. 61460

In fiscal years 2002 and 2003, not less than \$2,500,000 and 61461
\$2,650,000, respectively, of these funds shall be used to recruit 61462
and retain, under division (A)(2) of section 5126.054 of the 61463
Revised Code, the direct care staff necessary to implement the 61464
services included in an individualized service plan in a manner 61465
that ensures the health and welfare of the individuals being 61466
served. 61467

FAMILY SUPPORT SERVICES 61468

Notwithstanding sections 5123.171, 5123.19, 5123.20, and 61469
5126.11 of the Revised Code, the Department of Mental Retardation 61470
and Developmental Disabilities may implement programs funded by 61471
appropriation item 322-451, Family Support Services, to provide 61472
assistance to persons with mental retardation or developmental 61473
disabilities and their families who are living in the community. 61474
The department shall adopt rules to implement these programs. 61475

CASE MANAGEMENT 61476

The foregoing appropriation item 322-452, Case Management, 61477
shall be allocated to county boards of mental retardation and 61478
developmental disabilities for the purpose of providing case 61479
management services and to assist in bringing state funding for 61480
all department-approved case managers within county boards of 61481
mental retardation and developmental disabilities to the level 61482
authorized in division (C) of section 5126.15 of the Revised Code. 61483
The department may request approval from the Controlling Board to 61484
transfer any unobligated appropriation authority from other state 61485
General Revenue Fund appropriation items within the department's 61486
budget to appropriation item 322-452, Case Management, to be used 61487

to meet the statutory funding level in division (C) of section 5126.15 of the Revised Code. 61488
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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. 61490
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STATE SUBSIDIES TO MR/DD BOARDS 61494

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. 61495
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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. 61504
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INTERSYSTEM SERVICES FOR CHILDREN 61514

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 61515
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121.37 of the Revised Code. The funds shall be used as partial 61518
support payment and reimbursement for locally coordinated 61519
treatment plans for multi-needs children that come to the 61520
attention of the Family and Children First Cabinet Council 61521
pursuant to section 121.37 of the Revised Code. Any child referred 61522
for funding under this program must have an individualized 61523
educational plan (IEP) in place. The Department of Mental 61524
Retardation and Developmental Disabilities may use up to five per 61525
cent of this amount for administrative expenses associated with 61526
the distribution of funds to the county councils. 61527

WAIVER - MATCH 61528

The foregoing appropriation item 322-604, Waiver-Match (Fund 61529
4K8), shall be used as state matching funds for the home and 61530
community-based waivers. 61531

The Department of Job and Family Services may enter into an 61532
interagency agreement with the Department of Mental Retardation 61533
and Developmental Disabilities providing for the Department of 61534
Mental Retardation and Developmental Disabilities to operate the 61535
program. 61536

Section 75.03. DEVELOPMENTAL CENTER PROGRAM TO DEVELOP A 61537
MODEL BILLING FOR SERVICES RENDERED 61538

Developmental centers of the Department of Mental Retardation 61539
and Developmental Disabilities may provide services to persons 61540
with mental retardation or developmental disabilities living in 61541
the community or to providers of services to these persons. The 61542
department may develop a methodology for recovery of all costs 61543
associated with the provisions of these services. 61544

Section 75.04. RENAMING OF CASE MANAGEMENT SERVICES 61545

As used in this section, "service and support administration" 61546

has the same meaning as in section 5126.01 of the Revised Code, as 61547
amended by this act. 61548

Wherever case management services are referred to in any law, 61549
contract, or other document, the reference shall be deemed to 61550
refer to service and support administration. No action or 61551
proceeding pending on the effective date of this section is 61552
affected by the renaming of case management services as service 61553
and support administration. 61554

The Department of Mental Retardation and Developmental 61555
Disabilities shall adopt, amend, and rescind rules as necessary to 61556
reflect the renaming of case management services as service and 61557
support administration. All boards of mental retardation and 61558
developmental disabilities and the entities with which they 61559
contract for services shall rename the titles of their employees 61560
who provide service and support administration. All boards and 61561
contracting entities shall make corresponding changes to all 61562
employment contracts. 61563

Section 75.05. RESIDENTIAL FACILITIES 61564

General Revenue Fund 61565

GRF 323-321 Residential Facilities	\$	100,515,232	\$	100,667,289	61566
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Operations					61567
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TOTAL GRF General Revenue Fund	\$	100,515,232	\$	100,667,289	61568
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General Services Fund Group 61569

152 323-609 Residential Facilities	\$	889,929	\$	912,177	61570
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Support					61571
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TOTAL GSF General Services					61572
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Fund Group	\$	889,929	\$	912,177	61573
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Federal Special Revenue Fund Group 61574

3A4 323-605 Residential Facilities	\$	120,985,419	\$	120,985,419	61575
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Reimbursement					61576
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325 323-608	Federal Grants -	\$	532,000	\$	536,000	61577
	Subsidies					61578
325 323-617	Education Grants -	\$	411,000	\$	411,000	61579
	Residential Facilities					61580
TOTAL FED	Federal Special Revenue					61581
Fund Group		\$	121,928,419	\$	121,932,419	61582
State Special Revenue	Fund Group					61583
489 323-632	Operating Expense	\$	11,506,603	\$	12,125,628	61584
TOTAL SSR	State Special Revenue					61585
Fund Group		\$	11,506,603	\$	12,125,628	61586
TOTAL ALL RESIDENTIAL FACILITIES						61587
BUDGET FUND GROUPS		\$	234,840,183	\$	235,637,513	61588
DEPARTMENT TOTAL						61589
GENERAL REVENUE FUND		\$	354,883,508	\$	369,478,630	61590
DEPARTMENT TOTAL						61591
GENERAL SERVICES FUND GROUP		\$	11,340,580	\$	11,407,111	61592
DEPARTMENT TOTAL						61593
FEDERAL SPECIAL REVENUE FUND GROUP		\$	472,220,650	\$	485,325,505	61594
DEPARTMENT TOTAL						61595
STATE SPECIAL REVENUE FUND GROUP		\$	25,852,146	\$	26,740,893	61596
TOTAL DEPARTMENT OF MENTAL						61597
RETARDATION AND DEVELOPMENTAL						61598
DISABILITIES		\$	864,296,884	\$	892,952,139	61599

Section 75.06. (A) There is hereby created the Executive 61601
Branch Committee on Medicaid Redesign and Expansion of MRDD 61602
Services. The committee shall consist of all of the following 61603
individuals: 61604

(1) One representative of the Governor appointed by the 61605
Governor; 61606

(2) Two representatives of the Department of Mental 61607
Retardation and Developmental Disabilities appointed by the 61608

Director of Mental Retardation and Developmental Disabilities;	61609
(3) Two representatives of the Department of Job and Family Services appointed by the Director of Job and Family Services;	61610 61611
(4) One representative of the Office of Budget and Management appointed by the Director of Budget and Management;	61612 61613
(5) One representative of The Arc of Ohio appointed by the organization's board of trustees;	61614 61615
(6) One representative of the Ohio Association of County Boards of Mental Retardation and Developmental Disabilities appointed by the association's board of trustees;	61616 61617 61618
(7) One representative of the Ohio Superintendents of County Boards of Mental Retardation and Developmental Disabilities appointed by the organization's board of trustees;	61619 61620 61621
(8) One representative of the Ohio Provider Resource Association appointed by the association's board of trustees;	61622 61623
(9) One representative of the Ohio Health Care Association appointed by the association's board of trustees;	61624 61625
(10) One representative of individuals with mental retardation or other developmental disability appointed by the Director of Mental Retardation and Developmental Disabilities.	61626 61627 61628
(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.	61629 61630 61631 61632 61633
(C) The committee shall meet at times determined by the chairperson to do all of the following:	61634 61635
(1) Review the effect that the provisions of this act regarding Medicaid funding for services to individuals with mental	61636 61637

retardation or other developmental disability have on the funding 61638
and provision of services to such individuals; 61639

(2) Identify issues related to, and barriers to, the 61640
effective implementation of those provisions of this act with the 61641
goal of meeting the needs of individuals with mental retardation 61642
or other developmental disability; 61643

(3) Establish effective means for resolving the issues and 61644
barriers, including advocating changes to state law, rules, or 61645
both. 61646

(D) The committee shall finish a preliminary report on its 61647
actions no later than one year after the effective date of this 61648
section and a final report on its actions no later than three 61649
years after the effective date of this section. The committee 61650
shall submit the reports to the Governor and Directors of Mental 61651
Retardation and Developmental Disabilities and Job and Family 61652
Services. The committee shall cease to exist on submission of the 61653
final report unless the Governor issues an executive order 61654
providing for the committee to continue. 61655

Section 76. MIH COMMISSION ON MINORITY HEALTH 61656

General Revenue Fund 61657

GRF 149-321 Operating Expenses	\$	635,218	\$	638,229	61658
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GRF 149-501 Minority Health Grants	\$	954,360	\$	951,348	61659
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GRF 149-502 Lupus Program	\$	179,206	\$	179,206	61660
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TOTAL GRF General Revenue Fund	\$	1,768,784	\$	1,768,783	61661
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Federal Special Revenue Fund Group 61662

3J9 149-602 Federal Grants	\$	155,000	\$	150,000	61663
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TOTAL FED Federal Special Revenue					61664
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Fund Group	\$	155,000	\$	150,000	61665
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State Special Revenue Fund Group 61666

4C2 149-601 Minority Health	\$	369,194	\$	320,776	61667
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Conference

TOTAL SSR State Special Revenue				61668
Fund Group	\$	369,194	\$ 320,776	61669
TOTAL ALL BUDGET FUND GROUPS	\$	2,292,978	\$ 2,239,559	61670

LUPUS PROGRAM 61671

The foregoing appropriation item 149-502, Lupus Program, 61672
shall be used to provide grants for programs in patient, public, 61673
and professional education on the subject of systemic lupus 61674
erythematosus; to encourage and develop local centers on lupus 61675
information gathering and screening; and to provide outreach to 61676
minority women. 61677

Section 77. CRB MOTOR VEHICLE COLLISION REPAIR 61678

REGISTRATION BOARD 61679

General Service Fund Group				61680
5H9 865-609 Operating Expenses	\$	250,025	\$ 262,952	61681
TOTAL GSF General Services				61682
Fund Group	\$	250,025	\$ 262,952	61683
TOTAL ALL BUDGET FUND GROUPS	\$	250,025	\$ 262,952	61684

Section 78. DNR DEPARTMENT OF NATURAL RESOURCES 61686

General Revenue Fund				61687
GRF 725-401 Wildlife - GRF Central	\$	750,000	\$ 750,000	61688
Support				
GRF 725-404 Fountain Square Rental	\$	1,092,400	\$ 1,089,100	61689
Payments - OBA				
GRF 725-407 Conservation Reserve	\$	1,920,400	\$ 1,920,400	61690
Enhancement Program				
GRF 725-412 Reclamation Commission	\$	67,123	\$ 70,971	61691
GRF 725-413 OPFC Lease Rental	\$	16,211,500	\$ 14,279,000	61692
Payments				
GRF 725-423 Stream and Ground	\$	448,745	\$ 478,214	61693

		Water Gauging					
GRF	725-425	Wildlife License	\$	1,000,000	\$	1,000,000	61694
		Reimbursement					
GRF	725-456	Canal Lands	\$	397,811	\$	407,756	61695
GRF	725-502	Soil and Water	\$	12,126,462	\$	12,621,123	61696
		Districts					
GRF	725-903	Natural Resources	\$	19,001,100	\$	22,101,900	61697
		General Obligation					
		Debt Service					
GRF	725-904	Conservation General	\$	1,595,000	\$	6,695,000	61698
		Obligation Debt					
		Service					
GRF	727-321	Division of Forestry	\$	10,209,173	\$	10,888,345	61699
GRF	728-321	Division of Geological	\$	2,269,911	\$	2,432,974	61700
		Survey					
GRF	729-321	Office of Information	\$	1,072,960	\$	1,985,667	61701
		Technology					
GRF	730-321	Division of Parks and	\$	35,651,542	\$	37,972,382	61702
		Recreation					
GRF	733-321	Division of Water	\$	4,035,213	\$	4,234,581	61703
GRF	736-321	Division of	\$	3,709,501	\$	3,918,766	61704
		Engineering					
GRF	737-321	Division of Soil and	\$	4,675,812	\$	4,879,744	61705
		Water					
GRF	738-321	Division of Real	\$	2,540,554	\$	2,669,042	61706
		Estate and Land					
		Management					
GRF	741-321	Division of Natural	\$	3,439,427	\$	3,616,940	61707
		Areas and Preserves					
GRF	744-321	Division of Mineral	\$	3,946,725	\$	4,162,882	61708
		Resources Management					
TOTAL GRF		General Revenue Fund	\$	126,161,359	\$	138,174,787	61709
		General Services Fund Group					61710

As Reported by the Committee of Conference*

155	725-601	Departmental Projects	\$	2,216,594	\$	1,913,242	61711
157	725-651	Central Support	\$	8,009,551	\$	8,423,094	61712
		Indirect					
158	725-604	Natural Resources	\$	94,198	\$	94,595	61713
		Publication Center					
		Intrastate					
161	725-635	Parks Facilities	\$	2,993,169	\$	3,063,124	61714
		Maintenance					
162	725-625	Civilian Conservation	\$	7,885,349	\$	8,058,715	61715
		Corps Operations					
204	725-687	Information Services	\$	3,010,774	\$	3,971,856	61716
206	725-689	REALM Support Services	\$	475,000	\$	475,000	61717
207	725-690	Real Estate Services	\$	50,000	\$	54,000	61718
4D5	725-618	Recycled Materials	\$	50,000	\$	50,000	61719
4S9	725-622	NatureWorks Personnel	\$	759,143	\$	832,528	61720
4X8	725-662	Water Resources	\$	275,633	\$	282,524	61721
		Council					
430	725-671	Canal Lands	\$	1,215,441	\$	1,259,511	61722
508	725-684	Natural Resources	\$	239,538	\$	245,808	61723
		Publication Center					
		Interstate					
510	725-631	Maintenance -	\$	224,926	\$	229,710	61724
		state-owned residences					
516	725-620	Water Management	\$	2,459,256	\$	2,522,146	61725
635	725-664	Fountain Square	\$	2,755,109	\$	2,821,999	61726
		Facilities Management					
697	725-670	Submerged Lands	\$	589,315	\$	615,000	61727
TOTAL GSF General Services							61728
Fund Group			\$	33,302,996	\$	34,912,852	61729
Federal Special Revenue Fund Group							61730
3B3	725-640	Federal Forest	\$	55,000	\$	55,000	61731
		Pass-Thru					
3B4	725-641	Federal Flood	\$	190,000	\$	190,000	61732

		Pass-Thru					
3B5	725-645	Federal Abandoned Mine Lands	\$	9,908,408	\$	10,125,056	61733
3B6	725-653	Federal Land and Water Conservation Grants	\$	3,559,697	\$	3,689,697	61734
3B7	725-654	Reclamation - Regulatory	\$	1,788,579	\$	1,799,459	61735
3P0	725-630	Natural Areas and Preserves - Federal	\$	230,000	\$	230,000	61736
3P1	725-632	Geological Survey - Federal	\$	381,910	\$	366,303	61737
3P2	725-642	Oil and Gas-Federal	\$	189,701	\$	190,289	61738
3P3	725-650	Real Estate and Land Management - Federal	\$	2,980,975	\$	3,184,300	61739
3P4	725-660	Water - Federal	\$	180,000	\$	180,000	61740
3R5	725-673	Acid Mine Drainage Abatement/Treatment	\$	600,000	\$	613,200	61741
328	725-603	Forestry Federal	\$	1,200,000	\$	1,200,000	61742
332	725-669	Federal Mine Safety Grant	\$	136,423	\$	141,880	61743
TOTAL FED		Federal Special Revenue Fund Group	\$	21,400,693	\$	21,965,184	61744
		State Special Revenue Fund Group					61746
4J2	725-628	Injection Well Review	\$	51,742	\$	61,638	61747
4M7	725-631	Wildfire Suppression	\$	150,310	\$	150,000	61748
4U6	725-668	Scenic Rivers Protection	\$	500,000	\$	510,000	61749
5B3	725-674	Mining Regulation	\$	35,000	\$	35,000	61750
5K1	725-626	Urban Forestry Grant	\$	400,000	\$	400,000	61751
5P2	725-634	Wildlife Boater Angler Administration	\$	1,500,000	\$	1,500,000	61752
509	725-602	State Forest	\$	1,489,013	\$	1,536,595	61753
511	725-646	Ohio Geologic Mapping	\$	1,010,933	\$	1,070,899	61754

As Reported by the Committee of Conference*

512	725-605	State Parks Operations	\$	28,844,322	\$	29,915,146	61755
514	725-606	Lake Erie Shoreline	\$	1,171,052	\$	1,446,305	61756
518	725-643	Oil and Gas Permit Fees	\$	1,821,252	\$	1,821,325	61757
518	725-677	Oil and Gas Well Plugging	\$	800,000	\$	800,000	61758
521	725-627	Off-Road Vehicle Trails	\$	66,213	\$	68,490	61759
522	725-656	Natural Areas Checkoff Funds	\$	1,508,080	\$	1,860,670	61760
526	725-610	Strip Mining Administration Fees	\$	1,480,566	\$	1,449,459	61761
527	725-637	Surface Mining Administration	\$	2,963,272	\$	3,093,938	61762
529	725-639	Unreclaimed Land Fund	\$	1,964,744	\$	2,040,327	61763
531	725-648	Reclamation Forfeiture	\$	1,455,835	\$	1,491,087	61764
532	725-644	Litter Control and Recycling	\$	13,137,680	\$	13,311,365	61765
586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	61766
615	725-661	Dam Safety	\$	244,442	\$	259,758	61767
TOTAL SSR State Special Revenue							61768
Fund Group			\$	61,594,456	\$	63,822,002	61769
Wildlife Fund Group							61770
015	740-401	Division of Wildlife Conservation	\$	46,177,752	\$	48,713,747	61771
815	725-636	Cooperative Management Projects	\$	156,536	\$	160,449	61772
816	725-649	Wetlands Habitat	\$	943,303	\$	966,885	61773
817	725-655	Wildlife Conservation Checkoff Fund	\$	1,435,567	\$	1,472,755	61774
818	725-629	Cooperative Fisheries Research	\$	964,470	\$	988,582	61775
819	725-685	Ohio River Management	\$	125,448	\$	128,584	61776

TOTAL WLF Wildlife Fund Group	\$	49,803,076	\$	52,431,002	61777
Waterways Safety Fund Group					61778
086 725-414 Waterways Improvement	\$	3,301,688	\$	3,472,497	61779
086 725-416 Natural Areas Marine Patrol	\$	25,000	\$	0	61780
086 725-417 Parks Marine Patrol	\$	25,000	\$	0	61781
086 725-418 Buoy Placement	\$	41,153	\$	42,182	61782
086 725-501 Waterway Safety Grants	\$	134,504	\$	137,867	61783
086 725-506 Watercraft Marine Patrol	\$	562,100	\$	576,153	61784
086 725-513 Watercraft Educational Grants	\$	357,700	\$	366,643	61785
086 739-401 Division of Watercraft	\$	16,579,526	\$	17,374,158	61786
TOTAL WSF Waterways Safety Fund Group	\$	21,026,671	\$	21,969,500	61787 61788
Holding Account Redistribution Fund Group					61789
R17 725-659 Performance Cash Bond Refunds	\$	251,500	\$	252,000	61790
R43 725-624 Forestry	\$	1,750,000	\$	1,750,000	61791
TOTAL 090 Holding Account Redistribution Fund Group	\$	2,001,500	\$	2,002,000	61792 61793
Accrued Leave Liability Fund Group					61794
4M8 725-675 FOP Contract	\$	19,609	\$	20,844	61795
TOTAL ALF Accrued Leave Liability Fund Group	\$	19,609	\$	20,844	61796 61797
TOTAL ALL BUDGET FUND GROUPS	\$	315,310,360	\$	335,298,171	61798

The review and acceptance of amended articles of dedication 61799
under section 1517.05 of the Revised Code, as amended by this act, 61800
is an administrative function that is performed by the Department 61801
of Natural Resources. The amendments to that section clarify the 61802
manner in which such reviews are to be conducted. The reviews 61803
contemplated by section 1517.05 of the Revised Code, as amended by 61804

this act, shall be funded by the general appropriation to the 61805
Department of Natural Resources under this section. 61806

Section 78.01. NATURAL RESOURCES GENERAL OBLIGATION DEBT 61807
SERVICE 61808

The foregoing appropriation item 725-903, Natural Resources 61809
General Obligation Debt Service, shall be used to pay all debt 61810
service and financing costs at the times they are required to be 61811
made pursuant to sections 151.01 and 151.05 of the Revised Code 61812
during the period from July 1, 2001, to June 30, 2003. The Office 61813
of the Sinking Fund or the Director of Budget and Management shall 61814
effectuate the required payments by an intrastate transfer 61815
voucher. 61816

CONSERVATION GENERAL OBLIGATION DEBT SERVICE 61817

The foregoing appropriation item 725-904, Conservation 61818
General Obligation Debt Service, shall be used to pay all debt 61819
service and financing costs during the period from July 1, 2001, 61820
to June 30, 2003, on obligations to be issued for conservation 61821
purposes under Section 2o of Article VIII, Ohio Constitution, and 61822
implementing legislation. The Office of the Sinking Fund or the 61823
Director of Budget and Management shall effectuate the required 61824
payments by an intrastate transfer voucher. 61825

LEASE RENTAL PAYMENTS 61826

The foregoing appropriation item 725-413, OPFC Lease Rental 61827
Payments, shall be used to meet all payments at the times they are 61828
required to be made during the period from July 1, 2001, to June 61829
30, 2003, by the Department of Natural Resources pursuant to 61830
leases and agreements made under section 154.22 of the Revised 61831
Code, but limited to the aggregate amount of \$30,490,500. Nothing 61832
in this act shall be deemed to contravene the obligation of the 61833
state to pay, without necessity for further appropriation, from 61834

the sources pledged thereto, the bond service charges on 61835
obligations issued pursuant to section 154.22 of the Revised Code. 61836

FOUNTAIN SQUARE 61837

The foregoing appropriation item 725-404, Fountain Square 61838
Rental Payments - OBA, shall be used by the Department of Natural 61839
Resources to meet all payments required to be made to the Ohio 61840
Building Authority during the period from July 1, 2001, to June 61841
30, 2003, pursuant to leases and agreements with the Ohio Building 61842
Authority under section 152.241 of the Revised Code, but limited 61843
to the aggregate amount of \$2,181,500. 61844

The Director of Natural Resources, using intrastate transfer 61845
vouchers, shall make payments to the General Revenue Fund from 61846
funds other than the General Revenue Fund to reimburse the General 61847
Revenue Fund for the other funds' shares of the lease rental 61848
payments to the Ohio Building Authority. The transfers from the 61849
non-General Revenue funds shall be made within 10 days of the 61850
payment to the Ohio Building Authority for the actual amounts 61851
necessary to fulfill the leases and agreements pursuant to section 61852
152.241 of the Revised Code. 61853

The foregoing appropriation item 725-664, Fountain Square 61854
Facilities Management (Fund 635), shall be used for payment of 61855
repairs, renovation, utilities, property management, and building 61856
maintenance expenses for the Fountain Square Complex. Cash 61857
transferred by intrastate transfer vouchers from various 61858
department funds and rental income received by the Department of 61859
Natural Resources shall be deposited to the Fountain Square 61860
Facilities Management Fund (Fund 635). 61861

Section 78.02. CENTRAL SUPPORT INDIRECT 61862

With the exception of the Division of Wildlife, whose 61863
indirect central support charges shall be paid out of the General 61864

Revenue Fund from the foregoing appropriation item 725-401, 61865
Wildlife - GRF Central Support, the Department of Natural 61866
Resources, with the approval of the Director of Budget and 61867
Management, shall utilize a methodology for determining each 61868
division's payments into the Central Support Indirect Fund (Fund 61869
157). The methodology used shall contain the characteristics of 61870
administrative ease and uniform application. Payments to the 61871
Central Support Indirect Fund shall be made using an intrastate 61872
transfer voucher. 61873

WILDLIFE LICENSE REIMBURSEMENT 61874

Notwithstanding the limits of the transfer from the General 61875
Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 61876
of the Revised Code, up to the amount available in appropriation 61877
item 725-425, Wildlife License Reimbursement, may be transferred 61878
from the General Revenue Fund to the Wildlife Fund (Fund 015). 61879
Pursuant to the certification of the Director of Budget and 61880
Management of the amount of foregone revenue in accordance with 61881
section 1533.15 of the Revised Code, the foregoing appropriation 61882
item in the General Revenue Fund, appropriation item 725-425, 61883
Wildlife License Reimbursement, shall be used to reimburse the 61884
Wildlife Fund (Fund 015) for the cost of hunting and fishing 61885
licenses and permits issued after June 30, 1990, to individuals 61886
who are exempted under the Revised Code from license, permit, and 61887
stamp fees. 61888

SOIL AND WATER DISTRICTS 61889

In addition to state payments to soil and water conservation 61890
districts authorized by section 1515.10 of the Revised Code, the 61891
Department of Natural Resources may pay to any soil and water 61892
conservation district, from authority in appropriation item 61893
725-502, Soil and Water Districts, an annual amount not to exceed 61894
\$30,000, upon receipt of a request and justification from the 61895
district and approval by the Ohio Soil and Water Conservation 61896

Commission. The county auditor shall credit the payments to the
special fund established under section 1515.10 of the Revised Code
for the local soil and water conservation district. Moneys
received by each district shall be expended for the purposes of
the district.

Of the foregoing appropriation item 725-502, Soil and Water
Districts, \$150,000 in each fiscal year shall be distributed to
the Muskingum Watershed Conservancy District and \$50,000 in each
fiscal year shall be distributed to the Livestock Assurance
Program.

Of the foregoing appropriation 725-502, Soil and Water
Districts, \$136,000 shall be earmarked in fiscal year 2002 for
Indian Lake, \$56,000 per fiscal year for the Conservation Action
Program, \$48,000 in fiscal year 2002 for Millcreek Valley
Conservation District, \$40,000 per fiscal year for Wills Creek
Reservoir, \$120,000 in fiscal year 2002 for the relocation of
Route 30, \$250,000 in fiscal year 2002 for the Upper Hocking and
Rush Creek Flood Control project, and \$100,000 per fiscal year for
Rush Creek Conservancy District. Of the foregoing appropriation
item 725-502, Soil and Water Districts, \$150,000 shall be
earmarked in each fiscal year for the Loramie Lake Project.

DIVISION OF PARKS AND RECREATION 61918

Of the foregoing appropriation item 730-321, Division of
Parks and Recreation, \$125,000 per year shall be earmarked for the
Somerset Park Improvement and \$125,000 per year shall be earmarked
for the New Lexington Recreation Center.

DIVISION OF SOIL AND WATER 61923

Of the foregoing appropriation item 737-321, Division of Soil
and Water, \$220,000 in each fiscal year shall be distributed to
the Water Quality Laboratory located at Heidelberg College.

CANAL LANDS 61927

The foregoing appropriation item 725-456, Canal Lands, shall 61928
be used to transfer funds to the Canal Lands Fund (Fund 430) to 61929
provide operating expenses for the State Canal Lands Program. The 61930
transfer shall be made using an intrastate transfer voucher and 61931
shall be subject to the approval of the Director of Budget and 61932
Management. 61933

WATERCRAFT MARINE PATROL 61934

Of the foregoing appropriation item 739-401, Division of 61935
Watercraft, not more than \$200,000 in each fiscal year shall be 61936
expended for the purchase of equipment for marine patrols 61937
qualifying for funding from the Department of Natural Resources 61938
pursuant to section 1547.67 of the Revised Code. Proposals for 61939
equipment shall accompany the submission of documentation for 61940
receipt of a marine patrol subsidy pursuant to section 1547.67 of 61941
the Revised Code and shall be loaned to eligible marine patrols 61942
pursuant to a cooperative agreement between the Department of 61943
Natural Resources and the eligible marine patrol. 61944

FUND CONSOLIDATION 61945

On July 15, 2001, or as soon thereafter as possible, the 61946
Director of Budget and Management shall transfer the cash balances 61947
of the Wildlife Education Fund (Fund 81A) as of June 30, 2001, and 61948
any amounts that accrue to that fund after that date, to the 61949
Wildlife Education Fund (Fund 015). The Director shall cancel any 61950
remaining outstanding encumbrances against appropriation item 61951
725-612, Wildlife Education, and reestablish them against 61952
appropriation item 740-401, Division of Wildlife Conservation. The 61953
amounts of any encumbrances canceled and reestablished are 61954
appropriated. 61955

On July 15, 2001, or as soon thereafter as possible, the 61956
Director of Budget and Management shall transfer the cash balances 61957
of the Cooperative Boat Harbor Projects Fund (Fund 880) as of June 61958

30, 2001, and any amounts that accrue to that fund after that
date, to the Waterways Safety Fund (Fund 086). The director shall
cancel any remaining outstanding encumbrances against
appropriation item 725-614, Cooperative Boat Harbor Projects, and
reestablish them against appropriation item 739-401, Division of
Watercraft. The amounts of any encumbrances canceled and
reestablished are hereby appropriated.

On July 15, 2001, or as soon thereafter as possible, the
Director of Budget and Management shall transfer the cash balances
of the Forestry Development Fund (Fund 4B8) as of June 30, 2001,
and any amounts that accrue to that fund after that date, to the
State Forest Fund (Fund 509). The director shall cancel any
remaining outstanding encumbrances against appropriation item
725-617, Forestry Development Fund, and reestablish them against
appropriation item 725-602, State Forest. The amounts of any
encumbrances canceled and reestablished are appropriated. No
interest shall be credited to Fund 4B8 after June 30, 2001.

On July 15, 2001, or as soon thereafter as possible, the
Director of Budget and Management shall transfer the cash balance
in the Burr Oak Water Plant Fund (Fund 519), which is abolished by
the repeal of section 1507.12 of the Revised Code in this act, to
the Burr Oak Regional Water District.

PARKS FACILITIES MAINTENANCE

Notwithstanding section 1541.221 of the Revised Code, the
first \$1,100,000 that would be transferred to the Parks Facilities
Maintenance Fund (Fund 161) in fiscal year 2002 shall be retained
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 61990

The foregoing appropriation item 725-677, Oil and Gas Well 61991
Plugging, shall be used exclusively for the purposes of plugging 61992
wells and to properly restore the land surface of idle and orphan 61993
oil and gas wells pursuant to section 1509.071 of the Revised 61994
Code. No funds from the appropriation item shall be used for 61995
salaries, maintenance, equipment, or other administrative 61996
purposes, except for those costs directly attributed to the 61997
plugging of an idle or orphan well. Appropriation authority from 61998
this line item shall not be transferred to any other fund or line 61999
item. 62000

Section 79. NUR STATE BOARD OF NURSING 62001

General Services Fund Group 62002

4K9 884-609 Operating Expenses	\$	4,816,241	\$	5,205,776	62003
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5P8 884-601 Nursing Special Issues	\$	5,000	\$	5,000	62004
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TOTAL GSF General Services 62005

Fund Group	\$	4,821,241	\$	5,210,776	62006
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TOTAL ALL BUDGET FUND GROUPS	\$	4,821,241	\$	5,210,776	62007
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NURSING SPECIAL ISSUES 62008

Not later than thirty days after the effective date of this 62009
section, the Director of Budget and Management shall transfer 62010
\$5,000 cash from the Occupational Licensing and Regulatory Fund 62011
(Fund 4K9) to the Nursing Special Issues Fund (Fund 5P8). 62012

Not later than July 30, 2002, the Director of Budget and 62013
Management shall transfer \$5,000 cash from the Occupational 62014
Licensing and Regulatory Fund (Fund 4K9) to the Nursing Special 62015
Issues Fund (Fund 5P8). 62016

The foregoing appropriation item 884-601, Nursing Special 62017
Issues (Fund 5P8), shall be used to pay the costs the Board of 62018
Nursing incurs in implementing section 4723.062 of the Revised 62019

Code.				62020
Section 80.	PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND			62021
	ATHLETIC TRAINERS BOARD			62022
	General Services Fund Group			62023
4K9 890-609	Operating Expenses	\$ 681,020	\$ 703,201	62024
	TOTAL GSF General Services			62025
	Fund Group	\$ 681,020	\$ 703,201	62026
	TOTAL ALL BUDGET FUND GROUPS	\$ 681,020	\$ 703,201	62027
	OPERATING EXPENSES			62028
	Notwithstanding Section 74 of Am. H.B. 283 of the 123rd			62029
	General Assembly, the findings of the two clinical outcomes			62030
	studies required by the Operating Expenses earmark shall be			62031
	reported not later than December 31, 2001.			62032
Section 81.	OLA OHIOANA LIBRARY ASSOCIATION			62033
	General Revenue Fund			62034
GRF 355-501	Library Subsidy	\$ 243,367	\$ 248,786	62035
	TOTAL GRF General Revenue Fund	\$ 243,367	\$ 248,786	62036
	TOTAL ALL BUDGET FUND GROUPS	\$ 243,367	\$ 248,786	62037
Section 82.	ODB OHIO OPTICAL DISPENSERS BOARD			62039
	General Services Fund Group			62040
4K9 894-609	Operating Expenses	\$ 280,391	\$ 295,277	62041
	TOTAL GSF General Services			62042
	Fund Group	\$ 280,391	\$ 295,277	62043
	TOTAL ALL BUDGET FUND GROUPS	\$ 280,391	\$ 295,277	62044
Section 83.	OPT STATE BOARD OF OPTOMETRY			62046
	General Services Fund Group			62047
4K9 885-609	Operating Expenses	\$ 289,600	\$ 306,051	62048

TOTAL GSF General Services				62049
Fund Group	\$	289,600	\$ 306,051	62050
TOTAL ALL BUDGET FUND GROUPS	\$	289,600	\$ 306,051	62051
Section 84. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND				62052
PEDORTHICS				62053
General Services Fund Group				62054
4K9 973-609 Operating Expenses	\$	98,622	\$ 100,518	62055
TOTAL GSF General Services				62056
Fund Group	\$	98,622	\$ 100,518	62057
TOTAL ALL BUDGET FUND GROUPS	\$	98,622	\$ 100,518	62058
Section 85. PBR STATE PERSONNEL BOARD OF REVIEW				62059
General Revenue Fund				62060
GRF 124-321 Operating	\$	1,015,059	\$ 1,059,243	62061
TOTAL GRF General Revenue Fund	\$	1,015,059	\$ 1,059,243	62062
General Services Fund Group				62063
636 124-601 Transcript and Other	\$	39,598	\$ 40,587	62064
TOTAL GSF General Services				62065
Fund Group	\$	39,598	\$ 40,587	62066
TOTAL ALL BUDGET FUND GROUPS	\$	1,054,657	\$ 1,099,830	62067
TRANSCRIPT AND OTHER				62068
The foregoing appropriation item 124-601, Transcript and				62069
Other, may be used to produce and distribute transcripts and other				62070
documents. Revenues generated by charges for transcripts and other				62071
documents shall be deposited in the Transcripts and Other Fund				62072
(Fund 636).				62073
Section 86. PRX STATE BOARD OF PHARMACY				62074
General Services Fund Group				62075
4A5 887-605 Drug Law Enforcement	\$	72,900	\$ 75,550	62076
4K9 887-609 Operating Expenses	\$	4,353,629	\$ 4,744,594	62077

TOTAL GSF General Services				62078	
Fund Group	\$	4,426,529	\$	4,820,144	62079
TOTAL ALL BUDGET FUND GROUPS	\$	4,426,529	\$	4,820,144	62080

Section 87. SCR STATE BOARD OF PROPRIETARY SCHOOL 62082
REGISTRATION 62083

General Revenue Fund				62084	
GRF 233-100 Personal Services	\$	326,400	\$	333,429	62085
GRF 233-200 Maintenance	\$	77,760	\$	78,776	62086
GRF 233-300 Equipment	\$	4,286	\$	4,279	62087
TOTAL GRF General Revenue Fund	\$	408,446	\$	416,484	62088
TOTAL ALL BUDGET FUND GROUPS	\$	408,446	\$	416,484	62089

Section 88. PSY STATE BOARD OF PSYCHOLOGY 62091

General Services Fund Group				62092	
4K9 882-609 Operating Expenses	\$	459,382	\$	486,184	62093
TOTAL GSF General Services				62094	
Fund Group	\$	459,382	\$	486,184	62095
TOTAL ALL BUDGET FUND GROUPS	\$	459,382	\$	486,184	62096

Section 89. PUB OHIO PUBLIC DEFENDER COMMISSION 62098

General Revenue Fund				62099	
GRF 019-321 Public Defender	\$	1,772,373	\$	1,772,373	62100
Administration					
GRF 019-401 State Legal Defense	\$	6,983,914	\$	7,259,931	62101
Services					
GRF 019-403 Multi-County: State	\$	1,110,254	\$	1,104,920	62102
Share					
GRF 019-404 Trumbull County-State	\$	364,686	\$	363,917	62103
Share					
GRF 019-405 Training Account	\$	48,000	\$	48,000	62104
GRF 019-501 County Reimbursement -	\$	33,893,062	\$	34,512,523	62105

Non-Capital Cases					
GRF 019-503	County Reimbursements	\$	935,868	\$ 1,000,000	62106
- Capital Cases					
TOTAL GRF	General Revenue Fund	\$	45,108,157	\$ 46,061,664	62107
General Services Fund Group					62108
101 019-602	Inmate Legal	\$	67,172	\$ 71,020	62109
Assistance					
101 019-607	Juvenile Legal	\$	458,767	\$ 481,462	62110
Assistance					
406 019-603	Training and	\$	16,000	\$ 16,000	62111
Publications					
407 019-604	County Representation	\$	213,778	\$ 240,556	62112
408 019-605	Client Payments	\$	260,584	\$ 285,533	62113
TOTAL GSF	General Services				62114
Fund Group		\$	1,016,301	\$ 1,094,571	62115
Federal Special Revenue Fund Group					62116
3S8 019-608	Federal Representation	\$	564,929	\$ 594,247	62117
3U7 019-614	Juvenile JAIBG Grant		51,516	54,601	62118
3U8 019-615	Juvenile Challenge		118,658	124,984	62119
Grant					
TOTAL FED	Federal Special Revenue				62120
Fund Group		\$	735,103	\$ 773,832	62121
State Special Revenue Fund Group					62122
4C7 019-601	Multi-County: County	\$	1,603,064	\$ 1,714,575	62123
Share					
4X7 019-610	Trumbull County-County	\$	526,560	\$ 564,714	62124
Share					
574 019-606	Legal Services	\$	15,725,233	\$ 16,275,558	62125
Corporation					
TOTAL SSR	State Special Revenue				62126
Fund Group		\$	17,854,857	\$ 18,554,847	62127
TOTAL ALL BUDGET FUND GROUPS		\$	64,714,418	\$ 66,484,914	62128

INDIGENT DEFENSE OFFICE	62129
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.	62130 62131 62132
MULTI-COUNTY OFFICE	62133
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.	62134 62135 62136 62137
TRAINING ACCOUNT	62138
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 represent at least one indigent defendant at no cost, and for state and county public defenders and attorneys who contract with the Ohio Public Defender to provide indigent defense services.	62139 62140 62141 62142 62143 62144
FEDERAL REPRESENTATION	62145
The foregoing appropriation item 019-608, Federal Representation, shall be used to receive reimbursements from the federal courts when the Ohio Public Defender provides representation on federal court cases.	62146 62147 62148 62149
Section 90. DHS DEPARTMENT OF PUBLIC SAFETY	62150
General Revenue Fund	62151
GRF 763-403 Operating Expenses - \$ 3,851,927 \$ 4,225,628	62152
EMA	
GRF 763-507 Individual and Family \$ 90,014 \$ 89,398	62153
Grants	
GRF 764-404 Transportation \$ 2,438,979 \$ 2,491,606	62154
Enforcement Operations	

GRF 769-321	Food Stamp Trafficking	\$	935,817	\$	981,422	62155
	Enforcement Operations					
TOTAL GRF	General Revenue Fund	\$	7,316,737	\$	7,788,054	62156
TOTAL ALL BUDGET FUND GROUPS		\$	7,316,737	\$	7,788,054	62157
	OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT					62158
	Of the foregoing appropriation item 763-403, Operating					62159
	Expenses - EMA, \$200,000 in each fiscal year shall be used to fund					62160
	the Ohio Task Force One - Urban Search and Rescue Unit and other					62161
	urban search and rescue programs around the state to create a					62162
	stronger search and rescue capability statewide.					62163
	IFG STATE MATCH					62164
	The foregoing appropriation item 763-507, Individual and					62165
	Family Grants, shall be used to fund the state share of costs to					62166
	provide grants to individuals and families in cases of disaster.					62167
	Section 91. PUC PUBLIC UTILITIES COMMISSION OF OHIO					62168
	General Services Fund Group					62169
5F6 870-622	Utility and Railroad	\$	29,104,298	\$	30,622,222	62170
	Regulation					
5F6 870-624	NARUC/NRRI Subsidy	\$	167,233	\$	167,233	62171
5F6 870-625	Motor Transportation	\$	4,578,771	\$	4,811,239	62172
	Regulation					
558 870-602	Salvage and Exchange	\$	32,474	\$	33,285	62173
TOTAL GSF	General Services					62174
Fund Group		\$	33,882,776	\$	35,633,979	62175
	Federal Special Revenue Fund Group					62176
3V3 870-604	Commercial Vehicle	\$	2,500,000	\$	0	62177
	Information					
	Systems/Networks					
333 870-601	Gas Pipeline Safety	\$	461,920	\$	485,332	62178
350 870-608	Motor Carrier Safety	\$	6,749,153	\$	7,027,712	62179

TOTAL FED Federal Special Revenue				62180
Fund Group	\$	9,711,073	\$ 7,513,044	62181
State Special Revenue Fund Group				62182
4A3 870-614 Grade Crossing	\$	1,311,986	\$ 1,349,757	62183
Protection				
Devices-State				
4L8 870-617 Pipeline Safety-State	\$	177,323	\$ 187,621	62184
4S6 870-618 Hazardous Material	\$	449,927	\$ 464,325	62185
Registration				
4S6 870-621 Hazardous Materials	\$	364,240	\$ 373,346	62186
Base State				
Registration				
4U8 870-620 Civil Forfeitures	\$	269,426	\$ 284,986	62187
559 870-605 Public Utilities	\$	4,000	\$ 4,000	62188
Territorial				
Administration				
560 870-607 Special Assessment	\$	100,000	\$ 100,000	62189
561 870-606 Power Siting Board	\$	319,839	\$ 337,210	62190
638 870-611 Biomass Energy Program	\$	40,000	\$ 40,000	62191
661 870-612 Hazardous Materials	\$	800,000	\$ 800,000	62192
Transportation				
TOTAL SSR State Special Revenue				62193
Fund Group	\$	3,836,741	\$ 3,941,245	62194
Agency Fund Group				62195
4G4 870-616 Base State	\$	6,500,000	\$ 6,500,000	62196
Registration Program				
TOTAL AGY Agency Fund Group	\$	6,500,000	\$ 6,500,000	62197
TOTAL ALL BUDGET FUND GROUPS	\$	53,930,590	\$ 53,588,268	62198
TEMPORARY CASH TRANSFERS				62199
On July 1, 2001, or as soon as possible thereafter, the				62200
Director of Budget and Management shall transfer \$150,000 in cash				62201
from Fund 4U8, Civil Forfeitures, and \$350,000 in cash from Fund				62202

4S6, Hazardous Materials Registration, to Fund 3V3, Commercial
Vehicle Information Systems/Networks Fund, which is hereby created
in the State Treasury. The Commercial Vehicle Information
Systems/Networks Fund shall receive funding from the United States
Department of Transportation's Commercial Vehicle Intelligent
Transportation System Infrastructure Deployment Program and shall
be used to deploy the Ohio Commercial Vehicle Information Systems
and Networks Project and to expedite and improve safety of motor
carrier operations through electronic exchange of data by means of
on-highway electronic systems.

The Chairman of the Public Utilities Commission shall notify
the Director of Budget and Management when the cash balance in
Fund 3V3 is sufficient for the transfers required under this
heading to be repaid. On or before June 30, 2003, the Director of
Budget and Management shall transfer \$150,000 in cash from Fund
3V3, Commercial Vehicle Information Systems/Networks, to Fund 4U8,
Civil Forfeitures, and \$350,000 in cash from Fund 3V3, Commercial
Vehicle Information Systems/Networks, to Fund 4S6, Hazardous
Materials Registration.

BIOMASS ENERGY PROGRAM FUND 62222

The Biomass Energy Program Fund created by section 4905.87 of
the Revised Code is the same fund, with a new name, as the
Biofuels/Municipal Waste Technology Fund created by the
Controlling Board in January 1988.

Section 92. PWC PUBLIC WORKS COMMISSION 62227

General Revenue Fund 62228

GRF 150-907 State Capital \$ 135,693,200 \$ 146,210,200 62229

Improvements

General Obligation 62230

Debt

Service 62231

TOTAL GRF General Revenue Fund	\$	135,693,200	\$	146,210,200	62232
TOTAL ALL BUDGET FUND GROUPS	\$	135,693,200	\$	146,210,200	62233
STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE					62234
The foregoing appropriation item 150-907, State Capital					62235
Improvements General Obligation Debt Service, shall be used to pay					62236
all debt service and financing costs at the times they are					62237
required to be made pursuant to sections 151.01, 151.08, and					62238
164.10 of the Revised Code during the period from July 1, 2001, to					62239
June 30, 2003. The Office of the Sinking Fund or the Director of					62240
Budget and Management shall effectuate the required payments by an					62241
intrastate transfer voucher.					62242
 Section 93. RAC STATE RACING COMMISSION					62243
State Special Revenue Fund Group					62244
5C4 875-607 Simulcast Horse Racing	\$	16,301,749	\$	18,025,043	62245
Purse					
562 875-601 Thoroughbred Race Fund	\$	4,529,149	\$	4,642,378	62246
563 875-602 Standardbred	\$	2,022,797	\$	2,200,810	62247
Development Fund					
564 875-603 Quarterhorse	\$	1,000	\$	1,000	62248
Development Fund					
565 875-604 Racing Commission	\$	4,109,513	\$	4,314,143	62249
Operating					
TOTAL SSR State Special Revenue					62250
Fund Group	\$	26,964,208	\$	29,183,374	62251
Holding Account Redistribution Fund Group					62252
R21 875-605 Bond Reimbursements	\$	212,900	\$	212,900	62253
TOTAL 090 Holding Account					62254
Redistribution					
Fund Group	\$	212,900	\$	212,900	62255
TOTAL ALL BUDGET FUND GROUPS	\$	27,177,108	\$	29,396,274	62256

Section 94. BOR BOARD OF REGENTS				62258
General Revenue Fund				62259
GRF 235-321	Operating Expenses	\$ 3,137,394	\$ 3,137,394	62260
GRF 235-401	Lease-Rental Payments	\$ 295,058,500	\$ 268,910,500	62261
GRF 235-402	Sea Grants	\$ 299,940	\$ 299,940	62262
GRF 235-403	Math/Science Teaching Improvement	\$ 1,984,000	\$ 2,018,680	62263
GRF 235-404	College Readiness Initiatives	\$ 2,500,000	\$ 2,500,000	62264
GRF 235-406	Articulation and Transfer	\$ 800,000	\$ 800,000	62265
GRF 235-408	Midwest Higher Education Compact	\$ 75,000	\$ 75,000	62266
GRF 235-409	Information System	\$ 1,362,023	\$ 1,362,023	62267
GRF 235-414	State Grants and Scholarship Administration	\$ 1,373,420	\$ 1,373,420	62268
GRF 235-415	Jobs Challenge	\$ 10,100,000	\$ 10,200,000	62269
GRF 235-417	Ohio Learning Network	\$ 3,920,000	\$ 3,920,000	62270
GRF 235-418	Access Challenge	\$ 62,268,000	\$ 62,268,000	62271
GRF 235-420	Success Challenge	\$ 47,041,000	\$ 47,041,000	62272
GRF 235-428	Appalachian New Economy Partnership	\$ 1,000,000	\$ 1,500,000	62273
GRF 235-454	Research Challenge	\$ 20,000,000	\$ 20,000,000	62274
GRF 235-455	Productivity Improvement Challenge	\$ 1,694,947	\$ 1,728,845	62275
GRF 235-474	Area Health Education Centers Program Support	\$ 2,093,727	\$ 2,135,601	62276
GRF 235-477	Access Improvement Projects	\$ 1,110,879	\$ 1,110,879	62277
GRF 235-501	State Share of	\$ 1,659,011,727	\$ 1,668,611,581	62278

	Instruction					
GRF 235-502	Student Support	\$	1,000,000	\$	1,000,000	62279
	Services					
GRF 235-503	Ohio Instructional	\$	98,000,000	\$	111,500,000	62280
	Grants					
GRF 235-504	War Orphans	\$	4,652,548	\$	4,792,124	62281
	Scholarships					
GRF 235-507	OhioLINK	\$	7,668,731	\$	7,668,731	62282
GRF 235-508	Air Force Institute of	\$	2,000,000	\$	2,000,000	62283
	Technology					
GRF 235-509	Displaced Homemakers	\$	240,096	\$	240,096	62284
GRF 235-510	Ohio Supercomputer	\$	4,833,574	\$	4,833,574	62285
	Center					
GRF 235-511	Cooperative Extension	\$	27,708,525	\$	27,708,525	62286
	Service					
GRF 235-513	OU Voinovich Center	\$	367,500	\$	367,500	62287
GRF 235-514	Central State	\$	12,044,956	\$	12,044,956	62288
	Supplement					
GRF 235-515	Case Western Reserve	\$	4,280,224	\$	4,281,936	62289
	University School of					
	Medicine					
GRF 235-519	Family Practice	\$	6,538,471	\$	6,541,087	62290
GRF 235-520	Shawnee State	\$	2,272,000	\$	2,272,000	62291
	Supplement					
GRF 235-521	OSU Glenn Institute	\$	367,500	\$	367,500	62292
GRF 235-524	Police and Fire	\$	240,096	\$	240,096	62293
	Protection					
GRF 235-525	Geriatric Medicine	\$	1,087,195	\$	1,108,939	62294
GRF 235-526	Primary Care	\$	3,166,168	\$	3,229,491	62295
	Residencies					
GRF 235-527	Ohio Aerospace	\$	2,383,334	\$	2,383,334	62296
	Institute					
GRF 235-530	Academic Scholarships	\$	8,000,000	\$	8,000,000	62297

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As Reported by the Committee of Conference*

GRF 235-531	Student Choice Grants	\$	52,428,000	\$	53,476,560	62298
GRF 235-534	Student Workforce Development Grants	\$	1,200,000	\$	1,200,000	62299
GRF 235-535	Ohio Agricultural Research and Development Center	\$	38,730,884	\$	38,730,884	62300
GRF 235-536	Ohio State University Clinical Teaching	\$	15,989,883	\$	15,996,281	62301
GRF 235-537	University of Cincinnati Clinical Teaching	\$	13,151,461	\$	13,156,724	62302
GRF 235-538	Medical College of Ohio at Toledo Clinical Teaching	\$	10,250,851	\$	10,254,953	62303
GRF 235-539	Wright State University Clinical Teaching	\$	4,980,064	\$	4,982,057	62304
GRF 235-540	Ohio University Clinical Teaching	\$	4,814,378	\$	4,816,305	62305
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,951,583	\$	4,953,565	62306
GRF 235-543	Ohio College of Podiatric Medicine Clinical Subsidy	\$	499,800	\$	500,000	62307
GRF 235-547	School of International Business	\$	1,708,764	\$	1,708,764	62308
GRF 235-549	Part-time Student Instructional Grants	\$	13,311,638	\$	13,977,219	62309
GRF 235-552	Capital Component	\$	14,537,639	\$	14,537,639	62310
GRF 235-553	Dayton Area Graduate Studies Institute	\$	3,779,088	\$	3,779,088	62311

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GRF 235-554	Computer Science	\$	3,482,368	\$	3,482,368	62312
	Graduate Education					
GRF 235-555	Library Depositories	\$	1,999,200	\$	2,039,184	62313
GRF 235-556	Ohio Academic	\$	3,510,777	\$	3,580,993	62314
	Resources Network					
GRF 235-558	Long-term Care	\$	312,004	\$	312,004	62315
	Research					
GRF 235-561	Bowling Green State	\$	164,289	\$	164,289	62316
	University Canadian					
	Studies Center					
GRF 235-572	Ohio State University	\$	2,061,138	\$	2,061,138	62317
	Clinic Support					
GRF 235-583	Urban University	\$	6,503,559	\$	6,503,559	62318
	Programs					
GRF 235-585	Ohio University	\$	48,750	\$	48,750	62319
	Innovation Center					
GRF 235-587	Rural University	\$	1,375,552	\$	1,375,552	62320
	Projects					
GRF 235-588	Ohio Resource Center	\$	980,000	\$	980,000	62321
	for Mathematics,					
	Science, and Reading					
GRF 235-595	International Center	\$	185,593	\$	185,593	62322
	for Water Resources					
	Development					
GRF 235-596	Hazardous Materials	\$	390,096	\$	390,096	62323
	Program					
GRF 235-599	National Guard	\$	12,048,106	\$	12,048,106	62324
	Scholarship Program					
GRF 235-909	Higher Education	\$	50,055,100	\$	74,344,100	62325
	General Obligation					
	Debt Service					
TOTAL GRF	General Revenue Fund	\$	2,565,132.040	\$	2,589,158,523	62326
	General Services Fund Group					62327

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As Reported by the Committee of Conference*

456	235-603	Publications	\$	43,050	\$	44,342	62328
456	235-613	Job Preparation	\$	144,383	\$	144,383	62329
		Initiative					
		TOTAL GSF General Services					62330
		Fund Group	\$	187,433	\$	188,725	62331
		Federal Special Revenue Fund Group					62332
3H2	235-608	Human Services Project	\$	1,500,000	\$	1,500,000	62333
3N6	235-605	State Student	\$	2,000,000	\$	2,000,000	62334
		Incentive Grants					
3T0	235-610	NHSC Ohio Loan	\$	100,000	\$	100,000	62335
		Repayment					
312	235-609	Tech Prep	\$	183,852	\$	183,852	62336
312	235-611	Gear-up Grant	\$	1,590,986	\$	1,690,434	62337
312	235-612	Carl D. Perkins	\$	112,960	\$	112,960	62338
		Grant/Plan					
		Administration					
312	235-631	Federal Grants	\$	2,055,511	\$	0	62339
		TOTAL FED Federal Special Revenue					62340
		Fund Group	\$	7,543,309	\$	5,587,246	62341
		State Special Revenue Fund Group					62342
4E8	235-602	HEFC Administration	\$	13,080	\$	13,900	62343
4P4	235-604	Physician Loan	\$	416,067	\$	436,870	62344
		Repayment					
649	235-607	Ohio State University	\$	855,021	\$	760,000	62345
		Highway/Transportation					
		Research					
682	235-606	Nursing Loan Program	\$	870,000	\$	893,000	62346
		TOTAL SSR State Special Revenue					62347
		Fund Group	\$	2,154,168	\$	2,103,770	62348
		TOTAL ALL BUDGET FUND GROUPS	\$	2,575,016,950	\$	2,597,038,264	62349

Section 94.01. STATE SHARE OF INSTRUCTION

62351

As soon as practicable during each fiscal year of the 62352
2001-2003 biennium in accordance with instructions of the Board of 62353
Regents, each state-assisted institution of higher education shall 62354
report its actual enrollment to the Board of Regents. 62355

The Board of Regents shall establish procedures required by 62356
the system of formulas set out below and for the assignment of 62357
individual institutions to categories described in the formulas. 62358
The system of formulas establishes the manner in which aggregate 62359
expenditure requirements shall be determined for each of the three 62360
components of institutional operations. In addition to other 62361
adjustments and calculations described below, the subsidy 62362
entitlement of an institution shall be determined by subtracting 62363
from the institution's aggregate expenditure requirements income 62364
to be derived from the local contributions assumed in calculating 62365
the subsidy entitlements. The local contributions for purposes of 62366
determining subsidy support shall not limit the authority of the 62367
individual boards of trustees to establish fee levels. 62368

The General Studies and Technical models shall be adjusted by 62369
the Board of Regents so that the share of state subsidy earned by 62370
those models is not altered by changes in the overall local share. 62371
A lower-division fee differential shall be used to maintain the 62372
relationship that would have occurred between these models and the 62373
baccalaureate models had an assumed share of thirty-seven per cent 62374
been funded. 62375

In defining the number of full-time equivalent (FTE) students 62376
for state subsidy purposes, the Board of Regents shall exclude all 62377
undergraduate students who are not residents of Ohio, except those 62378
charged in-state fees in accordance with reciprocity agreements 62379
made pursuant to section 3333.17 or employer contracts entered 62380
into pursuant to section 3333.32 of the Revised Code. 62381

(A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT 62382

(1) INSTRUCTION AND SUPPORT SERVICES			62383
MODEL	FY 2002	FY 2003	62384
General Studies I	\$ 4,481	\$ 4,904	62385
General Studies II	\$ 5,046	\$ 5,299	62386
General Studies III	\$ 6,101	\$ 6,652	62387
Technical I	\$ 5,353	\$ 5,696	62388
Technical III	\$ 8,854	\$ 9,044	62389
Baccalaureate I	\$ 7,031	\$ 7,517	62390
Baccalaureate II	\$ 7,875	\$ 8,310	62391
Baccalaureate III	\$ 11,480	\$ 12,193	62392
Masters and Professional I	\$ 13,338	\$ 13,875	62393
Masters and Professional II	\$ 19,084	\$ 19,652	62394
Masters and Professional III	\$ 25,869	\$ 26,577	62395
Medical I	\$ 28,800	\$ 29,934	62396
Medical II	\$ 40,152	\$ 40,981	62397
Blended MPD I	\$ 14,163	\$ 14,877	62398
(2) STUDENT SERVICES			62399
For this purpose, FTE counts shall be weighted to reflect			62400
differences among institutions in the numbers of students enrolled			62401
on a part-time basis.			62402
MODEL	FY 2002	FY 2003	62403
General Studies I	\$ 694	\$ 747	62404
General Studies II	\$ 704	\$ 747	62405
General Studies III	\$ 687	\$ 747	62406
Technical I	\$ 669	\$ 747	62407
Technical III	\$ 675	\$ 747	62408
Baccalaureate I	\$ 666	\$ 747	62409
Baccalaureate II	\$ 663	\$ 747	62410
Baccalaureate III	\$ 675	\$ 747	62411
Masters and Professional I	\$ 680	\$ 747	62412
Masters and Professional II	\$ 685	\$ 747	62413
Masters and Professional III	\$ 694	\$ 747	62414

Medical I	\$ 668	\$ 747	62415
Medical II	\$ 668	\$ 747	62416
Blended MPD I	\$ 668	\$ 747	62417

(B) PLANT OPERATION AND MAINTENANCE (POM) 62418

(1) DETERMINATION OF THE SQUARE-FOOT-BASED POM SUBSIDY 62419

Space undergoing renovation shall be funded at the rate 62420
allowed for storage space. 62421

In the calculation of square footage for each campus, square 62422
footage shall be weighted to reflect differences in space 62423
utilization. 62424

The space inventories for each campus shall be those 62425
determined in the fiscal year 1999 instructional subsidy, adjusted 62426
for changes attributable to the construction or renovation of 62427
facilities for which state appropriations were made or local 62428
commitments were made prior to January 1, 1995. 62429

Only 50 per cent of the space permanently taken out of 62430
operation in fiscal year 2002 or fiscal year 2003 that is not 62431
otherwise replaced by a campus shall be deleted from the fiscal 62432
year 1997 inventory. 62433

The square-foot-based plant operation and maintenance subsidy 62434
for each campus shall be determined as follows: 62435

(a) For each standard room type category shown below, the 62436
subsidy-eligible net assignable square feet (NASF) for each campus 62437
shall be multiplied by the following rates, and the amounts summed 62438
for each campus to determine the total gross square-foot-based POM 62439
expenditure requirement: 62440

	FY 2002	FY 2003	
Classrooms	\$5.33	\$5.56	62442
Laboratories	\$6.65	\$6.93	62443
Offices	\$5.33	\$5.56	62444
Audio Visual Data Processing	\$6.65	\$6.93	62445

Storage	\$2.36	\$2.46	62446
Circulation	\$6.73	\$7.01	62447
Other	\$5.33	\$5.56	62448

(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 each fiscal year.

	FY 2002	FY 2003	
General Studies I	\$ 537	\$ 543	62463
General Studies II	\$ 669	\$ 686	62464
General Studies III	\$1,424	\$1,565	62465
Technical I	\$ 649	\$ 750	62466
Technical II	\$1,315	\$1,436	62467
Baccalaureate I	\$ 671	\$ 692	62468
Baccalaureate II	\$1,175	\$1,263	62469
Baccalaureate III	\$1,606	\$1,674	62470
Masters and Professional I	\$1,138	\$1,217	62471
Masters and Professional II	\$2,447	\$2,928	62472
Masters and Professional III	\$3,363	\$3,932	62473
Medical I	\$2,568	\$2,653	62474
Medical II	\$3,470	\$3,581	62475
Blended MPD I	\$1,135	\$1,192	62476

(b) The sum of the products for each campus determined in 62478
division (B)(2)(a) of this section for all models except Doctoral 62479
I and Doctoral II for each fiscal year shall be weighted by a 62480
factor to reflect sponsored research activity and job 62481
training-related public services expenditures to determine the 62482
total activity-based POM subsidy. 62483

(C) CALCULATION OF CORE SUBSIDY ENTITLEMENTS AND ADJUSTMENTS 62484

(1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS 62485

The calculation of the core subsidy entitlement shall consist 62486
of the following components: 62487

(a) For each campus and for each fiscal year, the core 62488
subsidy entitlement shall be determined by multiplying the amounts 62489
listed above in divisions (A)(1) and (2) and (B)(2) of this 62490
section less assumed local contributions, by (i) average 62491
subsidy-eligible FTEs for the two-year period ending in the prior 62492
year for all models except Doctoral I and Doctoral II; and (ii) 62493
average subsidy-eligible FTEs for the five-year period ending in 62494
the prior year for all models except Doctoral I and Doctoral II. 62495

(b) In calculating the core subsidy entitlements for Medical 62496
II models only, the Board of Regents shall use the following count 62497
of FTE students in place of the two-year average and five-year 62498
average of subsidy-eligible students: 62499

(i) For those medical schools whose current year enrollment 62500
is below the base enrollment, the Medical II FTE enrollment shall 62501
equal: 65 per cent of the base enrollment plus 35 per cent of the 62502
current year enrollment, where the base enrollment is: 62503

The Ohio State University	1010	62504
University of Cincinnati	833	62505
Medical College of Ohio at Toledo	650	62506
Wright State University	433	62507
Ohio University	433	62508

Northeastern Ohio Universities 433 62509
College of Medicine

(ii) For those medical schools whose current year enrollment 62510
is equal to or greater than the base enrollment, the Medical II 62511
FTE enrollment shall equal the current enrollment. 62512

(c) For all FTE-based subsidy calculations involving 62513
annualized FTE data, FTE-based allowances shall be converted from 62514
annualized to all-terms rates to ensure equity and consistency of 62515
subsidy determination. 62516

(d) The Board of Regents shall compute the sum of the two 62517
calculations listed in division (C)(1)(a) of this section and use 62518
the greater sum as the core subsidy entitlement. 62519

The POM subsidy for each campus shall equal the greater of 62520
the square-foot-based subsidy or the activity-based POM subsidy 62521
component of the core subsidy entitlement. 62522

(e) The state share of instruction provided for doctoral 62523
students shall be based on a fixed percentage of the total 62524
appropriation. In each fiscal year of the biennium not more than 62525
10.34 per cent of the total state share of instruction shall be 62526
reserved to implement the recommendations of the Graduate Funding 62527
Commission. It is the intent of the General Assembly that the 62528
doctoral reserve be reduced each year thereafter until no more 62529
than 10.0 per cent of the total state share of instruction is 62530
reserved to implement the recommendations of the Graduate Funding 62531
Commission. The Board of Regents shall reallocate zero per cent in 62532
fiscal year 2002 and 2 per cent in fiscal year 2003 of the reserve 62533
among the state-assisted universities on the basis of a quality 62534
review as specified in the recommendations of the Graduate Funding 62535
Commission. No such reallocation shall occur in any year in which 62536
the total appropriation made to appropriation item 235-501, State 62537
Share of Instruction, is less than 103 per cent of the prior 62538
fiscal year's total. 62539

The amount so reserved shall be allocated to universities in proportion to their share of the total number of Doctoral I equivalent FTEs as calculated on an institutional basis using the greater of the two-year or five-year FTEs for the period fiscal year 1994 through fiscal year 1998 with annualized FTEs for fiscal years 1994 through 1997 and all-term FTEs for fiscal year 1998 as adjusted to reflect the effects of doctoral review. For the purposes of this calculation, Doctoral I equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs.

(2) ANNUAL HOLD HARMLESS PROVISION

In addition to and after the other adjustment noted above, in fiscal year 2002 each campus shall have its state share of instruction adjusted to the extent necessary to provide an amount that is not less than 100 per cent of the state share of instruction received by the campus in fiscal year 2001. In fiscal year 2003, each campus shall have its state share of instruction adjusted to the extent necessary to provide an amount that is not less than 100 per cent of the state share of instruction received by the campus in fiscal year 2002.

(3) CAPITAL COMPONENT DEDUCTION

After all other adjustments have been made, instructional subsidy earnings shall be reduced for each campus by the amount, if any, by which debt service charged in Am. H.B. No. 748 of the 121st General Assembly, Am. Sub. H.B. No. 850 of the 122nd General Assembly, and Am. H.B. No. 640 of the 123rd General Assembly for that campus exceeds that campus's capital component earnings.

(D) REDUCTIONS IN EARNINGS

If the total state share of instruction earnings in any fiscal year exceed the total appropriations available for such purposes, the Board of Regents shall proportionately reduce the

state share of instruction earnings for all campuses by a uniform 62571
percentage so that the systemwide sum equals available 62572
appropriations. 62573

(E) EXCEPTIONAL CIRCUMSTANCES 62574

Adjustments may be made to the state share of instruction 62575
payments and other subsidies distributed by the Board of Regents 62576
to state-assisted colleges and universities for exceptional 62577
circumstances. No adjustments for exceptional circumstances may be 62578
made without the recommendation of the Chancellor and the approval 62579
of the Controlling Board. 62580

DISTRIBUTION OF STATE SHARE OF INSTRUCTION 62581

The state share of instruction payments to the institutions 62582
shall be in substantially equal monthly amounts during the fiscal 62583
year, unless otherwise determined by the Director of Budget and 62584
Management pursuant to section 126.09 of the Revised Code. 62585
Payments during the first six months of the fiscal year shall be 62586
based upon the state share of instruction appropriation estimates 62587
made for the various institutions of higher education according to 62588
Board of Regents enrollment estimates. Payments during the last 62589
six months of the fiscal year shall be distributed after approval 62590
of the Controlling Board upon the request of the Board of Regents. 62591

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LAW SCHOOL SUBSIDY 62593

The state share of instruction to state-supported 62594
universities for students enrolled in law schools in fiscal year 62595
2002 and fiscal year 2003 shall be calculated by using the number 62596
of subsidy-eligible FTE law school students funded by state 62597
subsidy in fiscal year 1995 or the actual number of 62598
subsidy-eligible FTE law school students at the institution in the 62599
fiscal year, whichever is less. 62600

Section 94.02. MISSION-BASED CORE FUNDING FOR HIGHER 62601
EDUCATION 62602

JOBS CHALLENGE 62603

Funds appropriated to appropriation item 235-415, Jobs 62604
Challenge, shall be distributed to state-assisted community and 62605
technical colleges, regional campuses of state-assisted 62606
universities, and other organizationally distinct and identifiable 62607
member campuses of the EnterpriseOhio Network in support of 62608
noncredit job-related training. In fiscal years 2002 and 2003, 62609
\$2,114,673 and \$1,981,841, respectively, shall be distributed as 62610
performance grants to EnterpriseOhio Network campuses based upon 62611
each campus's documented performance according to criteria 62612
established by the Board of Regents for increasing training and 62613
related services to businesses, industries, and public sector 62614
organizations. 62615

Of the foregoing appropriation item 235-415, Jobs Challenge, 62616
\$3,130,087 in fiscal year 2002 and \$2,875,953 in fiscal year 2003 62617
shall be allocated to the Targeted Industries Training Grant 62618
Program to attract, develop, and retain business and industry 62619
strategically important to the state's economy. 62620

Also, in fiscal years 2002 and 2003, \$2,991,513 and 62621
\$3,629,797, respectively, shall be allocated to the Non-credit 62622
Incentives Grant Program to reward two-year campuses for 62623
increasing the amount of non-credit skill upgrading services 62624
provided to Ohio employers and employees. The funds shall be 62625
distributed to campuses in proportion to each campus's share of 62626
noncredit job-related training revenues received by all campuses 62627
for the previous fiscal year. It is the intent of the General 62628
Assembly that this workforce development incentive component of 62629
the Jobs Challenge Program reward campus noncredit job-related 62630
training efforts in the same manner that the Research Challenge 62631

Program rewards campuses for their ability to obtain sponsored research revenues. 62632
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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. 62634
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ACCESS CHALLENGE 62643

In each fiscal year, the foregoing appropriation item 235-418, Access Challenge, shall be distributed to Ohio's state-assisted access colleges and universities. For the purposes of this allocation, "access campuses" includes state-assisted community colleges, state community colleges, technical colleges, Shawnee State University, Central State University, Cleveland State University, the regional campuses of state-assisted universities, and, where they are organizationally distinct and identifiable, the community-technical colleges located at the University of Cincinnati, Youngstown State University, and the University of Akron. 62644
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In fiscal years 2002 and 2003, Access Challenge subsidies shall be distributed by the Board of Regents to eligible access campuses on the basis of each campus's share of fiscal year 1999 all-terms subsidy eligible General Studies FTEs. For the purpose of these calculations, the average all-terms subsidy eligible General Studies FTEs for Youngstown State University's eligible Comm-Tech enrollments shall equal 348. 62655
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For the purposes of this calculation, Cleveland State 62662

University's enrollments shall be adjusted by the ratio of the sum 62663
of subsidy-eligible lower-division FTE student enrollments 62664
eligible for access funding to the sum of subsidy-eligible General 62665
Studies FTE student enrollments at Central State University and 62666
Shawnee State University, and for the following universities and 62667
their regional campuses: Ohio State University, Ohio University, 62668
Kent State University, Bowling Green State University, Miami 62669
University, the University of Cincinnati, the University of Akron, 62670
and Wright State University. 62671

SUCCESS CHALLENGE 62672

The foregoing appropriation item 235-420, Success Challenge, 62673
shall be used by the Board of Regents to promote degree completion 62674
by students enrolled at a main campus of a state-assisted 62675
university. 62676

In each fiscal year, two-thirds of the appropriations shall 62677
be distributed to state-assisted university main campuses in 62678
proportion to each campus's share of the total statewide 62679
bachelor's degrees granted by university main campuses to 62680
"at-risk" students. In fiscal years 2002 and 2003, an "at-risk" 62681
student means any undergraduate student who has received an Ohio 62682
Instructional Grant during the past ten years. An eligible 62683
institution shall not receive its share of this distribution until 62684
it has submitted a plan that addresses how the subsidy will be 62685
used to better serve at-risk students and increase their 62686
likelihood of successful completion of a bachelor's degree 62687
program. The Board of Regents shall disseminate to all 62688
state-supported institutions of higher education all such plans 62689
submitted by institutions that received Success Challenge funds. 62690

In each fiscal year, one-third of the appropriations shall be 62691
distributed to university main campuses in proportion to each 62692
campus's share of the total bachelor's degrees granted by 62693
university main campuses to undergraduate students who completed 62694

their bachelor's degrees in a "timely manner" in the previous 62695
fiscal year. For the purposes of this section, "timely manner" 62696
means the normal time it would take for a full-time degree-seeking 62697
undergraduate student to complete the student's degree. Generally, 62698
for such students pursuing a bachelor's degree, "timely manner" 62699
means four years. Exceptions to this general rule shall be 62700
permitted for students enrolled in programs specifically designed 62701
to be completed in a longer time period. The Board of Regents 62702
shall collect base-line data beginning with the 1998-99 academic 62703
year to assess the timely completion statistics by university main 62704
campuses. 62705

RESEARCH CHALLENGE 62706

The foregoing appropriation item 235-454, Research Challenge, 62707
shall be used to enhance the basic research capabilities of public 62708
colleges and universities and accredited Ohio institutions of 62709
higher education holding certificates of authorization issued 62710
pursuant to section 1713.02 of the Revised Code, in order to 62711
strengthen academic research for pursuing Ohio's economic 62712
redevelopment goals. The Board of Regents, in consultation with 62713
the colleges and universities, shall administer the Research 62714
Challenge Program and utilize a means of matching, on a fractional 62715
basis, external funds attracted in the previous year by 62716
institutions for basic research. The program may include 62717
incentives for increasing the amount of external research funds 62718
coming to eligible institutions and for focusing research efforts 62719
upon critical state needs. Colleges and universities shall submit 62720
for review and approval to the Board of Regents plans for the 62721
institutional allocation of state dollars received through the 62722
program. The institutional plans shall provide the rationale for 62723
the allocation in terms of the strategic targeting of funds for 62724
academic and state purposes, for strengthening research programs, 62725
and for increasing the amount of external research funds, and 62726

shall include an evaluation process to provide results of the 62727
increased support. 62728

The Board of Regents shall submit a biennial report of 62729
progress to the General Assembly. 62730

COMPUTER SCIENCE GRADUATE EDUCATION 62731

The foregoing appropriation item 235-554, Computer Science 62732
Graduate Education, shall be used by the Board of Regents to 62733
support improvements in graduate programs in computer science at 62734
state-assisted universities. In each fiscal year, up to \$200,000 62735
may be used to support collaborative efforts in graduate education 62736
in this program area. 62737

Section 94.03. HIGHER EDUCATION - BOARD OF TRUSTEES 62738

Funds appropriated for instructional subsidies at colleges 62739
and universities may be used to provide such branch or other 62740
off-campus undergraduate courses of study and such master's degree 62741
courses of study as may be approved by the Board of Regents. 62742

In providing instructional and other services to students, 62743
boards of trustees of state-assisted institutions of higher 62744
education shall supplement state subsidies by income from charges 62745
to students. Each board shall establish the fees to be charged to 62746
all students, including an instructional fee for educational and 62747
associated operational support of the institution and a general 62748
fee for noninstructional services, including locally financed 62749
student services facilities used for the benefit of enrolled 62750
students. The instructional fee and the general fee shall 62751
encompass all charges for services assessed uniformly to all 62752
enrolled students. Each board may also establish special purpose 62753
fees, service charges, and fines as required; such special purpose 62754
fees and service charges shall be for services or benefits 62755
furnished individual students or specific categories of students 62756

and shall not be applied uniformly to all enrolled students. A 62757
tuition surcharge shall be paid by all students who are not 62758
residents of Ohio. 62759

The board of trustees of a state-assisted institution of 62760
higher education shall not authorize a waiver or nonpayment of 62761
instructional fees or general fees for any particular student or 62762
any class of students other than waivers specifically authorized 62763
by law or approved by the Chancellor. This prohibition is not 62764
intended to limit the authority of boards of trustees to provide 62765
for payments to students for services rendered the institution, 62766
nor to prohibit the budgeting of income for staff benefits or for 62767
student assistance in the form of payment of such instructional 62768
and general fees. 62769

Each state-assisted institution of higher education in its 62770
statement of charges to students shall separately identify the 62771
instructional fee, the general fee, the tuition charge, and the 62772
tuition surcharge. Fee charges to students for instruction shall 62773
not be considered to be a price of service but shall be considered 62774
to be an integral part of the state government financing program 62775
in support of higher educational opportunity for students. 62776

In providing the appropriations in support of instructional 62777
services at state-assisted institutions of higher education and 62778
the appropriations for other instruction it is the intent of the 62779
General Assembly that faculty members shall devote a proper and 62780
judicious part of their work week to the actual instruction of 62781
students. Total class credit hours of production per quarter per 62782
full-time faculty member is expected to meet the standards set 62783
forth in the budget data submitted by the Board of Regents. 62784

The authority of government vested by law in the boards of 62785
trustees of state-assisted institutions of higher education shall 62786
in fact be exercised by those boards. Boards of trustees may 62787
consult extensively with appropriate student and faculty groups. 62788

Administrative decisions about the utilization of available 62789
resources, about organizational structure, about disciplinary 62790
procedure, about the operation and staffing of all auxiliary 62791
facilities, and about administrative personnel shall be the 62792
exclusive prerogative of boards of trustees. Any delegation of 62793
authority by a board of trustees in other areas of responsibility 62794
shall be accompanied by appropriate standards of guidance 62795
concerning expected objectives in the exercise of such delegated 62796
authority and shall be accompanied by periodic review of the 62797
exercise of this delegated authority to the end that the public 62798
interest, in contrast to any institutional or special interest, 62799
shall be served. 62800

Section 94.04. MEDICAL SCHOOL SUBSIDIES 62801

The foregoing appropriation item 235-515, Case Western 62802
Reserve University School of Medicine, shall be disbursed to Case 62803
Western Reserve University through the Board of Regents in 62804
accordance with agreements entered into as provided for by section 62805
3333.10 of the Revised Code, provided that the state support per 62806
full-time medical student shall not exceed that provided to 62807
full-time medical students at state universities. 62808

The foregoing appropriation items 235-536, Ohio State 62809
University Clinical Teaching; 235-537, University of Cincinnati 62810
Clinical Teaching; 235-538, Medical College of Ohio at Toledo 62811
Clinical Teaching; 235-539, Wright State University Clinical 62812
Teaching; 235-540, Ohio University Clinical Teaching; and 235-541, 62813
Northeastern Ohio Universities College of Medicine Clinical 62814
Teaching, shall be distributed through the Board of Regents. 62815

The foregoing appropriation item 235-572, Ohio State 62816
University Clinic Support, shall be distributed through the Board 62817
of Regents to The Ohio State University for support of dental and 62818
veterinary medicine clinics. 62819

The Board of Regents shall develop plans consistent with 62820
existing criteria and guidelines as may be required for the 62821
distribution of appropriation items 235-519, Family Practice, 62822
235-525, Geriatric Medicine, and 235-526, Primary Care 62823
Residencies. 62824

Of the foregoing appropriation item 235-539, Wright State 62825
University Clinical Teaching, \$160,000 in each fiscal year shall 62826
be for the use of Wright State University's Ellis Institute for 62827
Clinical Teaching Studies to operate the clinical facility to 62828
serve the Greater Dayton area. 62829

PERFORMANCE STANDARDS FOR MEDICAL EDUCATION 62830

The Board of Regents, in consultation with the state-assisted 62831
medical colleges, shall develop performance standards for medical 62832
education. Special emphasis in the standards shall be placed on 62833
attempting to ensure that at least 50 per cent of the aggregate 62834
number of students enrolled in state-assisted medical colleges 62835
continue to enter residency as primary care physicians. Primary 62836
care physicians are general family practice physicians, general 62837
internal medicine practitioners, and general pediatric care 62838
physicians. The Board of Regents shall monitor medical school 62839
performance in relation to their plans for reaching the 50 per 62840
cent systemwide standard for primary care physicians. 62841

The foregoing appropriation item 235-526, Primary Care 62843
Residencies, shall be distributed in each fiscal year of the 62844
biennium, based on whether the institution has submitted and 62845
gained approval for a plan. If the institution does not have an 62846
approved plan, it shall receive five per cent less funding per 62847
student than it would have received from its annual allocation. 62848
The remaining funding shall be distributed among those 62849
institutions that meet or exceed their targets. 62850

AREA HEALTH EDUCATION CENTERS 62851

The foregoing appropriation item 235-474, Area Health 62852
Education Centers Program Support, shall be used by the Board of 62853
Regents to support the medical school regional area health 62854
education centers' educational programs for the continued support 62855
of medical and other health professions education and for support 62856
of the Area Health Education Center Program. 62857

Of the foregoing appropriation item 235-474, Area Health 62858
Education Centers Program Support, \$200,000 in each fiscal year 62859
shall be disbursed to the Ohio University College of Osteopathic 62860
Medicine for the establishment of a mobile health care unit to 62861
serve the southeastern area of the state. Of the foregoing 62862
appropriation item 235-474, Area Health Education Centers Program 62863
Support, \$150,000 in each fiscal year shall be used to support the 62864
Ohio Valley Community Health Information Network (OVCHIN) project. 62865

Section 94.05. MIDWEST HIGHER EDUCATION COMPACT 62866

The foregoing appropriation item 235-408, Midwest Higher 62867
Education Compact, shall be distributed by the Board of Regents 62868
pursuant to section 3333.40 of the Revised Code. 62869

COLLEGE READINESS INITIATIVES 62870

Appropriation item 235-404, College Readiness Initiatives, 62871
shall be used by the Board of Regents to support programs designed 62872
to improve the ability of high school students to enroll and 62873
succeed in higher education. 62874

MATHEMATICS AND SCIENCE TEACHING IMPROVEMENT 62875

Appropriation item 235-403, Math/Science Teaching 62876
Improvement, shall be used by the Board of Regents to support 62877
programs designed to raise the quality of mathematics and science 62878
teaching in primary and secondary education. 62879

Of the foregoing appropriation item 235-403, Mathematics and Science Teaching Improvement, \$250,000 in each fiscal year shall be distributed to the Mathematics and Science Center in Lake County.

Of the foregoing appropriation item 235-403, Mathematics and Science Teaching Improvement, \$100,000 in each fiscal year shall be distributed to the Ohio Mathematics and Science Coalition.

OHIO LEARNING NETWORK

Appropriation item 235-417, Ohio Learning Network, shall be used by the Board of Regents to support the continued implementation of the Ohio Learning Network, a statewide electronic collaborative effort designed to promote degree completion of students, workforce training of employees, and professional development through the use of advanced telecommunications and distance education initiatives.

DISPLACED HOMEMAKERS

Out of the foregoing appropriation item 235-509, Displaced Homemakers, the Board of Regents shall continue funding pilot projects authorized in Am. Sub. H.B. No. 291 of the 115th General Assembly for the following centers: Cuyahoga Community College, University of Toledo, Southern State Community College, and Stark Technical College. The amount of \$30,000 in each fiscal year shall be used for the Baldwin-Wallace Single Parents Reaching Out for Unassisted Tomorrows program.

OHIO AEROSPACE INSTITUTE

The foregoing appropriation item 235-527, Ohio Aerospace Institute, shall be distributed by the Board of Regents under section 3333.042 of the Revised Code.

PRODUCTIVITY IMPROVEMENT CHALLENGE

The foregoing appropriation item 235-455, Productivity

Improvement Challenge, shall be allocated by the Board of Regents 62910
to continue increasing the capabilities of the EnterpriseOhio 62911
Network to meet the ongoing training needs of Ohio employers. 62912
Funds shall support multicampus collaboration, best practice 62913
dissemination, and capacity building projects. The Regents 62914
Advisory Committee for Workforce Development, in its advisory 62915
role, shall advise in the development of plans and activities. 62916

Of the foregoing appropriation item 235-455, Productivity 62917
Improvement Challenge, \$208,000 in each fiscal year shall be used 62918
by the Dayton Business/Sinclair College Jobs Profiling Program. 62919

ACCESS IMPROVEMENT PROJECTS 62920

The foregoing appropriation item 235-477, Access Improvement 62921
Projects, shall be used by the Board of Regents to develop 62922
innovative statewide strategies to increase student access and 62923
retention for specialized populations, and to provide for pilot 62924
projects that will contribute to improving access to higher 62925
education by specialized populations. The funds may be used for 62926
projects that improve access for nonpublic secondary students. 62927

Of the foregoing appropriation item 235-477, Access 62928
Improvement Projects, \$765,000 in each fiscal year shall be 62929
distributed to the Appalachian Center for Higher Education at 62930
Shawnee State University. The board of directors of the center 62931
shall consist of the presidents of Shawnee State University, Ohio 62932
University, Belmont Technical College, Hocking Technical College, 62933
Jefferson Community College, Muskingum Area Technical College, Rio 62934
Grande Community College, Southern State Community College, and 62935
Washington State Community College; the dean of one of the Salem, 62936
Tuscarawas, and East Liverpool regional campuses of Kent State 62937
University, as designated by the president of Kent State 62938
University; a representative of the Board of Regents designated by 62939
the Chancellor; and other members as may be determined by the 62940
Board of Regents. 62941

Of the foregoing appropriation item 235-477, Access 62942
Improvement Projects, \$50,000 in fiscal year 2002 shall be 62943
distributed to the University of Rio Grande Site Improvement 62944
Planning project. 62945

Of the foregoing appropriation item 235-477, Access 62946
Improvement Projects, \$135,000 in fiscal year 2002 shall be used 62947
to support the Access Appalachia Project. 62948

OHIO SUPERCOMPUTER CENTER 62949

The foregoing appropriation item 235-510, Ohio Supercomputer 62950
Center, shall be used by the Board of Regents to support the 62951
operation of the center, located at The Ohio State University, as 62952
a statewide resource available to Ohio research universities both 62953
public and private. It is also intended that the center be made 62954
accessible to private industry as appropriate. Policies of the 62955
center shall be established by a governance committee, 62956
representative of Ohio's research universities and private 62957
industry, to be appointed by the Chancellor of the Board of 62958
Regents and established for this purpose. 62959

OHIO ACADEMIC RESOURCES NETWORK (OARNET) 62960

The foregoing appropriation item 235-556, Ohio Academic 62961
Resources Network, shall be used to support the operations of the 62962
Ohio Academic Resources Network, which shall include support for 62963
Ohio's state-assisted colleges and universities in maintaining and 62964
enhancing network connections. 62965

Section 94.06. PLEDGE OF FEES* 62966

Any new pledge of fees, or new agreement for adjustment of 62967
fees, made in the 2001-2003 biennium to secure bonds or notes of a 62968
state-assisted institution of higher education for a project for 62969
which bonds or notes were not outstanding on the effective date of 62970
this section shall be effective only after approval by the Board 62971

of Regents, unless approved in a previous biennium.	62972
HIGHER EDUCATION GENERAL OBLIGATION DEBT SERVICE	62973
The foregoing appropriation item 235-909, Higher Education	62974
General Obligation Debt Service, shall be used to pay all debt	62975
service and financing costs at the times they are required to be	62976
made pursuant to sections 151.01 and 151.04 of the Revised Code	62977
during the period from July 1, 2001, to June 30, 2003. The Office	62978
of the Sinking Fund or the Director of Budget and Management shall	62979
effectuate the required payments by an interstate transfer	62980
voucher.	62981
Of the foregoing appropriation item 235-909, Higher Educatoin	62982
General Obligation Debt Service, surplus funds net of encumbrances	62983
from the appropriation for fiscal year 2002 shall be	62984
reappropriated to appropriation item 235-501, State Share of	62985
Instruction, for fiscal year 2003.	62986
LEASE RENTAL PAYMENTS	62987
The foregoing appropriation item 235-401, Lease Rental	62988
Payments, shall be used to meet all payments at the times they are	62989
required to be made during the period from July 1, 2001, to June	62990
30, 2003, by the Board of Regents pursuant to leases and	62991
agreements made under section 154.21 of the Revised Code, but	62992
limited to the aggregate amount of \$563,969,000. Nothing in this	62993
act shall be deemed to contravene the obligation of the state to	62994
pay, without necessity for further appropriation, from the sources	62995
pledged thereto, the bond service charges on obligations issued	62996
pursuant to section 154.21 of the Revised Code.	62997
Of the forgoing appropriation item 235-401, Lease-Rental	62998
Payments, surplus funds net of encumbrances from the appropriation	62999
for fiscal year 2002 shall be reappropriated to appropriation item	63000
235-501, State Share of Instruction, for fiscal year 2003.	63001

Section 94.07. OHIO INSTRUCTIONAL GRANTS 63002

Notwithstanding section 3333.12 of the Revised Code, in lieu 63003
of the tables in that section, instructional grants for all 63004
full-time students shall be made for fiscal year 2002 using the 63005
tables under this heading. 63006

The tables under this heading prescribe the maximum grant 63007
amounts covering two semesters, three quarters, or a comparable 63008
portion of one academic year. The grant amount for a full-time 63009
student enrolled in an eligible institution for a semester or 63010
quarter in addition to the portion of the academic year covered by 63011
a grant determined under these tables shall be a percentage of the 63012
maximum prescribed in the applicable table. The maximum grant for 63013
a fourth quarter shall be one-third of the maximum amount 63014
prescribed under the table. The maximum grant for a third semester 63015
shall be one-half of the maximum amount prescribed under the 63016
table. 63017

For a full-time student who is a dependent and enrolled in a 63018
nonprofit educational institution that is not a state-assisted 63019
institution and that has a certificate of authorization issued 63020
pursuant to Chapter 1713. of the Revised Code, the amount of the 63021
instructional grant for two semesters, three quarters, or a 63022
comparable portion of the academic year shall be determined in 63023
accordance with the following table: 63024

Private Institution 63025

Table of Grants 63026

Maximum Grant \$5,160 63027

Gross Income Number of Dependents 63028

	1	2	3	4	5 or more	63029
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Under \$14,000	\$5,160	\$5,160	\$5,160	\$5,160	\$5,160	63030
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\$14,001 - \$15,000	4,644	5,160	5,160	5,160	5,160	63031
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\$15,001 - \$16,000	4,116	4,644	5,160	5,160	5,160	63032
\$16,001 - \$17,000	3,612	4,116	4,644	5,160	5,160	63033
\$17,001 - \$18,000	3,102	3,612	4,116	4,644	5,160	63034
\$18,001 - \$21,000	2,586	3,102	3,612	4,116	4,644	63035
\$21,001 - \$24,000	2,058	2,586	3,102	3,612	4,116	63036
\$24,001 - \$27,000	1,536	2,058	2,586	3,102	3,612	63037
\$27,001 - \$30,000	1,272	1,536	2,058	2,586	3,102	63038
\$30,001 - \$31,000	1,020	1,272	1,536	2,058	2,586	63039
\$31,001 - \$32,000	930	1,020	1,272	1,536	2,058	63040
\$32,001 - \$33,000	840	930	1,020	1,272	1,536	63041
\$33,001 - \$34,000	420	840	930	1,020	1,272	63042
\$34,001 - \$35,000	--	420	840	930	1,020	63043
\$35,001 - \$36,000	--	--	420	840	930	63044
\$36,001 - \$37,000	--	--	--	420	840	63045
\$37,001 - \$38,000	--	--	--	--	420	63046

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							63054
Table of Grants							63055
Maximum Grant \$5,160							63056
Gross Income	Number of Dependents						63057
	0	1	2	3	4	5 or more	63058
Under \$4,500	\$5,160	\$5,160	\$5,160	\$5,160	\$5,160	\$5,160	63059
\$4,501 - \$5,000	4,644	5,160	5,160	5,160	5,160	5,160	63060
\$5,001 - \$5,500	4,116	4,644	5,160	5,160	5,160	5,160	63061
\$5,501 - \$6,000	3,612	4,116	4,644	5,160	5,160	5,160	63062
\$6,001 - \$6,500	3,102	3,612	4,116	4,644	5,160	5,160	63063

\$6,501 - \$7,000	2,586	3,102	3,612	4,116	4,644	5,160	63064
\$7,001 - \$8,000	2,058	2,586	3,102	3,612	4,116	4,644	63065
\$8,001 - \$9,000	1,536	2,058	2,586	3,102	3,612	4,116	63066
\$9,001 - \$10,000	1,272	1,536	2,058	2,586	3,102	3,612	63067
\$10,001 - \$11,500	1,020	1,272	1,536	2,058	2,586	3,102	63068
\$11,501 - \$13,000	930	1,020	1,272	1,536	2,058	2,586	63069
\$13,001 - \$14,500	840	930	1,020	1,272	1,536	2,058	63070
\$14,501 - \$16,000	420	840	930	1,020	1,272	1,536	63071
\$16,001 - \$19,000	--	420	840	930	1,020	1,272	63072
\$19,001 - \$22,000	--	--	420	840	930	1,020	63073
\$22,001 - \$25,000	--	--	--	420	840	930	63074
\$25,001 - \$30,000	--	--	--	--	420	840	63075
\$30,001 - \$35,000	--	--	--	--	--	420	63076

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							63083
Table of Grants							63084
Gross Income	Maximum Grant \$4,374					5 or more	
	Number of Dependents						
	1	2	3	4			
Under \$14,000	\$4,374	\$4,374	\$4,374	\$4,374	\$4,374	\$4,374	63088
\$14,001 - \$15,000	3,948	4,374	4,374	4,374	4,374	4,374	63089
\$15,001 - \$16,000	3,480	3,948	4,374	4,374	4,374	4,374	63090
\$16,001 - \$17,000	3,042	3,480	3,948	4,374	4,374	4,374	63091
\$17,001 - \$18,000	2,634	3,042	3,480	3,948	4,374	4,374	63092
\$18,001 - \$21,000	2,166	2,634	3,042	3,480	3,948	3,948	63093
\$21,001 - \$24,000	1,752	2,166	2,634	3,042	3,480	3,480	63094
\$24,001 - \$27,000	1,338	1,752	2,166	2,634	3,042	3,042	63095

\$27,001 - \$30,000	1,074	1,338	1,752	2,166	2,634	63096
\$30,001 - \$31,000	858	1,074	1,338	1,752	2,166	63097
\$31,001 - \$32,000	804	858	1,074	1,338	1,752	63098
\$32,001 - \$33,000	708	804	858	1,074	1,338	63099
\$33,001 - \$34,000	354	708	804	858	1,074	63100
\$34,001 - \$35,000	--	354	708	804	858	63101
\$35,001 - \$36,000	--	--	354	708	804	63102
\$36,001 - \$37,000	--	--	--	354	708	63103
\$37,001 - \$38,000	--	--	--	--	354	63104

For a full-time student who is financially independent and
enrolled in an educational institution that holds a certificate of
registration from the state board of proprietary school
registration, the amount of the instructional grant for two
semesters, three quarters, or a comparable portion of the academic
year shall be determined in accordance with the following table:

Proprietary Institution							63111
Table of Grants							63112
Maximum Grant \$4,374							63113
Gross Income	Number of Dependents						63114
	0	1	2	3	4	5 or more	63115
Under \$4,500	\$4,374	\$4,374	\$4,374	\$4,374	\$4,374	\$4,374	63116
\$4,501 - \$5,000	3,948	4,374	4,374	4,374	4,374	4,374	63117
\$5,001 - \$5,500	3,480	3,948	4,374	4,374	4,374	4,374	63118
\$5,501 - \$6,000	3,042	3,480	3,948	4,374	4,374	4,374	63119
\$6,001 - \$6,500	2,634	3,042	3,480	3,948	4,374	4,374	63120
\$6,501 - \$7,000	2,166	2,634	3,042	3,480	3,948	4,374	63121
\$7,001 - \$8,000	1,752	2,166	2,634	3,042	3,480	3,948	63122
\$8,001 - \$9,000	1,338	1,752	2,166	2,634	3,042	3,480	63123
\$9,001 - \$10,000	1,074	1,338	1,752	2,166	2,634	3,042	63124
\$10,001 - \$11,500	858	1,074	1,338	1,752	2,166	2,634	63125
\$11,501 - \$13,000	804	858	1,074	1,338	1,752	2,166	63126
\$13,001 - \$14,500	708	804	858	1,074	1,338	1,752	63127

\$14,501 - \$16,000	354	708	804	858	1,074	1,338	63128
\$16,001 - \$19,000	--	354	708	804	858	1,074	63129
\$19,001 - \$22,000	--	--	354	708	804	858	63130
\$22,001 - \$25,000	--	--	--	354	708	804	63131
\$25,001 - \$30,000	--	--	--	--	354	708	63132
\$30,001 - \$35,000	--	--	--	--	--	354	63133

For a full-time student who is a dependent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution

Table of Grants

Maximum Grant \$2,070

Gross Income	Number of Dependents					5 or more	
	1	2	3	4			
Under \$14,000	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	63144
\$14,001 - \$15,000	1,866	2,070	2,070	2,070	2,070	2,070	63145
\$15,001 - \$16,000	1,644	1,866	2,070	2,070	2,070	2,070	63146
\$16,001 - \$17,000	1,458	1,644	1,866	2,070	2,070	2,070	63147
\$17,001 - \$18,000	1,248	1,458	1,644	1,866	2,070	2,070	63148
\$18,001 - \$21,000	1,020	1,248	1,458	1,644	1,866	1,866	63149
\$21,001 - \$24,000	816	1,020	1,248	1,458	1,644	1,644	63150
\$24,001 - \$27,000	612	816	1,020	1,248	1,458	1,458	63151
\$27,001 - \$30,000	492	612	816	1,020	1,248	1,248	63152
\$30,001 - \$31,000	396	492	612	816	1,020	1,020	63153
\$31,001 - \$32,000	366	396	492	612	816	816	63154
\$32,001 - \$33,000	336	366	492	612	816	612	63155
\$33,001 - \$34,000	168	336	492	612	816	492	63156
\$34,001 - \$35,000	--	168	336	492	612	396	63157
\$35,001 - \$36,000	--	--	168	336	492	366	63158
\$36,001 - \$37,000	--	--	--	168	336	336	63159

\$37,001 - \$38,000 -- -- -- -- 168 63160

For a full-time student who is financially independent and 63161
enrolled in a state-assisted educational institution, the amount 63162
of the instructional grant for two semesters, three quarters, or a 63163
comparable portion of the academic year shall be determined in 63164
accordance with the following table: 63165

Public Institution 63166

Table of Grants 63167

Maximum Grant \$2,070 63168

Gross Income Number of Dependents 63169

	0	1	2	3	4	5 or more	
Under \$4,500	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	\$2,070	63171
\$4,501 - \$5,000	1,866	2,070	2,070	2,070	2,070	2,070	63172
\$5,001 - \$5,500	1,644	1,866	2,070	2,070	2,070	2,070	63173
\$5,501 - \$6,000	1,458	1,644	1,866	2,070	2,070	2,070	63174
\$6,001 - \$6,500	1,248	1,458	1,644	1,866	2,070	2,070	63175
\$6,501 - \$7,000	1,020	1,248	1,458	1,644	1,866	2,070	63176
\$7,001 - \$8,000	816	1,020	1,248	1,458	1,644	1,866	63177
\$8,001 - \$9,000	612	816	1,020	1,248	1,458	1,644	63178
\$9,001 - \$10,000	492	612	816	1,020	1,248	1,458	63179
\$10,001 - \$11,500	396	492	612	816	1,020	1,248	63180
\$11,501 - \$13,000	366	396	492	612	816	1,020	63181
\$13,001 - \$14,500	336	366	396	492	612	816	63182
\$14,501 - \$16,000	168	336	366	396	492	612	63183
\$16,001 - \$19,000	--	168	336	366	396	492	63184
\$19,001 - \$22,000	--	--	168	336	366	396	63185
\$22,001 - \$25,000	--	--	--	168	336	366	63186
\$25,001 - \$30,000	--	--	--	--	168	336	63187
\$30,001 - \$35,000	--	--	--	--	--	168	63188

The foregoing appropriation item 235-503, Ohio Instructional 63189
Grants, shall be used to make the payments authorized by division 63190

(C) of section 3333.26 of the Revised Code to the institutions 63191
described in that division. In addition, this appropriation shall 63192
be used to reimburse the institutions described in division (B) of 63193
section 3333.26 of the Revised Code for the cost of the waivers 63194
required by that division. 63195

Of the appropriation item 235-503, Ohio Instructional Grants, 63196
surplus funds net of encumbrances from the appropriation for 63197
fiscal year 2002 shall be reappropriated to appropriation item 63198
235-534, Student Workforce Development Grants, for fiscal year 63199
2003. 63200

WAR ORPHANS SCHOLARSHIPS 63201

The foregoing appropriation item 235-504, War Orphans 63202
Scholarships, shall be used to reimburse state-assisted 63203
institutions of higher education for waivers of instructional fees 63204
and general fees provided by them, to provide grants to 63205
institutions that have received a certificate of authorization 63206
from the Ohio Board of Regents under Chapter 1713. of the Revised 63207
Code, in accordance with the provisions of section 5910.04 of the 63208
Revised Code, and to fund additional scholarship benefits provided 63209
by section 5910.032 of the Revised Code. 63210

PART-TIME STUDENT INSTRUCTIONAL GRANTS 63211

The foregoing appropriation item 235-549, Part-time Student 63212
Instructional Grants, shall be used to support a grant program for 63213
part-time undergraduate students who are Ohio residents and who 63214
are enrolled in degree granting programs. 63215

Eligibility for participation in the program shall include 63216
degree granting educational institutions that hold a certificate 63217
of registration from the State Board of Proprietary School 63218
Registration, and nonprofit institutions that have a certificate 63219
of authorization issued pursuant to Chapter 1713. of the Revised 63220
Code, as well as state-assisted colleges and universities. Grants 63221

shall be given to students on the basis of need, as determined by 63222
the college, which, in making these determinations, shall give 63223
special consideration to single-parent heads-of-household and 63224
displaced homemakers who enroll in an educational degree program 63225
that prepares the individual for a career. In determining need, 63226
the college also shall consider the availability of educational 63227
assistance from a student's employer. It is the intent of the 63228
General Assembly that these grants not supplant such assistance. 63229

Section 94.08. STUDENT CHOICE GRANTS 63230

The foregoing appropriation item 235-531, Student Choice 63231
Grants, shall be used to support the Student Choice Grant Program 63232
created by section 3333.27 of the Revised Code. 63233

STUDENT WORKFORCE DEVELOPMENT GRANTS 63234

The foregoing appropriation item 235-534, Student Workforce 63235
Development Grants, shall be used to support the Student Workforce 63236
Development Grant Program. Of the appropriated funds available, 63237
the Board of Regents shall distribute grants to each eligible 63238
student in an academic year. The size of each grant award shall be 63239
determined by the Board of Regents based on the amount of funds 63240
available for the program. 63241

ACADEMIC SCHOLARSHIPS 63242

The foregoing appropriation item 235-530, Academic 63243
Scholarships, shall be used to provide academic scholarships to 63244
students under section 3333.22 of the Revised Code. The annual 63245
scholarship amount awarded to any student who receives a 63246
scholarship for the 2001-2002 academic year shall be \$2,100, and 63247
the annual scholarship amount awarded to any student who receives 63248
a scholarship for the 2002-2003 academic year shall be \$2,205. 63249

PHYSICIAN LOAN REPAYMENT 63250

The foregoing appropriation item 235-604, Physician Loan 63251

Repayment, shall be used in accordance with sections 3702.71 to 63252
3702.81 of the Revised Code. 63253

NURSING LOAN PROGRAM 63254

The foregoing appropriation item 235-606, Nursing Loan 63255
Program, shall be used to administer the nurse education 63256
assistance program. Up to \$159,600 in fiscal year 2002 and 63257
\$167,580 in fiscal year 2003 may be used for operating expenses 63258
associated with the program. Any additional funds needed for the 63259
administration of the program are subject to Controlling Board 63260
approval. 63261

Section 94.09. COOPERATIVE EXTENSION SERVICE 63262

Of the foregoing appropriation item 235-511, Cooperative 63263
Extension Service, \$210,000 in each fiscal year shall be used for 63264
additional staffing for county agents for expanded 4-H activities. 63265
Of the foregoing appropriation item 235-511, Cooperative Extension 63266
Service, \$210,000 in each fiscal year shall be used by the 63267
Cooperative Extension Service, through the Enterprise Center for 63268
Economic Development in cooperation with other agencies, for a 63269
public-private effort to create and operate a small business 63270
economic development program to enhance the development of 63271
alternatives to the growing of tobacco, and implement, through 63272
applied research and demonstration, the production and marketing 63273
of other high-value crops and value-added products. Of the 63274
foregoing appropriation item 235-511, Cooperative Extension 63275
Service, \$65,000 in each fiscal year shall be used for farm labor 63276
mediation and education programs. Of the foregoing appropriation 63277
item 235-511, Cooperative Extension Service, \$215,000 in each 63278
fiscal year shall be used to support the Ohio State University 63279
Marion Enterprise Center. 63280

Of the foregoing appropriation item 235-511, Cooperative 63281
Extension Service, \$910,500 in each fiscal year shall be used to 63282

support the Ohio Watersheds Initiative. 63283

OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER 63284

Of the foregoing appropriation item 235-535, Ohio 63285
Agricultural Research and Development Center, \$950,000 in each 63286
fiscal year shall be distributed to the Piketon Agricultural 63287
Research and Extension Center. 63288

Of the foregoing appropriation item 235-535, Ohio 63289
Agricultural Research and Development Center, \$250,000 in each 63290
fiscal year shall be distributed to the 63291
Raspberry/Strawberry-Ellagic Acid Research program at the Ohio 63292
State University Medical College in cooperation with the Ohio 63293
State University College of Agriculture. 63294

Of the foregoing appropriation item 235-535, Ohio 63295
Agricultural Research and Development Center, \$50,000 in each 63296
fiscal year shall be used to support the Ohio Berry Administrator. 63297

Of the foregoing appropriation item 235-535, Ohio 63298
Agricultural Research and Development Center, \$100,000 in each 63299
fiscal year shall be used for the development of agricultural 63300
crops and products not currently in widespread production in Ohio, 63301
in order to increase the income and viability of family farmers. 63302

COOPERATIVE EXTENSION SERVICE AND OHIO AGRICULTURAL RESEARCH 63303
AND DEVELOPMENT CENTER 63304

The foregoing appropriation items 235-511, Cooperative 63305
Extension Service, and 235-535, Ohio Agricultural Research and 63306
Development Center, shall be disbursed through the Board of 63307
Regents to The Ohio State University in monthly payments, unless 63308
otherwise determined by the Director of Budget and Management 63309
pursuant to section 126.09 of the Revised Code. Of the foregoing 63310
appropriation item 235-535, Ohio Agricultural Research and 63311
Development Center, \$540,000 in each fiscal year shall be used to 63312
purchase equipment. 63313

The Ohio Agricultural Research and Development Center shall 63314
not be required to remit payment to The Ohio State University 63315
during the 2001-2003 biennium for cost reallocation assessments. 63316
The cost reallocation assessments include, but are not limited to, 63317
any assessment on state appropriations to the center. 63318

Section 94.10. SEA GRANTS 63319

The foregoing appropriation item 235-402, Sea Grants, shall 63320
be disbursed to The Ohio State University and shall be used to 63321
conduct research on fish in Lake Erie. 63322

INFORMATION SYSTEM 63323

The foregoing appropriation item 235-409, Information System, 63324
shall be used by the Board of Regents to operate the higher 63325
education information data system known as the Higher Education 63326
Information System. 63327

STUDENT SUPPORT SERVICES 63328

The foregoing appropriation item 235-502, Student Support 63329
Services, shall be distributed by the Board of Regents to Ohio's 63330
state-assisted colleges and universities that incur 63331
disproportionate costs in the provision of support services to 63332
disabled students. 63333

CENTRAL STATE SUPPLEMENT 63334

The foregoing appropriation item 235-514, Central State 63335
Supplement, shall be used by Central State University to keep 63336
undergraduate fees below the statewide average, consistent with 63337
its mission of service to many first-generation college students 63338
from groups historically underrepresented in higher education and 63339
from families with limited incomes. 63340

SHAWNEE STATE SUPPLEMENT 63341

The foregoing appropriation item 235-520, Shawnee State 63342

Supplement, shall be used by Shawnee State University as detailed 63343
by both of the following: 63344

(A) To allow Shawnee State University to keep its 63345
undergraduate fees below the statewide average, consistent with 63346
its mission of service to an economically depressed Appalachian 63347
region; 63348

(B) To allow Shawnee State University to employ new faculty 63349
to develop and teach in new degree programs that meet the needs of 63350
Appalachians. 63351

POLICE AND FIRE PROTECTION 63352

The foregoing appropriation item 235-524, Police and Fire 63353
Protection, shall be used for police and fire services in the 63354
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 63355
Portsmouth, Xenia Township (Greene County), and Rootstown 63356
Township, which may be used to assist these local governments in 63357
providing police and fire protection for the central campus of the 63358
state-affiliated university located therein. Each participating 63359
municipality and township shall receive at least five thousand 63360
dollars per year. Funds shall be distributed by the Board of 63361
Regents. 63362

SCHOOL OF INTERNATIONAL BUSINESS 63363

Of the foregoing appropriation item 235-547, School of 63364
International Business, \$1,218,764 in each fiscal year shall be 63365
used for the continued development and support of the School of 63366
International Business of the state universities of northeast 63367
Ohio. The money shall go to the University of Akron. These funds 63368
shall be used by the university to establish a School of 63369
International Business located at the University of Akron. It may 63370
confer with Kent State University, Youngstown State University, 63371
and Cleveland State University as to the curriculum and other 63372
matters regarding the school. 63373

Of the foregoing appropriation item 235-547, School of International Business, \$245,000 in each fiscal year shall be used by the University of Toledo College of Business for expansion of its international business programs.

Of the foregoing appropriation item 235-547, School of International Business, \$245,000 in each fiscal year shall be used by to support the Ohio State University BioMEMS program.

CAPITAL COMPONENT

The foregoing appropriation item 235-552, Capital Component, shall be used by the Board of Regents to implement the capital funding policy for state-assisted colleges and universities established in Am. H.B. No. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to new qualifying capital projects is less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to new qualifying capital projects from the campus formula-determined capital component allocation. Moneys distributed from this appropriation item shall be restricted to capital-related purposes.

DAYTON AREA GRADUATE STUDIES INSTITUTE

The foregoing appropriation item 235-553, Dayton Area Graduate Studies Institute, shall be used by the Board of Regents to support the Dayton Area Graduate Studies Institute, an engineering graduate consortium of three universities in the Dayton area: Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University.

LONG-TERM CARE RESEARCH

The foregoing appropriation item 235-558, Long-term Care

Research, shall be disbursed to Miami University for long-term 63405
care research. 63406

BOWLING GREEN STATE UNIVERSITY CANADIAN STUDIES CENTER 63407

The foregoing appropriation item 235-561, Bowling Green State 63408
University Canadian Studies Center, shall be used by the Canadian 63409
Studies Center at Bowling Green State University to study 63410
opportunities for Ohio and Ohio businesses to benefit from the 63411
Free Trade Agreement between the United States and Canada. 63412

URBAN UNIVERSITY PROGRAMS 63413

Of the foregoing appropriation item 235-583, Urban University 63414
Programs, universities receiving funds that are used to support an 63415
ongoing university unit shall certify periodically in a manner 63416
approved by the Board of Regents that program funds are being 63417
matched on a one-to-one basis with equivalent resources. Overhead 63418
support may not be used to meet this requirement. Where Urban 63419
University Program funds are being used to support an ongoing 63420
university unit, matching funds must come from continuing rather 63421
than one-time sources. At each participating state-assisted 63422
institution of higher education, matching funds must be within the 63423
substantial control of the individual designated by the 63424
institution's president as the Urban University Program 63425
representative. 63426

Of the foregoing appropriation item 235-583, Urban University 63427
Programs, \$372,400 in each fiscal year shall be used to support a 63428
public communication outreach program (WCPN). The primary purpose 63429
of the program shall be to develop a relationship between 63430
Cleveland State University and nonprofit communications entities. 63431

Of the foregoing appropriation item 235-583, Urban University 63432
Programs, \$176,400 in each fiscal year shall be used to support 63433
the Center for the Interdisciplinary Study of Education and the 63434
Urban Child at Cleveland State University. These funds shall be 63435

distributed according to rules adopted by the Board of Regents and 63436
shall be used by the center for interdisciplinary activities 63437
targeted toward increasing the chance of lifetime success of the 63438
urban child, including interventions beginning with the prenatal 63439
period. The primary purpose of the center is to study issues in 63440
urban education and to systematically map directions for new 63441
approaches and new solutions by bringing together a cadre of 63442
researchers, scholars, and professionals representing the social, 63443
behavioral, education, and health disciplines. 63444

Of the foregoing appropriation item 235-583, Urban University 63445
Programs, \$254,800 in each fiscal year shall be used to support 63446
the Kent State University Learning and Technology Project. This 63447
project is a kindergarten through university collaboration between 63448
schools surrounding Kent's eight campuses in northeast Ohio, and 63449
corporate partners who will assist in development and delivery. 63450

The Kent State University Project shall provide a faculty 63451
member who has a full-time role in the development of 63452
collaborative activities and teacher instructional programming 63453
between Kent and the K-12th grade schools that surround its eight 63454
campuses; appropriate student support staff to facilitate these 63455
programs and joint activities; and hardware and software to 63456
schools that will make possible the delivery of instruction to 63457
pre-service and in-service teachers, and their students, in their 63458
own classrooms or school buildings. This shall involve the 63459
delivery of low-bandwidth streaming video and web-based 63460
technologies in a distributed instructional model. 63461

Of the foregoing appropriation item 235-583, Urban University 63462
Programs, \$98,000 in each fiscal year shall be used to support the 63463
Ameritech Classroom/Center for Research at Kent State University. 63464

Of the foregoing appropriation item 235-583, Urban University 63465
Programs, \$980,000 in each fiscal year shall be used to support 63466
the Polymer Distance Learning Project at the University of Akron. 63467

Of the foregoing appropriation item 235-583, Urban University Programs, \$49,000 in each fiscal year shall be distributed to the Kent State University/Cleveland Design Center program.

Of the foregoing appropriation item 235-583, Urban University Programs, \$245,000 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron.

Of the foregoing appropriation item 235-583, Urban University Programs, \$14,700 in each fiscal year shall be used for the Advancing-Up Program at the University of Akron.

Of the foregoing appropriation item 235-583, Urban University Programs, in each fiscal year \$2,156,629 shall be distributed by the Board of Regents to Cleveland State University in support of the Maxine Goodman Levin College of Urban Affairs.

Of the foregoing appropriation item 235-583, Urban University Programs, in each fiscal year \$2,156,630 shall be distributed to the Northeast Ohio Research Consortium, the Urban Linkages Program, and the Urban Research Technical Assistance Grant Program. The distribution among the three programs shall be determined by the chair of the Urban University Program.

INTERNATIONAL CENTER FOR WATER RESOURCES DEVELOPMENT

The foregoing appropriation item 235-595, International Center for Water Resources Development, shall be used to support the International Center for Water Resources Development at Central State University. The center shall develop methods to improve the management of water resources for Ohio and for emerging nations.

RURAL UNIVERSITY PROJECTS

Of the foregoing appropriation item 235-587, Rural University Projects, Bowling Green State University shall receive \$212,072 in

each fiscal year, Miami University shall receive \$324,503 in each 63498
fiscal year, and Ohio University shall receive \$740,977 in each 63499
fiscal year. These funds shall be used to support the Institute 63500
for Local Government Administration and Rural Development at Ohio 63501
University, the Center for Public Management and Regional Affairs 63502
at Miami University, and the Center for Policy Analysis and Public 63503
Service at Bowling Green State University. 63504

Of the foregoing appropriation item 235-587, Rural University 63505
Projects, \$24,500 in each fiscal year shall be used to support the 63506
Washington State Community College day care center. 63507

Of the foregoing appropriation item 235-587, Rural University 63508
Projects, \$73,500 in each fiscal year shall be used to support the 63509
COAD/ILGARD/GOA Appalachian Leadership Initiative. 63510

A small portion of the funds provided to Ohio University 63511
shall also be used for the Institute for Local Government 63512
Administration and Rural Development State and Rural Policy 63513
Partnership with the Governor's Office of Appalachia and the 63514
Appalachian delegation of the General Assembly. 63515

OHIO RESOURCE CENTER FOR MATHEMATICS, SCIENCE, AND READING 63516

The foregoing appropriation item 235-588, Ohio Resource 63517
Center for Mathematics, Science, and Reading, shall be used to 63518
support a resource center for mathematics, science, and reading to 63519
be located at a state-assisted university for the purpose of 63520
identifying best educational practices in primary and secondary 63521
schools and establishing methods for communicating them to 63522
colleges of education and school districts. 63523

HAZARDOUS MATERIALS PROGRAM 63524

The foregoing appropriation item 235-596, Hazardous Materials 63525
Program, shall be disbursed to Cleveland State University for the 63526
operation of a program to certify firefighters for the handling of 63527
hazardous materials. Training shall be available to all Ohio 63528

firefighters. 63529

Of the foregoing appropriation item 235-596, Hazardous 63530
Materials Program, \$150,000 in each fiscal year shall be used to 63531
support the Center for the Interdisciplinary Study of Education 63532
and Leadership in Public Service at Cleveland State University. 63533
These funds shall be distributed by the Board of Regents and shall 63534
be used by the center targeted toward increasing the role of 63535
special populations in public service and not-for-profit 63536
organizations. The primary purpose of the center is to study 63537
issues in public service and to guide strategies for attracting 63538
new communities into public service occupations by bringing 63539
together a cadre of researchers, scholars and professionals 63540
representing the public administration, social behavioral, and 63541
education disciplines. 63542

NATIONAL GUARD SCHOLARSHIP PROGRAM 63543

The Board of Regents shall disburse funds from appropriation 63544
item 235-599, National Guard Scholarship Program, at the direction 63545
of the Adjutant General. 63546

OHIO HIGHER EDUCATIONAL FACILITY COMMISSION SUPPORT 63547

The foregoing appropriation item 235-602, HEFC 63548
Administration, shall be used by the Board of Regents for 63549
operating expenses related to the Board of Regents' support of the 63550
activities of the Ohio Higher Educational Facility Commission. 63551
Upon the request of the chancellor, the Director of Budget and 63552
Management shall transfer up to \$12,000 cash from Fund 461 to Fund 63553
4E8 in each fiscal year of the biennium. 63554

CAPITAL SCHOLARSHIP PROGRAMS 63555

The Chancellor of the Board of Regents may, for the purpose 63556
of providing up to one hundred twenty-five scholarships in each 63557
fiscal year in the amount of \$2,000 each for students enrolled in 63558
Ohio's public and private institutions of higher education to 63559

participate in the Washington Center Internship Program, utilize 63560
any funds from any appropriation within the budget of the Board of 63561
Regents that the Chancellor determines to be available, not to 63562
exceed \$250,000 in any fiscal year. The scholarships shall be 63563
matched by the Washington Center's scholarship funds. 63564

Section 94.11. BREAKTHROUGH INVESTMENTS 63565

OHIO PLAN STUDY COMMITTEE 63566

There is established the Ohio Plan Study Committee, which 63567
shall determine appropriate ways to fund the Ohio Plan for 63568
Technology and Development. The Study Committee shall consist of 63569
the Governor's Science Advisor, the Director of Budget and 63570
Management, the Chancellor of the Board of Regents, the Director 63571
of Development, three members of the House of Representatives 63572
appointed by the Speaker, of whom no more than two shall be of the 63573
same political party, and three members of the Senate appointed by 63574
the President, of whom no more than two shall be of the same 63575
political party. Administrative support for the Study Committee 63576
shall be provided by the Board of Regents. The Study Committee 63577
shall report its recommendations to the Governor and the General 63578
Assembly no later than December 31, 2001. After it submits its 63579
report, the Study Committee shall cease to exist. The Ohio Plan 63580
for Technology and Development is intended to promote 63581
collaborative efforts among state government, higher education, 63582
and business and industry that will lead to the development of New 63583
Economy applications of science and technology and, ultimately, 63584
new business start-ups in the state and increased economic 63585
prosperity for the citizens of Ohio. 63586

APPALACHIAN NEW ECONOMY PARTNERSHIP 63587

The foregoing appropriation item 235-428, Appalachian New 63588
Economy Partnership, shall be distributed to Ohio University to 63589
begin a multi-campus and multi-agency coordinated effort to link 63590

Appalachia to the new economy. Ohio University shall use these 63591
funds to provide leadership in the development and implementation 63592
of initiatives in the areas of entrepreneurship, management, 63593
education, and technology. 63594

Section 94.12. SCIENCE AND TECHNOLOGY COLLABORATION 63595

The Board of Regents shall work in close collaboration with 63596
the Department of Development, the Biomedical Research and 63597
Technology Transfer Commission, created within the Board of 63598
Regents by section 183.20 of the Revised Code, and the Technology 63599
Action Board in relation to appropriation items and programs 63600
listed in the following paragraph, and other technology-related 63601
appropriations and programs in the Department of Development and 63602
the Board of Regents as these agencies may designate, to ensure 63603
implementation of a coherent state strategy with respect to 63604
science and technology. 63605

Each of the following appropriations and programs: 194-401, 63606
Thomas Edison Program; 195-408, Coal Research Development; 63607
195-422, Technology Action; 195-632, Coal Research and Development 63608
Fund; 235-428, Appalachian New Economy Partnership; 235-454, 63609
Research Challenge; 235-510, Ohio Supercomputer Center; 235-527, 63610
Ohio Aerospace Institute; 235-535, Agricultural Research and 63611
Development Center; 235-554, Computer Science Graduate Education; 63612
235-556, Ohio Academic Resources Network; and 235-405, Biomedical 63613
Research and Technology Transfer Commission, shall be reviewed 63614
annually by the Technology Action Board with respect to its 63615
development of complementary relationships within a combined state 63616
science and technology investment portfolio and its overall 63617
contribution to the state's science and technology strategy, 63618
including the adoption of appropriately consistent criteria for: 63619
(1) the scientific merit of activities supported by the program; 63620
(2) the relevance of the program's activities to commercial 63621

opportunities in the private sector; and (3) the private sector's 63622
involvement in a process that continually evaluates commercial 63623
opportunities to use the work supported by the program. The annual 63624
review by the Technology Action Board shall be a comprehensive 63625
review of the entire state science and technology program 63626
portfolio rather than a review of individual programs. 63627

Section 94.13. REPAYMENT OF RESEARCH FACILITY INVESTMENT FUND 63628
MONEYS 63629

Notwithstanding any provision of law to the contrary, all 63630
repayments of Research Facility Investment Fund loans shall be 63631
made to the Bond Service Trust Fund. All Research Facility 63632
Investment Fund loan repayments made prior to the effective date 63633
of this section shall be transferred by the Director of Budget and 63634
Management to the Bond Service Trust Fund within sixty days of the 63635
effective date of this section. 63636

Campuses shall make timely repayments of Research Facility 63637
Investment Fund loans, according to the schedule established by 63638
the Board of Regents. In the case of late payments, the Board of 63639
Regents may deduct from an institution's periodic subsidy 63640
distribution an amount equal to the amount of the overdue payment 63641
for that institution, transfer such amount to the Bond Service 63642
Trust Fund, and credit the appropriate institution for the 63643
repayment. 63644

VETERANS' PREFERENCES 63645

The Board of Regents shall work with the Governor's Office of 63646
Veterans' Affairs to develop specific veterans' preference 63647
guidelines for higher education institutions. These guidelines 63648
shall ensure that the institutions' hiring practices are in 63649
accordance with the intent of Ohio's veterans' preference laws. 63650

OHIO STATE UNIVERSITY VETERINARY CLINIC 63651

Notwithstanding anything to the contrary in sections 9.33, 63652
123.01, and 3345.50 and Chapter 153. of the Revised Code, The Ohio 63653
State University may negotiate, enter into, and locally administer 63654
a contract which combines the design and construction elements of 63655
the project into a single contract for the College of Veterinary 63656
Medicine Large Animal Clinic in Union County, Ohio. This project, 63657
costing approximately \$1,200,000, is funded with university funds. 63658

Section 94.14. CENTRAL STATE UNIVERSITY 63659

(A) Notwithstanding sections 3345.72, 3345.74, 3345.75, and 63660
3345.76 of the Revised Code and rule 126:3-1-01 of the 63661
Administrative Code, Central State University shall adhere to the 63662
following fiscal standards: 63663

(1) Maintenance of a balanced budget and filing of quarterly 63664
reports on an annualized budget with the Board of Regents, 63665
comparing the budget to actual spending and revenues with 63666
projected expenditures and revenues for the remainder of the year. 63667
Such reports shall include narrative explanations as appropriate 63668
and be filed within 30 days of the end of the quarter. 63669

(2) Timely and accurate assessment of the current and 63670
projected cash flow of university funds, by fund type; 63671

(3) Timely reconciliation of all university cash and general 63672
ledger accounts, by fund; 63673

(4) Submission to the Auditor of State of financial 63674
statements consistent with audit requirements prescribed by the 63675
Auditor of State within four months after the end of the fiscal 63676
year; 63677

(5) Completion of an audit within six months after the end of 63678
the fiscal year. 63679

The Director of Budget and Management shall provide 63680
clarification to the university on these fiscal standards as 63681

deemed necessary. The director also may take such actions as are
necessary to ensure that the university adheres to these standards
and other fiscal standards consistent with generally accepted
accounting principles and the requirements of external entities
providing funding to the university. Such actions may include the
appointment of a financial consultant to assist Central State
University in the continuous process of design and implementation
of responsible systems of financial management and accounting.

(B) The director's fiscal oversight shall continue until such
time as the university meets the same criteria as those created in
paragraph (F) of rule 126:3-1-01 of the Administrative Code for
the termination of a fiscal watch. At that time Central State
University shall be relieved of the requirements of this section
and subject to the requirements of sections 3345.72, 3345.74,
3345.75, and 3345.76 of the Revised Code.

Any encumbered funds remaining from appropriation item
042-407, Central State Deficit, as appropriated in Am. Sub. S.B. 6
of the 122nd General Assembly shall be released during the
2001-2003 biennium for nonrecurring expenses contingent upon the
approval of the Director of Budget and Management.

Section 95. DRC DEPARTMENT OF REHABILITATION AND CORRECTION

General Revenue Fund

GRF 501-321	Institutional	\$	834,724,490	\$	877,452,200	63704
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Operations

GRF 501-403	Prisoner Compensation	\$	8,837,616	\$	8,837,616	63705
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GRF 501-405	Halfway House	\$	34,573,018	\$	35,673,018	63706
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GRF 501-406	Lease Rental Payments	\$	138,116,400	\$	149,653,700	63707
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GRF 501-407	Community	\$	15,150,792	\$	15,150,792	63708
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Nonresidential

Programs

GRF 501-408	Community Misdemeanor	\$	7,942,211	\$	7,942,211	63709
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	Programs			
GRF 501-501	Community Residential	\$ 53,015,353	\$ 53,015,353	63710
	Programs - CBCF			
				63711
GRF 502-321	Mental Health Services	\$ 63,861,558	\$ 67,128,946	63712
GRF 503-321	Parole and Community	\$ 73,332,328	\$ 78,711,552	63713
	Operations			
GRF 504-321	Administrative	\$ 27,595,593	\$ 27,377,252	63714
	Operations			
GRF 505-321	Institution Medical	\$ 114,465,573	\$ 118,907,262	63715
	Services			
GRF 506-321	Institution Education	\$ 22,981,953	\$ 24,048,209	63716
	Services			
GRF 507-321	Institution Recovery	\$ 6,642,352	\$ 6,951,387	63717
	Services			
TOTAL GRF	General Revenue Fund	\$ 1,401,239,237	\$ 1,470,849,498	63718
				63719
	General Services Fund Group			
				63720
4B0 501-601	Penitentiary Sewer	\$ 1,535,919	\$ 1,614,079	63721
	Treatment Facility			
	Services			
4D4 501-603	Prisoner Programs	\$ 21,872,497	\$ 23,135,230	63722
4L4 501-604	Transitional Control	\$ 401,772	\$ 417,032	63723
4S5 501-608	Education Services	\$ 3,727,680	\$ 3,894,150	63724
483 501-605	Property Receipts	\$ 361,230	\$ 373,628	63725
5H8 501-617	Offender Financial	\$ 435,000	\$ 440,000	63726
	Responsibility			
5L6 501-611	Information Technology	\$ 5,474,800	\$ 3,561,670	63727
	Services			
571 501-606	Training Academy	\$ 71,567	\$ 71,567	63728
	Receipts			
593 501-618	Laboratory Services	\$ 4,277,711	\$ 4,469,231	63729
TOTAL GSF	General Services Fund	\$ 38,158,176	\$ 37,976,587	63730

Group

Federal Special Revenue Fund Group					63731
3S1 501-615 Truth-In-Sentencing	\$	22,906,042	\$	23,432,796	63732
Grants					
323 501-619 Federal Grants	\$	10,246,790	\$	10,246,790	63733
TOTAL FED Federal Special Revenue					63734
Fund Group	\$	33,152,832	\$	33,679,586	63735
Intragovernmental Service Fund Group					63736
148 501-602 Services and	\$	95,102,123	\$	98,634,008	63737
Agricultural					
200 501-607 Ohio Penal Industries	\$	43,131,254	\$	44,425,724	63738
TOTAL ISF Intragovernmental					63739
Service Fund Group	\$	138,233,377	\$	143,059,732	63740
TOTAL ALL BUDGET FUND GROUPS	\$	1,610,783,622	\$	1,685,565,403	63741

OHIO BUILDING AUTHORITY LEASE PAYMENTS 63742

The foregoing appropriation item 501-406, Lease Rental 63743
 Payments, shall be used for payments to the Ohio Building 63744
 Authority for the period July 1, 2001, to June 30, 2003, pursuant 63745
 to the primary leases and agreements for those buildings made 63746
 under Chapter 152. of the Revised Code in the amount of 63747
 \$287,770,100, which are the source of funds pledged for bond 63748
 service charges on related obligations issued pursuant to Chapter 63749
 152. of the Revised Code. 63750

PRISONER COMPENSATION 63751

Money from the foregoing appropriation item 501-403, Prisoner 63752
 Compensation, shall be transferred on a quarterly basis by 63753
 intrastate transfer voucher to Fund 148 for the purposes of paying 63754
 prisoner compensation. 63755

CBCF Title XX FUNDS 63756

Not later than July 15, 2001, the Director of Budget and 63757
 Management shall transfer \$3,600,000 from Fund 3W3, Adult Special 63758

Needs, to the General Revenue Fund. Not later than July 15, 2002,				63759
the Director of Budget and Management shall transfer \$3,600,000				63760
from Fund 3W3, Adult Special Needs, to the General Revenue Fund.				63761
INMATE DEVELOPMENT PROGRAM				63762
Of the foregoing appropriation item 503-321, Parole and				63763
Community Operations, at least \$30,000 in each fiscal year shall				63764
be used for an inmate development program.				63765
INSTITUTION RECOVERY SERVICES				63766
Of the foregoing appropriation item 507-321, Institution				63767
Recovery Services, \$50,000 in each fiscal year shall be used to				63768
fund a demonstration project using innovative alcohol and				63769
substance abuse treatment methods.				63770
Section 96. RSC REHABILITATION SERVICES COMMISSION				63771
General Revenue Fund				63772
GRF 415-100 Personal Services	\$	8,506,587	\$ 8,949,644	63773
GRF 415-401 Personal Care	\$	943,374	\$ 943,374	63774
Assistance				
GRF 415-402 Independent Living	\$	398,582	\$ 398,582	63775
Council				
GRF 415-403 Mental Health Services	\$	754,473	\$ 754,473	63776
GRF 415-404 MR/DD Services	\$	1,326,302	\$ 1,326,301	63777
GRF 415-405 Vocational	\$	564,799	\$ 564,799	63778
Rehabilitation/Job and Family Services				
GRF 415-406 Assistive Technology	\$	50,000	\$ 50,000	63779
GRF 415-431 Office for People with	\$	246,856	\$ 247,746	63780
Brain Injury				
GRF 415-506 Services for People	\$	11,785,245	\$ 12,082,297	63781
with Disabilities				
GRF 415-508 Services for the Deaf	\$	145,040	\$ 145,040	63782

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As Reported by the Committee of Conference*

GRF 415-509	Services for the Elderly	\$	378,043	\$	378,044	63783
GRF 415-520	Independent Living Services	\$	61,078	\$	61,078	63784
TOTAL GRF	General Revenue Fund	\$	25,160,379	\$	25,901,378	63785
	General Services Fund Group					63786
4W5 415-606	Administrative Expenses	\$	18,775,759	\$	19,649,829	63787
467 415-609	Business Enterprise Operating Expenses	\$	1,585,602	\$	1,493,586	63788
TOTAL GSF	General Services Fund Group	\$	20,361,361	\$	21,143,415	63789
	Federal Special Revenue Fund Group					63790
3L1 415-601	Social Security Personal Care Assistance	\$	3,044,146	\$	3,044,146	63791
3L1 415-605	Social Security Community Centers for the Deaf	\$	1,100,488	\$	1,100,488	63792
3L1 415-607	Social Security Administration Cost	\$	163,596	\$	171,085	63793
3L1 415-608	Social Security Special Programs/Assistance	\$	16,949,140	\$	7,309,984	63794
3L1 415-610	Social Security Vocational Rehabilitation	\$	1,338,324	\$	1,338,324	63795
3L4 415-612	Federal-Independent Living Centers or Services	\$	681,726	\$	681,726	63796
3L4 415-615	Federal - Supported Employment	\$	1,753,738	\$	1,753,738	63797

3L4	415-617	Independent Living/Vocational Rehabilitation Programs	\$	1,033,853	\$	1,035,196	63799
317	415-620	Disability Determination	\$	68,752,767	\$	71,452,334	63800
379	415-616	Federal-Vocational Rehabilitation	\$	107,747,928	\$	110,980,366	63801
TOTAL FED Federal Special							63802
Revenue Fund Group							\$ 202,565,706 \$ 198,867,387 63803
State Special Revenue Fund Group							63804
4L1	415-619	Services for Rehabilitation	\$	5,698,621	\$	5,260,262	63805
468	415-618	Third Party Funding	\$	1,231,465	\$	892,991	63806
TOTAL SSR State Special							63807
Revenue Fund Group							\$ 6,930,086 \$ 6,153,253 63808
TOTAL ALL BUDGET FUND GROUPS							\$ 255,017,532 \$ 252,065,433 63809

STAND CONCESSIONS FUND - CREDITING OF INCOME 63810

In crediting interest and other income earned on moneys 63811
deposited in the Stand Concessions Fund (Fund 467), the Treasurer 63812
of State and Director of Budget and Management shall ensure that 63813
the requirements of section 3304.35 of the Revised Code are met. 63814

PERSONAL CARE ASSISTANCE 63815

The foregoing appropriation item 415-401, Personal Care 63816
Assistance, shall be used in addition to Social Security 63817
reimbursement funds to provide personal care assistance services. 63818
These funds shall not be used in lieu of Social Security 63819
reimbursement funds. 63820

MR/DD SERVICES 63821

The foregoing appropriation item 415-404, MR/DD Services, 63822
shall be used as state matching funds to provide vocational 63823

rehabilitation services to mutually eligible clients between the 63824
Rehabilitation Services Commission and the Department of Mental 63825
Retardation and Developmental Disabilities. The Rehabilitation 63826
Services Commission shall report to the Department of Mental 63827
Retardation and Developmental Disabilities, as outlined in an 63828
interagency agreement, on the number and status of mutually 63829
eligible clients and the status of the funds and expenditures for 63830
these clients. 63831

VOCATIONAL REHABILITATION/JOB AND FAMILY SERVICES 63832

The foregoing appropriation item 415-405, Vocational 63833
Rehabilitation/Job and Family Services, shall be used as state 63834
matching funds to provide vocational rehabilitation services to 63835
mutually eligible clients between the Rehabilitation Services 63836
Commission and the Department of Job and Family Services. The 63837
Rehabilitation Services Commission shall report to the Department 63838
of Job and Family Services, as outlined in an interagency 63839
agreement, on the number and status of mutually eligible clients 63840
and the status of the funds and expenditures for these clients. 63841

ASSISTIVE TECHNOLOGY 63842

The foregoing appropriation item 415-406, Assistive 63843
Technology, shall be provided to Assistive Technology of Ohio and 63844
shall be used only to provide grants under that program. No amount 63845
of the appropriation may be used for administrative costs. 63846

OFFICE FOR PEOPLE WITH BRAIN INJURY 63847

Of the foregoing appropriation item 415-431, Office for 63848
People with Brain Injury, \$100,000 in each fiscal year shall be 63849
used for the state match for a federal grant awarded through the 63850
Traumatic Brain Injury Act, Pub. L. No. 104-166, and \$50,000 in 63851
fiscal year 2002 and \$50,000 in fiscal year 2003 shall be provided 63852
to the Brain Injury Trust Fund. The remaining appropriation in 63853
this item shall be used to plan and coordinate head-injury-related 63854

services provided by state agencies and other government or 63855
private entities, to assess the needs for such services, and to 63856
set priorities in this area. 63857

SERVICES FOR PEOPLE WITH DISABILITIES 63858

On verification of the receipt of revenue in Fund 3W2, Title 63859
XX Vocational Rehabilitation, the Director of Budget and 63860
Management shall transfer those funds to the General Revenue Fund. 63861
The transferred funds are appropriated to appropriation item 63862
415-506, Services for People with Disabilities. The foregoing 63863
appropriation item 415-506, Services for People with Disabilities, 63864
includes transferred funds of \$600,000 in fiscal year 2002 and 63865
\$897,052 in fiscal year 2003. 63866

SERVICES FOR THE DEAF 63867

The foregoing appropriation item 415-508, Services for the 63868
Deaf, shall be used to supplement Social Security reimbursement 63869
funds used to provide grants to community centers for the deaf. 63870
These funds shall not be used in lieu of Social Security 63871
reimbursement funds. 63872

SERVICES FOR THE ELDERLY 63873

The foregoing appropriation item 415-509, Services for the 63874
Elderly, shall be used as matching funds for vocational 63875
rehabilitation services for eligible elderly citizens with a 63876
disability. 63877

SOCIAL SECURITY REIMBURSEMENT FUNDS 63878

Reimbursement funds received from the Social Security 63879
Administration, United States Department of Health and Human 63880
Services, for the costs of providing services and training to 63881
return disability recipients to gainful employment, shall be used 63882
in the Social Security Reimbursement Fund (Fund 3L1), as follows: 63883

(A) Appropriation item 415-601, Social Security Personal Care 63884

Assistance, to provide personal care services in accordance with	63885
section 3304.41 of the Revised Code;	63886
(B) Appropriation item 415-605, Social Security Community	63887
Centers for the Deaf, to provide grants to community centers for	63888
the deaf in Ohio for services to individuals with hearing	63889
impairments;	63890
(C) Appropriation item 415-607, Social Security	63891
Administration Cost, to provide administrative services needed to	63892
administer the Social Security reimbursement program;	63893
(D) Appropriation item 415-608, Social Security Special	63894
Programs/Assistance, to provide vocational rehabilitation services	63895
to individuals with severe disabilities, who are Social Security	63896
beneficiaries, to achieve competitive employment. This item also	63897
includes funds to assist the Personal Care Assistance, Community	63898
Centers for the Deaf, and Independent Living Programs to pay their	63899
share of indirect costs as mandated by federal OMB Circular A-87.	63900
(E) Appropriation item 415-610, Social Security Vocational	63901
Rehabilitation, to provide vocational rehabilitation services to	63902
individuals with severe disabilities to achieve a noncompetitive	63903
employment goal such as homemaker.	63904
ADMINISTRATIVE EXPENSES	63905
The foregoing appropriation item 415-606, Administrative	63906
Expenses, shall be used to support the administrative functions of	63907
the commission related to the provision of vocational	63908
rehabilitation, disability determination services, and ancillary	63909
programs.	63910
INDEPENDENT LIVING COUNCIL	63911
The foregoing appropriation items 415-402, Independent Living	63912
Council, shall be used to fund the operations of the State	63913
Independent Living Council.	63914

MENTAL HEALTH SERVICES				63915
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.				63916 63917 63918 63919 63920
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.				63921 63922 63923 63924
INDEPENDENT LIVING SERVICES				63925
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.				63926 63927 63928 63929 63930 63931 63932
INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS				63933
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.				63934 63935 63936 63937
Section 97. RCB RESPIRATORY CARE BOARD				63938
General Services Fund Group				63939
4K9 872-609 Operating Expenses	\$	287,191	\$	305,030
TOTAL GSF General Services Fund Group				63941
Fund Group	\$	287,191	\$	305,030
TOTAL ALL BUDGET FUND GROUPS	\$	287,191	\$	305,030

Section 98. REVENUE DISTRIBUTION FUNDS				63945
Volunteer Firefighters' Dependents Fund				63946
085	800-900	Volunteer	\$ 200,000 \$ 200,000	63947
Firefighters'				
Dependents Fund				
TOTAL 085 Volunteer Firefighters'				63948
Dependents Fund				\$ 200,000 \$ 200,000 63949
Agency Fund Group				63950
062	110-900	Resort Area Excise Tax	\$ 500,000 \$ 500,000	63951
063	110-900	Permissive Tax	\$ 1,398,200,000 \$ 1,447,100,000	63952
Distribution				
067	110-900	School District Income	\$ 156,800,000 \$ 166,200,000	63953
Tax Fund				
4P8	001-698	Cash Management	\$ 2,000,000 \$ 2,000,000	63954
Improvement Fund				
608	001-699	Investment Earnings	\$ 406,700,000 \$ 398,300,000	63955
TOTAL AGY Agency Fund Group				\$ 1,964,200,000 \$ 2,014,100,000 63956
Holding Account Redistribution				63957
R45	110-617	International Fuel Tax	\$ 40,000,000 \$ 41,000,000	63958
Distribution				
TOTAL R45 Holding Account				\$ 40,000,000 \$ 41,000,000 63959
Redistribution Fund				
Revenue Distribution Fund Group				63960
049	038-900	Indigent Drivers	\$ 2,100,000 \$ 2,300,000	63961
Alcohol Treatment				
050	762-900	International	\$ 58,000,000 \$ 65,000,000	63962
Registration Plan				
Distribution				
051	762-901	Auto Registration	\$ 490,000,000 \$ 515,000,000	63963
Distribution				
054	110-900	Local Government	\$ 43,700,000 \$ 88,800,000	63964
Property Tax				

		Replacement				
060	110-900	Gasoline Excise Tax	\$	116,027,000	\$	118,348,000 63965
		Fund				
064	110-900	Local Government	\$	100,600,000	\$	100,900,000 63966
		Revenue Assistance				
065	110-900	Library/Local	\$	506,700,000	\$	508,100,000 63967
		Government Support				
		Fund				
066	800-900	Undivided Liquor	\$	13,500,000	\$	13,750,000 63968
		Permit Fund				
068	110-900	State/Local Government	\$	233,750,000	\$	238,893,000 63969
		Highway Distribution				
		Fund				
069	110-900	Local Government Fund	\$	718,700,000	\$	720,400,000 63970
082	110-900	Horse Racing Tax	\$	200,000	\$	200,000 63971
083	700-900	Ohio Fairs Fund	\$	3,000,000	\$	3,000,000 63972
		TOTAL RDF Revenue Distribution				63973
		Fund Group	\$	2,286,277,000	\$	2,374,691,000 63974
		TOTAL ALL BUDGET FUND GROUPS	\$	4,290,677,000	\$	4,429,991,000 63975
		ADDITIONAL APPROPRIATIONS				63976
		Appropriation items in this section are to be used for the				63977
		purpose of administering and distributing the designated revenue				63978
		distributions fund according to the Revised Code. If it is				63979
		determined that additional appropriations are necessary, such				63980
		amounts are appropriated.				63981
		Section 99. SAN BOARD OF SANITARIAN REGISTRATION				63982
		General Services Fund Group				63983
4K9	893-609	Operating Expenses	\$	109,512	\$	115,074 63984
		TOTAL GSF General Services				63985
		Fund Group	\$	109,512	\$	115,074 63986
		TOTAL ALL BUDGET FUND GROUPS	\$	109,512	\$	115,074 63987

Section 100. OSB OHIO STATE SCHOOL FOR THE BLIND				63989
General Revenue Fund				63990
GRF 226-100	Personal Services	\$ 5,880,065	\$ 6,157,563	63991
GRF 226-200	Maintenance	\$ 700,437	\$ 717,948	63992
GRF 226-300	Equipment	\$ 139,288	\$ 142,770	63993
TOTAL GRF	General Revenue Fund	\$ 6,719,790	\$ 7,018,281	63994
General Services Fund Group				63995
4H8 226-602	Education Reform	\$ 30,652	\$ 31,476	63996
Grants				
TOTAL GSF	General Services			63997
Fund Group		\$ 30,652	\$ 31,476	63998
State Special Revenue Fund Group				63999
4M5 226-601	Work Study &	\$ 41,854	\$ 42,919	64000
Technology Investments				
TOTAL SSR	State Special Revenue			64001
Fund Group		\$ 41,854	\$ 42,919	64002
Federal Special Revenue Fund Group				64003
3P5 226-643	Medicaid Professional	\$ 125,000	\$ 125,000	64004
Services Reimbursement				
310 226-626	Coordinating Unit	\$ 1,274,274	\$ 1,278,475	64005
TOTAL FED	Federal Special			64006
Revenue Fund Group		\$ 1,399,274	\$ 1,403,475	64007
TOTAL ALL BUDGET FUND GROUPS		\$ 8,191,570	\$ 8,496,151	64008
Section 101. OSD OHIO STATE SCHOOL FOR THE DEAF				64010
General Revenue Fund				64011
GRF 221-100	Personal Services	\$ 7,662,763	\$ 8,022,913	64012
GRF 221-200	Maintenance	\$ 998,197	\$ 1,018,160	64013
GRF 221-300	Equipment	\$ 270,867	\$ 276,284	64014
TOTAL GRF	General Revenue Fund	\$ 8,931,827	\$ 9,317,357	64015

General Services Fund Group				64016
4M1 221-602 Education Reform	\$	68,107	\$ 70,701	64017
Grants				
TOTAL GSF General Services				64018
Fund Group	\$	68,107	\$ 70,701	64019
State Special Revenue Fund Group				64020
4M0 221-601 Educational Program	\$	35,320	\$ 33,188	64021
Expenses				64022
5H6 221-609 Even Start Fees &	\$	157,723	\$ 122,989	64023
Gifts				
TOTAL SSR State Special Revenue				64024
Fund Group	\$	193,043	\$ 156,177	64025
Federal Special Revenue Fund Group				64026
3R0 221-684 Medicaid Professional	\$	90,464	\$ 111,377	64027
Services Reimbursement				64028
3U4 221-603 Even Start	\$	125,000	\$ 104,625	64029
311 221-625 Coordinating Unit	\$	910,000	\$ 933,400	64030
TOTAL FED Federal Special				64031
Revenue Fund Group	\$	1,125,464	\$ 1,149,402	64032
TOTAL ALL BUDGET FUND GROUPS	\$	10,318,441	\$ 10,693,637	64033

Section 102. SFC SCHOOL FACILITIES COMMISSION 64035

General Revenue Fund				64036
GRF 230-428 Lease Rental Payments	\$	41,645,300	\$ 37,654,300	64037
GRF 230-908 Common Schools General	\$	36,418,800	\$ 55,336,300	64038
Obligation Debt				
Service				
TOTAL GRF General Revenue Fund	\$	78,064,100	\$ 92,990,600	64039
State Special Revenue Fund Group				64040
5E3 230-644 Operating Expenses	\$	6,096,521	\$ 6,409,766	64041
TOTAL SSR State Special Revenue				64042
Fund Group	\$	6,096,521	\$ 6,409,766	64043

the School Building Assistance Fund (Fund 032) or the Public
School Building Fund (Fund 021) to the Ohio School Facilities
Commission Fund (Fund 5E3).

By July 10, 2002, the Executive Director of the Ohio School
Facilities Commission shall certify to the Director of Budget and
Management the amount of cash to be transferred from the School
Building Assistance Fund (Fund 032) or the Public School Building
Fund (Fund 021) to the Ohio School Facilities Commission Fund
(Fund 5E3).

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 64084

At the request of the Executive Director of the Ohio School
Facilities Commission, the Director of Budget and Management may
cancel encumbrances for school district projects from a previous
biennium if the district has not raised its local share of project
costs within one year of receiving Controlling Board approval in
accordance with section 3318.05 of the Revised Code. The Executive
Director of the Ohio School Facilities Commission shall certify
the amounts of these canceled encumbrances to the Director of
Budget and Management on a quarterly basis. The amounts of the
canceled encumbrances are appropriated.

DISABILITY ACCESS PROJECTS 64095

The unencumbered and unallotted balances as of June 30, 2001,
in appropriation item 230-649, Disability Access Project, are
hereby reappropriated. The unencumbered and unallotted balances of
the appropriation at the end of fiscal year 2002 are hereby
reappropriated in fiscal year 2003 to fund capital projects
pursuant to this section.

(A) As used in this section: 64102

(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 64103
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division (B) of section 3318.011 of the Revised Code. 64106

(2) "School district" means a city, local, or exempted 64107
village school district, but excluding a school district that is 64108
one of the state's 21 urban school districts as defined in 64109
division (O) of section 3317.02 of the Revised Code, as that 64110
section existed prior to July 1, 1998. 64111

(3) "Valuation per pupil" means a district's total taxable 64112
value as defined in section 3317.02 of the Revised Code divided by 64113
the district's ADM as defined in division (A) of section 3317.02 64114
of the Revised Code as that section existed prior to July 1, 1998. 64115

(B) The School Facilities Commission shall adopt rules for 64116
awarding grants to school districts with a valuation per pupil of 64117
less than \$200,000, to be used for construction, reconstruction, 64118
or renovation projects in classroom facilities, the purpose of 64119
which is to improve access to such facilities by physically 64120
handicapped persons. The rules shall include application 64121
procedures. No school district shall be awarded a grant under this 64122
section in excess of \$100,000. In addition, any school district 64123
shall be required to pay a percentage of the cost of the project 64124
or which the grant is being awarded equal to the percentile in 64125
which the district is ranked. 64126

(C) The School Facilities Commission is hereby authorized to 64127
transfer a portion of appropriation item CAP-622, Public School 64128
Buildings, contained in Am. Sub. H.B. No. 283 of the 123rd General 64129
Assembly, to CAP-777, Disability Access Projects, to provide funds 64130
to make payments resulting from the approval of applications for 64131
disability access grants received prior to January 1, 1999. The 64132
amounts transferred are appropriated. 64133

Section 102.02. In fiscal year 2002, the Director of Budget 64134
and Management shall deposit into the Community School Classroom 64135
Facilities Loan Guarantee Fund, established under section 3318.52 64136

of the Revised Code, ten million dollars from the moneys that have 64137
 been appropriated to the Ohio School Facilities Commission for 64138
 capital projects. The moneys so deposited shall be used by the 64139
 Commission to guarantee loans to community schools under section 64140
 3318.50 of the Revised Code. 64141

Section 103. NET OHIO SCHOOLNET COMMISSION 64142

General Revenue Fund 64143

GRF 228-404 Operating Expenses \$ 7,255,189 \$ 7,117,741 64144

GRF 228-406 Technical and \$ 10,475,898 \$ 10,172,630 64145

Instructional

Professional

Development

GRF 228-539 Education Technology \$ 6,161,096 \$ 5,910,596 64146

Total GRF General Revenue Fund \$ 23,892,183 \$ 23,200,967 64147

General Services Fund Group 64148

5D4 228-640 Conference/Special \$ 510,700 \$ 521,382 64149

Purpose Expenses

TOTAL GSF General Services 64150

Fund Group \$ 510,700 \$ 521,382 64151

State Special Revenue Fund Group 64152

4W9 228-630 Ohio SchoolNet \$ 547,615 \$ 447,615 64153

Telecommunity Fund

4X1 228-634 Distance Learning \$ 2,930,000 \$ 2,930,000 64154

TOTAL SSR State Special Revenue 64155

Fund Group \$ 3,477,615 \$ 3,377,615 64156

Federal Special Revenue Fund Group 64157

3S3 228-655 Technology Literacy \$ 15,918,780 \$ 15,918,780 64158

Challenge

TOTAL FED Federal Special Revenue 64159

Fund Group \$ 15,918,780 \$ 15,918,780 64160

TOTAL ALL BUDGET FUND GROUPS \$ 43,799,278 \$ 43,018,744 64161

Section 103.01. INTERACTIVE VIDEO DISTANCE LEARNING PROGRAM 64163

The unencumbered and unallotted balances as of June 30, 2001, 64164
in appropriation item 228-650, Interactive Video Distance 64165
Learning, are reappropriated to fund projects pursuant to this 64166
section. Appropriation item 228-650, Interactive Video Distance 64167
Learning, shall be used to extend the Interactive Video Distance 64168
Learning Program in accordance with the statewide educational 64169
technology strategic plan. The Ohio SchoolNet Commission shall 64170
adopt procedures for the administration and implementation of the 64171
Interactive Video Distance Learning Program, which shall include 64172
application procedures, specifications for distance learning 64173
technology, and terms and conditions for participation in the 64174
program. The commission shall not approve any application for 64175
participation unless it determines that the applicant can 64176
effectively and efficiently integrate the proposed distance 64177
learning technology into schools or the selected schools or 64178
classrooms for the phase of the program. The commission shall give 64179
preference to lower wealth districts or consortia of such 64180
districts that do not have existing video conferencing 64181
technology. 64182

SCHOOLNET PLUS PROGRAM 64183

The unencumbered and unallotted balances as of June 30, 2001, 64184
in appropriation item 228-698, SchoolNet Plus, are hereby 64185
reappropriated to fund projects pursuant to this section. 64186
Appropriation item 228-698, SchoolNet Plus, may be used to 64187
purchase network telecommunications equipment for each public 64188
school building in this state to provide classroom and building 64189
access to existing and potential statewide voice, video, and data 64190
telecommunication services or to establish and equip interactive 64191
computer workstations. As used in this section, "public school 64192
building" means a school building of any city, local, exempted 64193

village, or joint vocational school district or any community school established under Chapter 3314. of the Revised Code. The Ohio SchoolNet Commission, in consultation with the Department of Education, Department of Administrative Services, and Ohio Education Computer Network, shall define the standards and equipment configurations necessary to maximize the efficient use of the existing and potential statewide voice, video, and data telecommunication services.

Section 103.02. TECHNICAL AND INSTRUCTIONAL PROFESSIONAL DEVELOPMENT

The foregoing appropriation item 228-406, Technical and Instructional Professional Development, shall be used by the Ohio SchoolNet Commission to make grants or provide services to qualifying schools, including the State School for the Blind and the Ohio School for the Deaf, for the provision of hardware, software, telecommunications services, and staff development to support educational uses of technology in the classroom.

The Ohio SchoolNet Commission shall consider the professional development needs associated with the OhioReads Program when making funding allocations and program decisions.

The Ohio Educational Telecommunications Network Commission, with the advice of the Ohio SchoolNet Commission, shall make grants totaling up to \$1,400,000 in each year of the biennium for research development and production of interactive instructional programming series and teleconferences to support SchoolNet. Up to \$55,000 of this amount shall be used in each year of the biennium to provide for the administration of these activities by the Ohio Educational Telecommunications Network Commission. The programming shall be targeted to the needs of the poorest 200 school districts as determined by the district's adjusted valuation per pupil as defined in section 3317.0213 of the Revised Code.

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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.

Application for grants from this appropriation in appropriation item 228-406, Technical and Instructional Professional Development, shall be consistent with a school district's technology plan that shall meet the minimum specifications for school district technology plans as prescribed by the Ohio SchoolNet Commission. Funds allocated through these grants may be combined with funds received through other state or federal grants for technology so long as the school district's technology plan specifies the use of these funds.

EDUCATION TECHNOLOGY

The foregoing appropriation item 228-539, Education Technology, shall be used to provide funding to suppliers of information services to school districts for the provision of hardware, software, and staff development in support of educational uses of technology in the classroom as prescribed by the State Plan for Technology pursuant to section 3301.07 of the Revised Code, and to support assistive technology for children and youth with disabilities.

Up to \$5,200,000 in each fiscal year shall be used by the Ohio SchoolNet Commission to contract with instructional television, and \$961,096 in fiscal year 2002, and \$710,596 in fiscal year 2003 shall be used by the commission to contract with education media centers to provide Ohio schools with instructional resources and services.

Resources may include, but not be limited to, the following: pre-recorded video materials (including videotape, laser discs, and CD-ROM discs); computer software for student use or student access to electronic communication, databases, spreadsheet, and word processing capability; live student courses or courses

delivered electronically; automated media systems; and 64288
instructional and professional development materials for teachers. 64289
The commission shall cooperate with education technology agencies 64290
in the acquisition, development, and delivery of such educational 64291
resources to ensure high-quality and educational soundness at the 64292
lowest possible cost. Delivery of such resources may utilize a 64293
variety of technologies, with preference given to a high-speed 64294
integrated information network that can transport video, voice, 64295
data, and graphics simultaneously. 64296

Services shall include presentations and technical assistance 64297
that will help students and teachers integrate educational 64298
materials that support curriculum objectives, match specific 64299
learning styles, and are appropriate for individual interests and 64300
ability levels. 64301

Such instructional resources and services shall be made 64302
available for purchase by chartered nonpublic schools or by public 64303
school districts for the benefit of pupils attending chartered 64304
nonpublic schools. 64305

DISTANCE LEARNING 64306

Appropriation item 228-634, Distance Learning, shall be 64307
distributed by the Ohio SchoolNet Commission on a grant basis to 64308
eligible school districts to establish "distance learning" in the 64309
school district. Per the agreement with Ameritech, school 64310
districts are eligible for funds if they are within an Ameritech 64311
service area. Funds to administer the program shall be expended by 64312
the commission up to the amount specified in the agreement with 64313
Ameritech. 64314

Within 30 days after the effective date of this section, the 64315
Director of Budget and Management shall transfer to fund 4X1 in 64316
the State Special Revenue Fund Group any investment earnings from 64317
moneys paid to the office or to the SchoolNet Commission by any 64318

telephone company as part of a settlement agreement between the 64319
company and the Public Utilities Commission in fiscal year 1995. 64320

ELECTRICAL INFRASTRUCTURE 64321

The unencumbered and unallotted balances of June 30, 2001, in 64322
appropriation item 228-690, SchoolNet Electrical Infrastructure, 64323
are reappropriated to fund projects pursuant to this section. The 64324
foregoing appropriation item may be distributed by the Ohio 64325
SchoolNet Commission for use by school districts to renovate 64326
existing buildings with sufficient electrical service to safely 64327
operate educational technology consistent with their SchoolNet and 64328
SchoolNet Plus technology plans. The Executive Director of the 64329
Ohio SchoolNet Commission shall review grant proposals from school 64330
districts for the use of these funds. In evaluating grant 64331
proposals, the executive director shall consider the ability and 64332
commitment of school districts to contribute local public and 64333
private resources to upgrade their electrical service and shall 64334
give consideration to consortia of school districts that have 64335
formed to optimize resources to upgrade electrical service. In no 64336
case shall grant awards exceed \$1,000,000 for a single school 64337
district. Funding recommendations for this appropriation made by 64338
the executive director are subject to the review of the Ohio 64339
SchoolNet Commission. 64340

Section 103.03. TOBACCO SETTLEMENT EDUCATION TECHNOLOGIES 64341
TRUST FUND 64342

All funds from the Tobacco Settlement Education Technologies 64343
Trust Fund are hereby dedicated to the Ohio SchoolNet Commission. 64344
Existing balances in the fund and additional revenue deposited 64345
prior to June 30, 2003, are hereby appropriated to be used by the 64346
SchoolNet Commission for grants to school districts and other 64347
entities, and for the costs of administering these grants. Of the 64348
total amount for grants, \$1,841,655 in fiscal year 2002 and 64349

\$1,917,293 in fiscal year 2003 shall be used for the Ohio ONEnet 64350
project, \$4,086,000 in fiscal year 2002 shall be used for 64351
Interactive Video Distance Learning, \$865,950 in fiscal year 2002 64352
and \$909,247 in fiscal year 2003 shall be used for the INFOhio 64353
Network, \$313,500 in fiscal year 2002 and \$298,750 in fiscal year 64354
2003 shall be used for the JASON Project, \$1,000,000 in each 64355
fiscal year shall be used for RISE Learning Solutions, and 64356
\$200,000 in each fiscal year shall be used for the Stark County 64357
School Teacher Technical Training Center. The remaining amount for 64358
grants shall be made to school districts. 64359

The ONEnet Ohio Project is designed to link all public K-12 64360
classrooms to each other and the Internet, and to provide access 64361
to voice, video, and data educational resources for students and 64362
teachers. 64363

The Interactive Video Distance Learning Program shall provide 64364
competitive grants to school districts or consortia of school 64365
districts to purchase necessary distance learning technology, pay 64366
recurring connectivity costs, train technology coordinators to 64367
use, maintain, and support distance learning technology, train 64368
teachers to use distance learning technology in the classroom, and 64369
provide ongoing content development to be shared statewide. 64370

The INFOhio Network is a network of library resources to 64371
support the provision of electronic resources to all public 64372
schools with preference given to elementary schools. Consideration 64373
should be given to coordinating the allocation of these moneys 64374
with the efforts of OhioLINK and the Ohio Public Information 64375
Network. 64376

The JASON Project shall provide funding for statewide access 64377
and a 75% subsidy for statewide licensing of JASON content for 64378
90,000 middle school students statewide, and professional 64379
development for teachers participating in the program. 64380

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
participants at all the sites. Parent support groups and teacher
training sessions shall supplement the teleconferences and shall
occur on a local basis.

RISE Learning Solutions may subcontract components of the
project.

Individuals eligible to participate in the program include
those children, their parents, custodians, or guardians, and
preschool staff members who are eligible to participate in a
preschool program as defined in division (A) of section 3301.52
and section 5104.02 of the Revised Code.

The programs, including two to be developed in support of
teacher proficiency in teaching reading to prekindergarten and
kindergarten to third grade students, at the direction of the
Department, may include: two three-hour broadcast seminars from a
central up-link station, distributed in up to 88 counties; high
production-value video sought in various locations; and direct
interactive adult learning activities. The program shall develop
program workbooks and involve at least three small
group-facilitated follow-up discussion workshops and development
and distribution of at least two home videos. The program shall
also provide Internet access, interactive lines, bulletin board,
and CD-ROM.

Upon completion of each of the school years for which the
grant was made, RISE Learning Solutions shall issue a report to
the commission and the members of the General Assembly explaining
the goals and objectives determined, the activities implemented,
the progress made toward the achievement of the goals and
objectives, and the outcome of the project.

Not later than August 30, 2001, after the approval of the
Director of Budget and Management, the SchoolNet Commission shall

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. 64444
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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. 64449
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Section 103.04. 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. 64453
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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 64464
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or the Director's designee, the Director of Administrative 64475
 Services or the Director's designee, the Executive Director of the 64476
 Ohio SchoolNet Commission or the Executive Director's designee, a 64477
 representative designated by the head of the Ohio Education 64478
 Computer Network, a representative designated by the Chairperson 64479
 of the Public Utilities Commission of Ohio, a representative 64480
 appointed by the Chairperson of the Ohio Educational 64481
 Telecommunications Network Commission, a representative of Ohio's 64482
 business community appointed by the President of the Senate, and a 64483
 representative from an educational service center appointed by the 64484
 Speaker of the House of Representatives. The voting members may, 64485
 by majority vote, elect to include any number of additional 64486
 nonvoting members. 64487

The Legislative Service Commission shall provide any staffing 64488
 assistance requested by the Task Force. The Task Force shall issue 64489
 a report not later than December 1, 2002. Upon issuing its report, 64490
 the Task Force shall cease to exist. 64491

Section 104. SOS SECRETARY OF STATE 64492

General Revenue Fund 64493

GRF 050-321	Operating Expenses	\$	3,300,000	\$	3,300,000	64494
GRF 050-403	Election Statistics	\$	146,963	\$	154,882	64495
GRF 050-407	Pollworkers Training	\$	231,400	\$	327,600	64496
GRF 050-409	Litigation	\$	26,210	\$	27,622	64497

Expenditures

TOTAL GRF General Revenue Fund \$ 3,704,573 \$ 3,810,104 64498

General Services Fund Group 64499

4S8 050-610	Board of Voting	\$	7,200	\$	7,200	64500
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Machine Examiners

412 050-607	Notary Commission	\$	166,284	\$	171,273	64501
413 050-601	Information Systems	\$	153,300	\$	157,133	64502
414 050-602	Citizen Education Fund	\$	80,000	\$	70,000	64503

TOTAL General Services Fund Group	\$	406,784	\$	405,606	64504
State Special Revenue Fund Group					64505
5N9 050-607 Technology	\$	120,000	\$	121,000	64506
Improvements					
599 050-603 Business Services	\$	11,880,000	\$	11,979,000	64507
Operating Expenses					
TOTAL SSR State Special Revenue					64508
Fund Group	\$	12,000,000	\$	12,100,000	64509
Holding Account Redistribution Fund Group					64510
R01 050-605 Uniform Commercial	\$	65,000	\$	65,000	64511
Code Refunds					
R02 050-606 Corporate/Business	\$	185,000	\$	185,000	64512
Filing Refunds					
TOTAL 090 Holding Account					64513
Redistribution Fund Group	\$	250,000	\$	250,000	64514
TOTAL ALL BUDGET FUND GROUPS	\$	16,361,357	\$	16,565,710	64515

BOARD OF VOTING MACHINE EXAMINERS 64516

The foregoing appropriation item 050-610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund, which is created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting the equipment for examination. If it is determined that additional appropriations are necessary, such amounts are appropriated.

HOLDING ACCOUNT REDISTRIBUTION GROUP 64526

The foregoing appropriation items 050-605 and 050-606, Holding Account Redistribution Fund Group, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined that additional

appropriations are necessary, such amounts are appropriated.				64531	
Section 105. SEN THE OHIO SENATE				64532	
General Revenue Fund				64533	
GRF 020-321 Operating Expenses	\$	11,199,045	\$	11,199,045	64534
TOTAL GRF General Revenue Fund	\$	11,199,045	\$	11,199,045	64535
General Services Fund Group				64536	
102 020-602 Senate Reimbursement	\$	402,744	\$	402,744	64537
409 020-601 Miscellaneous Sales	\$	30,980	\$	30,980	64538
TOTAL GSF General Services				64539	
Fund Group	\$	433,724	\$	433,724	64540
TOTAL ALL BUDGET FUND GROUPS	\$	11,632,769	\$	11,632,769	64541
Section 106. CSF COMMISSIONERS OF THE SINKING FUND				64543	
Debt Service Fund Group				64544	
071 155-901 Highway Obligations	\$	49,614,300	\$	47,572,500	64545
Bond Retirement Fund					
072 155-902 Highway Capital	\$	137,730,500	\$	152,120,700	64546
Improvements Bond					
Retirement Fund					
073 155-903 Natural Resources Bond	\$	19,001,100	\$	22,101,900	64547
Retirement					
076 155-906 Coal Research and	\$	8,971,700	\$	9,420,300	64548
Development Bond					
Retirement Fund					
077 155-907 State Capital	\$	135,693,200	\$	146,210,200	64549
Improvements Bond					
Retirement Fund					
078 155-908 Common Schools Capital	\$	36,418,800	\$	55,336,300	64550
Facilities Bond					
Retirement Fund					
079 155-909 Higher Education	\$	50,055,100	\$	74,344,100	64551

Capital Facilities

Bond Retirement Fund

TOTAL DSF Debt Service Fund Group	\$	437,484,700	\$	507,106,000	64552
TOTAL ALL BUDGET FUND GROUPS	\$	437,484,700	\$	507,106,000	64553

ADDITIONAL APPROPRIATIONS 64554

Appropriation items in this section are for the purpose of 64555
 paying debt service and financing costs on bonds or notes of the 64556
 state issued pursuant to the Ohio Constitution and acts of the 64557
 General Assembly. If it is determined that additional 64558
 appropriations are necessary, such amounts are appropriated. 64559

Section 107. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & 64560
AUDIOLOGY 64561

General Services Fund Group					64562
4K9 886-609 Operating Expenses	\$	352,727	\$	372,348	64563
TOTAL GSF General Services					64564
Fund Group	\$	352,727	\$	372,348	64565
TOTAL ALL BUDGET FUND GROUPS	\$	352,727	\$	372,348	64566

Section 108. BTA BOARD OF TAX APPEALS 64568

General Revenue Fund					64569
GRF 116-321 Operating Expenses	\$	2,499,741	\$	2,569,734	64570
TOTAL GRF General Revenue Fund	\$	2,499,741	\$	2,569,734	64571
General Services Fund Group					64572
439 116-602 Reproduction of	\$	7,500	\$	7,500	64573
Decisions					
TOTAL GSF General Services					64574
Fund Group	\$	7,500	\$	7,500	64575
TOTAL ALL BUDGET FUND GROUPS	\$	2,507,241	\$	2,577,234	64576

Section 109. TAX DEPARTMENT OF TAXATION 64578

General Revenue Fund				64579	
GRF 110-321 Operating Expenses	\$	87,611,076	\$	89,566,509	64580
GRF 110-412 Child Support	\$	92,939	\$	90,006	64581
Administration					
GRF 110-901 Property Tax	\$	380,200,000	\$	399,300,000	64582
Allocation - Taxation					
GRF 110-906 Tangible Tax Exemption	\$	30,000,000	\$	30,900,000	64583
- Taxation					
TOTAL GRF General Revenue Fund	\$	497,904,015	\$	519,856,515	64584
Agency Fund Group				64585	
425 110-635 Tax Refunds	\$	860,000,000	\$	875,000,000	64586
TOTAL AGY Agency Fund Group	\$	860,000,000	\$	875,000,000	64587
General Services Fund Group				64588	
433 110-602 Tape File Account	\$	92,082	\$	96,165	64589
TOTAL GSF General Services				64590	
Fund Group	\$	92,082	\$	96,165	64591
State Special Revenue Fund Group				64592	
4C6 110-616 International	\$	669,561	\$	706,855	64593
Registration Plan					
4R6 110-610 Tire Tax	\$	65,000	\$	65,000	64594
Administration					
435 110-607 Local Tax	\$	29,517,404	\$	24,189,026	64595
Administration					
436 110-608 Motor Vehicle Audit	\$	1,687,249	\$	1,600,000	64596
437 110-606 Litter Tax and Natural	\$	594,726	\$	625,232	64597
Resource Tax					
Administration					
438 110-609 School District Income	\$	2,873,446	\$	2,599,999	64598
Tax					
5N6 110-618 Kilowatt Hour Tax	\$	85,000	\$	85,000	64599
Administration					
5N7 110-619 Municipal Internet	\$	10,000	\$	10,000	64600

	Site					
639	110-614	Cigarette Tax	\$	161,168	\$	168,925 64601
		Enforcement				
642	110-613	Ohio Political Party	\$	800,000	\$	800,000 64602
		Distributions				
688	110-615	Local Excise Tax	\$	300,000	\$	300,000 64603
		Administration				
TOTAL SSR State Special Revenue						64604
Fund Group			\$	36,763,554	\$	31,150,037 64605
Federal Special Revenue Fund Group						64606
3J6	110-601	Motor Fuel Compliance	\$	33,000	\$	33,000 64607
TOTAL FED Federal Special Revenue						64608
Fund Group			\$	33,000	\$	33,000 64609
Holding Account Redistribution Fund Group						64610
R10	110-611	Tax Distributions	\$	2,000	\$	2,000 64611
R11	110-612	Miscellaneous Income	\$	5,000	\$	5,000 64612
		Tax Receipts				
TOTAL 090 Holding Account						64613
Redistribution Fund Group			\$	7,000	\$	7,000 64614
TOTAL ALL BUDGET FUND GROUPS						\$ 1,394,799,651 \$ 1,426,142,717 64615
LITTER CONTROL TAX ADMINISTRATION FUND						64616
Notwithstanding section 5733.12 of the Revised Code, during						64617
the period from July 1, 2001, to June 30, 2002, the amount of						64618
\$594,726, and during the period from July 1, 2002, to June 30,						64619
2003, the amount of \$625,232, received by the Treasurer of State						64620
under Chapter 5733. of the Revised Code, shall be credited to the						64621
Litter Control Tax Administration Fund (Fund 437).						64622
INTERNATIONAL REGISTRATION PLAN AUDIT						64623
The foregoing appropriation item 110-616, International						64624
Registration Plan, shall be used pursuant to section 5703.12 of						64625
the Revised Code for audits of persons with vehicles registered						64626

under the International Registration Plan. 64627

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX 64628
EXEMPTION 64629

The foregoing appropriation item 110-901, Property Tax 64630
Allocation - Taxation, is appropriated to pay for the state's 64631
costs incurred due to the Homestead Exemption, the Manufactured 64632
Home Property Tax Rollback, and the Property Tax Rollback. The Tax 64633
Commissioner shall distribute these funds directly to the 64634
appropriate local taxing districts of the state, except for school 64635
districts, notwithstanding the provisions in sections 321.24 and 64636
323.156 of the Revised Code, which provide for payment of the 64637
Homestead Exemption, the Manufactured Home Property Tax Rollback, 64638
and Property Tax Rollback by the Tax Commissioner to the 64639
appropriate county treasurer and the subsequent redistribution of 64640
these funds to the appropriate local taxing districts by the 64641
county auditor. 64642

The foregoing appropriation item 110-906, Tangible Tax 64643
Exemption - Taxation, is appropriated to pay for the state's costs 64644
incurred due to the tangible personal property tax exemption 64645
required by division (C)(3) of section 5709.01 of the Revised 64646
Code. The Tax Commissioner shall distribute to each county 64647
treasurer the total amount certified by the county treasurer 64648
pursuant to section 319.311 of the Revised Code for all local 64649
taxing districts located in the county except for school 64650
districts, notwithstanding the provision in section 319.311 of the 64651
Revised Code which provides for payment of the \$10,000 tangible 64652
personal property tax exemption by the Tax Commissioner to the 64653
appropriate county treasurer for all local taxing districts 64654
located in the county including school districts. Pursuant to 64655
division (G) of section 321.24 of the Revised Code, the county 64656
auditor shall distribute the amount paid by the Tax Commissioner 64657
among the appropriate local taxing districts except for school 64658

districts.				64659	
Upon receipt of these amounts, each local taxing district				64660	
shall distribute the amount among the proper funds as if it had				64661	
been paid as real or tangible personal property taxes. Payments				64662	
for the costs of administration shall continue to be paid to the				64663	
county treasurer and county auditor as provided for in sections				64664	
319.54, 321.26, and 323.156 of the Revised Code.				64665	
Any sums, in addition to the amounts specifically				64666	
appropriated in appropriation items 110-901, Property Tax				64667	
Allocation - Taxation, for the Homestead Exemption, the				64668	
Manufactured Home Property Tax Rollback, and the Property Tax				64669	
Rollback payments, and 110-906, Tangible Tax Exemption, for the				64670	
\$10,000 tangible personal property tax exemption payments, which				64671	
are determined to be necessary for these purposes, are				64672	
appropriated.				64673	
TAX REFUNDS				64674	
The foregoing appropriation item 110-635, Tax Refunds, shall				64675	
be used to pay refunds as provided in section 5703.052 of the				64676	
Revised Code. If it is determined that additional appropriations				64677	
are necessary, such amounts are appropriated.				64678	
Section 110. DOT DEPARTMENT OF TRANSPORTATION				64679	
Transportation Modes				64680	
General Revenue Fund				64681	
GRF 775-451 Public Transportation	\$	24,000,000	\$	24,000,000	64682
- State					
GRF 775-453 Waterfront Line Lease	\$	1,786,000	\$	0	64683
Payments - State					
GRF 775-458 Elderly and Disabled	\$	3,364,000	\$	3,364,000	64684
Fare Assistance					
GRF 776-465 Ohio Rail Development	\$	5,000,000	\$	5,000,000	64685

	Commission				
GRF 776-466	Railroad Crossing and Grade Separation	\$ 1,000,000	\$ 1,000,000	64686	
GRF 777-471	Airport Improvements - State	\$ 3,409,876	\$ 3,000,576	64687	
GRF 777-473	Rickenbacker Lease Payments - State	\$ 600,000	\$ 600,000	64688	
TOTAL GRF	General Revenue Fund	\$ 39,159,876	\$ 36,964,576	64689	
	Federal Special Revenue Fund Group			64690	
3B9 776-662	Rail Transportation - Federal	\$ 600,000	\$ 600,000	64691	
TOTAL FSR	Federal Special Revenue Fund Group	\$ 600,000	\$ 600,000	64692	
	State Special Revenue Fund Group			64693	
4N4 776-663	Panhandle Lease Reserve Payments	\$ 770,000	\$ 770,000	64694	
4N4 776-664	Rail Transportation - Other	\$ 850,720	\$ 1,745,000	64695	
TOTAL SSR	State Special Revenue Fund Group	\$ 1,620,720	\$ 2,515,000	64696	
TOTAL ALL BUDGET FUND GROUPS		\$ 41,380,596	\$ 40,079,576	64697	

AVIATION LEASE PAYMENTS 64700

The foregoing appropriation item 777-473, Rickenbacker Lease 64701
Payments - State, shall be used to meet scheduled payments for the 64702
Rickenbacker Port Authority. The Director of Transportation shall 64703
certify to the Director of Budget and Management any 64704
appropriations in appropriation item 777-473, Rickenbacker Lease 64705
Payments - State, that are not needed to make lease payments for 64706
the Rickenbacker Port Authority. Notwithstanding section 127.14 of 64707
the Revised Code, the amount certified may be transferred by the 64708
Director of Budget and Management to appropriation item 777-471, 64709
Airport Improvements - State. 64710

TRANSFER OF APPROPRIATIONS - PUBLIC TRANSPORTATION 64711

The Director of Budget and Management may approve requests 64712
 from the Department of Transportation for the transfer of 64713
 appropriations between appropriation item 775-451, Public 64714
 Transportation - State, and appropriation item 775-458, Elderly 64715
 and Disabled Fare Assistance. Transfers between appropriation 64716
 items shall be made upon the written request of the Director of 64717
 Transportation and with the approval of the Director of Budget and 64718
 Management. Such transfers shall be reported to the Controlling 64719
 Board. 64720

RAILROAD CROSSING AND GRADE SEPARATION 64721

The foregoing appropriation item 776-466, Railroad Crossing 64722
 and Grade Separation, shall be used to fund the Rail Crossing 64723
 Safety Initiative, which will provide improvements to communities 64724
 most affected by rail traffic and related issues. 64725

AIRPORT IMPROVEMENTS - STATE 64726

Of the foregoing appropriation item 777-471, Airport 64727
 Improvements - State, \$500,000 in fiscal year 2002 shall be used 64728
 for the Lorain County Airport. 64729

Section 111. TOS TREASURER OF STATE 64730

General Revenue Fund 64731

GRF 090-321 Operating Expenses	\$	10,510,560	\$	12,717,120	64732
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GRF 090-401 Office of the Sinking	\$	596,736	\$	614,640	64733
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Fund					64734
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GRF 090-402 Continuing Education	\$	460,150	\$	513,600	64735
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GRF 090-524 Police and Fire	\$	43,000	\$	40,000	64736
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Disability Pension					64737
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GRF 090-534 Police & Fire Ad Hoc	\$	280,000	\$	260,000	64738
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Cost					
of Living					64739

GRF 090-544 Police and Fire State	\$	1,200,000	\$	1,200,000	64740
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	Contribution				64741	
GRF 090-554	Police and Fire	\$	1,550,000	\$	1,500,000	64742
	Survivor					
	Benefits					64743
GRF 090-575	Police and Fire Death	\$	23,000,000	\$	24,000,000	64744
	Benefits					64745
TOTAL GRF	General Revenue Fund	\$	37,640,446	\$	40,845,360	64746
	Agency Fund Group					64747
425 090-635	Tax Refunds	\$	655,000,000	\$	675,000,000	64748
TOTAL Agency	Fund Group	\$	655,000,000	\$	675,000,000	64749
	General Services Fund Group					64750
182 090-608	Financial Planning	\$	12,944	\$	13,682	64751
	Commissions					64752
4E9 090-603	Securities Lending	\$	3,773,177	\$	970,000	64753
	Income					
4NO 090-611	Treasury Education	\$	27,500	\$	27,500	64754
577 090-605	Investment Pool	\$	662,000	\$	600,000	64755
	Reimbursement					64756
605 090-609	Treasurer of State	\$	760,000	\$	1,270,000	64757
	Administrative Fund					64758
TOTAL GSF	General Services					64759
Fund Group		\$	5,235,621	\$	2,881,182	64760
	State Special Revenue Fund Group					64761
5C5 090-602	County Treasurer	\$	92,000	\$	88,000	64762
	Education					
TOTAL SSR	State Special Revenue					64763
Fund Group		\$	92,000	\$	88,000	64764
TOTAL ALL BUDGET	FUND GROUPS	\$	697,968,067	\$	718,814,542	64765

Section 111.01. OFFICE OF THE SINKING FUND 64767

The foregoing appropriation item 090-401, Office of the 64768
Sinking Fund, shall be used for financing and other costs incurred 64769

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 111.02. POLICE AND FIRE DEATH BENEFIT FUND 64784

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 112. UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE 64795
COMPENSATION BOARD 64796

State Special Revenue Fund Group 64797
691 810-632 PUSTRCB Staff \$ 1,011,437 \$ 1,075,158 64798
TOTAL SSR State Special Revenue 64799

Fund Group	\$	1,011,437	\$	1,075,158	64800
TOTAL ALL BUDGET FUND GROUPS	\$	1,011,437	\$	1,075,158	64801

Section 113. TTA OHIO TUITION TRUST AUTHORITY 64803

State Special Revenue Fund Group					64804
645 095-601 Operating Expenses	\$	4,539,200	\$	4,950,700	64805
TOTAL SSR State Special Revenue					64806
Fund Group	\$	4,539,200	\$	4,950,700	64807
TOTAL ALL BUDGET FUND GROUPS	\$	4,539,200	\$	4,950,700	64808

Section 114. OVH OHIO VETERANS' HOME 64810

General Revenue Fund					64811
GRF 430-100 Personal Services	\$	14,499,975	\$	14,434,831	64812
GRF 430-200 Maintenance	\$	5,099,666	\$	5,199,159	64813
TOTAL GRF General Revenue Fund	\$	19,599,641	\$	20,633,990	64814
Federal Special Revenue Fund Group					64815
3L2 430-601 Federal Grants	\$	9,823,259	\$	10,059,342	64816
TOTAL FED Federal Special Revenue					64817
Fund Group	\$	9,823,259	\$	10,059,342	64818
State Special Revenue Fund Group					64819
4E2 430-602 Veterans Home	\$	5,288,525	\$	5,583,806	64820
Operating					
484 430-603 Rental and Service	\$	457,060	\$	509,737	64821
Revenue					
604 430-604 Veterans Home	\$	725,699	\$	670,096	64822
Improvement					
TOTAL SSR State Special Revenue					64823
Fund Group	\$	6,471,284	\$	6,763,639	64824
TOTAL ALL BUDGET FUND GROUPS	\$	35,894,184	\$	37,456,971	64825

Section 115. VET VETERANS' ORGANIZATIONS 64827

General Revenue Fund					64828
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	VAP AMERICAN EX-PRISONERS OF WAR				64829
GRF 743-501	State Support	\$	25,030	\$	25,030
	VAN ARMY AND NAVY UNION, USA, INC.				64831
GRF 746-501	State Support	\$	55,012	\$	55,012
	VKW KOREAN WAR VETERANS				64833
GRF 747-501	State Support	\$	49,453	\$	49,453
	VJW JEWISH WAR VETERANS				64835
GRF 748-501	State Support	\$	29,715	\$	29,715
	VCW CATHOLIC WAR VETERANS				64837
GRF 749-501	State Support	\$	57,990	\$	57,990
	VPH MILITARY ORDER OF THE PURPLE HEART				64839
GRF 750-501	State Support	\$	56,377	\$	56,377
	VVV VIETNAM VETERANS OF AMERICA				64841
GRF 751-501	State Support	\$	185,954	\$	185,954
	VAL AMERICAN LEGION OF OHIO				64843
GRF 752-501	State Support	\$	252,328	\$	252,328
	VII VETERANS OF WORLD WAR II-KOREA-VIETNAM				64845
GRF 753-501	State Support	\$	237,919	\$	237,919
	VAV DISABLED AMERICAN VETERANS				64847
GRF 754-501	State Support	\$	166,308	\$	166,308
	VOH RAINBOW DIVISION VETERANS' ASSOCIATION, OHIO				64849
GRF 755-501	State Support	\$	4,226	\$	4,226
	VMC MARINE CORPS LEAGUE				64851
GRF 756-501	State Support	\$	85,972	\$	85,972
	V37 37TH DIVISION AEF VETERANS' ASSOCIATION				64853
GRF 757-501	State Support	\$	5,946	\$	5,946
	VFW VETERANS OF FOREIGN WARS				64855
GRF 758-501	State Support	\$	196,615	\$	196,615
	VWI VETERANS OF WORLD WAR I				64857
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				64861

The foregoing appropriation items 743-501, 746-501, 747-501, 64862
748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501, 64863
755-501, 756-501, 757-501, 758-501, and 759-501, State Support, 64864
shall be released upon approval by the Director of Budget and 64865
Management. 64866

AMERICAN EX-PRISONERS OF WAR 64867

The American Ex-Prisoners of War shall be permitted to share 64868
an office with the Veterans of World War I. 64869

CENTRAL OHIO UNITED SERVICES ORGANIZATION 64870

Of the foregoing appropriation item 751-501, State Support, 64871
Vietnam Veterans of America, \$50,000 in each fiscal year shall be 64872
used to support the activities of the Central Ohio USO. 64873

VETERANS SERVICE COMMISSION EDUCATION 64874

Of the foregoing appropriation item 753-501, State Support, 64875
Veterans of World War II-Korea-Vietnam, up to \$20,000 in each 64876
fiscal year may be used to provide moneys to the Association of 64877
County Veterans Service Commissioners to reimburse its member 64878
county veterans service commissions for costs incurred in carrying 64879
out educational and outreach duties required under divisions (E) 64880
and (F) of section 5901.03 of the Revised Code. Upon the 64881
presentation of an itemized statement to the Office of Veterans 64882
Affairs, the office shall direct the Auditor of State to issue a 64883
warrant upon the state treasury to the association to reimburse 64884
member commissions for reasonable and appropriate expenses 64885
incurred performing these duties. The association shall establish 64886
uniform procedures for reimbursing member commissions. 64887

Section 116. DVM STATE VETERINARY MEDICAL BOARD 64888

General Services Fund Group 64889
4K9 888-609 Operating Expenses \$ 471,003 \$ 496,731 64890
TOTAL GSF General Services 64891

Fund Group	\$	471,003	\$	496,731	64892
TOTAL ALL BUDGET FUND GROUPS	\$	471,003	\$	496,731	64893
Section 117. DYS DEPARTMENT OF YOUTH SERVICES					64895
General Revenue Fund					64896
GRF 470-401 RECLAIM Ohio	\$	160,808,723	\$	164,415,944	64897
GRF 470-402 Community Program	\$	740,907	\$	839,490	64898
Services					
GRF 470-412 Lease Rental Payments	\$	17,376,700	\$	18,739,900	64899
GRF 470-502 Detention Subsidies	\$	6,163,213	\$	6,433,035	64900
GRF 470-510 Youth Services	\$	18,841,205	\$	21,307,671	64901
GRF 472-321 Parole Operations	\$	16,680,042	\$	17,246,018	64902
GRF 477-321 Administrative	\$	14,814,953	\$	15,934,443	64903
Operations					
GRF 477-406 Interagency	\$	252,450	\$	261,299	64904
Collaborations					
TOTAL GRF General Revenue Fund	\$	235,678,193	\$	245,177,800	64905
General Services Fund Group					64906
175 470-613 Education	\$	8,461,407	\$	8,817,598	64907
Reimbursement					
4A2 470-602 Child Support	\$	450,000	\$	400,000	64908
4G6 470-605 General Operational	\$	10,000	\$	10,000	64909
Funds					
479 470-609 Employee Food Service	\$	143,349	\$	146,933	64910
523 470-621 Wellness Program	\$	192,954	\$	197,778	64911
TOTAL GSF General Services					64912
Fund Group	\$	9,257,710	\$	9,572,309	64913
Federal Special Revenue Fund Group					64914
3V9 470-608 Federal Juvenile	\$	7,828,899	\$	0	64915
Programs FFY 01					
3W0 470-611 Federal Juvenile	\$	0	\$	7,828,899	64916
Programs FFY 02					

3V5	470-604	Juvenile Justice/Delinquency Prevention	\$	5,159,202	\$	5,998,092	64917
321	470-601	Education	\$	1,298,156	\$	1,334,122	64918
321	470-603	Juvenile Justice Prevention	\$	2,973,733	\$	2,973,733	64919
321	470-606	Nutrition	\$	2,800,000	\$	2,800,000	64920
321	470-610	Rehabilitation Programs	\$	83,500	\$	83,500	64921
321	470-614	Title IV-E Reimbursements	\$	5,700,000	\$	5,700,000	64922
321	470-617	Americorps Programs	\$	407,860	\$	418,444	64923
TOTAL FED Federal Special Revenue							64924
Fund Group			\$	26,251,350	\$	27,136,790	64925
State Special Revenue Fund Group							64926
147	470-612	Vocational Education	\$	2,012,665	\$	2,090,392	64927
4W3	470-618	Help Me Grow	\$	10,900	\$	11,587	64928
5J7	470-623	Residential Treatment Services	\$	0	\$	500,000	64929
TOTAL SSR State Special Revenue							64930
Fund Group			\$	2,023,565	\$	2,601,979	64931
TOTAL ALL BUDGET FUND GROUPS			\$	273,210,818	\$	284,488,878	64932
OHIO BUILDING AUTHORITY LEASE PAYMENTS							64933
The foregoing appropriation item 470-412, Lease Rental							64934
Payments, in the Department of Youth Services, shall be used for							64935
payments, limited to the aggregate amount of \$36,116,600, to the							64936
Ohio Building Authority for the period from July 1, 2001, to June							64937
30, 2003, pursuant to the primary leases and agreements for							64938
facilities made under Chapter 152. of the Revised Code, which are							64939
the source of funds pledged for bond service charges on related							64940
obligations issued pursuant to Chapter 152. of the Revised Code.							64941
RECLAIM OHIO							64942

In determining the amount of moneys necessary to fund the 64943
foregoing appropriation item 470-401, RECLAIM Ohio, in fiscal 64944
years 2002 and 2003, the Department of Youth Services shall 64945
compute the number of state target youth for each fiscal year. As 64946
defined in section 5139.01 of the Revised Code, "state target 64947
youth" means twenty-five per cent of the projected total number of 64948
felony-level delinquency adjudications in the juvenile courts for 64949
each year of a biennium, factoring in revocations and 64950
recommitments. The foregoing appropriation item 470-401, RECLAIM 64951
Ohio, shall provide for an amount not less than \$98 per day for 64952
each state target youth or not less than \$20,000 per year for each 64953
state target youth for each year of the biennium. 64954

YOUTH SERVICES BLOCK GRANT 64955

Of the foregoing appropriation item 470-510, Youth Services, 64956
\$50,000 in fiscal year 2002 shall be distributed directly to 64957
Lighthouse Youth Services. 64958

EMPLOYEE FOOD SERVICE AND EQUIPMENT 64959

Notwithstanding section 125.14 of the Revised Code, the 64960
foregoing appropriation item 470-609, Employee Food Service, may 64961
be used to purchase any food operational items with funds received 64962
into the fund from reimbursement for state surplus property. 64963

EDUCATION REIMBURSEMENT 64964

The foregoing appropriation item 470-613, Education 64965
Reimbursement, shall be used to fund the operating expenses of 64966
providing educational services to youth supervised by the 64967
Department of Youth Services. Operating expenses include, but are 64968
not limited to, teachers' salaries, maintenance costs, and 64969
educational equipment. This appropriation item shall not be used 64970
for capital expenses. 64971

FINANCIAL ASSISTANCE FOR JUVENILE DETENTION FACILITIES 64972

Pursuant to section 5139.281 of the Revised Code, funding 64973
provided to a county for the operation and maintenance of each 64974
home shall be in an amount of fifty per cent of the approved 64975
annual operating cost, but shall not be in excess of \$156,928 in 64976
each fiscal year. 64977

FEDERAL JUVENILE JUSTICE PROGRAM TRANSFER FROM THE OFFICE OF 64978
CRIMINAL JUSTICE SERVICES TO THE DEPARTMENT OF YOUTH SERVICES 64979

On July 1, 2001, responsibility for a federal juvenile 64980
justice program is transferred from the Office of Criminal Justice 64981
Services to the Department of Youth Services. The Department of 64982
Youth Services thereupon and thereafter is successor to, assumes 64983
the obligations of, and otherwise provides for the continuation of 64984
a federal juvenile justice program. 64985

Any business relating to a federal juvenile justice program 64986
commenced but not completed by the Office of Criminal Justice 64987
Services or its director prior to July 1, 2001, shall be completed 64988
by the Department of Youth Services or its director in the same 64989
manner, and with the same effect, as if completed by the Office of 64990
Criminal Justice Services or its director. Notwithstanding the 64991
prior provisions of this section, the Office of Criminal Justice 64992
Services shall maintain responsibility for closing out all grants 64993
received by the Office of Criminal Justice Services prior to July 64994
1, 2001, under the federal juvenile justice program. In accordance 64995
with an appropriation made to the Office of Criminal Justice 64996
Services, the Office of Criminal Justice Services may make 64997
expenditures from those grants and take all other appropriate 64998
actions related to those grants. The Office of Criminal Justice 64999
Services is responsible for any reporting responsibilities 65000
associated with those grants. 65001

No validation, cure, right, privilege, remedy, obligation, or 65002
liability is lost or impaired by reason of the transfer. All of 65003
the Office of Criminal Justice Services' rules, orders, and 65004

determinations continue in effect as rules, orders, and 65005
determinations of the Department of Youth Services, until modified 65006
or rescinded by the Department of Youth Services. If necessary to 65007
ensure the integrity of the numbering of the Administrative Code, 65008
the Director of the Legislative Service Commission shall renumber 65009
the Office of Criminal Justice Services' rules for a federal 65010
juvenile justice program to reflect the transfer of the program to 65011
the Department of Youth Services. 65012

The employees of the Office of Criminal Justice Services 65013
assigned to work with a federal juvenile justice program are 65014
transferred to the Department of Youth Services and shall retain 65015
their positions and all the benefits accruing thereto. 65016

No action or proceeding pending on July 1, 2001, is affected 65017
by the transfer, and any action or proceeding pending on July 1, 65018
2001, shall be prosecuted or defended in the name of the 65019
Department of Youth Services or its director. In all such actions 65020
and proceedings, the Department of Youth Services or its director 65021
upon application to the court shall be substituted as a party. 65022

Section 118. EXPENDITURES AND APPROPRIATION INCREASES 65023
APPROVED BY THE CONTROLLING BOARD 65024

Any money that the Controlling Board approves for expenditure 65025
or any increase in appropriation authority that the Controlling 65026
Board approves pursuant to the provisions of sections 127.14, 65027
131.35, and 131.39 of the Revised Code or any other provision of 65028
law is appropriated for the period ending June 30, 2003. 65029

Section 119. PERSONAL SERVICE EXPENSES 65030

Unless otherwise prohibited by law, any appropriation from 65031
which personal service expenses are paid shall bear the employer's 65032
share of public employees' retirement, workers' compensation, 65033
disabled workers' relief, and all group insurance programs; the 65034

costs of centralized accounting, centralized payroll processing, 65035
and related personnel reports and services; the cost of the Office 65036
of Collective Bargaining; the cost of the Personnel Board of 65037
Review; the cost of the Employee Assistance Program; the cost of 65038
the Equal Opportunity Center; the costs of interagency information 65039
management infrastructure; and the cost of administering the state 65040
employee merit system as required by section 124.07 of the Revised 65041
Code. These costs shall be determined in conformity with 65042
appropriate sections of law and paid in accordance with procedures 65043
specified by the Office of Budget and Management. Expenditures 65044
from appropriation item 070-601, Public Audit Expense - Local 65045
Government, in Fund 422 may be exempted from the requirements of 65046
this section. 65047

Section 120. REISSUANCE OF VOIDED WARRANTS 65048

In order to provide funds for the reissuance of voided 65049
warrants pursuant to section 117.47 of the Revised Code, there is 65050
appropriated, out of moneys in the state treasury from the fund 65051
credited as provided in section 117.47 of the Revised Code, that 65052
amount sufficient to pay such warrants when approved by the Office 65053
of Budget and Management. 65054

Section 121. * CAPITAL PROJECT SETTLEMENTS 65055

This section specifies an additional and supplemental 65056
procedure to provide for payments of judgments and settlements if 65057
the Director of Budget and Management determines, pursuant to 65058
division (C)(4) of section 2743.19 of the Revised Code, that 65059
sufficient unencumbered moneys do not exist in the particular 65060
appropriation to pay the amount of a final judgment rendered 65061
against the state or a state agency, including the settlement of a 65062
claim approved by a court, in an action upon and arising out of a 65063
contractual obligation for the construction or improvement of a 65064

capital facility if the costs under the contract were payable in 65065
whole or in part from a state capital projects appropriation. In 65066
such a case, the director may either proceed pursuant to division 65067
(C)(4) of section 2743.19 of the Revised Code, or apply to the 65068
Controlling Board to increase an appropriation or create an 65069
appropriation out of any unencumbered moneys in the state treasury 65070
to the credit of the capital projects fund from which the initial 65071
state appropriation was made. The Controlling Board may approve or 65072
disapprove the application as submitted or modified. The amount of 65073
an increase in appropriation or new appropriation specified in an 65074
application approved by the Controlling Board is hereby 65075
appropriated from the applicable capital projects fund and made 65076
available for the payment of the judgment or settlement. 65077

If the director does not make the application authorized by 65078
this section or the Controlling Board disapproves the application, 65079
and the director does not make application pursuant to division 65080
(C)(4) of section 2743.19 of the Revised Code, the director shall 65081
for the purpose of making that payment request to the General 65082
Assembly as provided for in division (C)(5) of that section. 65083

Section 122. INCOME TAX DISTRIBUTION TO COUNTIES 65084

There are hereby appropriated out of any moneys in the state 65085
treasury to the credit of the General Revenue Fund, which are not 65086
otherwise appropriated, funds sufficient to make any payment 65087
required by division (B)(2) of section 5747.03 of the Revised 65088
Code. 65089

Section 123. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 65090
AGAINST THE STATE 65091

Any appropriation may be used for the purpose of satisfying 65092
judgments or settlements in connection with civil actions against 65093
the state in federal court not barred by sovereign immunity or the 65094

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 124. * UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 65120

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: 65121
65122
65123

	FY 2002	FY 2003	
Department of Agriculture			65124 65125
Fund 4E4 Utility Radiological Safety	\$69,016	\$73,059	65126

Department of Health			65127
Fund 610 Radiation Emergency Response	\$870,505	\$923,315	65128
Environmental Protection Agency			65129
Fund 644 ER Radiological Safety	\$242,446	\$255,947	65130
Emergency Management Agency			65131
Fund 657 Utility Radiological Safety	\$874,602	\$927,241	65132

Section 125. UNCLAIMED FUNDS TRANSER 65133

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 126. GRF TRANSER TO FUND 5N4, ERP PROJECT IMPLEMENTATION 65141
65142

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 127. CORPORATE AND UCC FILING FUND TRANSFER TO GRF 65150

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 128. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 65155

Certain appropriations are in this act for the purpose of 65156
paying debt service and financing costs on general obligation 65157
bonds or notes of the state issued pursuant to the Ohio 65158
Constitution and acts of the General Assembly. If it is determined 65159
that additional appropriations are necessary for this purpose, 65160
such amounts are appropriated. 65161

Section 129. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 65162
STATE 65163

Certain appropriations are in this act for the purpose of 65164
making lease payments pursuant to leases and agreements relating 65165
to bonds or notes issued by the Ohio Building Authority or the 65166
Treasurer of State or, previously, by the Ohio Public Facilities 65167
Commission, pursuant to the Ohio Constitution and acts of the 65168
General Assembly. If it is determined that additional 65169
appropriations are necessary for this purpose, such amounts are 65170
appropriated. 65171

Section 130. AUTHORIZATION FOR TREASURER OF STATE AND OBM TO 65172
EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 65173

The Office of Budget and Management shall initiate and 65174
process disbursements from lease rental payment appropriation 65175
items during the period from July 1, 2001, to June 30, 2003, 65176
pursuant to leases and agreements relating to bonds or notes 65177
issued under Section 2i of Article VIII, Ohio Constitution, and 65178
Chapters 154. and 3318. of the Revised Code. Disbursements shall 65179
be made upon certification by the Treasurer of State of the dates 65180
and amounts due on those dates. 65181

Section 131. STATE AND LOCAL REBATE AUTHORIZATION 65182

There is hereby appropriated, from those funds designated by 65183
or pursuant to the applicable proceedings authorizing the issuance 65184
of state obligations, amounts computed at the time to represent 65185
the portion of investment income to be rebated or amounts in lieu 65186
of or in addition to any rebate amount to be paid to the federal 65187
government in order to maintain the exclusion from gross income 65188
for federal income tax purposes of interest on those state 65189
obligations pursuant to section 148(f) of the Internal Revenue 65190
Code. 65191

Rebate payments shall be approved and vouchered by the Office 65192
of Budget and Management. 65193

Section 132. TRANSFERS FROM SPECIFIED FUNDS 65194

Notwithstanding any other provision of law to the contrary, 65195
the Commissioners of the Sinking Fund shall transfer the balance 65196
remaining after provision for payment of all outstanding bonds or 65197
notes, coupons, and charges, from the Improvement Bond Retirement 65198
Fund, the Public Improvement Bond Retirement Fund, and the 65199
Development Bond Retirement Fund, to the General Revenue Fund as 65200
expeditiously as possible upon this act taking effect. 65201

Notwithstanding any other provision of law to the contrary, 65202
the Commissioners of the Sinking Fund shall transfer the balance 65203
remaining after provision for payment of all outstanding bonds or 65204
notes, coupons, and charges, from the Highway Improvement Bond 65205
Retirement Fund, to the Highway Operating Fund as expeditiously as 65206
possible upon taking effect of this act. 65207

Section 133. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 65208
REESTABLISHMENT OF ENCUMBRANCES 65209

Any cash transferred by the Director of Budget and Management 65210
as provided by section 126.15 of the Revised Code is appropriated. 65211
Any amounts necessary to reestablish appropriations or 65212

encumbrances as provided in section 126.15 of the Revised Code are 65213
appropriated. 65214

Section 134. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 65215

Pursuant to the plan for compliance with the Federal Cash 65216
Management Improvement Act required by section 131.36 of the 65217
Revised Code, the Director of Budget and Management is authorized 65218
to cancel and reestablish all or parts of encumbrances in like 65219
amounts within the funds identified by the plan. The amounts 65220
necessary to reestablish all or parts of encumbrances are 65221
appropriated. 65222

Section 135. STATEWIDE INDIRECT COST RECOVERY 65223

Whenever the Director of Budget and Management determines 65224
that an appropriation made to a state agency from a fund of the 65225
state is insufficient to provide for the recovery of statewide 65226
indirect costs pursuant to section 126.12 of the Revised Code, the 65227
amount required for such purpose is appropriated from the 65228
available receipts of such fund. 65229

Section 136. GRF TRANSFERS ON BEHALF OF THE STATEWIDE 65230
INDIRECT COST ALLOCATION PLAN 65231

The total transfers made from the General Revenue Fund by the 65232
Director of Budget and Management pursuant to this section shall 65233
not exceed the amounts transferred into the General Revenue Fund 65234
pursuant to division (B) of section 126.12 of the Revised Code. 65235

A director of an agency may certify to the Director of Budget 65236
and Management the amount of expenses not allowed to be included 65237
in the Statewide Indirect Cost Allocation plan pursuant to federal 65238
regulations, from any fund included in the Statewide Indirect Cost 65239
Allocation plan, prepared as required by section 126.12 of the 65240
Revised Code. 65241

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 137. 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 65273
expended or for a period of two years, whichever is less; 65274

(D) For an encumbrance for any other expense, for such period 65275
as the director approves, provided such period does not exceed two 65276
years. 65277

Any operating appropriations for which unexpended balances 65278
are reappropriated beyond a five-month period from the end of the 65279
fiscal year, pursuant to division (B) of this section, shall be 65280
reported to the Controlling Board by the Director of Budget and 65281
Management by the thirty-first day of December of each year. The 65282
report on each such item shall include the item, the cost of the 65283
item, and the name of the vendor. This report to the board shall 65284
be updated on a quarterly basis for encumbrances remaining open. 65285

Upon the expiration of the reappropriation period set out in 65286
divisions (A), (B), (C), or (D) of this section, a reappropriation 65287
made pursuant to this section lapses, and the Director of Budget 65288
and Management shall cancel the encumbrance of the unexpended 65289
reappropriation no later than the end of the weekend following the 65290
expiration of the reappropriation period. 65291

Notwithstanding the preceding paragraph, with the approval of 65292
the Director of Budget and Management, an unexpended balance of an 65293
encumbrance that was reappropriated on the first day of July 65294
pursuant to this section for a period specified in division (C) or 65295
(D) of this section and that remains encumbered at the close of 65296
the fiscal biennium is hereby reappropriated pursuant to this 65297
section on the first day of July of the following fiscal biennium 65298
from the fund from which it was originally appropriated or 65299
reappropriated for the applicable period specified in division (C) 65300
or (D) of this section and shall remain available only for the 65301
purpose of discharging the encumbrance. 65302

If the Controlling Board approved a purchase, that approval 65303

remains in effect as long as the appropriation used to make that purchase remains encumbered. 65304
65305

Section 138. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 65306

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. 65307
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Section 139. FAMILY SERVICES STABILIZATION FUND 65314

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. 65315
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65317

Section 140. TEMPORARY STABILIZATION OF LOCAL GOVERNMENT DISTRIBUTIONS 65318
65319

(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, 65320
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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;	65363
(5) In November 2001 and November 2002, the amounts credited in November 2000;	65364 65365
(6) In December 2001 and December 2002, the amounts credited in December 2000;	65366 65367
(7) In January 2002 and January 2003, the amounts credited in January 2001;	65368 65369
(8) In February 2002 and February 2003, the amounts credited in February 2001;	65370 65371
(9) In March 2002 and March 2003, the amounts credited in March 2001;	65372 65373
(10) In April 2002 and April 2003, the amounts credited in April 2001;	65374 65375
(11) In May 2002 and May 2003, the amounts credited in May 2001;	65376 65377
(12) In June 2002 and June 2003, the amounts credited in June 2000.	65378 65379
(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	65380 65381 65382 65383 65384 65385 65386 65387 65388 65389 65390 65391 65392

instead be transferred to the General Revenue Fund. 65393

Notwithstanding any other provision of law to the contrary, 65394
the Tax Commissioner shall compute separate adjustments to the 65395
amounts credited from the public utility excise, corporate 65396
franchise, sales, use, and personal income taxes to the Local 65397
Government Fund, the Local Government Revenue Assistance Fund, and 65398
the Library and Local Government Support Fund during July 2001. 65399
The adjustments shall equal the amount credited to each respective 65400
fund from each respective tax during June 2000 minus the amount 65401
credited to that fund from that tax during June 2001. If an 65402
adjustment is a positive amount, during July 2001, such amount 65403
shall be credited to the Local Government Fund, the Local 65404
Government Revenue Assistance Fund, or the Library and Local 65405
Government Support Fund, as appropriate, and shall be deducted 65406
from the General Revenue Fund. If an adjustment is a negative 65407
amount, during July 2001, such amount shall be deducted from the 65408
Local Government Fund, the Local Government Revenue Assistance 65409
Fund, or the Library and Local Government Support Fund, as 65410
appropriate, and shall be credited to the General Revenue Fund. 65411
Any amount remaining in the Local Government Fund, the Local 65412
Government Revenue Assistance Fund, or the Library and Local 65413
Government Support Fund after the distributions from such funds 65414
are made to local governments in August 2001, shall be certified 65415
by the Tax Commissioner to the Director of Budget and Management 65416
by August 15, 2001, and the Director of Budget and Management 65417
shall transfer such amount from each respective fund to the 65418
General Revenue Fund by August 31, 2001. 65419

For purposes of this section, "pro rata share" means the 65420
percentage calculated for each county and used in each month of 65421
the period July 2000 through June 2001 to distribute the amounts 65422
credited to the Library and Local Government Support Fund in 65423
accordance with section 5747.47 of the Revised Code. 65424

Notwithstanding any other provision of law to the contrary, 65425
in July 2001, each county undivided library and local government 65426
support fund shall receive from the Library and Local Government 65427
Support Fund an amount equal to the amount it would have received 65428
pursuant to section 5747.47 of the Revised Code for that month, 65429
minus its pro rata share of any amount that has been or shall be 65430
transferred from the Library and Local Government Support Fund to 65431
the OPLIN Technology Fund in that month. In August 2001, each 65432
county undivided library and local government support fund shall 65433
receive from the Library and Local Government Support Fund an 65434
amount equal to the amount it received from that fund in July 2000 65435
and August 2000 minus the amount it received from that fund in 65436
July 2001 and minus its pro rata share of any amount transferred 65437
from that fund to the OPLIN Technology Fund in July 2001 or August 65438
2001. In August 2001, each county undivided local government fund 65439
shall receive from the Local Government Fund, each municipality 65440
that receives a distribution directly from the Local Government 65441
Fund shall receive from that fund, and each county undivided local 65442
government revenue assistance fund shall receive from the Local 65443
Government Revenue Assistance Fund an amount equal to the amount 65444
it received from that respective fund in July 2000 and August 2000 65445
minus the amount it received from that respective fund in July 65446
2001. In each month of the periods September 1, 2001, through June 65447
30, 2002, and September 1, 2002, through June 30, 2003, each 65448
county undivided local government fund shall receive from the 65449
Local Government Fund, each municipality that receives a 65450
distribution directly from the Local Government Fund shall receive 65451
from that fund, each county undivided local government revenue 65452
assistance fund shall receive from the Local Government Revenue 65453
Assistance Fund, and each county undivided library and local 65454
government support fund shall receive from the Library and Local 65455
Government Support Fund, the same amount it received from that 65456
respective fund in the corresponding month of the period September 65457

1, 2000, through June 2001. In each month of the period July 1, 65458
2002, through August 31, 2002, and in the month of July 2003, each 65459
county undivided local government fund shall receive from the 65460
Local Government Fund, each municipality that receives a 65461
distribution directly from the Local Government Fund shall receive 65462
from that fund, each county undivided local government revenue 65463
assistance fund shall receive from the Local Government Revenue 65464
Assistance Fund, and each county undivided library and local 65465
government support fund shall receive from the Library and Local 65466
Government Support Fund, the same amount it received from that 65467
respective fund in the corresponding month of the period July 1, 65468
2000, through August 31, 2000. If during any month of the period 65469
September 1, 2001, through July 31, 2003, a transfer is made from 65470
the Library and Local Government Support Fund to the OPLIN 65471
Technology Fund, the amount distributed to each county undivided 65472
library and local government support fund shall be reduced by its 65473
pro rata share of the amount transferred. 65474

During the period July 1, 2001, through July 31, 2003, the 65475
Director of Budget and Management shall issue those directives to 65476
state agencies that are necessary to ensure that the appropriate 65477
amounts are distributed to the Local Government Fund, to the Local 65478
Government Revenue Assistance Fund, and to the Library and Local 65479
Government Support Fund to accomplish the purposes of this 65480
section. 65481

Section 141. Notwithstanding section 131.43 of the Revised 65482
Code, on or before June 30, 2001, if the Director of Budget and 65483
Management determines that the unobligated and unencumbered 65484
balance in the General Revenue Fund at the end of fiscal year 2001 65485
will be less than \$188,200,000, the Director shall transfer cash 65486
from the Budget Stabilization Fund to the General Revenue Fund in 65487
the amount necessary to achieve that ending balance amount. 65488

Within ten days of making such a transfer, the Director shall 65489
submit a report to the Governor, the Speaker of the House of 65490
Representatives, the President of the Senate, the Minority Leader 65491
of the House of Representatives, and the Minority Leader of the 65492
Senate that describes the amount of the transfer and the reasons 65493
for determining that the transfer was necessary. 65494

Section 142. BUDGET STABILIZATION FUND TRANSFERS FOR THE 65495
DEPARTMENT OF JOB AND FAMILY SERVICES 65496

Notwithstanding section 131.43 and division (D) of section 65497
127.14 of the Revised Code, if the Director of Budget and 65498
Management, in consultation with the Director of Job and Family 65499
Services, determines that Medicaid expenditures for the biennium 65500
are likely to exceed the amounts appropriated in the Department of 65501
Job and Family Services appropriation item 600-525, Health 65502
Care/Medicaid, the Director of Budget and Management may, with 65503
Controlling Board approval, transfer up to \$150 million in cash 65504
from the Budget Stabilization Fund to the General Revenue Fund and 65505
increase the appropriation to appropriation item 600-525, Health 65506
Care/Medicaid, accordingly. In increasing the appropriation to 65507
appropriation item 600-525, Health Care/Medicaid, the Director of 65508
Budget and Management shall add to the amount transferred from the 65509
Budget Stabilization Fund appropriation amounts that are 65510
attributable to the federal match that is indicated by the state 65511
and federal division of appropriation item 600-525, Health 65512
Care/Medicaid, as represented in this act. Before any transfers 65513
are authorized, the Director of Budget and Management shall 65514
exhaust the possibilities for transfers of moneys within the 65515
Department of Job and Family Services to meet the identified 65516
shortfall. 65517

Section 143. BUDGET STABILIZATION FUND TRANSFERS TO THE 65518
EMERGENCY PURPOSES FUND 65519

Notwithstanding section 131.43 of the Revised Code and 65520
division (D) of section 127.14 of the Revised Code, the Director 65521
of Budget and Management may, with Controlling Board approval, 65522
transfer up to \$5 million, in each of fiscal years 2002 and 2003, 65523
from the Budget Stabilization Fund to the Emergency Purposes Fund 65524
of the Controlling Board, which is hereby created in the state 65525
treasury, and establish the necessary appropriation authority. The 65526
Controlling Board may, at the request of any state agency or the 65527
Director of Budget and Management, transfer all or part of the 65528
moneys in the fund for the purpose of providing disaster and 65529
emergency situation aid to state agencies and political 65530
subdivisions in the event of disasters and emergency situations. 65531

Section 144. TRANSFERS TO THE GENERAL REVENUE FUND 65532

Notwithstanding any other provision of law to the contrary, 65533
during fiscal years 2002 and 2003, the Director of Budget and 65534
Management is hereby authorized to transfer cash from non-federal, 65535
non-General Revenue Fund funds that are not constitutionally 65536
restricted to the General Revenue Fund. The total amount of cash 65537
transfers made pursuant to this section to the General Revenue 65538
Fund during fiscal years 2002 and 2003 shall not exceed 65539
\$31,794,657. 65540

Section 145. That Section 5 of Am. Sub. S.B. 50 of the 121st 65541
General Assembly, as most recently amended by Am. Sub. H.B. 283 of 65542
the 123rd General Assembly, be amended to read as follows: 65543

"**Sec. 5.** Sections 3 and 4 of Am. Sub. S.B. 50 of the 121st 65544
General Assembly shall take effect July 1, ~~2001~~ 2003." 65545

Section 146. That existing Section 5 of Am. Sub. S.B. 50 of 65546
the 121st General Assembly, as most recently amended by Am. Sub. 65547
H.B. 283 of the 123rd General Assembly, is hereby repealed. 65548

Section 147. That Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 283 of the 123rd General Assembly, be amended to read as follows:

"**Sec. 153.** (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 5112.19, 5112.21, and 5112.99 of the Revised Code are hereby repealed, effective ~~July 1~~ October 16, 2001 2003."

(B) Any money remaining in the Legislative Budget Services Fund on ~~July 1~~ October 16, 2001 2003, the date that section 5112.19 of the Revised Code is repealed by division (A) of this section, shall be used solely for the purposes stated in then former section 5112.19 of the Revised Code. When all money in the Legislative Budget Services Fund has been spent after then former section 5112.19 of the Revised Code is repealed under division (A) of this section, the fund shall cease to exist."

Section 148. That existing Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 283 of the 123rd General Assembly, is hereby repealed.

Section 149. That Section 3 of Am. Sub. H.B. 440 of the 121st General Assembly, as most recently amended by Sub. S.B. 245 of the 123rd General Assembly, be amended to read as follows:

"**Sec. 3.** Sections 122.23, 122.24, 122.25, 122.26, and 122.27 of the Revised Code are hereby repealed, effective July 1, ~~2001~~ 2003."

Section 150. That existing Section 3 of Am. Sub. H.B. 440 of the 121st General Assembly, as most recently amended by Sub. S.B. 245 of the 123rd General Assembly, is hereby repealed.

Section 151. That Section 3 of Am. Sub. H.B. 215 of the 122nd General Assembly, as amended by Am. Sub. H.B. 283 of the 123rd General Assembly, be amended to read as follows:

"**Sec. 3.** Section 1751.68 of the Revised Code is hereby repealed, effective ~~July 1, 2001~~ October 16, 2003."

Section 152. That existing Section 3 of Am. Sub. H.B. 215 of the 122nd General Assembly, as amended by Am. Sub. H.B. 283 of the 123rd General Assembly, is hereby repealed.

Section 153. That 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, be amended to read as follows:

"**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."

Section 154. 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.

Section 155. That Section 9 of Am. Sub. S.B. 192 of the 123rd General Assembly be amended to read as follows:

"**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.

Appropriations

AGO ATTORNEY GENERAL 65599

CAP-716 Lab and Training Facility Improvements \$ ~~2,000,000~~ 65600

		<u>5,200,000</u>	65601
TOTAL Attorney General	\$	2,000,000	65602
		<u>5,200,000</u>	65603
TOTAL Law Enforcement Improvements Trust Fund	\$	2,000,000	65604
		<u>5,200,000"</u>	65605

Section 156. That existing Section 9 of Am. Sub. S.B. 192 of the 123rd General Assembly is hereby repealed. 65607
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Section 157. 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: 65609
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"**Sec. 18.** (A) The Tobacco Oversight Accountability Panel is hereby created. The committee shall consist of the Director of Budget and Management or the Director's designee, three members of the House of Representatives appointed by the Speaker of the House of Representatives, no more than two of whom shall belong to the same political party as the Speaker, and three members of the Senate appointed by the President of the Senate, no more than two of whom shall belong to the same political party as the President. 65612
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(B) The Panel shall develop appropriate achievement benchmarks for each of the following: 65620
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- (1) The Tobacco Use Prevention and Cessation Trust Fund; 65622
- (2) The Law Enforcement Improvements Trust Fund; 65623
- (3) The Southern Ohio Agricultural and Community Development Trust Fund; 65624
65625
- (4) Ohio's Public Health Priorities Trust Fund; 65626
- (5) The Biomedical Research and Technology Transfer Trust Fund; 65627
65628
- (6) The Education Facilities Trust Fund; 65629

(7) The Education Technology Trust Fund. 65630

(C) On or before ~~July 1~~ December 31, 2001, the Panel shall 65631
submit a report describing the achievement benchmarks developed 65632
under division (B) of this section to the Governor, the General 65633
Assembly, and the chairpersons and ranking minority members of the 65634
finance committees of the Senate and House of Representatives. 65635
Upon submitting the report, the panel shall cease to exist." 65636

Section 158. That existing Section 18 of Am. Sub. S.B. 192 of 65637
the 123rd General Assembly, as amended by Sub. S.B. 346 of the 65638
123rd General Assembly, is hereby repealed. 65639

Section 159. That Section 4 of Am. S.B. 210 of the 123rd 65640
General Assembly be amended to read as follows: 65641

"**Sec. 4.** (A) There is hereby created the Civil Service Review 65642
Commission. The Commission shall consist of the following members: 65643
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(1) Three members of the Senate appointed by the President of 65645
the Senate, with at least one member from the minority party; 65646

(2) Three members of the House of Representatives appointed 65647
by the Speaker of the House of Representatives, with at least one 65648
member from the minority party; 65649

(3) Nine members appointed by the Governor, of whom one shall 65650
be the Director of Administrative Services or the Director's 65651
designee, one shall be from a union representing the largest 65652
number of state employees, one shall be from a union representing 65653
the largest number of local government employees, two shall be 65654
recommended by a statewide organization representing counties, two 65655
shall be recommended by a statewide organization representing 65656
municipal corporations, and two shall represent the public. 65657

All appointments shall be made not later than one month after 65658
~~the effective date of this section~~ September 22, 2000. The 65659
Commission shall be co-chaired by a member of the House of 65660
Representatives designated by the Speaker of the House of 65661
Representatives and a member of the Senate designated by the 65662
President of the Senate. The co-chairs shall alternate chairing 65663
meetings of the Commission by agreement of the co-chairs. 65664

(B) The Commission shall review civil service laws and 65665
practice under those laws in Ohio. In conducting the review, the 65666
Commission shall conduct a comprehensive analysis of Ohio's civil 65667
service laws as set forth in the Revised Code and associated 65668
rules, including an analysis of how the laws and any associated 65669
rules are applied in practice by public entities across Ohio. 65670
Additionally, the Commission may review decisions of the Personnel 65671
Board of Review created in section 124.05 of the Revised Code or 65672
other administrative and judicial bodies to determine how 65673
decisions of the Board or those other bodies influence the 65674
interpretation or application of civil service laws. The 65675
Commission also may review practices and innovations of public 65676
entities in other states. The Commission may call witnesses and 65677
review any other information that it determines to be appropriate 65678
and may consider recommendations of the Governor's Management 65679
Improvement Commission. 65680

(C) Upon completion of its review under division (B) of this 65681
section, but not later than ~~nine months after all of the~~ 65682
~~appointments have been made under division (A) of this section~~ 65683
December 31, 2001, the Commission shall issue a report to the 65684
President of the Senate and the Speaker of the House of 65685
Representatives. The report shall identify current statutes, 65686
rules, practices, and procedures and shall make recommendations 65687
for changes to those statutes, rules, practices, and procedures 65688
that the Commission determines necessary to improve them. Upon 65689

issuance of the report under this division, the Commission ceases 65690
to exist." 65691

Section 160. That existing Section 4 of Am. S.B. 210 of the 65692
123rd General Assembly is hereby repealed. 65693

Section 161. That Sections 9a and 28.43 of Sub. S.B. 245 of 65694
the 123rd General Assembly be amended to read as follows: 65695

Reappropriations

"**Sec. 9a.** DYS DEPARTMENT OF YOUTH SERVICES 65696
CAP-830 Muskingum County Juvenile Justice Center \$ 600,000 65697
Total Department of Youth Services \$ 600,000 65698
Total General Revenue Fund \$ ~~13,263,923~~ 65699
13,163,923

MUSKINGUM COUNTY JUVENILE JUSTICE CENTER 65700

The amount reappropriated for the foregoing appropriation 65701
item CAP-830, Muskingum County Juvenile Justice Center, shall be 65702
\$600,000. 65703

Sec. 28.43. SOC SOUTHERN STATE COMMUNITY COLLEGE 65704
CAP-010 Basic Renovations \$ 132,297 65705
CAP-019 New North Campus Facility \$ 249,553 65706
CAP-022 Clinton County Facility \$ 405,381 65707
Total Southern State Community College \$ 787,231 65708

CLINTON COUNTY FACILITY 65709

The amount reappropriated for the foregoing appropriation 65710
item CAP-022, Clinton County Facility, shall be the sum of the 65711
unencumbered and unallotted balances as of June 30, 2000, in 65712
appropriation item CAP-022, plus \$70,142." 65713

Section 162. That existing Sections 9a and 28.43 of Sub. S.B. 65714

245 of the 123rd General Assembly is hereby repealed. 65715

Section 163. That Sections 10 and 13 of Am. Sub. S.B. 287 of 65716
the 123rd General Assembly be amended to read as follows: 65717

"**Sec. 10.** The excise tax imposed by section 5727.811 of the 65718
Revised Code shall ~~first~~ apply to every natural gas distributed 65719
distribution company for all natural gas volumes billed by, or on 65720
behalf of, the company on and after July 1, 2001. Before that 65721
date, a natural gas distribution company shall register with the 65722
Tax Commissioner in accordance with section 5727.93 of the Revised 65723
Code, as amended by ~~this act~~ Am. Sub. S.B. 287 of the 123rd 65724
General Assembly. 65725

Sec. 13. (A) The amendment or enactment by ~~this act~~ Am. Sub. 65726
S.B. 287 of the 123rd General Assembly of sections 5733.053, 65727
5733.06, ~~5733.40,~~ 5747.221, and 5747.24 of the Revised Code first 65728
applies to tax year 2002. 65729

(B) The amendment by Am. Sub. S.B. 287 of the 123rd General 65730
Assembly of section 5733.40 of the Revised Code applies to taxable 65731
years beginning in 2001 or thereafter." 65732

Section 164. That existing Sections 10 and 13 of Am. Sub. 65733
S.B. 287 of the 123rd General Assembly are hereby repealed. 65734

Section 165. That Section 129 of Am. Sub. H.B. 283 of the 65735
123rd General Assembly be amended to read as follows: 65736

"**Sec. 129.** MORATORIUM FOR NEW MR/DD RESIDENTIAL FACILITY BEDS 65737
65738

(A) ~~During~~ Notwithstanding sections 5123.042 and 5123.19 of 65739
the Revised Code, during the period beginning July 1, 1999 2001, 65740
and ending ~~June 30, 2001~~ October 15, 2003, the ~~Department~~ Director 65741

of Mental Retardation and Developmental Disabilities shall not 65742
~~issue refuse to approve a proposal for the development approval~~ 65743
~~for, nor of residential facility beds or to issue a license under~~ 65744
section 5123.19 of the Revised Code, ~~new residential facility if~~ 65745
~~the approval or issuance will result in an increase in the number~~ 65746
~~of residential facility beds for persons with mental retardation~~ 65747
~~or developmental disabilities, except that the department may~~ 65748
~~approve the development or licensure, or both, of such new beds in~~ 65749
an emergency. The department shall adopt rules in accordance with 65750
Chapter 119. of the Revised Code specifying what constitutes an 65751
emergency for the purposes of this section above the statewide 65752
total number of residential facility beds on October 28, 1993. For 65753
purposes of identifying the number of beds that existed on that 65754
date, the Director shall include the number of nursing home beds 65755
that were being operated under section 5123.192 of the Revised 65756
Code as intermediate care facility for the mentally retarded beds 65757
certified by the Department of Health under Title XIX of the 65758
"Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as 65759
amended. A modification, replacement, or relocation of existing 65760
beds in a residential facility licensed under section 5123.19 of 65761
the Revised Code shall not be considered an increase described in 65762
this division. The director shall adopt rules in accordance with 65763
Chapter 119. of the Revised Code specifying what constitutes a 65764
modification, replacement, or relocation of existing beds. 65765

~~(B) For the purposes of division (A) of this section, the~~ 65766
~~following shall not be considered new beds:~~ 65767

~~(1) Beds relocated from one facility to another, if the~~ 65768
~~facility from which the beds are relocated reduces the number of~~ 65769
~~its beds by the same number of beds that are relocated to the~~ 65770
~~other facility;~~ 65771

~~(2) Beds to replace others that the Director of Health~~ 65772
~~determines no longer comply with the standards of the Medical~~ 65773

~~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."~~ 65774
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Section 166. That existing Section 129 of Am. Sub. H.B. 283 of the 123rd General Assembly is hereby repealed. 65777
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Section 167. That Section 1 of Sub. H.B. 574 of the 123rd General Assembly be amended to read as follows: 65779
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~~"Sec. 1. (A) Within thirty days after the effective date of this act~~ 65781
Not later than January 31, 2001, a joint legislative 65782
committee shall be appointed to study the impact of high 65783
technology start-up businesses on economic development and small 65784
businesses in this state and certain other matters. The committee 65785
shall consist of seventeen members, two of whom shall serve as 65786
co-chairpersons, as follows: 65787

(1) Three members from the House of Representatives, two of whom shall be appointed by the Speaker of the House of Representatives and one of whom shall be appointed by the Minority Leader of the House of Representatives. The Speaker of the House of Representatives shall designate one of the members appointed by the Speaker as a co-chairperson of the committee. 65788
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(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. 65794
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(3) One former member of the House of Representatives appointed by the Speaker of the House of Representatives; 65799
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(4) One former member of the Senate appointed by the President of the Senate; 65801
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(5) One member, appointed by the Speaker of the House of Representatives, who shall represent the venture capital industry in the state; 65803
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(6) One member, appointed by the President of the Senate, who shall be an attorney and an expert in high-technology legal issues; 65806
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(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; 65809
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(8) The Director of Development or the Director's designee. 65815

(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 hearings. These and other expenses associated with the committee's performance of its functions shall be paid from any funds appropriated for the operation of committees of the General Assembly. 65816
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(C) The committee shall examine how to retain high technology start-up businesses in the state, the factors motivating these businesses to locate in the state or to relocate out of the state, and the overall impact of these businesses on economic development and small businesses in Ohio. The committee shall submit a report along with its recommendations based on the study to the General Assembly by ~~August~~ March 1, 2001 2002. Upon submitting its report and recommendations, the committee shall cease to exist." 65826
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Section 168. That existing Section 1 of Sub. H.B. 574 of the 123rd General Assembly is hereby repealed. 65835
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Section 169. * That Sections 6.02, 9, 21.01, and 23 of Am. Sub. H.B. 640 of the 123rd General Assembly be amended to read as follows: 65837
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"Sec. 6.02. AFC ARTS AND SPORTS FACILITIES COMMISSION 65840

CAP-047	Cincinnati Classical Music Hall of Fame	\$	300,000	65841
CAP-053	Powers Auditorium Improvements	\$	500,000	65842
CAP-059	Johnny Appleseed Museum Theatre	\$	200,000	65843
CAP-818	Great Lakes League Baseball Stadium in Lake County	\$	350,000	65844
CAP-819	Cooper Stadium Relocation Feasibility Study	\$	350,000	65845
Total Arts And Sports Facilities Commission		\$	1,700,000	65846

GREAT LAKES LEAGUE BASEBALL STADIUM IN LAKE COUNTY 65847

Notwithstanding division (F) of section 3383.07 of the Revised Code, all or a portion of the foregoing appropriation item CAP-818, Great Lakes League Baseball Stadium in Lake County, may be expended for the cost of preparing a financial and development plan or feasibility study, and purchasing engineering and architectural services, designs, plans, specifications, surveys, and estimates of costs for that Great Lakes League Baseball Stadium in Lake County. Any amount expended for that purpose from the appropriation shall count toward the maximum fifteen percent of the construction cost of the sports facility to be paid from state funds. 65848
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COOPER STADIUM RELOCATION FEASIBILITY STUDY 65859

Notwithstanding division (F) of section 3383.07 of the 65860

Revised Code, all or a portion of the foregoing appropriation item 65861
 CAP-819, Cooper Stadium Relocation Feasibility Study, may be 65862
 expended for the cost of preparing a financial and development 65863
 plan or feasibility study, renovation, and purchasing engineering 65864
 and architectural services, designs, plans, specifications, 65865
 surveys, and estimates of costs for that Cooper Stadium. Any 65866
 amount expended for that purpose from the appropriation shall 65867
 count toward the maximum fifteen percent of the construction cost 65868
 of the sports facility to be paid from state funds. 65869

Sec. 9. All items set forth in this section are hereby 65870
 appropriated out of any moneys in the state treasury to the credit 65871
 of the Waterways Safety Fund (Fund 086), which are not otherwise 65872
 appropriated. 65873

		Appropriations	
DNR DEPARTMENT OF NATURAL RESOURCES			65874
CAP-324	Cooperative Funding for Boating	\$ 5,600,000	65875
	Facilities	<u>6,600,000</u>	65876
CAP-874	Recreational Harbor Evaluation Project	\$ 1,000,000	65877
CAP-934	Operations Facilities Development	\$ 800,000	65878
Total Department of Natural Resources		\$ 7,400,000	65879
		<u>8,400,000</u>	65880
Total Waterways Safety Fund		\$ 7,400,000	65881
		<u>8,400,000</u>	65882

Sec. 21.01. ADA DEPARTMENT OF ALCOHOL AND DRUG 65884

ADDICTION SERVICES 65885

CAP-002	Community Assistance Projects	\$ 3,365,000	65886
Total Department of Alcohol and Drug Addiction			65887
Services		\$ 3,365,000	65888

COMMUNITY ASSISTANCE PROJECTS 65889

Of the foregoing appropriation item CAP-002, Community 65890

Assistance Projects, \$225,000 shall be used for the Adelante Drug
and Alcohol Treatment Facility, ~~\$100,000 shall be used for the~~
~~Foundations Recovery Center,~~ and \$40,000 shall be used for the
Sojourner Women's and Children's Outpatient Center.

RESPONSIBILITY FOR FACILITIES 65895

No portion of the foregoing appropriation item, CAP-002,
Community Assistance Projects, shall be used for the Hamilton
County Alcohol and Drug Addiction Services Center or the Stark
County Alcohol and Drug Addiction Services Center until the
Department of Alcohol and Drug Addiction Services and the county
in which the facility is located first enter into an agreement
regarding the transfer of the title of the facility and the
associated property from the state to the county in which it is
located. If the county refuses or otherwise fails to enter into an
agreement on or before June 30, 2001, the department may transfer
title to the facility and associated property to any other person
or entity when the transfer is deemed advantageous to the state.
It shall be specified in the agreement that when title to the
facility and associated property is transferred, then immediately
upon the transfer of title the transferee shall assume all
responsibility, including financial responsibility, for the
facility and associated property. The foregoing condition placed
on the release of funds to the Hamilton County Alcohol and Drug
Addiction Services Center and the Stark County Alcohol and Drug
Addiction Services Center shall not apply if such release of funds
is necessary to protect the health and safety of the Center
patients.

Sec. 23. All items set forth in this section are hereby
appropriated out of any moneys in the state treasury to the credit
of the Parks and Recreation Improvement Fund (Fund 035) created by
division (F) of section 154.22 of the Revised Code, derived from

the proceeds of obligations heretofore and herein authorized, to 65922
 pay costs of capital facilities, as defined in section 154.01 of 65923
 the Revised Code, for parks and recreation. 65924

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 65925

CAP-012	Land Acquisition	\$	3,150,000	65926
CAP-113	East Harbor State Park Shoreline Stabilization	\$	850,000	65927
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$	8,725,000	65928
CAP-718	Grand Lake St. Mary's State Park	\$	150,000	65929
CAP-748	Local Parks Projects	\$	4,409,000	65930
CAP-787	Scioto Riverfront Improvements	\$	9,175,000	65931
CAP-789	Great Miami Riverfront Improvements	\$	2,000,000	65932
CAP-821	State Park Dredging and Shoreline Protection	\$	300,000	65933
CAP-836	State Park Renovations/Upgrading	\$	50,000	65934
CAP-876	Statewide Trails Program	\$	3,175,000	65935
CAP-910	Scioto Peninsula Property Acquisition	\$	4,750,000	65936
CAP-928	Statewide Accessibility Improvements	\$	125,000	65937
CAP-931	Statewide Wastewater/Water Systems Upgrade	\$	2,000,000	65938
Total Department of Natural Resources		\$	38,859,000	65939
Total Parks and Recreation Improvement Fund		\$	38,859,000	65940

FEDERAL REIMBURSEMENT 65941

All reimbursements received from the federal government for 65942
 any expenditures made pursuant to this section shall be deposited 65943
 in the state treasury to the credit of the Parks and Recreation 65944
 Improvement Fund (Fund 035). 65945

LOCAL PARKS PROJECTS 65946

Of the foregoing appropriation item CAP-748, Local Parks 65947

Projects, \$100,000 shall be used for the Darke County Park 65948
District; ~~\$750,000~~ \$500,000 shall be used for Erie Metro Parks 65949
Land Acquisition; \$40,000 shall be used for Grove City Fryer Park 65950
Improvements; \$60,000 shall be used for Ritter Park Improvements; 65951
\$125,000 shall be used for Highland Community Park Improvements; 65952
\$12,500 shall be used for Big Prairie/Lakeville Park Improvements; 65953
\$25,000 shall be used for Holmes County Park Improvements; \$25,000 65954
shall be used for Stockport Riverfront Park Improvements; \$50,000 65955
shall be used for Silver Park Improvements; \$50,000 shall be used 65956
for New Philadelphia City Park Improvements; \$100,000 shall be 65957
used for Dover Park Improvements; \$40,000 shall be used for 65958
Newcomerstown Park Improvements; \$60,000 shall be used for 65959
Sugarcreek Park Improvements; \$20,000 shall be used for Dodge Park 65960
Improvements; \$20,000 shall be used for Grandview Park 65961
Improvements; \$6,500 shall be used for Crossroads Park 65962
Improvements; \$38,000 shall be used for Wauseon Park Land 65963
Acquisition; \$450,000 shall be used for Barberton Park 65964
Improvements; \$150,000 shall be used for Black Swamp ~~Land~~ 65965
~~Acquisition~~ Improvements; \$50,000 shall be used for Felicity Park 65966
Improvements; \$50,000 shall be used for Cincinnati Whitewater 65967
Canal Tunnel Park; \$75,000 shall be used for the Walbridge Parks 65968
Improvements; \$50,000 shall be used for the Village of Richwood 65969
Parks; \$112,000 shall be used for the West Creek Preserve - City 65970
of Parma; \$100,000 shall be used by the West Creek Preservation 65971
Committee for a West Creek Watershed Project; and \$350,000 shall 65972
be used for Stark County Parks. 65973

LOCAL PARKS PROJECTS - RIVERFRONT PLAZA 65974

Of the foregoing appropriation item CAP-748, Local Parks 65975
Projects, \$1,000,000 shall be used for Riverfront Plaza in 65976
Cincinnati. The Director of Natural Resources shall study and 65977
determine whether it is feasible and suitable to include the 65978
Riverfront Plaza in the state park system. 65979

STATEWIDE TRAILS PROGRAM 65980

Of the foregoing appropriation item CAP-876, Statewide Trails 65981
Program, \$2,000,000 shall be used for the Ohio to Erie Bike Trail 65982
in Greene County, Madison County, and Clark County; \$125,000 shall 65983
be used for the Bike Path Extension in Delaware County; \$150,000 65984
shall be used for the Village Green Hillside Bike/Hike Path in 65985
Butler County; \$150,000 shall be used for the Pleasant Run Creek 65986
Bike/Hike Path in Butler County; \$500,000 shall be used for the 65987
Delhi Nature Trail in Hamilton County; \$50,000 shall be used for 65988
the New Richmond Bike Path; and \$50,000 shall be used for the Lake 65989
to River Greenway Bike Path in Trumbull County. 65990

SCIOTO RIVERFRONT IMPROVEMENTS 65991

Of the foregoing appropriation item CAP-787, Scioto 65992
Riverfront Improvements, \$7,750,000 shall be used for Spring and 65993
Long Park and \$1,425,000 shall be used for Whittier peninsula 65994
property acquisition and demolition. 65995

STATE PARK RENOVATIONS/UPGRADING 65996

Of the foregoing appropriation item CAP-836, State Park 65997
Renovations/Upgrading, \$50,000 shall be used for the Kennedy Stone 65998
House Improvements in Salt Fork State Park." 65999

Section 170. * That existing Sections 6.02, 9, 21.01, and 23 66000
of Am. Sub. H.B. 640 of the 123rd General Assembly are hereby 66001
repealed. 66002

Section 171. * That Sections 6.01 and 18 of Am. Sub. H.B. 640 66003
of the 123rd General Assembly, as most recently amended by Am. 66004
Sub. S.B. 346 of the 123rd General Assembly, be amended to read as 66005
follows: 66006

Appropriations

"Sec. 6.01. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES		66007
CAP-785 Rural Areas Historical Projects	\$ 4,838,500	66008
	<u>5,338,500</u>	
CAP-786 Rural Areas Community Improvements	\$ 13,537,300	66009
CAP-817 Urban Areas Community Improvements	\$ 27,066,000	66010
CAP-818 Community Theatre Renovations	\$ 1,210,000	66011
Total Department of Administrative Services	\$ 46,651,800	66012
	<u>47,151,800</u>	
 RURAL AREAS HISTORICAL PROJECTS		66013
 From the foregoing appropriation item CAP-785, Rural Areas		66014
Historical Projects, grants shall be made for the following		66015
projects:		66016
<u>Euclid Beach Carousel</u>	\$ <u>500,000</u>	66017
Camden Town Hall and Opera House	\$ 75,000	66018
Historic Hopewell Church	\$ 10,000	66019
Preble County Historical Society	\$ 150,000	66020
Allen County Museum Building Expansion	\$ 600,000	66021
Allen County Railroad Museum	\$ 50,000	66022
John P. Parker Historic Site Restoration	\$ 200,000	66023
Grant Memorial Building	\$ 185,000	66024
Steamship William G. Mather Maritime Museum	\$ 25,000	66025
Bedford Historical Society	\$ 250,000	66026
Fulton County Historical Society Museum		66027
Rehabilitation	\$ 50,000	66028
Lyons and Area Historical Society Train Depot		66029
Restoration	\$ 40,000	66030
Middlefield Historical Society	\$ 45,000	66031
Hancock Historical Society-New		66032
Agriculture/Transportation Building	\$ 150,000	66033
Henry County Historical Society Building		66034
Improvements	\$ 50,000	66035
Holmes County Historic Building Improvements	\$ 25,000	66036

Holmes County Historical Society Victorian House		66037
	\$ 30,000	66038
Harvey Wells House Restoration	\$ 100,000	66039
Western Reserve Railroad Association Train Station Improvements	\$ 10,000	66040
		66041
Great Lakes Historical Society Renovations	\$ 200,000	66042
Monroe County Park District Parry Museum	\$ 20,000	66043
Morgan County Historical Society Building Renovations	\$ 25,000	66044
		66045
General Sheridan Monument Restoration	\$ 6,000	66046
Haydenville Museum	\$ 7,500	66047
Overland Inn Historical Site	\$ 50,000	66048
Spring Hill Historic Home	\$ 100,000	66049
Stan Hywet Hall and Gardens	\$ 1,000,000	66050
Gnadenhutten Historical Society	\$ 15,000	66051
Van Wert Historical Society Red Barn Project	\$ 40,000	66052
Marietta Lockmaster's House Renovation	\$ 50,000	66053
New Matamorus Historical Society Renovations	\$ 25,000	66054
Wayne County Historical Society	\$ 150,000	66055
Wood County Historic Courthouse	\$ 1,000,000	66056
Mt. Pleasant Historical Society	\$ 10,000	66057
Dennison Railroad Depot Museum	\$ 95,000	66058
RURAL AREAS COMMUNITY IMPROVEMENTS		66059
From the foregoing appropriation item CAP-786, Rural Areas Community Improvements, grants shall be made for the following projects:		66060
		66061
		66062
Southern Ohio Health Network Facility	\$ 100,000	66063
Allen County Reservoir Feasibility Study	\$ 250,000	66064
Belmont County Office Space	\$ 30,000	66065
Meigs County Industrial Park	\$ 100,000	66066
Lawrence County Industrial Park	\$ 100,000	66067
Gallia County Industrial Park	\$ 100,000	66068

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Community Building - Belmont County	\$	2,000,000	66069
Watt Center - Belmont County	\$	15,000	66070
4-H Barn - Brown County	\$	50,000	66071
People Working Cooperatively Facility Improvements	\$	75,000	66072 66073
Champaign YMCA	\$	200,000	66074
Clermont County Courthouse	\$	50,000	66075
Clermont County Visitor Information Center	\$	50,000	66076
Clinton County Firing Range	\$	50,000	66077
Coshocton Infrastructure Improvements	\$	150,000	66078
Bethlehem Water Well	\$	2,700	66079
West Lafayette Municipal Building Roof	\$	7,200	66080
Tuscarawas Township Safety Improvements	\$	10,000	66081
Village of Warsaw Improvements	\$	39,100	66082
Coshocton Softball Field Lighting Improvements	\$	20,000	66083
Defiance/Williams Flood Mitigation Project	\$	1,350,000	66084
Bellepoint Bridge Reconstruction	\$	75,000	66085
West After-School Center	\$	50,000	66086
Gallia County Water Projects	\$	25,000	66087
Fairmount Fine Arts Center	\$	40,000	66088
Guernsey Infrastructure Improvements	\$	100,000	66089
Tornado Warning Sirens - Guernsey County	\$	60,000	66090
Old Kenton Armory Improvements	\$	100,000	66091
Court House/City Hall Improvements - Highland County	\$	400,000	66092 66093
Holmes County Home Renovations	\$	25,000	66094
Old Children's Home Renovations - Holmes County	\$	25,000	66095
Fairport Community Center	\$	150,000	66096
Mentor Fire and Police Headquarters Relocation	\$	100,000	66097
Hanna House - Lake County	\$	25,000	66098
Perry Township Industrial Park Land Acquisition	\$	65,000	66099
Red Mill Creek Water Retention Basin	\$	20,000	66100
Madison Village Community Building ADA Upgrades	\$	12,500	66101

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Mentor-on-the-Lake Erosion Control Project	\$	135,000	66102
Athalia Community Facility	\$	20,000	66103
Chesapeake Community Facility	\$	20,000	66104
Proctorville Community Facility	\$	20,000	66105
Lawrence County Water Projects	\$	25,000	66106
Downtown Parking Garage and Walkway - Licking County	\$	500,000	66107 66108
Institute of Industrial Technology	\$	500,000	66109
Outdoor Education Laboratory Construction - Marion County	\$	60,000	66110 66111
Medina County Engineered Fuel Project	\$	575,000	66112
Chester Court House	\$	15,000	66113
Meigs County Water Projects	\$	25,000	66114
Fort Piqua Hotel	\$	400,000	66115
Graysville Community Center	\$	50,000	66116
Midway Community Center	\$	10,000	66117
Chesterhill Water Tower Improvements	\$	50,000	66118
Morgan Infrastructure Improvements	\$	100,000	66119
Morgan County Economic Development	\$	125,000	66120
Secrest Auditorium Improvements	\$	50,000	66121
Diesel Powered Generators - Muskingum County	\$	6,000	66122
Muskingum County Center for Seniors	\$	8,000	66123
Maysville Community Improvements	\$	10,000	66124
Muskingum County Court House Improvements	\$	65,000	66125
Litter Prevention Complex - Muskingum County	\$	17,300	66126
Noble County Infrastructure Improvements	\$	185,000	66127
Lake Erie Islands Regional Welcome Center	\$	500,000	66128
Corning Community Center	\$	10,000	66129
Somerset Court House	\$	100,000	66130
New Lexington Community Center	\$	125,000	66131
Crooksville Family Recreation Center	\$	70,000	66132
Perry County Agricultural Society	\$	75,000	66133
Nelsonville Pool	\$	100,000	66134

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Cave Lake Center for Community Leadership	\$	350,000	66135
Atwater Township Town Hall Improvements	\$	100,000	66136
Brimfield Township Community Center	\$	75,000	66137
Portage County Sheriff's Department Shooting Range	\$	200,000	66138
WSTB Equipment Upgrade	\$	50,000	66139
Richland Academy of Arts and Sciences Discovery Center	\$	100,000	66140
Mansfield Area YMCA	\$	200,000	66141
Mohican School in the Out-of-Doors Expansion	\$	325,000	66142
Mansfield Reformatory Preservation Project	\$	100,000	66143
Ross County Multi-Purpose Facility	\$	50,000	66144
Bellevue Society for the Arts	\$	10,000	66145
County Jail Improvements - Sandusky County	\$	300,000	66146
Southern Ohio Port Authority	\$	50,000	66147
Meadowbrook Park Ballroom Restoration	\$	100,000	66148
Eastern Ohio Developmental Alliance Equipment Purchase	\$	10,000	66149
Uhrichsville Municipal Building Improvements	\$	80,000	66150
Project Pride Town Hall	\$	20,000	66151
Marietta Nutrition Facility	\$	100,000	66152
Liberty Township Community Center	\$	20,000	66153
West Salem Town Hall	\$	150,000	66154
City of Rittman Recreation Center	\$	125,000	66155
Bryan Senior Center	\$	450,000	66156
Jerry City Town Hall Improvements	\$	7,000	66157
Bradner Historic Building	\$	45,000	66158
Fairfield Township Community Recreation Facility	\$	150,000	66159
Lighthouse Youth Center Improvements	\$	250,000	66160
Chagrin Falls Park Community Center - Seniors' Room Construction	\$	10,000	66161
City of Willowick - Senior Center Remodeling, Addition, and Completion	\$	100,000	66162

Painesville Township Greenspace	\$	15,000	66168
Clermont County Animal Shelter	\$	22,500	66169

ROSS COUNTY MULTI-PURPOSE FACILITY 66170

Of the foregoing appropriation item CAP-786, Rural Areas 66171
Community Improvements, the \$50,000 earmarked for the Ross County 66172
Multi-Purpose Facility is for a feasibility study for the 66173
facility. Yoctangee Park in Chillicothe, Ohio, is specifically 66174
excluded as a site from any feasibility study for a multi-purpose 66175
facility. 66176

PORTAGE COUNTY SHERIFF'S DEPARTMENT SHOOTING RANGE 66177

Of the foregoing appropriation item CAP-786, Rural Areas 66178
Community Improvements, the \$200,000 earmarked for the Portage 66179
County Sheriff's Department Shooting Range shall be distributed to 66180
the Portage County Sheriff's Department for utilization by that 66181
department for a training facility. Any structure so constructed 66182
with these funds shall be used by the Portage County Sheriff's 66183
Department as a training facility for ten years or moneys must be 66184
repaid to the state by Portage County. The Portage County 66185
Sheriff's Department may contract with other law enforcement 66186
agencies to use the training facility. 66187

URBAN AREAS COMMUNITY IMPROVEMENTS 66188

From the foregoing appropriation item CAP-817, Urban Areas 66189
Community Improvements, grants shall be made for the following 66190
projects: 66191

Cross Links 2000 - Middletown Downtown			66192
Revitalization	\$	2,000,000	66193
Solon Community Arts Center	\$	275,000	66194
Cleveland Health Museum	\$	1,000,000	66195
Cleveland Jewish Community Center	\$	350,000	66196
Beck Center for the Arts	\$	500,000	66197
Cleveland School for the Arts	\$	100,000	66198

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Hill House	\$	325,000	66199
Bellfaire/Jewish Children's Bureau	\$	1,020,000	66200
Karamu House Improvements	\$	600,000	66201
Halloran Ice Skating Rink	\$	300,000	66202
Cleveland Greenhouse Improvements	\$	255,000	66203
Alliance for Poles of America Facility			66204
Improvements	\$	260,000	66205
West Side Ecumenical Ministry	\$	375,000	66206
Solon VFW Memorial	\$	7,000	66207
Solon Senior Center	\$	300,000	66208
Brecksville Senior Development Project	\$	10,000	66209
Bentlyville Village Hall	\$	30,000	66210
Sterns Farm	\$	70,000	66211
Schaaf Community Center	\$	100,000	66212
Olmstead Community Center	\$	100,000	66213
Horizon Center	\$	200,000	66214
North Royalton Recreation Center	\$	200,000	66215
St. Vincent de Paul Recycle Project	\$	250,000	66216
Cleveland Free Clinic	\$	370,000	66217
Alta House	\$	35,000	66218
Rickenbacker House Restoration and Park	\$	475,000	66219
King Lincoln District Revitalization	\$	1,425,000	66220
J. Ashburn Youth Center	\$	500,000	66221
Columbus Downtown Initiatives Planning	\$	1,900,000	66222
Leo Yassenoff Columbus Community Center	\$	400,000	66223
Rickenbacker Air and Industrial Park	\$	6,000,000	66224
Clintonville Improvements	\$	150,000	66225
Grove City YMCA	\$	35,000	66226
Victorian Village Society	\$	15,000	66227
Beech Acres Family Center	\$	50,000	66228
Health Education Center	\$	25,000	66229
Convention Center Expansion Planning	\$	500,000	66230
German Heritage Museum	\$	12,000	66231

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Lincoln Heights Health Center Improvements	\$	1,000,000	66232
South End Revitalization Project	\$	100,000	66233
Toledo International Youth Hostel Renovations	\$	50,000	66234
Sylvania Recreation Center	\$	450,000	66235
Sylvania Senior Center	\$	300,000	66236
Canton Civic Center	\$	1,000,000	66237
Canton Jewish Community Center Renovations	\$	20,000	66238
<u>Canton Jewish Women's Center Community Center: Health and Wellness Capital Improvement Project</u>	\$	100,000	66239
J.R. Coleman Center	\$	250,000	66240
Gateway Social Services Building	\$	450,000	66241
Massillon Domestic Violence Shelter for Battered Women	\$	100,000	66242 66243
Massillon Civic Center	\$	1,000,000	66244
Football Hall of Fame	\$	150,000	66245
Stark Central YMCA	\$	25,000	66246
Stark County Convention and Visitors Bureau			66247
Tourist Center	\$	25,000	66248
Akron Jewish Community Center Renovations	\$	85,000	66249
Oriana House	\$	450,000	66250
Cedar Grove Mausoleum Improvements	\$	30,000	66251
Amphitheater, Riverwalk, and Kinsman House Improvements	\$	1,000,000	66252 66253
Fairlawn, Bath, Copley Community Center	\$	65,000	66254
Loew Field Improvements	\$	50,000	66255
Harvard Community Services Center Renovation and Expansion	\$	20,000	66256 66257
City of South Euclid-Construction of Complying Community Ground Sign	\$	5,000	66258 66259
Henn Mansion Renovation	\$	25,000	66260
Collinwood Community Service Center Repair and Renovation	\$	20,000	66261 66262
Bowman Park - City of Toledo	\$	80,000	66263

Godman Guild	\$	65,000	66264
COMMUNITY THEATRE RENOVATIONS			66265
From the foregoing appropriation item CAP-818, Community Theatre Renovations, grants shall be made for the following projects:			66266
Hayesville Opera House	\$	50,000	66269
Cleveland Public Theatre Improvements - Gordon Square	\$	160,000	66271
Markay Theatre Renovations	\$	100,000	66272
Stranahan Theatre	\$	100,000	66273
Holland Theatre	\$	250,000	66274
Lorain Palace Theatre Improvements	\$	200,000	66275
Ohio Ballet	\$	250,000	66276
Ritz Theatre Renovations	\$	100,000	66277

Sec. 18. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Arts Facilities Building Fund (Fund 030). Revenues to the Arts Facilities Building Fund shall consist of proceeds of obligations authorized to pay costs of the following capital improvements:

			Appropriations	
AFC ARTS FACILITIES COMMISSION			66285	
CAP-010	Sandusky State Theatre Improvements	\$	200,000	66286
CAP-013	Stambaugh Hall Improvements	\$	500,000	66287
CAP-033	Woodward Opera House Renovation	\$	250,000	66288
CAP-037	Canton Palace Theatre Renovations	\$	750,000	66289
CAP-044	National Underground Railroad Freedom Center	\$	3,500,000	66290
CAP-045	Cincinnati Contemporary Arts Center	\$	2,000,000	66291
CAP-046	Cincinnati Museum Center Improvements	\$	200,000	66292
CAP-048	John and Annie Glenn Museum	\$	500,000	66293
CAP-051	Akron Civic Theatre Improvements	\$	1,000,000	66294

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CAP-052	Akron Art Museum	\$	2,500,000	66295
CAP-056	Ohio Agricultural and Industrial Heritage Center	\$	2,500,000	66296
CAP-063	Robins Theatre Renovations	\$	1,000,000	66297
CAP-734	Hayes Presidential Center-Museum and Home Improvements	\$	750,000	66298
CAP-735	Paul Lawrence Dunbar House	\$	672,000	66299
CAP-741	Adena State Memorial Renovations	\$	3,888,000	66300
CAP-742	Ft. Meigs Museum and Exhibit Improvements	\$	1,805,000	66301
CAP-780	Harding Tomb and Site Renovations	\$	138,000	66302
CAP-781	Archives and Library Automation	\$	300,000	66303
CAP-784	Ohio Historical Center Rehabilitation	\$	500,000	66304
CAP-786	Piqua/Fort Pickawillany Acquisition and Improvements	\$	435,000	66305
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	200,000	66306
CAP-790	Reese-Peters Site Improvements	\$	250,000	66307
CAP-798	Multi-Site Fire and Security System Improvements	\$	100,000	66308
CAP-801	Statewide Underground Storage Tank Removal	\$	107,000	66309
CAP-802	Zane Grey Museum Improvements	\$	280,000	66310
CAP-803	Digitization of OHS Collection	\$	750,000	66311
CAP-806	Grant Boyhood Home Improvements	\$	200,000	66312
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	66313
CAP-811	National First Ladies Library	\$	500,000	66314
CAP-812	Dayton Performing Arts Center	\$	9,500,000	66315
CAP-814	Crawford Museum of Transportation and Industry	\$	3,000,000 <u>2,500,000</u>	66316
Total Arts Facilities Commission		\$	38,725,000 <u>38,225,000</u>	66317
Total Arts Facilities Building Fund		\$	38,725,000 <u>38,225,000"</u>	66318

Section 172. * That existing Sections 6.01 and 18 of Am. Sub. H.B. 640 of the 123rd General Assembly, as most recently amended by Am. Sub. S.B. 346, are hereby repealed.

Section 173. That Section 4 of Am. Sub. H.B. 478 of the 119th General Assembly, as amended by Am. Sub. S.B. 300 of the 121st General Assembly and Am. Sub. H.B. 215 of the 122nd General Assembly, is hereby repealed.

The intent of this repeal is to remove the limitation imposed by Section 4 of Am. Sub. H.B. 478 of the 119th General Assembly upon the continued existence of sections 3702.71, 3702.72, 3702.73, 3702.74, 3702.75, 3702.76, 3702.77, 3702.78, 3702.79, 3702.80, and 3702.81 of the Revised Code. This intent is not affected by the rule of construction in section 1.57 of the Revised Code.

Section 174. That Section 18 of Am. Sub. H.B. 650 of the 122nd General Assembly, as most recently amended by Sub. S.B. 245 of the 123rd General Assembly, is hereby repealed, effective July 1, 2001.

Section 175. 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, effective July 1, 2001.

Section 176. That Section 180 of Am. Sub. H.B. 283 of the 123rd General Assembly is hereby repealed.

Section 177. That Section 9 of Sub. S.B. 245 of the 123rd General Assembly is hereby repealed.

Section 178. That Section 15 of Am. Sub. S.B. 287 of the 123rd General Assembly is hereby repealed.

Section 179. * 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	66357
Total School Facilities Commission	\$ 300,000,000	66358
Total School Building Program Assistance Fund	\$ 300,000,000	66359

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 appropriations act for the fiscal year 2003-2004 biennium enacted by the 124th General Assembly. The School Facilities Commission shall not commit any of the appropriations made in this section until after July 1, 2002.

Section 180. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with the provisions of Section 2n of Article VIII, Ohio Constitution, and Chapter 151.

and particularly sections 151.01 and 151.03 of the Revised Code, 66375
original obligations in an aggregate principal amount not to 66376
exceed \$300,000,000 to pay the costs associated with previously 66377
authorized capital facilities and the capital facilities 66378
authorized in the immediately preceding section of this act for 66379
the School Building Assistance Program for the School Facilities 66380
Commission to distribute in accordance with their rules and 66381
guidelines pursuant to Chapter 3318. of the Revised Code. 66382

Section 181. As used in this section, "House Sergeant at 66383
Arms" and "Assistant House Sergeant at Arms" have the same 66384
meanings as in section 145.01 of the Revised Code, as amended by 66385
this act. 66386

Not later than ninety days after the effective date of this 66387
section, the House Sergeant at Arms and each Assistant House 66388
Sergeant at Arms who is a member of the Public Employees 66389
Retirement System shall indicate to the system, on a form supplied 66390
by the retirement system, a choice of whether to receive benefits 66391
under division (A) of section 145.33 of the Revised Code or 66392
division (B) of that section. 66393

Section 182. The Office of Criminal Justice Services and the 66394
Department of Job and Family Services shall enter into an 66395
interagency agreement for the transfer to the Office of the 66396
Department's duties, records, assets, and liabilities related to 66397
the administration of funds received under the "Family Violence 66398
Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 66399
10401, as amended. 66400

Section 183. WOMEN'S POLICY AND RESEARCH COMMISSION FUND 66401
TRANSFERS 66402

Notwithstanding any other provision of law to the contrary, 66403

the Director of Budget and Management shall transfer any remaining 66404
amounts of cash from the specified obsolete fund to the General 66405
Revenue Fund (Fund GRF) within thirty days after the effective 66406
date of this section: Women's Policy and Research Commission, Fund 66407
4V9, Women's Policy and Research Commission Fund. 66408

Section 184. OHIO FAMILY AND CHILDREN FIRST CABINET COUNCIL. 66409

The Ohio Family and Children First Cabinet Council shall 66410
conduct an assessment of the need for and resources available for 66411
services and programs that serve children under six years of age. 66412
The assessment shall include identifying supports available to 66413
those services and programs and gaps in services across Ohio, as 66414
well as a review of existing state laws and administrative 66415
procedures related to those services and programs. Based on its 66416
assessment, the Cabinet Council shall develop, in consultation 66417
with early childhood, business, and community organizations, a 66418
strategic plan that does both of the following: 66419

(1) Identifies goals for developing an integrated system of 66420
early care and education for families with children under six 66421
years of age. 66422

(2) Recommends specific steps that must be taken to 66423
accomplish those goals, including establishing linkages between 66424
schools and early childhood programs to ensure successful 66425
transitions for children and their families. The recommendations 66426
included in the strategic plan shall maximize opportunities for 66427
existing programs and services to blend funding sources and work 66428
together. 66429

The Cabinet Council shall provide copies of the strategic 66430
plan to the Governor, Speaker and Minority Leader of the House of 66431
Representatives, and the President and Minority Leader of the 66432
Senate not later than June 30, 2002. 66433

Section 185. On the effective date of this section, the Mine 66434
Examining Board is abolished and all of its functions and assets, 66435
liabilities, equipment, and records, irrespective of form or 66436
medium, are transferred to the Chief of the Division of Mineral 66437
Resources Management in the Department of Natural Resources and 66438
the Reclamation Commission, as provided in Section 1 of this act. 66439
The Chief and the Reclamation Commission, as appropriate, are 66440
thereupon and thereafter successor to, assume the obligations of, 66441
and otherwise constitute the continuation of the Mine Examining 66442
Board. 66443

Any business commenced, but not completed by, the Mine 66444
Examining Board on the effective date of this section shall be 66445
completed by the Chief or the Reclamation Commission, as 66446
appropriate. No validation, cure, right, privilege, remedy, 66447
obligation, or liability is lost or impaired by reason of the 66448
transfer required by this section, but shall be administered by 66449
the Chief or the Reclamation Commission, as appropriate. All of 66450
the Mine Examining Board's rules, orders, and determinations 66451
continue in effect as rules, orders, and determinations of the 66452
Chief and the Reclamation Commission, as appropriate, until 66453
modified or rescinded by the Chief or the Reclamation Commission, 66454
as appropriate. 66455

Subject to the lay-off provisions of sections 124.321 to 66456
124.328 of the Revised Code, all the employees of the Mine 66457
Examining Board are transferred to the Division of Mineral 66458
Resources Management and the Reclamation Commission, as 66459
appropriate. 66460

Whenever the Mine Examining Board is referred to in any law, 66461
contract, or other document, the reference shall be deemed to 66462
refer to the Chief of the Division of Mineral Resources Management 66463
or the Reclamation Commission, as appropriate. 66464

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 Chief or the Reclamation Commission, as appropriate. In all such actions and proceedings, the Chief or 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 186. 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 66496
the relocation or replacement of the school facilities. If the 66497
federal government or other public or private entity provides 66498
funds for restitution of costs incurred by the state or school 66499
district in the relocation or replacement of the school 66500
facilities, the school district shall use such funds in excess of 66501
the school district's share to refund the state for the state's 66502
contribution to the environmental contamination portion of the 66503
project. The school district may apply an amount of such 66504
restitution funds up to an amount equal to the school district's 66505
portion of the project, as defined by the commission, toward 66506
paying its portion of that project to reduce the amount of bonds 66507
the school district otherwise must issue to receive state 66508
assistance under sections 3318.01 to 3318.20 of the Revised Code. 66509

Section 187. (A) The Ohio School Facilities Commission may 66510
commit up to thirty-five million dollars to the Canton City School 66511
District for construction of a facility described in this section, 66512
in lieu of a high school that would otherwise be authorized under 66513
Chapter 3318. of the Revised Code. The commission shall not commit 66514
funds under this section unless all of the following conditions 66515
are met: 66516

(1) The district has entered into a cooperative agreement 66517
with a state-assisted technical college. 66518

(2) The district has received an irrevocable commitment of 66519
additional funding from nonpublic sources. 66520

(3) The facility is intended to serve both secondary and 66521
postsecondary instructional purposes. 66522

(B) The commission shall enter into an agreement with the 66523
district for the construction of the facility authorized under 66524
this section that is separate from and in addition to the 66525
agreement required for the district's participation in the 66526

Classroom Facilities Assistance Program under section 3318.08 of 66527
the Revised Code. Notwithstanding that section and sections 66528
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 66529
agreement shall provide, but not be limited to, the following: 66530

(1) The commission shall not have any oversight 66531
responsibilities over the construction of the facility. 66532

(2) The facility need not comply with the specifications for 66533
plans and materials for high schools adopted by the commission. 66534

(3) The commission may decrease the basic project cost that 66535
would otherwise be calculated for a high school under Chapter 66536
3318. of the Revised Code. 66537

(4) The state shall not share in any increases in the basic 66538
project cost for the facility above the amount authorized under 66539
this section. 66540

All other provisions of Chapter 3318. of the Revised Code 66541
apply to the approval and construction of a facility authorized 66542
under this section. 66543

The state funds committed to the facility authorized by this 66544
section shall be part of the total amount the state commits to the 66545
Canton City School District under Chapter 3318. of the Revised 66546
Code. All additional state funds committed to the Canton City 66547
School District for classroom facilities assistance shall be 66548
subject to all provisions of Chapter 3318. of the Revised Code. 66549

Section 188. Not later than July 1, 2001, the Tax 66550
Commissioner shall certify to the Department of Education for each 66551
city, local, and exempted village school district the total 66552
federal adjusted gross income of the residents of the school 66553
district, based on tax returns filed by the residents of the 66554
district, for each of the three most recent years for which this 66555
information is available. The Department shall use the information 66556

certified under this section to compute each district's state 66557
parity aid funding under section 3317.0217 of the Revised Code in 66558
fiscal year 2002. 66559

Section 189. Not later than March 1, 2003, the Department of 66560
Job and Family Services shall certify to the State Board of 66561
Education, for the month of October in 1998, 1999, 2000, 2001, and 66562
2002, the unduplicated number of children ages five through 66563
seventeen residing in each school district and living in a family 66564
that had family income not exceeding the federal poverty 66565
guidelines, as defined in section 5101.46 of the Revised Code, and 66566
that participated in one of the following: 66567

(A) Ohio Works First; 66568

(B) The food stamp program; 66569

(C) The medical assistance program, including the Healthy 66570
Start program, established under Chapter 5111. of the Revised 66571
Code; 66572

(D) The Children's Health Insurance Program Part I 66573
established under section 5101.50 of the Revised Code or, prior to 66574
fiscal year 2000, an executive order issued under section 107.17 66575
of the Revised Code; 66576

(E) The disability assistance program established under 66577
Chapter 5115. of the Revised Code. 66578

The Department of Job and Family Services shall report this 66579
information according to the school district of residence for each 66580
child in the same manner as required by section 3317.10 of the 66581
Revised Code. It is the intent of the General Assembly that in 66582
making this report, the Department of Job and Family Services will 66583
utilize the same, or substantially similar, computer programming 66584
as it developed to assist the Legislative Office of Education 66585
Oversight in developing the report "A New Poverty Indicator to 66586

Distribute Disadvantaged Pupil Impact Aid (DPIA)."

The Department of Education shall use the information reported under this section to calculate five-year averages in order to make payments to school districts under section 3317.029 of the Revised Code in fiscal year 2004 and subsequent fiscal years.

Section 190. The Department of Education shall consider the feasibility and desirability of relocating the department staff responsible for gifted education from the Center for Students, Families, and Communities to the Center for Curriculum and Assessment.

Section 191. The Legislative Office of Education Oversight shall review and analyze the plans adopted by school districts for the identification of gifted students under section 3324.04 of the Revised Code. Not later than November 30, 2002, the Office shall issue a report that summarizes the methods school districts are using to identify gifted students and the numbers of gifted students being identified. The Office shall submit the report to the President of the Senate and the Speaker of the House of Representatives.

Section 192. There is hereby created the Instructional Subsidy and Challenge Review Committee. The Committee shall contain eleven members: the Chancellor of the Ohio Board of Regents or the chancellor's designee; two representatives of two-year colleges and two representatives of the state universities identified in section 3345.011 of the Revised Code, all four of whom shall be appointed jointly by the President of the Senate and the Speaker of the House of Representatives; three members of the Senate appointed by the President of the Senate, two of whom shall be members of the majority party and one of whom

shall be a member of the minority party; and three members of the 66617
House of Representatives appointed by the Speaker of the House, 66618
two of whom shall be members of the majority party and one of whom 66619
shall be a member of the minority party. The Committee shall 66620
perform a comprehensive review of the allocation formula for the 66621
State Share of Instruction appropriation item as well as all of 66622
the "Challenge" appropriation items contained in the Board of 66623
Regents' budget and shall issue a report containing its 66624
recommendations to the General Assembly not later than December 66625
31, 2001. Upon issuance of its report, the Committee shall cease 66626
to exist. 66627

Section 193. The Arts Facilities Building Fund and Sports 66628
Facilities Building Fund created by section 3383.09 of the Revised 66629
Code are the same as the Arts Facilities Building Fund and the 66630
Sports Facilities Building Fund from which appropriations are made 66631
in Am. Sub. H.B. 640 of the 123rd General Assembly. 66632

Section 194. An owner or operator of a facility that is 66633
regulated under Chapter 1509. of the Revised Code who submits the 66634
filing fees that the owner or operator is required to submit under 66635
section 3750.13 of the Revised Code, as amended by this act, by 66636
the first day of March of the year following the effective date of 66637
this section shall be deemed to have satisfied all filing, 66638
listing, and notification requirements and all late fees, 66639
penalties, and interest and to have satisfied all other monetary 66640
obligations that were imposed on that person under Chapter 3750. 66641
of the Revised Code prior to that date. As used in this section, 66642
"facility" has the same meaning as in section 3750.01 of the 66643
Revised Code. 66644

Section 195. Section 3704.034 of the Revised Code, as amended 66645
by this act, and sections 3745.10 and 3745.15 of the Revised Code, 66646

as enacted by this act, apply only to applications for permits, 66647
including modifications and renewals, and for plan approvals that 66648
are submitted to the Director of Environmental Protection on and 66649
after the effective date of this section. 66650

Section 196. (A) Notwithstanding section 4717.07 of the 66651
Revised Code as amended by this act, the Board of Embalmers and 66652
Funeral Directors shall charge and collect the following fees for 66653
the renewal of licenses that expire on December 31, 2001: 66654

(1) Sixty dollars for renewal of an embalmer's or funeral 66655
director's license; 66656

(2) One hundred twenty-five dollars for renewal of a license 66657
to operate a funeral home; 66658

(3) One hundred dollars for renewal of a license to operate 66659
an embalming facility; 66660

(4) One hundred dollars for renewal of a license to operate a 66661
crematory facility. 66662

(B) Notwithstanding section 4717.08 of the Revised Code as 66663
amended by this act, every license issued under Chapter 4717. of 66664
the Revised Code expires on December 31, 2001, and shall be 66665
renewed on or before that date according to the standard license 66666
renewal procedure set forth in Chapter 4745. of the Revised Code. 66667

Section 197. Unless five licensed embalmers and practicing 66668
funeral directors are serving on the Board of Embalmers and 66669
Funeral Directors on the effective date of this section, the first 66670
person appointed to fill a vacancy occurring on the Board on or 66671
after that date under section 4717.02 of the Revised Code, as 66672
amended by this act, shall be a licensed embalmer and practicing 66673
funeral director with at least ten consecutive years of experience 66674
in this state immediately preceding the date of the person's 66675

appointment. 66676

Section 198. 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.

Section 199. (A) In prescribing distinguishing characteristics for a driver's license issued to a person who is under twenty-one years of age, the Registrar of Motor Vehicles shall consider both of the following:

(1) Formatting the license vertically; 66691

(2) Conspicuously indicating the month, day, and years on which the licensee becomes eighteen and twenty-one years of age. 66693

(B) In accordance with section 4507.13 of the Revised Code, the Registrar may prescribe either or both of the distinguishing driver's license characteristics considered under this section. 66696

Section 200. The Legislative Service Commission shall study the fiscal impact on state revenues of extending the Ohio coal tax credit for two years under section 5733.39 of the Revised Code. Not later than July 1, 2002, the Commission shall report its findings to the Speaker and Minority Leader of the House of Representatives and the President and Minority Leader of the Senate.

Section 201. (A) As used in this section: 66704

(1) "Amnesty" means forgiving a taxpayer's liability for 66705
penalties and one-half of the interest that accrue on account of 66706
the late payment, nonpayment, underreporting, or unreporting of 66707
qualifying delinquent taxes. 66708

(2) "Qualifying delinquent taxes" means taxes imposed under 66709
division (B) of section 5709.01, section 5727.24, 5727.30, 66710
5733.06, 5733.41, 5739.02 (except division (C) of section 66711
5739.02), 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 66712
5741.022, 5741.023, 5747.02, or 5747.41, or sections 5747.06 and 66713
5747.07 of the Revised Code, that, on May 1, 2001, were due and 66714
payable from a taxpayer or employer, that were unreported or 66715
underreported, and that remain unpaid. "Qualifying delinquent 66716
taxes" does not include taxes for which a notice of assessment or 66717
audit has been issued, a bill has been issued, or an audit is 66718
currently being or has been conducted. 66719

(3) "Taxpayer" means any individual or other person, as 66720
defined in section 5701.01 or 5711.01 of the Revised Code, that is 66721
subject to taxes imposed under division (B) of section 5709.01, 66722
section 5727.24, 5727.30, 5733.06, 5733.41, 5739.02, 5739.021, 66723
5739.023, 5739.026, 5741.02, 5741.021, 5741.022, 5741.023, 66724
5747.02, or 5747.41 of the Revised Code, including any vendor 66725
subject to sections 5739.03 and 5739.12 of the Revised Code, any 66726
seller subject to section 5741.04 or 5741.12 of the Revised Code, 66727
any employer subject to section 5747.06 or 5747.07 of the Revised 66728
Code, and any qualifying entity as defined in section 5733.40 of 66729
the Revised Code. 66730

(B)(1) Beginning on October 15, 2001, and ending on January 66731
15, 2002, if a taxpayer that owes qualifying delinquent taxes pays 66732
the full amount of qualifying delinquent taxes and one-half of any 66733
interest to the Treasurer of State, in the form and manner 66734

prescribed by the Tax Commissioner, the Tax Commissioner shall 66735
grant amnesty for any penalties and one-half of the interest that 66736
otherwise are imposed as a result of delinquency in the payment of 66737
those taxes. 66738

(2) Beginning October 15, 2001, and ending January 15, 2002, 66739
if a taxpayer that owes qualifying delinquent taxes imposed 66740
pursuant to division (B) of section 5709.01 of the Revised Code 66741
files a return with the Tax Commissioner, in the form and manner 66742
prescribed by the Tax Commissioner, listing all property not 66743
previously listed for taxation, the Tax Commissioner shall issue a 66744
preliminary assessment certificate to the proper county auditor 66745
and grant amnesty for any penalties that otherwise may be imposed 66746
on the qualifying delinquent taxes. Upon receiving such a 66747
preliminary assessment certificate, the county auditor shall 66748
compute the amount of taxes due plus one-half of the interest 66749
prescribed by sections 5711.32 and 5719.041 of the Revised Code. 66750
The county treasurer shall collect from the taxpayer the tax and 66751
interest so computed as otherwise prescribed by section 5711.33 of 66752
the Revised Code. No payment otherwise prescribed by division (G) 66753
of section 321.24 of the Revised Code shall be made on account of 66754
such a taxpayer. Notwithstanding any section of the Revised Code 66755
to the contrary, the Tax Commissioner shall not furnish to any 66756
county auditor information pertaining to the exemption from 66757
taxation provided under division (C)(3) of section 5709.01 of the 66758
Revised Code insofar as that information relates to a such a 66759
taxpayer. 66760

(3) The Tax Commissioner shall prescribe forms on which 66761
taxpayers may apply for amnesty. The Tax Commissioner may require 66762
taxpayers applying for amnesty to file returns or reports, 66763
including amended returns and reports, that otherwise would be 66764
required. 66765

(C) If a taxpayer pays qualifying delinquent taxes as 66766

prescribed in division (B) of this section, no criminal 66767
prosecution or civil action shall be brought thereafter against 66768
the taxpayer and no assessment shall be issued thereafter against 66769
the taxpayer on account of the qualifying delinquent taxes paid. 66770

(D) Qualifying delinquent taxes and interest collected under 66771
this section shall be credited to the General Revenue Fund, except 66772
for qualifying delinquent taxes imposed pursuant to division (B) 66773
of section 5709.01 of the Revised Code, which the county auditor 66774
shall credit to the proper taxing district, and except for those 66775
imposed pursuant to sections 5739.021, 5739.023, and 5739.026 of 66776
the Revised Code, which shall be distributed as required under 66777
division (B) of section 5739.21 of the Revised Code, and those 66778
imposed pursuant to sections 5741.021, 5741.022, and 5741.023, of 66779
the Revised Code which shall be distributed as required under 66780
division (B) of section 5741.03 of the Revised Code. 66781

(E) This section is hereby repealed, effective January 16, 66783
2002. 66784

Section 202. APPROPRIATION REDUCTIONS 66785

(A) The General Revenue Fund appropriations included in this 66786
act are hereby reduced by one and one-half per cent for each 66787
fiscal year of the 2002-2003 biennium, with the following 66788
exceptions: 66789

(1) Appropriations made for the following purposes are exempt 66790
from the reductions made in this section: property tax reduction 66791
appropriations; debt service, including lease rental contracts; 66792
and pension payments made by the Treasurer of State. 66793

(2) Appropriations made to the following agencies are exempt 66794
from the reductions made in this section: the Department of 66795
Education, the School Facilities Commission, the SchoolNet 66796

Commission, the Ohio School for the Blind, the Ohio School for the 66797
Deaf, the Board of Regents, the Department of Mental Health, the 66798
Department of Mental Retardation and Developmental Disabilities, 66799
the Rehabilitation Services Commission, the Ohio Veterans' Home, 66800
all veterans' organizations, the Department of Rehabilitation and 66801
Correction, and the Public Works Commission. 66802

(3) Appropriations made to the following appropriation items 66803
are exempt from the reductions made in this section: 350-401, 66804
Ohioana Rental Payments; 600-410, TANF State; 600-416, Computer 66805
Projects; 600-413, Day Care Match/Maintenance of Effort; 600-420, 66806
Child Support Administration; 600-426, Children's Health Insurance 66807
Program; 600-502, Child Support Match; 600-511, Disability 66808
Assistance/Other Assistance; 600-525, Health Care/Medicaid; 66809
600-528, Adoption Services; 490-403, PASSPORT; 745-404, Air 66810
National Guard; 745-499, Army National Guard; 055-321, Operating 66811
Expenses; 042-409, Commission Closures; 775-453, Waterfront Line 66812
Lease Payments-State; 777-473, Rickenbacker Lease Payments-State; 66813
700-402, Amusement Ride Safety; 700-499, Meat Inspection 66814
Program-State Share; 911-411, Development Contingency Fund; 66815
035-409, National Associations; 042-410, National Association 66816
Dues; and 040-403, National Governors Conference. 66817

(B) For all agencies that receive a reduction in 66818
appropriations, the agency director may, after receiving approval 66819
from the Office of Budget and Management and from the Controlling 66820
Board, allocate the reduction among the agency's appropriation 66821
items, except that the director may not reduce appropriation items 66822
specifically exempted in division (A)(1) or (3) of this section. 66823
When an agency director reduces appropriations in an appropriation 66824
item containing an earmark, the earmark may be reduced by any 66825
percentage up to the percentage by which the appropriation item 66826
itself is reduced. 66827

Section 203. MOTOR FUEL TAX TASK FORCE 66828

(A) There is hereby created the Motor Fuel Tax Task Force. 66829
The Task Force shall study the adequacy and distribution of the 66830
motor fuel tax. The Task Force shall issue a report of its 66831
findings to the General Assembly and the Governor on December 2, 66832
2002. Upon issuing its report, the Task Force shall cease to 66833
exist. 66834

(B) The Task Force shall consist of the following members: 66835

(1) Three members of the House of Representatives appointed 66836
by the Speaker of the House of Representatives, not more than two 66837
of whom shall be from the same political party as the Speaker; 66838

(2) Three members of the Senate appointed by the President of 66839
the Senate, not more than two of whom shall be from the same 66840
political party as the President; 66841

(3) The Director of Public Safety or the Director's designee; 66842
66843

(4) The Director of Transportation or the Director's 66844
designee; 66845

(5) The Tax Commissioner or the Commissioner's designee; 66846

(6) The Director of Budget and Management or the Director's 66847
designee; 66848

(7) One person appointed by the Speaker of the House of 66849
Representatives to represent the general public; 66850

(8) One person appointed by the President of the Senate to 66851
represent the general public; 66852

(9) Eight members appointed jointly by the Speaker of the 66853
House of Representatives and the President of the Senate, one from 66854
each of eight lists of three individuals recommended by the County 66855
Commissioners Association of Ohio, the Ohio Municipal League, the 66856

Ohio Township Association, the County Engineers Association of 66857
Ohio, the Ohio Public Expenditure Council, the State Highway 66858
Patrol troopers' collective bargaining unit, the Ohio Contractors 66859
Association, and the Ohio Petroleum Council, respectively. 66860

A vacancy on the Task Force shall be filled in the manner 66861
provided for the original appointment. 66862

(C) The Speaker of the House of Representatives and the 66863
President of the Senate each shall appoint a co-chairperson of the 66864
Task Force from among the appointees who are members of their 66865
respective chambers. The co-chairpersons shall call the first 66866
meeting of the Task Force within thirty days after the last member 66867
is appointed. 66868

(D) The Legislative Service Commission shall provide staff 66869
services for the Task Force. 66870

Section 204. Except as otherwise specifically provided in 66871
this act, the codified sections of law amended or enacted in this 66872
act, and the items of law of which the codified sections of law 66873
amended or enacted in this act are composed, are subject to the 66874
referendum. Therefore, under Ohio Constitution, Article II, 66875
Section 1c and section 1.471 of the Revised Code, the codified 66876
sections of law amended or enacted by this act, and the items of 66877
law of which the codified sections of law as amended or enacted by 66878
this act are composed, take effect on the ninety-first day after 66879
this act is filed with the Secretary of State. If, however, a 66880
referendum petition is filed against any such codified section of 66881
law as amended or enacted by this act, or against any item of law 66882
of which any such codified section of law as amended or enacted by 66883
this act is composed, the codified section of law as amended or 66884
enacted, or item of law, unless rejected at the referendum, takes 66885
effect at the earliest time permitted by law. 66886

Section 205. Except as otherwise specifically provided in 66887
this act, the repeal by this act of a codified section of law is 66888
subject to the referendum. Therefore, under Ohio Constitution, 66889
Article II, Section 1c and section 1.471 of the Revised Code, the 66890
repeal by this act of a codified section of law takes effect on 66891
the ninety-first day after this act is filed with the Secretary of 66892
State. If, however, a referendum petition is filed against any 66893
such repeal, the repeal, unless rejected at the referendum, takes 66894
effect at the earliest time permitted by law. 66895

Section 206. Sections 105.41, 107.10, 111.16, 111.18, 111.23, 66896
111.25, 121.40, 122.011, 133.06, 147.01, 147.02, 147.03, 147.05, 66897
147.06, 147.13, 147.14, 147.37, 147.371, 166.03, 181.52, 901.43, 66898
901.63, 901.81, 901.82, 917.07, 917.99, 1309.40, 1309.401, 66899
1309.402, 1309.42, 1329.01, 1329.04, 1329.06, 1329.07, 1329.42, 66900
1329.421, 1329.45, 1329.56, 1329.58, 1329.60, 1329.601, 1501.40, 66901
1502.12, 1701.05, 1701.07, 1701.81, 1702.05, 1702.06, 1702.43, 66902
1702.59, 1703.04, 1703.041, 1703.15, 1703.17, 1703.27, 1705.05, 66903
1705.06, 1705.38, 1705.55, 1746.04, 1746.06, 1746.15, 1747.03, 66904
1747.04, 1747.10, 1775.63, 1775.64, 1782.04, 1782.08, 1782.09, 66905
1782.433, 1785.06, 3301.70, 3302.041, 3313.603, 3314.09, 3314.091, 66906
3318.042, 3318.52, 3333.043, 3333.21, 3333.22, 3702.68, 3721.51, 66907
3721.56, 3734.28, 3734.57, 3745.014, 3745.11, 3745.22, 3769.08, 66908
3769.20, 3773.56, 3923.28, 3923.30, 4115.10, 4301.43, 4503.034, 66909
4503.10, 4503.102, 4503.12, 4503.182, 4505.061, 4506.08, 4507.24, 66910
4507.50, 4507.52, 4511.81, 4519.03, 4519.10, 4519.56, 4519.69, 66911
4734.20, 4761.05, 4771.22, 4779.01, 4779.02, 4779.16, 4779.19, 66912
4779.20, 4779.26, 4905.87, 5101.071 (5101.251), 5101.521, 66913
5101.821, 5101.85, 5101.853 (5101.851), 5101.852, 5101.854 66914
(5101.853), 5103.07, 5111.041, 5111.042, 5111.081, 5111.171, 66915
5111.22, 5111.231, 5111.25, 5111.251, 5111.262, 5111.28, 5111.29, 66916
5111.34, 5111.87 (5111.871), 5111.872, 5111.873, 5123.01, 66917

5123.041, 5123.043, 5123.044, 5123.045, 5123.046, 5123.047, 66918
5123.048, 5123.049, 5123.0410, 5123.0411, 5123.0412, 5123.0413, 66919
5123.082, 5123.71, 5123.76, 5126.01, 5126.035, 5126.036, 5126.041, 66920
5126.042, 5126.046, 5126.05, 5126.051, 5126.053, 5126.054, 66921
5126.055, 5126.056, 5126.06, 5126.071, 5126.08, 5126.11, 5126.12, 66922
5126.15, 5126.16, 5126.18, 5126.19, 5126.20, 5126.22, 5126.221, 66923
5126.25, 5126.31, 5126.311, 5126.313, 5126.32, 5126.357, 5126.431, 66924
5139.11, 5703.49, 5705.091, 5705.19, 5705.41, 5705.44, 5725.31, 66925
5727.81, 5727.811, 5727.82, 5727.84, 5727.85, 5729.07, 5733.122, 66926
5733.351, 5733.42, 5747.39, and 6109.21 of the Revised Code as 66927
amended or enacted by this act, and the items of law of which such 66928
sections as amended or enacted by this act are composed, are not 66929
subject to the referendum. Therefore, under Ohio Constitution, 66930
Article II, Section 1d and section 1.471 of the Revised Code, such 66931
sections as amended or enacted by this act, and the items of law 66932
of which such sections as amended or enacted by this act are 66933
composed, go into immediate effect when this act becomes law. 66934

Section 207. Sections 3314.08, 3317.012, 3317.013, 3317.014, 66935
3317.02, 3317.021, 3317.022, 3317.024, 3317.029, 3317.0210, 66936
3317.0212, 3317.0213, 3317.0216, 3317.0217, 3317.03, 3317.05, 66937
3317.051, 3317.06, 3317.064, 3317.161 (3317.052), 3317.162 66938
(3317.053), 3317.11, 3317.13, 3317.16, 3317.19, 3317.20, 3323.09, 66939
and 3323.091 of the Revised Code, as amended or enacted by this 66940
act, and the items of law of which such sections as amended or 66941
enacted by this act are composed, are not subject to the 66942
referendum. Therefore, under Ohio Constitution, Article II, 66943
Section 1d and section 1.471 of the Revised Code, the sections as 66944
amended or enacted by this act, and the items of law of which such 66945
sections as amended or enacted by this act are composed, are 66946
entitled to go into immediate effect when this act becomes law. 66947
However, the sections as amended or enacted by this act, and the 66948
items of law of which such sections as amended or enacted by this 66949

act are composed, take effect on July 1, 2001, or the day this act 66950
becomes law, whichever is later. 66951

Section 208. * The amendments to section 3313.41 of the 66952
Revised Code enacted by this act shall be effective sixty days 66953
after the effective date of this section. 66954

Section 209. (A) The amendment by this act removing language 66955
from division (B)(1)(e) of section 125.22 of the Revised Code 66956
constitutes an item of law that is subject to the referendum. 66957
Therefore, under Ohio Constitution, Article II, Section 1c and 66958
section 1.471 of the Revised Code, the item takes effect on the 66959
ninety-first day after this act is filed with the Secretary of 66960
State. If, however, a referendum petition is filed against the 66961
item, the item, unless rejected at the referendum, takes effect at 66962
the earliest time permitted by law. 66963

(B) The amendment by this act inserting division (A)(20) into 66964
section 125.22 of the Revised Code constitutes an item of law that 66965
is not subject to the referendum. Therefore, under Ohio 66966
Constitution, Article II, Section 1d and section 1.471 of the 66967
Revised Code, the item goes into immediate effect when this act 66968
becomes law. 66969

Section 210. (A) The amendment by this act removing language 66970
from division (B)(2) of section 3318.04 of the Revised Code 66971
constitutes an item of law that is subject to the referendum. 66972
Therefore, under Ohio Constitution, Article II, Section 1c and 66973
section 1.471 of the Revised Code, the item takes effect on the 66974
ninety-first day after this act is filed with the Secretary of 66975
State. If, however, a referendum petition is filed against the 66976
item, the item, unless rejected at the referendum, takes effect at 66977
the earliest time permitted by law. 66978

(B) The amendment by this act inserting division (B)(3) into section 3318.04 of the Revised Code constitutes an item of law that is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the item goes into immediate effect when this act becomes law.

Section 211. (A) The amendment by this act removing language from divisions (G)(2) and (4) and (H)(1) and (2), and inserting language into what are now divisions (G)(3) and (H), of section 3734.82 of the Revised Code constitutes an item of law that is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the item takes effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against the item, the item, unless rejected at the referendum, takes effect at the earliest time permitted by law.

(B) The amendment by this act to former division (G)(3) (now division (G)(2)) of section 3734.82 of the Revised Code constitutes an item of law that is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the item goes into immediate effect when this act becomes law.

Section 212. (A) The amendment by this act inserting language into division (G) of section 5119.01 of the Revised Code constitutes an item of law that is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the item takes effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against the item, the item, unless rejected at the referendum, takes effect at the earliest time permitted by law.

(B) The amendment by this act removing language from division 67010
(I) of section 5119.01 of the Revised Code constitutes an item of 67011
law that is not subject to the referendum. Therefore, under Ohio 67012
Constitution, Article II, Section 1d and section 1.471 of the 67013
Revised Code, the item goes into immediate effect when this act 67014
becomes law. 67015

Section 213. Sections 1517.05, 1517.06, and 1517.07 of the 67016
Revised Code, as amended both now and in the future by this act, 67017
are not subject to the referendum. Therefore, under Ohio 67018
Constitution, Article II, Section 1c and section 1.471 of the 67019
Revised Code, sections 1517.05, 1517.06, and 1517.07 of the 67020
Revised Code as amended now by Section 1 of this act, go into 67021
immediate effect when this act becomes law, and sections 1517.05, 67022
1517.06, and 1517.07 of the Revised Code, as amended in the future 67023
by this act, go into effect on the future date specified in this 67024
act. 67025

Section 214. The repeal by this act of section 3317.0215 of 67026
the Revised Code is not subject to the referendum. Therefore, 67027
under Ohio Constitution, Article II, Section 1d and section 1.471 67028
of the Revised Code, the repeal goes into immediate effect when 67029
this act becomes law. 67030

Section 215. The repeals of sections 166.032, 1329.68, 67031
5101.143, 5101.52, 5101.851, 5101.852, 5111.341, 5111.88, and 67032
5126.054 of the Revised Code constitute items of law that are not 67033
subject to the referendum. Therefore, under Ohio Constitution, 67034
Article II, Section 1d and section 1.471 of the Revised Code, the 67035
repeals go into immediate effect when this act becomes law. 67036

Section 216. Section 5104.32 of the Revised Code, as amended 67037
by this act, shall take effect January 1, 2002. 67038

Section 217. * Section 5104.341 of the Revised Code, as 67039
amended by this act, shall take effect January 1, 2002. 67040

Section 218. Sections 5739.032, 5739.07, 5739.102, 5739.12, 67041
5739.121, 5739.13, 5741.10, and 5741.12 of the Revised Code, as 67042
amended by this act, shall take effect January 1, 2002. Sections 67043
5733.02, 5733.021, 5733.12, and 5733.18 of the Revised Code, as 67044
amended by this act, shall take effect July 1, 2002. Sections 67045
3734.904, 4301.422, 4303.33, 4303.331, 5727.25, 5727.26, 5728.08, 67046
5735.06, 5735.061, 5743.62, 5743.63, 5745.03, 5745.04, and 5749.06 67047
of the Revised Code, as amended by this act, shall take effect 67048
January 1, 2003. 67049

Section 219. The amendment by this act of sections 126.21, 67050
131.01, 183.09, and 183.17 of the Revised Code applies to fiscal 67051
years beginning with fiscal year 2003. 67052

Section 220. The enactment of section 1309.525 of the Revised 67053
Code by this act is contingent upon and takes effect only if S.B. 67054
74 of the 124th General Assembly becomes law and section 1309.40 67055
of the Revised Code is repealed by that latter act. 67056

Section 221. Section 3317.10 of the Revised Code, as amended 67057
by this act, shall take effect January 1, 2003. 67058

Section 222. (A) Sections 1345.21, 4707.01, 4707.011, 67059
4707.02, 4707.03, 4707.04, 4707.05, 4707.06, 4707.07, 4707.071, 67060
4707.072, 4707.08, 4707.09, 4707.10, 4707.11, 4707.111, 4707.12, 67061
4707.13, 4707.15, 4707.152, 4707.16, 4707.19, 4707.20, 4707.21, 67062
4707.23, and 4707.99 of the Revised Code, as amended by this act, 67063
shall take effect on October 1, 2001, or the earliest date 67064
thereafter permitted by law. 67065

(B)(1) On the effective date under division (A) of this 67066
section of the sections as amended, the licensing functions of the 67067
Department of Commerce under Chapter 4707. of the Revised Code are 67068
transferred to the Department of Agriculture. The Department of 67069
Agriculture thereupon and thereafter assumes these functions. 67070

Any business commenced but not completed by the Department of 67071
Commerce on that effective date shall be completed by the Director 67072
or Department of Agriculture in the same manner, and with the same 67073
effect, as if completed by the Director or Department of Commerce. 67074
No validation, cure, right, privilege, remedy, obligation, or 67075
liability is lost or impaired by reason of the transfer of 67076
functions required by this section and shall be administered by 67077
the Director or Department of Agriculture. All of the Department 67078
of Commerce's rules, orders, and determinations continue in effect 67079
as rules, orders, and determinations of the Department of 67080
Agriculture until modified or rescinded by the Department of 67081
Agriculture. If necessary to ensure the integrity of the numbering 67082
of the Administrative Code, the Director of the Legislative 67083
Service Commission shall renumber the Department of Commerce's 67084
relevant rules as appropriate to reflect their transfer to the 67085
Department of Agriculture. 67086

No employees of the Department of Commerce are transferred to 67087
the Department of Agriculture. The Director of Agriculture may 67088
create up to three additional full-time positions for the 67089
administration of the licensing functions of Chapter 4707. of the 67090
Revised Code assumed by the Director and Department payable out of 67091
the unexpended balances transferred to the Department of 67092
Agriculture. 67093

(2) Whenever the Director or Department of Commerce is 67094
referred to in any law, contract, or other document relating to 67095
the transferred functions, the reference shall be deemed to refer 67096
to the Director or Department of Agriculture, whichever is 67097

appropriate. 67098

No action or proceeding pending on the effective date of this 67099
section is affected by the transfer, and shall be prosecuted or 67100
defended in the name of the Director or Department of Agriculture. 67101
In all such actions, the Director or Department of Agriculture 67102
upon application to the court shall be substituted as a party. 67103

Section 223. (A) There is hereby transferred to the 67104
Governor's Advisory Council on Physical Fitness, Wellness, and 67105
Sports, all books, records, documents, files, transcripts, and 67106
other materials that are in the possession of the Physical Fitness 67107
and Sports Advisory Board, as they existed immediately prior to 67108
the effective date of sections 3701.77, 3701.771, and 3701.772 of 67109
the Revised Code, as amended by this act. 67110

(B) All moneys appropriated or reappropriated to the Board 67111
for the performance of the duties, powers, obligations, and 67112
functions, and the exercise of the rights, that are transferred by 67113
this act to the Council, to the extent of the remaining unexpended 67114
or unencumbered balance of the appropriations or reappropriations, 67115
whether obligated or unobligated, are hereby transferred to the 67116
Council for performing the duties, powers, obligations, and 67117
functions, and exercising the rights of the Council. Payments for 67118
liabilities for expenses incurred before or after the effective 67119
date of sections 3701.77, 3701.771, and 3701.772 of the Revised 67120
Code, as amended by this act, shall be made on separate vouchers 67121
or certificates approved by the Council. 67122

(C) All rules, acts, determinations, approvals, and decisions 67123
of the Board pertaining to the duties, powers, obligations, and 67124
functions that are transferred and assigned by this act to the 67125
Council and that are in effect at the time of the transfer shall 67126
continue in force as rules, acts, determinations, approvals, and 67127
decisions of the Board until they are duly modified, superseded, 67128

or repealed by the Council, as appropriate. Whenever the duties, 67129
powers, obligations, and functions of the Board that are 67130
transferred by this act to the Council are referred to or 67131
designated in any law, contract, or other document pertaining to 67132
those duties, powers, obligations, or functions, including the 67133
reference to the Board within section 27 of Sub. H.B. 670 of the 67134
121st General Assembly as subsequently amended, the reference or 67135
designation shall be considered, as appropriate, to be a reference 67136
or designation to the Council and to the duties, powers, 67137
obligations, and functions as transferred to it. 67138

No existing right or remedy of any character shall be lost, 67139
impaired, or affected by reason of the transfer, except as insofar 67140
as that remedy or right shall be administered, as appropriate, by 67141
the Council instead of the Board. 67142

Section 224. Except as otherwise specifically provided in 67143
this act, the uncodified sections of law amended or enacted in 67144
this act, and the items of law of which the uncodified sections of 67145
law amended or enacted in this act are composed, are not subject 67146
to the referendum. Therefore, under Ohio Constitution, Article II, 67147
Section 1d and section 1.471 of the Revised Code, the uncodified 67148
sections of law amended or enacted in this act, and the items of 67149
law of which the uncodified sections of law amended or enacted in 67150
this act are composed, go into immediate effect when this act 67151
becomes law. 67152

Section 225. Uncodified sections of law amended or enacted in 67153
this act, and items of law contained within the uncodified 67154
sections of law amended or enacted in this act, that are marked 67155
with an asterisk are subject to the referendum. Therefore, under 67156
Ohio Constitution, Article II, Section 1c and section 1.471 of the 67157
Revised Code, the uncodified sections and items of law marked with 67158
an asterisk take effect on the ninety-first day after this act is 67159

filed with the Secretary of State. If, however, a referendum 67160
petition is filed against an uncodified section or item of law 67161
marked with an asterisk, the uncodified section or item of law 67162
marked with an asterisk, unless rejected at the referendum, takes 67163
effect at the earliest time permitted by law. 67164

If the amending and existing repeal clauses commanding the 67165
amendment of an uncodified section of law are both marked with 67166
asterisks, the uncodified section as amended is deemed also to 67167
have been marked with an asterisk. 67168

An asterisk marking an uncodified section or item of law has 67169
the form *. 67170

This section defines the meaning and form of, but is not 67171
itself to be considered marked with, an asterisk. 67172

Section 226. The amendment to Section 10 of Am. Sub. S.B. 287 67173
of the 123rd General Assembly constitutes an item of law that is 67174
subject to the referendum. Therefore, under Ohio Constitution, 67175
Article II, Section 1c and section 1.471 of the Revised Code, the 67176
item takes effect on the ninety-first day after this act is filed 67177
with the Secretary of State. If, however, a referendum petition is 67178
filed against the item, the item, unless rejected at the 67179
referendum, takes effect at the earliest time permitted by law. 67180

Section 227. The amendments by this act to Section 5 of Am. 67181
Sub. S.B. 50 of the 121st General Assembly, to Section 153 of Am. 67182
Sub. H.B. 117 of the 121st General Assembly, to Section 3 of Am. 67183
Sub. H.B. 440 of the 121st General Assembly, to Section 3 of Am. 67184
Sub. H.B. 621 of the 122nd General Assembly, to Section 3 of Am. 67185
Sub. H.B. 215 of the 123rd General Assembly, to Section 4 of Am. 67186
S.B. 210 of the 123rd General Assembly, and to Section 129 of Am. 67187
Sub. H.B. 283 of the 123rd General Assembly constitute items of 67188
law that are not subject to the referendum. Therefore, under Ohio 67189

Constitution, Article II, Section 1d and section 1.471 of the 67190
Revised Code, the items go into immediate effect when this act 67191
becomes law. 67192

Section 228. The repeals by this act of Section 18 of Am. 67193
Sub. H.B. 650 of the 122nd General Assembly and of Section 17 of 67194
Am. Sub. H.B. 282 of the 123rd General Assembly are not subject to 67195
the referendum. Therefore, under Ohio Constitution, Article II, 67196
Section 1d and section 1.471 of the Revised Code, the repeals go 67197
into immediate effect when this act becomes law. 67198

Section 229. If the amendment or enactment in this act of a 67199
codified or uncodified section of law is subject to the 67200
referendum, the corresponding indications in the amending, 67201
enacting, or existing repeal clauses commanding the amendment or 67202
enactment also are subject to the referendum, along with the 67203
amendment or enactment. If the amendment or enactment by this act 67204
of a codified or uncodified section of law is not subject to the 67205
referendum, the corresponding indications in the amending, 67206
enacting, or existing repeal clauses commanding the amendment or 67207
enactment also are not subject to the referendum, the same as the 67208
amendment or enactment. 67209

Section 230. An item, other than an amending, enacting, or 67210
repealing clause, that composes the whole or part of an uncodified 67211
section contained in this act has no effect after June 30, 2003, 67212
unless its context clearly indicates otherwise. 67213

Section 231. The amendment of sections 4779.01, 4779.02, 67214
4779.16, 4779.19, 4779.20, and 4779.26 of the Revised Code is not 67215
intended to supersede the earlier repeal, with delayed effective 67216
date, of those sections. 67217

Section 232. * Section 102.06 of the Revised Code is 67218
presented in this act as a composite of the section as amended by 67219
both Am. Sub. H.B. 285 and Am. Sub. H.B. 492 of the 120th General 67220
Assembly. The General Assembly, applying the principle stated in 67221
division (B) of section 1.52 of the Revised Code that amendments 67222
are to be harmonized if reasonably capable of simultaneous 67223
operation, finds that the composite is the resulting version of 67224
the section in effect prior to the effective date of the section 67225
as presented in this act. 67226

Section 233. * Section 124.24 of the Revised Code is 67227
presented in this act as a composite of the section as amended by 67228
both Sub. H.B. 601 and Am. Sub. H.B. 628 of the 123rd General 67229
Assembly. The General Assembly, applying the principle stated in 67230
division (B) of section 1.52 of the Revised Code that amendments 67231
are to be harmonized if reasonably capable of simultaneous 67232
operation, finds that the composite is the resulting version of 67233
the section in effect prior to the effective date of the section 67234
as presented in this act. 67235

Section 234. Section 145.01 of the Revised Code is presented 67236
in this act as a composite of the section as amended by Am. Sub. 67237
H.B. 628, Am. Sub. H.B. 640, and Am. Sub. S.B. 144, all of the 67238
123rd General Assembly. The General Assembly, applying the 67239
principle stated in division (B) of section 1.52 of the Revised 67240
Code that amendments are to be harmonized if reasonably capable of 67241
simultaneous operation, finds that the composite is the resulting 67242
version of the section in effect prior to the effective date of 67243
the section as presented in this act. 67244

Section 235. Section 901.63 of the Revised Code is presented 67245
in this act as a composite of the section as amended by both Sub. 67246

H.B. 19 and Am. Sub. H.B. 283 of the 123rd General Assembly. The 67247
General Assembly, applying the principle stated in division (B) of 67248
section 1.52 of the Revised Code that amendments are to be 67249
harmonized if reasonably capable of simultaneous operation, finds 67250
that the composite is the resulting version of the section in 67251
effect prior to the effective date of the section as presented in 67252
this act. 67253

Section 236. * Section 2317.02 of the Revised Code is 67254
presented in this act as a composite of the section as amended by 67255
both Sub. H.B. 506 and Am. Sub. S.B. 180 of the 123rd General 67256
Assembly. The General Assembly, applying the principle stated in 67257
division (B) of section 1.52 of the Revised Code that amendments 67258
are to be harmonized if reasonably capable of simultaneous 67259
operation, finds that the composite is the resulting version of 67260
the section in effect prior to the effective date of the section 67261
as presented in this act. 67262

Section 237. * Section 2953.21 of the Revised Code is 67263
presented in this act as a composite of the section as amended by 67264
both Sub. S.B. 258 and Am. Sub. S.B. 269 of the 121st General 67265
Assembly. The General Assembly, applying the principle stated in 67266
division (B) of section 1.52 of the Revised Code that amendments 67267
are to be harmonized if reasonably capable of simultaneous 67268
operation, finds that the composite is the resulting version of 67269
the section in effect prior to the effective date of the section 67270
as presented in this act. 67271

Section 238. Section 3317.03 of the Revised Code is presented 67272
in this act as a composite of the section as amended by both Am. 67273
Sub. H.B. 640 and Sub. S.B. 173 of the 123rd General Assembly. The 67274
General Assembly, applying the principle stated in division (B) of 67275
section 1.52 of the Revised Code that amendments are to be 67276

harmonized if reasonably capable of simultaneous operation, finds 67277
that the composite is the resulting version of the section in 67278
effect prior to the effective date of the section as presented in 67279
this act. 67280

Section 239. * Section 3701.771 of the Revised Code is 67281
presented in this act as a composite of the section as amended by 67282
both Am. Sub. H.B. 117 and Am. Sub. S.B. 162 of the 121st General 67283
Assembly. The General Assembly, applying the principle stated in 67284
division (B) of section 1.52 of the Revised Code that amendments 67285
are to be harmonized if reasonably capable of simultaneous 67286
operation, finds that the composite is the resulting version of 67287
the section in effect prior to the effective date of the section 67288
as presented in this act. 67289

Section 240. * Section 3701.772 of the Revised Code is 67290
presented in this act as a composite of the section as amended by 67291
both Am. Sub. H.B. 117 and Am. Sub. S.B. 162 of the 121st General 67292
Assembly. The General Assembly, applying the principle stated in 67293
division (B) of section 1.52 of the Revised Code that amendments 67294
are to be harmonized if reasonably capable of simultaneous 67295
operation, finds that the composite is the resulting version of 67296
the section in effect prior to the effective date of the section 67297
as presented in this act. 67298

Section 241. Section 4503.12 of the Revised Code is presented 67299
in this act as a composite of the section as amended by both Am. 67300
H.B. 141 and Am. Sub. S.B. 60 of the 122nd General Assembly. The 67301
General Assembly, applying the principle stated in division (B) of 67302
section 1.52 of the Revised Code that amendments are to be 67303
harmonized if reasonably capable of simultaneous operation, finds 67304
that the composite is the resulting version of the section in 67305
effect prior to the effective date of the section as presented in 67306

this act. 67307

Section 242. Section 4731.281 of the Revised Code is 67308
presented in this act as a composite of the section as amended by 67309
both Sub. H.B. 511 and Sub. H.B. 585 of the 123rd General 67310
Assembly. The General Assembly, applying the principle stated in 67311
division (B) of section 1.52 of the Revised Code that amendments 67312
are to be harmonized if reasonably capable of simultaneous 67313
operation, finds that the composite is the resulting version of 67314
the section in effect prior to the effective date of the section 67315
as presented in this act. 67316

Section 243. * Section 5101.141 of the Revised Code is 67317
presented in this act as a composite of the section as amended by 67318
both Sub. H.B. 332 and Sub. H.B. 448 of the 123rd General 67319
Assembly. The General Assembly, applying the principle stated in 67320
division (B) of section 1.52 of the Revised Code that amendments 67321
are to be harmonized if reasonably capable of simultaneous 67322
operation, finds that the composite is the resulting version of 67323
the section in effect prior to the effective date of the section 67324
as presented in this act. 67325

Section 244. * Section 5101.80 of the Revised Code is 67326
presented in this act as a composite of the section as amended by 67327
both Am. Sub. H.B. 470 and H.B. 471 of the 123rd General Assembly. 67328
The General Assembly, applying the principle stated in division 67329
(B) of section 1.52 of the Revised Code that amendments are to be 67330
harmonized if reasonably capable of simultaneous operation, finds 67331
that the composite is the resulting version of the section in 67332
effect prior to the effective date of the section as presented in 67333
this act. 67334

Section 245. * Section 5119.61 of the Revised Code is 67335

presented in this act as a composite of the section as amended by 67336
both Am. H.B. 264 and Am. Sub. H.B. 283 of the 123rd General 67337
Assembly. The General Assembly, applying the principle stated in 67338
division (B) of section 1.52 of the Revised Code that amendments 67339
are to be harmonized if reasonably capable of simultaneous 67340
operation, finds that the composite is the resulting version of 67341
the section in effect prior to the effective date of the section 67342
as presented in this act. 67343

Section 246. Section 5123.71 of the Revised Code is presented 67344
in this act as a composite of the section as amended by both Sub. 67345
H.B. 629 and Am. Sub. S.B. 285 of the 121st General Assembly. The 67346
General Assembly, applying the principle stated in division (B) of 67347
section 1.52 of the Revised Code that amendments are to be 67348
harmonized if reasonably capable of simultaneous operation, finds 67349
that the composite is the resulting version of the section in 67350
effect prior to the effective date of the section as presented in 67351
this act. 67352

Section 247. Section 5123.76 of the Revised Code is presented 67353
in this act as a composite of the section as amended by both Sub. 67354
H.B. 629 and Am. Sub. S.B. 285 of the 121st General Assembly. The 67355
General Assembly, applying the principle stated in division (B) of 67356
section 1.52 of the Revised Code that amendments are to be 67357
harmonized if reasonably capable of simultaneous operation, finds 67358
that the composite is the resulting version of the section in 67359
effect prior to the effective date of the section as presented in 67360
this act. 67361

Section 248. * Section 5727.26 of the Revised Code is 67362
presented in this act as a composite of the section as amended by 67363
both H.B. 612 and Am. Sub. H.B. 640 of the 123rd General Assembly. 67364
The General Assembly, applying the principle stated in division 67365

(B) of section 1.52 of the Revised Code that amendments are to be 67366
harmonized if reasonably capable of simultaneous operation, finds 67367
that the composite is the resulting version of the section in 67368
effect prior to the effective date of the section as presented in 67369
this act. 67370

Section 249. * Section 5731.21 of the Revised Code is 67371
presented in this act as a composite of the section as amended by 67372
both Am. Sub. H.B. 313 and Sub. S.B. 108 of the 123rd General 67373
Assembly. The General Assembly, applying the principle stated in 67374
division (B) of section 1.52 of the Revised Code that amendments 67375
are to be harmonized if reasonably capable of simultaneous 67376
operation, finds that the composite is the resulting version of 67377
the section in effect prior to the effective date of the section 67378
as presented in this act. 67379

Section 250. * Section 5739.02 of the Revised Code is 67380
presented in this act as a composite of the section as amended by 67381
Am. Sub. H.B. 138, H.B. 612, and Am. Sub. H.B. 640 of the 123rd 67382
General Assembly. The General Assembly, applying the principle 67383
stated in division (B) of section 1.52 of the Revised Code that 67384
amendments are to be harmonized if reasonably capable of 67385
simultaneous operation, finds that the composite is the resulting 67386
version of the section in effect prior to the effective date of 67387
the section as presented in this act. 67388

Section 251. If any item of law that constitutes the whole or 67389
part of a codified or uncodified section of law contained in this 67390
act, or if any application of any item of law that constitutes the 67391
whole or part of a codified or uncodified section of law contained 67392
in this act, is held invalid, the invalidity does not affect other 67393
items of law or applications of items of law that can be given 67394
effect without the invalid item of law or application. To this 67395

end, the items of law of which the codified and uncodified	67396
sections contained in this act are composed, and their	67397
applications, are independent and severable.	67398